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

Gentlemen:

Applications for Water Use and
Well Construction/Pump Installation Permits
Ulalapue Ground Water Management Area, Molokai

Applicant:  Landowner:
1. (Well No. 0352-12)  Same
   John N. Urauchi
   P.O. Box 7
   Kaunakakai, HI 96748
2. (Well No. 0448-01)  HSPA
   Ellen M. Osborne
   Star Route 224-A
   Kaunakakai, HI 96748
3. (Well No. 0549-01)  Same
   Pearl Friel Petro
   P.O. Box 125
   Kaunakakai, HI 96748

Background

The applicants submitted completed water use permit applications to the Commission as 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. An application for a well construction/pump installation permit was filed for Well No. 0352-12 on July 16, 1993. This existing well was dug in the 1920’s and used until the 1940’s.

Analysis & Issues

Overall Ulalapue Ground Water Management Area Conditions

Currently, an estimated sustainable yield of 8 million gallons per day (mgd). Actual withdrawals from the system are still in the process of being established; however, estimates of existing ground water withdrawals range from 0.172 mgd based on reported monthly water use (12-month moving average withdrawal as of July 1993) to 0.62 mgd reported by The Molokai Working Group. Pending permit applications show a total request of 0.064 mgd (see Exhibit 1), which is well within the limit of available water. No significant increases in potable water needs are projected to the year 2010 by the Molokai Working Group (Exhibits 3 and 4).
With the exception of one incomplete application (for Timothy Meyer, Well No. not assigned) and two applications requiring further field investigation (Well Nos. 0352-17 & 0448-08), all pending water use permit applications are presented in this submittal for Commission action and total 0.064 mgd, or <4% of the sustainable yield.

The Molokai Working Group has made three recommendations regarding the Southeast Aquifer Sector, which encompasses the Ualapue Aquifer System. They are:

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

Considering the estimated 24 mgd sustainable yield of the Southeast Sector in relation to current and foreseeable future withdrawals which total about 1.9 mgd (includes permitted uses, pending permit applications for both existing and future users, and projected increases to the year 2010 in potable water demand), water availability does not appear to be an issue at present. Staff finds that there is no reason to believe that the following applications will violate any of these recommendations made by the Working Group.

1. John N. Urauchi - This existing dug well is currently unused and has not been in use since 1946. The well is currently filled with silt, and an application for a well construction/pump installation permit to redevelop the source is also pending. The applicant requests an allocation of 1,000 gpd of brackish water for future agricultural irrigation and aquacultural use on a 0.25-acre parcel. On September 15, 1993, the Commission deferred action on this water use permit application and requested that the applicant provide written documentation showing definite plans to use the requested amount within the next four (4) years. In compliance with this request, on October 18, 1993, the applicant submitted a four-year timetable outlining his plans for water use (see Attachment D). Staff finds this document to be adequate justification for the applicant's request for a water use permit at this time.

The well is located near sea level just inland from the Kamalo Harbor. There are no wells located downgradient; however, there are several other active wells in the immediate vicinity of this source (see Exhibit 2A). Because this request is for a very small quantity of water, it is unlikely that the proposed withdrawal will have any measurable impact on other local pumped wells, surface waters, and the Ualapue Aquifer System. No specific objections to this water use permit have been submitted to the Commission.

2. Ellen M. Osborne - This existing dug source has been used for a number of years because of large boulders and sediment at the well's bottom. Although the pump is run intermittently to keep the pump and motor in working condition, county water is currently supplying the applicant's domestic and nursery irrigation needs. The applicant plans to use fresh, potable water from this source to augment the supply of county water for irrigation of 4.5 acres of ginger and heliconia. Domestic needs will continue to be met by the county water system. On September 15, 1993, the Commission deferred action on this water use permit application and requested that the applicant provide written documentation showing definite plans to use the requested amount within the next four (4) years. In compliance with this request, on September 30, 1993, the applicant submitted a written statement of her intent to use this water within the specified time period (See Attachment E).
The State Historic Preservation Division (HPD) had requested on September 30, 1993 that any action on this permit application be deferred pending the completion of an investigation for alleged multiple violations of HRS Chapter 6E-11 involving the subject well. On October 13, 1993, staff was informed that the investigation was completed to the satisfaction of HPD and the Dept. of the Attorney General. No other specific objections to this application have been submitted to the Commission.

This request is for a small quantity of water to replace an existing use of county water for nursery irrigation. Unacceptable adverse impacts to other local wells, streams, and the Ualapue Aquifer System are not anticipated.

3. **Pearl Friel Petro** - This request is for an existing use of fresh water from the Mapulehu Tunnel for irrigation of 2 acres of banana, papaya, and citrus fruit trees. Water contained in the tunnel flows by gravity through a 2"-diameter galvanized pipe to the use site. The applicant estimates the irrigation requirement is about 10,000 gpd. From the Oahu Water Requirements Forecast, developed by the State Dept. of Agriculture, the applicant's estimate of the daily irrigation demands appears reasonable. The forecast indicates bananas require slightly more than 3,000 gallons per acre per day (gal/ac/day), while papayas may require up to 5,000 gal/ac/day. The forecast does not include an estimate for citrus fruit trees. Using the most water-intensive plant, papayas; a use of 10,000 gpd over 2 acres would be justified. The quantity of water used is not metered. However, a standard condition of a water use permit for this existing amount is that a meter be installed and that the applicant report monthly water use on a yearly basis.

This tunnel has been used as a source of irrigation water supply since the 1940's. There are no other wells within a mile of this source. Staff finds no reason to believe that unacceptable adverse impacts to other local wells, streams, and the Ualapue Aquifer System will result from continuation of this long-standing use of water.

**RECOMMENDATION**

Staff recommends:

1. That the Commission approve the issuance of an interim water use permit to John N. Urauchi for the reasonable and beneficial use of 1,000 gallons per day of brackish water from the Urauchi #1 Well (Well No. 0352-12) for agricultural irrigation and aquacultural use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The interim water use permit shall be subject to the five-year verification period afforded to existing uses.

2. That the Commission approve the issuance of a well construction/pump installation permit for the Urauchi #1 Well (Well No. 0352-12), subject to the standard well construction/pump installation permit conditions listed in Attachment C.

3. That the Commission approve the issuance of an interim water use permit to Ellen M. Osborne for the reasonable and beneficial use of 2,600 gallons per day of fresh, potable water from the Mapulehu Shaft #1 (Well No. 0448-01) for floriculture and nursery irrigation use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The interim water use permit shall be subject to the five-year verification period afforded to existing uses.
3. That the Commission approve the issuance of an interim water use permit to Pearl Friel Petro for the reasonable and beneficial use of 10,000 gallons per day of fresh water from the Mapulehu Tunnel (Well No. 0549-01) for agricultural irrigation use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

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

Respectfully submitted,

[Signature]
RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

[Signature]
KEITH W. AHUE, Chairperson
# WATER USE PERMIT DETAILED INFORMATION

**Source Information**

**AQUIFER:** Ualapue System, Southeast Sector, Molokai
- **Sustainable Yield:** 8 mgd
- **Existing Water Use Permits:** 0.195 mgd
- **Available Allocation:** 7.805 mgd
- **Total of other pending allocations:** 0.050 mgd

## 1. WELL:
- **Location:** Urauchi #1 Well (Well No. 0352-12)
- **Year Drilled:** Kapualei, Molokai, TMK:5-6-11:16
- **Dug in the 1940’s**
- **About 6 ft.**

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

## 2. WELL:
- **Location:** Mapulehu Shaft #1 (Well No. 0448-01)
- **Year Drilled:** Star Route 224-A, Molokai, TMK:5-7-8:76
- **NA**

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| Total Depth: | 50 ft. |
| Grouted Annulus Depth: | NA ft. |

## 3. WELL:
- **Location:** Mapulehu Tunnel (Well No. 0549-01)
- **Year Drilled:** Mapulehu, Molokai, TMK:5-7-5:02
- **1947**

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

**ATTACHMENT A**
Use Information

1. Quantity Requested: 1,000 gallons per day.
   Proposed Type of Water Use: Agricultural irrigation and aquaculture
   Place of Water Use: Kapualei at TMK: 5-6-11:16

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

2. Quantity Requested: 2,600 gallons per day.
   Proposed Type of Water Use: Irrigation of 4.5 acres of ginger and heliconia
   Place of Water Use: Star Route 224-A at TMK: 5-7-8:76

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

3. Quantity Requested: 10,000 gallons per day.
   Proposed Type of Water Use: Irrigation of 2 acres of fruit trees Ualapue system
   Place of Water Use: Mapulehu, Molokai at TMK: 5-7-5:32

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

Total Requested: 13,600 gpd

Ualapue Aquifer System
Current 12-Month Moving Average Withdrawal: 0.172 mgd
(2% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are sixteen (16) other wells within a mile of Well No. 0352-12 (see Exhibit 2A). Fourteen (14) of these wells are currently in use. There are ten (10) other wells within a mile of Well No. 0448-01 (see Exhibit 2B). Only two (2) of these wells are currently in use. There are no other wells within a mile of Well No. 0549-01 (see Exhibit 2C).

Information from the registration program indicates there are possibly nineteen (19)

ATTACHMENT A
existing wells in the Ualapue Aquifer System. The Maui Water Use and Development Plan, Island of Molokai estimates that existing ground water withdrawals from the aquifer are 0.18 as of 1990. The Final Report from the Molokai Working Group estimates a total existing use of 0.62 mgd as of July 1993.

Public Notice

In accordance with HAR §13-171-17, public notices were published in the Star-Bulletin as 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 applications 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 permits were to be submitted to the Commission by the dates indicated in 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 in Exhibit 1. To the best of staff’s knowledge there are no objectors who have property interest within the Ualapue Aquifer System or who will be directly and immediately affected by the proposed water use. No specific objections were filed with the Commission.

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. No briefs in support were filed with the Commission.

Field Investigation

1. The water source and proposed use was investigated on November 6, 1992. The investigation verified the existence of the dug source and the applicant’s request for a water use permit.

2. The water source and proposed use was investigated on November 9 & 20, 1992 and March 31, 1993. The investigations verified the existence of the source and the applicant’s request for a water use permit.

3. The water source and existing use was investigated on February 20, 1993. The investigation verified the existence of the source and use described in the permit application.

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management
November 17, 1993

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 November 17, 1993 meeting are incorporated into the permit by reference.

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

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

ATTACHMENT B
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) 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 Ualapue 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 Ualapue 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 CWRM’s establishment of instream standards and policies related to stream protection and management, as well as legislative mandates to protect stream resources.

ATTACHMENT B
STANDARD WELL CONSTRUCTION/PUMP INSTALLATION PERMIT CONDITIONS

1. The Commission shall be notified before work commences.

2. The well construction/pump installation permit shall be for construction, testing, and installation of a gpm capacity, or less, pump in the well, as determined by the pumping test results. The applicant shall coordinate with the Commission and conduct a pumping test in accordance with the protocol established by the Commission. A means to accurately measure water levels, acceptable to the Commission, shall also be provided. The applicant shall submit to the Commission the test results and proposed permanent pump information, based on the test, for approval by the Chairperson. No permanent pump may be installed and no water used from the well without the Chairperson’s approval.

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

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

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

6. The well construction/pump installation permit may be revoked if work is not started within six (6) months after the methodology and analysis of the test results are agreed upon. The work proposed in the well construction/pump installation permit application shall be completed within two years from the date of permit issuance.

7. That the pumping test shall follow the aquifer pump testing protocol established by the Commission. Prior to conducting the aquifer pump test, the applicant shall mutually agree with the Commission staff to a methodology and analysis of the test results.

8. The following shall be submitted to the Commission within thirty (30) days after completion of work:
   a. Well completion report.
   b. Elevations of well (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other water quality data.

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

10. The well construction/pump installation water use permit application and staff submittal approved by the Commission at its November 17, 1993 meeting are incorporated into the permit by reference.

11. The permit shall be subject to review by the Attorney General.
Commission of Water Resource Management  
Department of Land & Natural Resources  
P. O. Box 621  
Honolulu, HI 96809

Attn.: Mr. Keith W. Ahue, Chairman

Subject: Uruchi Well No. 1 (Well No. 0352-12)  
Kapualei, Molokai

At the September 15, 1993 Commission of Water Resource Management meeting held on Molokai, the Commission deferred action for one month on our request for use of 1000 gallons per day for the existing well on our property at Kapualei, TMK No. 5-6-11-16. This would give us this one month period to document a timetable (four years) of our plans for use of this water on the property. The well has not been use for several years.

Due to cataract surgery on my left eye last month (September 29th), I could not finish this document within the one month period. We regret this delay and hope that this reaches you before the next Commission meeting.

During the first year (Ending in summer 1994): We have already hired Severino Del Cruz, Jr., on an as available basis, to clear the lot using his small ball dozer, of large baole lae, kiawe trees and general rubbish left by the last tenant and our neighbor.

Second year (to summer, 1995): We plan to clean and repair the well (stone casing) and install either wind, photo voltaic, electric or gasoline engine powered pump. This will be a very small pump. Test pump. Build above ground wooden tanks for the aqua culture project (fish or prawns). Test and adjust as necessary.

Third year (to summer, 1996): Start vegetable crops, utilizing waste water from the aqua culture project. Type of crop will depend on experiments we will conduct. Eggplant use to do well here.

Fourth year (to summer, 1997): project should be in full operation.

A hand drawn map is attached as Exhibit A of the project. Please refer to it.

This project is small family oriented enterprise. Products will probably be just enough for family and friends' use. However, depending on market conditions and demand, small amounts may be sold to make up for expenses of running the pump.

Due to small size (0.25 acres), it is estimated that no more than an average of 1000 gallons a day, year around, will be required.

Please call me at 553-5673 if you have any questions. Thank you.

[Signature]  
John N. Uruchi

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

Dear Mr. Hardy:  

Re: Well No. 0448-01  

At the September 15, 1993 meeting at Kaunakakai, my application for a water use permit for the above referenced well was deferred until the November 10, 1993 meeting.  

I have submitted to you a written plan showing where I currently use county water. That plan will not change when I am successful in obtaining a water use permit. The only change will be my switching to well water and discontinuing the use of county water.  

As I explained to the commission, there exist two very large boulders at the bottom of the well. I cannot justify the costly removal of them unless I am granted a water use permit. When the permit is granted, I will immediately pursue removal of the boulders. The water has been tested to be both non-brackish and potable; I intend to use the water only for agricultural irrigation.  

Further, I find no relationship whatsoever between granting me the water use permit and the alleged disturbance of a burial site. It is very likely that this issue will not be resolved in the very near future. Owing to the time and effort I have already put into excavating the well, I feel it is proper that the water use permit be granted.  

Please contact me at the above address if you require further information. Thanks very much for your time in addressing the above issues. 

Sincerely,  

Ellen M. Osborne  

ATTACHMENT E
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<td>0352-17</td>
<td>WILMA KAMAKANA GRANBUSCH</td>
<td>KAHAANUI</td>
<td>Y</td>
<td>07/15/93</td>
<td>09/01/93</td>
<td>08/19/93</td>
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<td>ZELIE K. DUVAUCHELLE</td>
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<td>Y</td>
<td>08/18/93</td>
<td>09/15/93</td>
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</table>

Aquifer System: UALAPUE

6 Applications Totaling 0.064

Exhibit 1
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

**CENTRAL SECTOR**

Manawainui System
1. Hawaiian Research 0.56

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

**NORTHEAST SECTOR**

Kahanui System
1. National Park Service 0.22

Waikolu System
1. DOA MIS 2.70

**SOUTHEAST SECTOR**

Kamiloloa System
1. Hawaiian Research 0.26

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

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

Alpha USA 2.01

**WEST SECTOR**

0.00

**TOTAL**

11.55

1 Water development source unidentified.
Molokai Working Group

BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD

**CENTRAL SECTOR**
- **Manawainui System**
  1. Hawaiian Research 0.56
- **Kualapuu System**
  1. County DWS 0.59
  2. DHHL 0.38
  3. Kaluakoi Resort 0.62
  Subtotal 1.79

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

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

**WEST SECTOR**
0.00

**TOTAL**
5.10

EXHIBIT 4
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: November 17, 1993
TIME: 1:30 p.m.
PLACE: Mitchell Pauole Center
      Conference Room
      Kaunakakai, Molokai, Hawaii

ROLL CALL
Chairperson Ahue called the meeting of the Commission on Water Resource Management to order at 1:35 p.m.

The following were in attendance:

MEMBERS: Mr. Keith Ahue
          Mr. Richard Cox
          Mr. Guy Fujimura
          Mr. J. Douglas Ing
          Mr. Robert Nakata
          Dr. John Lewin

STAFF: Ms. Rae Loui
       Mr. Edwin Sakoda
       Mr. Roy Hardy
       Ms. Lenore Nakama
       Ms. Sharon Kokubun

OTHERS:
  Weymouth Kamakana
  Pearl Petro
  John Urauchi
  Eugene Gerguson
  Sarah Sykes
  Michael Ribao
  Mark/Becky Yuen
  Wilma Grambusch
  Dave Martin
  DeGray Vanderbilt
  Rachael Kamakana
  Greg Helm
  Peter Eichhorn
  Myrle Florea
  Noelani Joy
  Colette Machado
  Michael Foulkes
  Barry Ching

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. Some items were taken out of sequence to accommodate requests by applicants or interested parties.

ITEM 1 MINUTES OF THE OCTOBER 13 AND 27, 1993 MEETINGS

Unanimously accepted with the correction of the dates on the header pages for the minutes of October 13, 1993 (Cox/Nakata).

ITEM 2 AMENDMENT TO CHAPTER 13-171 HAWAII ADMINISTRATIVE RULES (HAR), ADDING A NEW SECTION 13-171-63, DEPARTMENT OF HAWAIIAN HOME LANDS RESERVATION FOR KUALAPUU, MOLOKAI

Ms. Loui explained that the proposed rule was amended to address concerns raised at the public hearing held on October 13, 1993. Therefore, the rule reads more directly that the Commission hereby reserves .905 mgd from the Kualapuu Aquifer for use on Hawaiian Home Lands on Molokai.
Chairperson and Members
Commission on Water Resource Management
November 17, 1993

Mr. Dave Martin of the Native Hawaiian Advisory Council submitted concerns (see Commission files) but stated they would not contest the issue.

Unanimously approved (Cox/Nakata).

ITEM 6
APPLICATIONS FOR WATER USE AND WELL CONSTRUCTION/ PUMP INSTALLATION PERMITS, UALAPUE GROUND WATER MANAGEMENT AREA, MOLOKAI

1. John N. Urauchi, Well No. 0352-12
   Unanimously approved (Cox/Nakata).

2. Ellen M. Osborne, Well No. 0448-01
   Mr. Nakata asked if the concerns of Historic Preservation were addressed. The investigation was satisfactory and Historic Preservation had no objections to Mrs. Osborne's water use permit request.
   Unanimously approved (Cox/Nakata).

3) Pearl Friel Petro, Well No. 0549-01
   Unanimously approved (Cox/Nakata).

ITEM 3
DEFERRAL OF WATER USE PERMIT APPLICATIONS, MOLOKAI GROUND WATER MANAGEMENT AREAS

1. Wilma Kamakana Grambusch, Well Nos. 0352-17, 0456-01, & 18 to 20
   Unanimously approved for deferral (Fujimura/Cox).

2. Kainalu Ranch, Well No. 0546-02
   Unanimously approved for deferral (Fujimura/Cox).

3. Zelie Duvauchelle, Well No. 0448-08
   Ms. Collete Machado was concerned because they relied on the water that drains from the Duvauchelle property. Mr. Hardy explained that further field investigation is necessary before any decision can be made on the application. Ms. Machado said she would discuss the matter with Mr. Hardy after the meeting.
   Unanimously approved for deferral (Fujimura/Cox).

ITEM 4
HALE MAHALALU APPLICATION FOR A WATER USE PERMIT, HOME PUMEHANA WELL (WELL NO. 0501-06), KAMILOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Nakata/Cox).
ITEM 5  WATER USE APPLICATIONS, MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI

Mr. Cox asked for comments on testimony submitted by Mr. Martin on their concerns of how the numbers were developed and if the short growing season was taken into consideration. Mr. Hardy explained that by using a 12-month moving average, that is taken into consideration.

Mrs. Wilma Grambusch stated her objections to the permit applications because withdrawals of brackish or potable water would have an affect on the Kalamaula Homestead lands. She felt there was not enough monitoring information and that the eco-balance on the south shore water would be threatened.

Mr. Mike Ribao of Maui Electric commented on the recommendations of staff.

Mr. Cox asked if the requests were for existing uses only and if staff did consider the use of brackish water. Mr. Hardy replied that except for Application 5 which was for a future use, all requests were for existing uses. In regards to the brackish water, if it is from the aquifer system, it is deducted from the sustainable yield.

1. Hawaiian Research Ltd., Well No. 0603-01
   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

4. Maui Electric Company, Ltd., Molokai Division, Well Nos. 0603-06 and 0604-04 & 05
   Unanimously approved to deny without prejudice the water use permit as recommended by staff (Nakata/Cox).

5. Molokai Ranch Ltd., Well No. 0706-02
   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

ITEM 7  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR PUMP INSTALLATION PERMITS, MILILANI WELLS 9 & 10 (WELL NOS. 2858-01 & 02), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

ITEM 8  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIPAHU III WELLS (WELL NOS. 2459-26 TO 30), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).
Chairperson and Members  
Commission on Water Resource Management  
November 17, 1993

ITEM 9  
HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIWA 765-FT, WELLS 1 & 2 (WELL NOS. 2658-03 & 2659-04), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

ITEM 10  
HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIWA 765-FT, WELLS 1 & 2 (WELL NOS. 2658-04 & 05), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

The Board of Water Supply applications (Items 7 to 10) were heard, discussed, and acted on together.

Mr. Ing asked how staff would know if the Board was drawing more water than what is being requested. Mr. Sakoda replied that monthly pumping records are submitted and reviewed.

ITEM 11  
OTHER BUSINESS

24-Inch pipeline being installed by Kukui-Molokai

Ms. Sarah Sykes expressed her concern that the construction and grading work done by the Molokai Ranch is too close to and may degrade the drinking water wells and that further evaluation such as an EIS is needed.

Chairperson Ahue stated that the issue of an environmental assessment and EIS is currently being reviewed by DLNR staff but is a Board of Land and Natural Resources issue, not a Water Commission issue.

Mr. DeGray Vanderbilt also testified that an EIS should be done.

ADJOURNMENT The meeting was adjourned at 2:37 p.m.

Respectfully submitted,

SHARON S. KOKUBUN, Secretary

APPROVED AS SUBMITTED:

SHARON S. KOKUBUN, Secretary
1993 November 17

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM 1. Minutes of October 13 and October 27, 1993

ITEM 5 POAMOHO A WELL & NHAC WELL

Poamoho Venture's comments "that they made modifications to their agricultural plans because of the amount of water available in the aquifer" are not supported by the history of its application. Its reduction in quantity of water requested (from 0.8 to 0.6 mgd) was apparently achieved by eliminating the water requirement for nearby University of Hawaii projects, not by modifications to agricultural plans for its own lands. Therefore Poamoho Venture's suggestion that we "also make modifications" to our crop selections "in consideration of the amount of water available" is shibai. It also illustrates the Venture's lack of knowledge about agricultural conditions in our area, where edaphic and hydrological characteristics limit crop selection to those suited for highly waterlogged mucky soils and/or ponded fields.

Nonetheless, our agricultural plan already exhibits modifications made because of the amount of water available. If we were to plant the entire acreage in our preferred cash crop, watercress, our water requirements would 4.5 mgd. Knowing that the historical maximum capacity of our existing water source to be 0.75 mgd, we scaled back our watercress acreage accordingly and eliminated the immediate need to develop additional water sources on the property.

ITEM 2. Molokai HHL Reservation

Public Hearing:

How does staff differentiate between applicable and inapplicable comments from testimonies received? An analysis of the (in)applicability of comments received should be included in the submittal.

For instance, the Maui mayor's suggestion that the water reserve be defined in terms of quality as well as quantity is an extremely applicable comment which we support and which probably has broad support among Molokai beneficiaries of the Hawaiian Homes
Commission Act. Note that DHHL's testimony explicitly states that "These foreseeable needs reflect potable water requirements of planned developments." Furthermore, staff apparently ignored DHHL's request for "the remainder of the available Kualapuu groundwater as a reserve for this [agricultural] purpose."

These comments and issues were apparently deemed inapplicable for no apparent reasons and were not incorporated into the proposed amendment. The rationale surrounding these and other significant staff decisions about public hearing testimony must be documented for public consumption.

Attachment: DRAFT HAR 13-171-63

The words "from state lands" must be deleted from the proposed rule. Nothing in HRS 174C-101 or HAR 13-171-13(d) restricts reservations to water from state lands and no testimony supports such restriction. COWRM authority extends to all aquifer waters, not merely to those portions underlying state lands.

A first call on government-owned water is not the same as a reservation of water to guarantee fulfillment of priority needs. Moreover, the definition of "government-owned water" is debatable, with no formal Attorney General or judicial decision on the matter recorded. Under the current constitutional and common law of Hawaii (which characterizes all water resources as a public trust) government-owned water is all water, and there is no legal basis for restricting sources of water reserved for Hawaiian Home Lands to state lands. In general, the Hawaiian Homes Commission Act (HHCA) is currently interpreted in accordance with currently prevailing law. Arguments that the current definition of "government-owned water" in HHCA section 221 must coincide with that accepted at the time of HHCA legislation attempt to apply a double standard to that section and are void.

The phrase "for use on Hawaiian Home Lands on Molokai" must be changed to "for use by the Hawaiian Homes Commission (HHC) on Molokai." Once a reservation of water based on current and foreseeable needs on Hawaiian Home Lands is achieved, HHC must not be barred from activating that reserve for other purposes while developing the capability to use the water on its own lands. In fact, HHC use of reserve water in this way will speed the achievement of this capability, as HHC will be able to use the reserve to generate more resources for homestead development.

ITEM 3. Deferral of Water Use Permit Applications

Background

Unlike similar items on this agenda, the date of submittal of the completed water use permit applications is not given. Specific information regarding the source, use, notification, objections, and field investigations are not attached. When recommending a
deferral, staff should still submit this information to facilitate complete public and COWRM review and assessment.

Issues

Given that COWRM has contracted for verification of water uses on Molokai and that this work has been going on for some time, "Further field investigation necessary" is a weak reason for deferral of the Grambusch and Duvauchelle applications. Verification of their uses and of all uses connected to pending water use permit applications should be a COWRM priority coordinated with the contractor. For instance, it is hard to understand why the investigation of the application submitted for agenda item 4 (Home Pumehana Well) was completed within three weeks of its submittal while the Grambusch and Duvauchelle applications were not afforded similar timeliness of due process.

"Further field investigation necessary" implies that some field investigation has already been completed. Staff should present the results of investigations completed to date and specify the investigative work remaining.

RECOMMENDATION

COWRM should issue the Grambusch and Duvauchelle applications based on current information, or at least impose a time limit for completion of "Further field investigation."

ITEM 5 Manawainui Ground Water management Area

Analysis & Issues

NHAC again objects to COWRM's practice of blindly permitting existing uses at 100% of existing use. While the Water Code assures existing correlative uses of ground water, it does not require that 100% of the use be assured. Rather, the intent of water use permitting is to create a level playing field inclusive of all existing and pending uses, so that the best combination of reasonable-beneficial use serving the public interest can be achieved. There is nothing holy about existing use, except that it is assured only to the extent that it remains more reasonable and beneficial than competing existing and new uses. Especially at a time when COWRM does not yet have a specific framework of identifying, assessing, and evaluating reasonable and beneficial uses and applying public interest balancing tests, it is ridiculous to blanketly assume that existing uses are better than new uses.
TABLE 1

The table requires an additional column showing the recommended allocation to each pending application. It also lacks at least two additional components:

1. Bulk allocation of water to Maui County for municipal use.
2. Reservation for Hawaiian Home Lands.

1. Hawaiian Research, Ltd.

Just because impacts "should not be any different than it has been for the last twenty (20) years" does not necessarily mean that adverse impacts are not now occurring. COWRM apparently has no baseline information for concluding that "Unacceptable adverse impacts are not anticipated from continuation of this long-standing water use." Behind seemingly innocuous statements like "because this use has been in existence for a number of years, no further impacts are anticipated" lies the possibility that this and other uses may have created and continued significant impacts that have not been identified, assessed, or evaluated due to a presumption that "old use is good use."

If "Comments regarding potential impacts of existing and future withdrawals from this source on fishponds and nearshore ecosystems is a valid concern," yet "information necessary to determine the extent and nature of resultant impacts, if any, on the productivity of these ecosystems is not available," then COWRM must define its mission for obtaining this information and determining these impacts. The issue can not be written off just because "no designated marine conservation areas exist in the immediate vicinity," the "use has been in existence for a number of years," and "no further impacts are anticipated" (emphasis added).

In future submittals, the wording of the title to this section should be changed from "Analysis & Issues" to "Issues & Analysis." This should foster more ordered and logical thinking among all involved.

4. Molokai Ranch, Ltd.

In addition to the uncertainty "whether pumping at the proposed rate can be sustained without compromise to water quality," NHAC also questions the proposed discharge rate of aquacultural effluent and whether such discharge can be sustained without compromise to water and environmental quality. In the past, COWRM has requested demonstration of wastewater system viability in conjunction with applications for aquacultural water use. However, in this case
applicant's development plan only makes oblique reference to "drainage canals" with no identification of ultimate wastewater discharge points, volumes, constituents, or treatment methods.

ITEM 6  Ualapue Ground Water Management Area

Analysis & Issues

2. Ellen M. Osborne

What was the result of the completed investigation regarding alleged multiple violations of HRS 6E-11 involving the subject wells? Mere reference to HOD and Dept. of the Attorney General "satisfaction" is not enough, and completion of the investigation does not necessarily mean that the matter has been resolved.

ATTACHMENT E

While Mrs. Osborne finds "no relationship whatsoever between granting me the water use permit and the alleged disturbance of a burial site," the staff submittal clearly states that the wells are directly involved. What is the truth of the matter? Even if the wells do not coincide with the burial site, the issues are not separate. Concerns of various state agencies, especially those regarding violations of state law, should be visible and applicable across the spectrum of permitting and enforcement activities.

Mahalo

David L. Martin, Water Claims Manager

pc: W. Grambusch
    Z. Duvauchelle
    Molokai homestead associations
    Molokai Working Group
    Maui Mayor and County Council
    BLNR and board members
    HHC and Commissioners
    OHA and Trustees
    Ka Lahui Hawai'i Molokai
    NHLC
    Water Code Review Commission and Commissioners
Ms. Ellen M. Osborne  
Star Route 224-A  
Kaunakakai, HI 96748

Dear Ms. Osborne:

Commission Submittal for your Water Use Permit  
_Ualapue Ground Water Management Area, Molokai_

The Commission on Water Resource Management will be acting on your water use permit application for your Mapulehu Shaft #1 Well (Well No. 0448-01) at its November 17, 1993 meeting at 1:30 p.m. at the Mitchell Pauole Center in Kaunakakai.

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

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

Sincerely,

RAE M. LOUI  
Deputy Director

LN:fc

Attach.
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
          Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

We would appreciate your review of the attached application and please return this form by November 16, 1993.

If you have any questions regarding this application, please contact Roy Harada at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: Brian Misrae Phone: 243-7735

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

Signed: [Signature] Date: 10/28/93
MEMORANDUM

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

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

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

Mr. Goro Hokama, Chair
County Council
County of Maui

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

We would appreciate your review of the attached application and please return this form by November 16, 1993.

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

[Response section]

[Contact person: Luis A. Menrique] Phone: [586-386-2]
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
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: [Redacted] DATE: 10/4/93 FILE IN: [Redacted]

TO: INIT: [Redacted]

G. Matsumoto  
E. Sakoda  
Y. Shiroma  
E. Hirano  
D. Higa  
G. Bauer  
R. Hardy ( unst )

PLEASE:

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

FOR YOUR:

Approval  
Signature  
Information

If we rec dejenal  
Should we hold  
pub lng anyway?  
I guess we have to?  

Public hearing is for 2 areas  
1. WAIKOW - OOA  
2. KAHUA - WAIKA  
GRIINBUSH  
COUNTY  

Wen is in WAIKOW WMA
MEMORANDUM

TO: RAE LOUI, Deputy Director
Commission on Water Resource Management

FROM: DON HIBBARD, Administrator
State Historic Preservation Division

SUBJECT: Request to Postpone Water Commission Action on Water Use Permit Application by Ellen M. Osborne, Mapulehu Shaft #1, Well No. 0448-01, Tax Map Key 5-7-8: 76, Mapulehu, Molokai

I understand that Ellen Osborne is applying to the Water Commission for a Water Use Permit for the well identified above on property in Mapulehu, Molokai owned by Hawai‘i Sugar Planters Association ("HSPA"). I further understand that the Commission deferred action on Ms. Osborne’s application until November 1993.

A civil suit has been filed against Ms. Osborne alleging multiple violations of H.R.S. Chapter 6E-11, disturbance of a burial site. The alleged disturbances took place on the above identified property.

Recently, this office received information that human skeletal remains were disposed of in the water well located on the property, and subject of Ms. Osborne’s water permit application. This office requested and received authorization from the landowner HSPA to enter upon the premises and investigate whether human remains are in fact in the well. My staff is presently in the process of coordinating with investigators from the Department of the Attorney General to travel to Molokai to conduct the investigation.
I am unsure whether such investigation will be completed by the time the Commission entertains Ms. Osborne's request in November. Therefore, I wish to respectfully request that Ms. Osborne's request for a water use permit be deferred until such time as investigation of the well is completed to the satisfaction of the Attorney General and this office.

If there are any questions, please call Edward Halealoha Ayau, Esq. at 587-0010.

EA:jt

c: Dawn Chang, Esq. Dept. of the Attorney General
    William Tam, Esq. Dept. of the Attorney General
Aloha Roy,

Providing information on Mapulehu Glass House—Ellen Osborne et al on "new investigation" with human remains— skulls in well. As I shared with you on the telephone, I am concerned that Osborne will move quickly to obtain water permit which and potentially destroy evidence before the Office of Historic Preservation can investigate.

Please contact Eddie Ayau at Historic Preservation ASAP.
August 12, 1993

Dr. Don J. Heinz, President
Hawai‘i Sugar Planter’s Association
99-193 Aiea Heights Drive
P. O. Box 1057
Aiea, Hawai‘i 96701-1057

Re: Request for Authorization to Enter Property to Investigate Burial Disturbance, Mapulehu Glass House, Tax Map Key 5-7-08: 76. Mapulehu, Molokai

Dear Dr. Heinz:

I am writing to request authorization from the landowner Hawai‘i Sugar Planter’s Association for staff of DLNR and the Department of the Attorney General to enter upon the property identified above for purposes of investigating the whereabouts of missing human skulls, believed to have been disturbed during bull dosing activities. Please be advised that the remains are believed to be in a well and may require further action to recover.

If there are any questions, please contact Edward Halealoha Ayau, Esq. at 587-0010.

Sincerely,

[Signature]

DON HIBBARD, Administrator
State Historic Preservation Division

cc: Colette Machado, Chair, Molokai Burial Council
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: September 15, 1993
TIME: 1:30 p.m.
PLACE: Mitchell Pauole Community Center
        Conference Room
        Kaunakakai, Molokai, Hawaii

ROLL CALL: Chairperson Ahue called the meeting of the Commission on Water Resource Management to order at 1:47 p.m.

The following were in attendance:

MEMBERS: Mr. Keith Ahue
          Mr. Richard Cox
          Mr. Guy Fujimura
          Dr. John L. Lewin
          Mr. Robert Nakata

EXCUSED: Mr. J. Douglas Ing

STAFF: Ms. Rae Loui
       Mr. Edwin Sakoda
       Mr. Roy Hardy
       Ms. Lyann Mizuno
       Ms. Lenore Nakama
       Ms. Sharon Kokubun

COUNSEL: Mr. William Tam

OTHERS:  Dan Kuhn  Tom Hill
          Wilma Grambusch  Judy Caparida
          Mike Foulkes  Ellen Kraftsow
          Edwin Miranda  Steve Kaiser
          Paul Matsuo  Wilma Joy
          Robert Granger  Peter Eichhorn
          Charley Ice  Collette Machado
          Gene Ferguson  Tom Nance
          Rick Ten Cate  Tom DeCourcy
          Duane Cranney  Elizabeth Johnson
          June Kapuni-Dearson  George Denison
          Joseph Wampler  Peter Thompson
          Daniel Bennet  Kim Dunbar
          Keli Mawae  David Martin
          Neal Wu

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. Some items were taken out of sequence to accommodate requests by applicants or interested parties.

ITEM 1  MINUTES OF THE SEPTEMBER 1, 1993 MEETING

Unanimously approved (Cox/Nakata).
ITEM 2  OLD BUSINESS/ANNOUNCEMENTS

Ms. Loui announced the public meeting which would be held that evening at Molokai High School to hear testimony for proposed reservations of water for the Department of Hawaiian Home Lands (DHHL).

ITEM 3  RESUBMITTAL: SEA LIFE PARK HAWAII APPLICATIONS FOR WATER USE PERMIT, WELLS 1, 2, 3, & A (WELL NOS 1939-01 & 02, 1940-11 & 02), WAIMANALO GROUND WATER MANAGEMENT AREA, OAHU

Mr. Steve Kaiser, representing the applicant, stated that a request was sent to the Department of Land and Natural Resources to determine if a water license is required.

Mr. Martin of Native Hawaiian Advisory Council presented testimony (copy in Commission files).

Unanimously approved as submitted (Lewin/Cox).

ITEM 4  APPOINTMENT OF HEARINGS MASTERS

Unanimously approved (Lewin/Nakata).

ITEM 5  HOUSING FINANCE AND DEVELOPMENT CORPORATION APPLICATION FOR A PUMP INSTALLATION PERMIT, WAIKULI IRRIGATION WELL (WELL NO. 5440-01), WAIKULI, MAUI

Mrs. Grambusch asked if any allotment for housing was made for native Hawaiians. Mr. Neal Wu, representing HFDC, had no response. Mrs. Grambusch asked for an allotment for native Hawaiians to go with the permit if water is approved for the project.

Chairperson Ahue stated that the matter was reviewed by OHA. If the project is on ceded lands and there are revenues, OHA would be entitled to 20% of the revenues.

Unanimously approved (Cox/Nakata).

ITEM 6  KALAELOA PARTNERS, L.P. AMENDMENT OF A WATER USE PERMIT AND APPLICATION FOR A WELL CONSTRUCTION PERMIT, KALAELOA WELLS PW-7 TO 9 (WELLS NOS. 1805-10-12), EWA BEACH, OAHU

Unanimously approved (Nakata/Cox).

ITEM 7  HAWAIIAN RESEARCH LTD. APPLICATION FOR A WATER USE PERMIT, KAMULOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Nakata/Lewin).
ITEM 8  DAVID W. CURTIS, R.M. GRANGER, KAWELA PLANTATION HOMEOWNERS ASSOCIATION, JOHN UAEA, SR., AND MAUI DEPARTMENT OF WATER SUPPLY APPLICATIONS FOR WATER USE PERMITS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

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

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

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

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

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

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

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

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

1. Unanimously approved (Nakata/Cox).

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

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

Mrs. Wilma Grambusch stated her concerns in regards to the wetland areas that may be affected by the applicant's request.
Mr. Ice (DHHL) said the first of the four wells appear to be an existing use, therefore they have no objections. The other three wells appear to be new uses and are upgradient of Hawaiian Home lands. Withdrawals could affect salinity for future uses on Hawaiian Home lands. DHHL recommends monitoring the salinity of water and conditioning any future use upon the means of future uses on Hawaiian Homes lands.

Ms. Collette Machado asked Molokai Ranch what the plans were for the land because the community has not been kept informed of the development plans. Until plans are made known, their permits should be denied.

The applicant was asked to provide written information on the specific uses for the water use being requested. The following actions were taken on the four recommendations made by staff in regards to the issuance of interim water use permits:

1. Unanimously approved to deny without prejudice the issuance of an interim water use permit for 150,000 gpd from the Ooia Dug Well (Cox/Lewin).
2. Unanimously approved the issuance of an interim water use permit for use of 600,000 gpd for the Orca Shaft #1 and Orca #2 Wells (Cox/Lewin)
3. Unanimously approved the issuance of an interim water use permit for use of 40,000 gpd from Orca #3 (Cox/Lewin).
4. Unanimously approved for deferral to the November 10, 1993 meeting on Molokai, the request for 40,000 gpd of water from the Orca #3 Well (Cox/Lewin).

JOHN N. URAUCHI, ELLEN M. OSBORNE, AND MAUI DEPARTMENT OF WATER SUPPLY APPLICATIONS FOR WATER USE PERMITS, UALAPUE GROUND WATER MANAGEMENT AREA, MOLOKAI

1. Mr. Urauchi asked that the acreage of land be corrected to 0.25 acre and not 25 acres.
2. Mrs. Osborne explained the water would be used to irrigate established plantings.

Chairperson Ahue stated that the resolution of the issues raised by the Historic Preservation Division is not determined by the Commission. He asked that Mrs. Osborne work with staff.

Ms. Collette Machado of the Molokai Burial Council asked that the application be denied because of pending charges and fines against Mrs. Osborne for deliberate disturbance of a burial site.

Dr. Lewin asked for A.G. opinion in regards to the burial site since the well in question does not affect the site. Mr. Tam stated that the Commission can act independently of any action with the burial council and the Historic Preservation Division.

3. Ms. Ellen Kraftsow of the Maui Department of Water Supply requested that the water use be amended to 185,000 gpd instead of the stated 171,000 gpd.
Ms. Grambusch was concerned that 1) the County of Maui needs to be more precise on the amount of water they need and 2) questioned if the County was conforming to the safe drinking water act.

Dr. Lewin stated that he did check with the Safe Drinking Water Program and since 1992 the County has complied with the Safe Drinking Water Act.

The following actions were taken on the above three applications:

1. Urauchi: defer to the November 10, 1993 meeting. Applicant to submit more detailed information for the proposed water use being requested (Lewin/Cox).

2. Osborne: defer to the November 10, 1993 meeting. Applicant to submit written plans for use of the water being requested and to supply information on the source of the existing irrigation system (Lewin/Cox).

3. Maui Department of Water Supply: Unanimously approved for the amended use of 185,000 gpd (Lewin/Nakata).

**ITEM 12**

**KAINALU RANCH APPLICATION FOR A WATER USE PERMIT, WAIALUA GROUND WATER MANAGEMENT AREA, MOLOKAI**

Dr. Lewin requested the applicant to submit a written request to continue the permit process for a well construction, pump installation, and water use permits. Recommendation was made to defer action until the next meeting to be held on Molokai.

Unanimously approved for deferral (Lewin/Nakata).

**ITEM 13**

**DEPARTMENT OF AGRICULTURE APPLICATION FOR A WATER USE PERMIT, WAIKOLOU GROUND WATER MANAGEMENT AREA, MOLOKAI**

On the advice of the Attorney General, Chairperson Ahue called for a deferral of this application as recommended by staff due to objections raised and stated that a public hearing would need to be held. A tentative date of November 10, 1993 was set for the public hearing to be held on Molokai. The Department of Agriculture may continue pumpage of the existing source.

Testimonies were presented by parties for as well as against the project. All written testimonies received are on file in the Commission office.

**ITEM 14**

**OTHER BUSINESS**

1. In regards to the letter from Lanai Company raising questions on the sustainable yield and institutional problems with the Land Use Commission, Mr. Cox felt it should be reviewed with the staff, the Commission, and John Mink.

Ms. Loui said a briefing would be scheduled at a later date.
2. Dr. Lewin asked for the following items to be brought up for future action:

a. The Water Quality Plan - the Code Review Commission and the Commission should meet to review the recommended actions relating to overlapping enforcement and adding additional enforcement to certain areas of the Water Code so water quality work can be carried out more effectively.

b. Issues on the Caprock - a hearing will be held in the near future, suggest staff from the DOH and CWRM attend the hearing and register concerns. Long-term effects of the harbor should be considered in terms of caprock water resources.

ADJOURNMENT The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

SHARON S. KOKUBUN
Secretary

APPROVED AS SUBMITTED:

RAE M. LOUI, Deputy Director
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

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

Applicants:

1. (Well No. 0352-12)
   John N. Urauchi
   P.O. Box 7
   Kaunakakai, HI 96748

2. (Well No. 0448-01)
   Ellen M. Osborne
   Star Route 224-A
   Kaunakakai, HI 96748

3. (Well No. 0449-01)
   Maui Dept. of Water Supply
   P.O. Box 1109
   Wailuku, HI 96793

Landowners:

1. Same

2. HSPA
   P.O. Box 1057
   Aiea, HI 96701

3. County of Maui
   P.O. Box 1109
   Wailuku, HI 96793

Background

Completed water use permit applications were submitted to the Commission as indicated on Exhibit 2. Specific information regarding the sources, uses, notifications, objections, and field investigations are described in Attachment A and the attached exhibits.

Analysis & Issues

Eight (8) applications for water use permits from the Ualapue Aquifer System have been submitted to the Commission to date requesting a total of 1.159 million gallons per day (mgd) of water (see Exhibit 2). Of this total, one request, for an allocation of 0.01 mgd, has already been granted (Mahealani Ranch, Well No. 0352-09), and one request was recently withdrawn (Clara Brito Sabas, Well No. 0448-07). Two other applications are incomplete. The fourth application has been accepted as complete; however, action on this application shall be deferred pending publication of the notice of this application and to allow for the time period for filing written objections. Three (3) applications have been accepted as complete and ready for Commission action. Pending allocation requests currently total 1.099 mgd, or about 14% of the Ualapue Aquifer System's estimated sustainable yield.

1. Urauchi #1 is an existing dug well that is currently unused and has not been in use since 1946. The proposed use of fresh water is for agricultural irrigation on the applicant's 25-acre parcel. Although this request is for a very small quantity of water, 1,000 gallons per day (gpd), the request is for a future, rather than an existing, use of water. Because existing uses in the Ualapue Aquifer System are still in the process of
being established, staff feels that this request should not be granted at this time, unless the applicant can show more definite plans for use within the next four (4) years.

2. Mapulehu Shaft #1 is an existing dug source that has not been in use for a number of years because of large boulders and sediment at the well's bottom. Although the pump is run intermittently to keep the pump and motor in working condition, county water is currently supplying the applicant's domestic and crop irrigation needs. The applicant plans to redevelop this well in order to use fresh, non-potable water to augment the supply of county water for irrigation of 4.5 acres of ginger and heliconia. Because this request is for a future and not an existing use of water, this request should not be granted until existing uses have been established and permitted, unless the applicant can show more definite plans for use within the next four (4) years.

Furthermore, the State Historic Preservation Division has recently lodged a formal complaint against the applicant for a potential violation over the alleged disturbance of a burial site. The case is currently pending in the Attorney General's office, and the Historic Preservation Division has recommended that action on this submittal be deferred until this issue is resolved.

3. The Maui Department of Water Supply (DWS) is requesting 1.08 mgd of fresh water from an existing shaft source to satisfy municipal needs in the Ualapue water system. Based on the information provided in the application, it appears that the requested allocation is based on pump capacity, and therefore represents a maximum-day usage. The application further indicates that actual use is considerably less, about 0.18 mgd, on average. This is in agreement with the actual 12-month moving average withdrawal of 0.171 mgd, computed using monthly water use data provided by the applicant. Daily permitted withdrawals are based on the longer term 12-month moving average withdrawal, rather than on the potential maximum-day usage. The Final Report from the Molokai Working Group indicates that existing ground water use by the Maui DWS in the Ualapue Aquifer System is 0.18 and no increase in municipal needs projected to the year 2010 is expected (see Exhibits 3 and 6).

Use of this water from the Maui DWS shaft source has been in existence for at least the past thirteen (13) years. Therefore, authorization to continue the existing use should not result in additional adverse impacts on other local wells, streams, and the Kulaipuu Aquifer System.

There is no clear reservation recommendation from the Molokai Working Group for the Dept. of Hawaiian Home Lands (DHHL) for the Ualapue Aquifer System. The Final Report of the Molokai Working Group indicates that there are no existing or major projected increases for DHHL potable needs in the area (see Exhibit 3). However, the non-potable water needs projected to total buildout for homestead lands in the Central Aquifer Sector and small portions of the West and Southeast Aquifer Sectors total 23.5 mgd (see Exhibits 4 and 5). Of this total demand, 5.42 mgd is projected for the next five (5) to ten (10) years. About 5.0 mgd of the demand can be met through the existing Molokai Irrigation System (MIS). Current usage by DHHL from MIS is about 2.3 mgd. Staff feels that since municipal use of the water has been in existence and is of beneficial use to the community, potential DHHL reservation should not prohibit action on the Maui DWS application.

The Molokai Working Group has made three recommendations regarding the Southeast Aquifer Sector, which encompasses the Ualapue Aquifer System. They are:

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

2. Any withdrawals from this Sector should not diminish water supplies and supply availability for traditional uses, including taro patches and fishponds.
Chairperson and Members  
Commission on Water Resource Management  
September 15, 1993

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 there is no reason to believe that continuation of the existing municipal use will violate these recommendations made by the Molokai Working Group.

RECOMMENDATIONS

1. The Commission deny without prejudice the issuance of a water use permit to John N. Urauchi to use 1,000 gallons per day of fresh water for use from the Urauchi #1 Well (Well No. 0352-12), unless the applicant can show he has definite plans to use this requested amount within the next four (4) years. If and when granted, that water use permit should be an interim permit and shall be subject to the standard water use permit conditions listed in Attachment B and the following special condition:

a. The issuance of the interim permit shall be withheld until the reservation of water for the Dept. of Hawaiian Home Lands is set by rule.

2. The Commission deny without prejudice the issuance of a water use permit to Ellen M. Osborne to use 2,600 gallons per day of fresh, non-potable water for use from the Mapulehu Shaft #1 Well (Well No. 0448-01), unless the applicant can show she has definite plans to use this requested amount within the next four (4) years and until the concerns of the State Historic Preservation Division have been resolved. If and when granted, that water use permit should be an interim permit and shall be subject to the standard water use permit conditions listed in Attachment B and the following special condition:

a. The issuance of the interim permit shall be withheld until the reservation of water for the Dept. of Hawaiian Home Lands is set by rule.

3. The Commission approve the issuance of an interim water use permit to the Maui Department of Water Supply to use 171,000 gallons per day of fresh water for use from the Ualapue Shaft (Well No. 0449-01) for municipal use in the DWS Ualapue system, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

a. The issuance of the interim permit shall be withheld until the reservation of water for the Dept. of Hawaiian Home Lands is set by rule. Until the reservation issue is resolved, the applicant may continue this existing use of ground water within the limits approved by the Commission.

Respectfully submitted,

RAE M. LOUI  
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:
Sustainable Yield: Ualapue System, Southeast Sector, Molokai 8 mgd
Existing Water Use Permits: 0.01 mgd
Available Allocation: 7.99 mgd
Total of other pending allocations: 0.006 mgd

1. WELL:
Location: Uranchi #1 Well (Well No. 0352-12)
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:
Total Depth:
Grouted Annulus Depth:

2. WELL:
Location: Mapulehu Shaft #1 (Well No. 0448-01)
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:
Total Depth:
Grouted Annulus Depth:

3. WELL:
Location: Ualapue Shaft (Well No. 0449-01)
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:

ATTACHMENT A
Use Information

1. Quantity Requested: 1,000 gallons per day.
   Proposed Type of Water Use: Agricultural irrigation
   Place of Water Use: Kapualei, Molokai at TMK: 5-6-11:16

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

2. Quantity Requested: 2,600 gallons per day.
   Proposed Type of Water Use: Irrigation of 4.5 acres of ginger and heliconia
   Place of Water Use: Star Route 224-A at TMK: 5-7-8:76

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

3. Quantity Requested: 1,080.00 gallons per day.
   Proposed Type of Water Use: Municipal for the Maui DWS Ualapue system
   Place of Water Use: Ualapue service area

   Reported Water Usage: 171,000 gpd
   Nearby Similar Water Usage: NA gpd

   Total Requested: 174,600 gpd

Ualapue Aquifer System
Current 12-Month Moving Average Withdrawal: 171,000 gpd (2.1% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

Information from the registration program indicates there are possibly nineteen (19) existing wells in the Ualapue Aquifer System. Several of these wells have been initially field checked but many of the declarants, including possibly large users, have not been completely field verified. Several are not in use or are rights claims. No reliable

ATTACHMENT A
estimate of existing ground water withdrawals from the Ualapue Aquifer System as of 1990 is provided in the Maui Water Use and Development Plan, Island of Molokai. However, the Final Report from the Molokai Working Group provides an estimate of 0.62 mgd for ground water usage from the Ualapue Aquifer System as of July 1993 (see Exhibit 6). Specific information regarding other existing wells in the proximity of the sources is as follows:

1. There are sixteen (16) other wells within a mile of Well No. 0352-12 (see Exhibit 1A). Only two (2) of these wells are currently in use.

2. There are ten (10) other wells within a mile of Well No. 0448-01 (see Exhibit 1B). Only two (2) of these wells are currently in use.

3. There are ten (10) other wells within a mile of Well No. 0449-01 (see Exhibit 1C). Eight (8), and possibly all ten (10) of these wells are currently in use.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin as indicated on Exhibit 2, 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 and other 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 as indicated on Exhibit 2.

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 date indicated on Exhibit 2.

To the best of staff’s knowledge there are no objectors who have property interest within the Ualapue Aquifer System or who will be directly and immediately affected by the proposed water use from Well Nos. 0352-12 & 0449-01. Historic Preservation issued an initial statement of “no effect” to the proposed water use from Well No. 0448-01, although they acknowledged the existence of the burial site in that same document. Subsequently, and past the objection deadline, a formal complaint against that applicant was submitted to the State Attorney General’s office and is currently pending (refer to Analysis and Issues section). All other objections and/or comments to the application are summarized as follows:

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<th>Objector</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHAC</td>
<td>General process of water use permit applications. No specific objections to this application.</td>
</tr>
</tbody>
</table>

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  

September 15, 1993

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. No briefs in support were filed with the Commission.

Field Investigation

1. The water source and proposed use was investigated on November 6, 1992. The investigation(s) verified the non-use of the source.

2. The water source and proposed use was investigated on November 20, 1992. The investigation(s) verified the non-use of the source.

3. The water source and proposed use was investigated on February 10, 1993 and February 11, 1993. The investigations verified the applicants request for a water use permit.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. The water use permit granted shall be an interim water use permit, as allowed under 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.
CONTOUR INTERVAL 50 FEET
DEPT' CURVES AND SOUNDINGS IN FEET - Datum IS MEAN SEA LEVEL
THE MAP RANGE OF TOE IS APPROXIMATELY 5 FEET

EXHIBIT 1A

PROJECT AREA: Molokai
Well No. 0448-01

radius = 1 mile

EXHIBIT 1B
# Water Use Permit Application Notice Status Report - 09/04/93

## Island of Molokai

### Aquifer System: Ualapue

<table>
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<th>UAPA No.</th>
<th>Applicant</th>
<th>Well No.</th>
<th>Well Name</th>
<th>Exist Proposed</th>
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<th>Public 2 Notice</th>
<th>Objection Notice</th>
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<td>Timothy C. Meyer, Sr.</td>
<td></td>
<td>KAMALO</td>
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<td>07/16/93</td>
<td>08/12/93</td>
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8 Applications Totaling 1.159

- **UAPA mgd**: Different amounts for each application.
### Molokai Working Group

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

**CENTRAL SECTOR**

- **Manawainui System**
  - 1. Hawaiian Research \(0.56\)

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

**NORTHEAST SECTOR**

- **Kahanui System**
  - 1. National Park Service \(0.22\)

- **Waikolu System**
  - 1. DOA MIS \(2.70\)

**SOUTHEAST SECTOR**

- **Kamiloloa System**
  - 1. Hawaiian Research \(0.26\)

- **Kawela System**
  - 1. County DWS \(0.32\)
  - 2. Kawela Plantation \(0.40\)
  - 3. Kamalo Ranch \(0.04\)
  - **Subtotal** \(0.76\)

- **Ualapue System**
  - 1. County DWS \(0.18\)
  - 2. Kamalo Ranch \(0.22\)
  - 3. Place, M. J. \(0.22\)
  - **Subtotal** \(0.62\)

- **Alpha USA** \(2.0\)

**WEST SECTOR**

**TOTAL** \(11.55\)

---

1 Water development source unidentified.
Molokai Working Group

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

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<td>Agriculture, Dairy, Pastures:</td>
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<td>1. Ag. Park - Kualapuu</td>
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<td>2. Coffee - 800 acres</td>
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<td>3. Dairy - 4,000 head</td>
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<td>Alpha USA</td>
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*Estimates furnished by users and were accepted by working group without challenge.

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

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

3Water development source unidentified

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

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

**BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD**

**CENTRAL SECTOR**
- Manawaiinui System
  1. Hawaiian Research 0.56

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

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

- Waikolu System
  1. DOA MIS 1.13

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

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

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

**WEST SECTOR**
0.00

**TOTAL** 5.10

EXHIBIT 6
1993 September 15

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM 3  Sea Life Park Wells (139-01, 62, 140-02, 11)

Background

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

Analysis & Issues

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

Recommendation:

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

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

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

Public Notice

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

Objections/Comments

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

Well Location

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

Analysis:

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

Water Availability.

What is existing use from the Honokowai System?

RECOMMENDATION:

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

ITEM 6  Kalaeloa Wells  1405-10-12

Analysis:

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

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

Analysis & Issues

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

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

RECOMMENDATION

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

WATER USE PERMIT DETAILED INFORMATION

Nearby Surrounding Wells and Other Registered Ground Water Use

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

ITEM 8 Kawela Ground Water Management Area

1. David W. Curtis

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

3. Kawela Plantation

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

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

ITEM 9 Kualapuu Water Management Area 0801-01,02, 1059-01

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

ITEM 10 Manawainui Ground Water Management Area 0403-01, 0445-01, 0403 0706-02

Oral testimony may be presented.

ITEM 11 Ualapue Ground Water Management Area 0352-12, 0478-01, 0449-01

Analysis & Issues

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

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

ITEM 13 Department of Agriculture Waikolu Wells 0845-01, 0706

Analysis & Issues

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

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager

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

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

September 13, 1993  

Commission on Water Use Management  
Mr. Keith Phue, 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:  

0352-10, 0455-17, 0456-04 ... , 0454-16, 0457-01  

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

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

   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. Objection. 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 to 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 14: 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 violate 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, Kalamaualua
Homestead Assn, Professor of Law,
University of Hawaii
June 22, 1993

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

Dear Mr. Ahue:

Thank you for your letter dated June 9, 1993 regarding Notice of an Application for a Water Use Permit - Ualapue Ground Water Management Area, Molokai.

Please be advised that I have forwarded a copy of your letter to James Apana, Chair of the Human Services, Housing, Water and Agriculture Committee, Manuel Moniz, Jr., Chair of the Planning Committee, and Patrick Kawano, Molokai Council Member for their information and review.

I appreciate your informing me of your position on this matter.

Sincerely,

GORO HOKAMA
Council Chair

GH:41:ml3
June 18, 1993

MEMORANDUM

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit Application -- Well No. 0448-01
Mapulehu, Molokai
TMK: 5-7-08: 76

This is a well that has been in existence for several years. We believe that its use for irrigating an existing nursery will have "no effect" on a preserved significant historic site on the property, site 1851, a burial site.

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

AG:111
June 21, 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:

O'ahu and Moloka'i WMA Water Use Permit Applications

Thank you for the opportunity to comment on the following applications:

O'ahu:
- Ewa-Kunia: Grace Pacific, Inc. 2104-01
- Kalihi: Kamehameha Schools/Bishop Estate 2051-01
- Waialae: Honolulu BWS/Kupaua
- Waimanalo: Oceanic Institute

Moloka'i:
- Ualapue: Osborne
- Waialua: Mahealani Ranch
- Wai'alea: Matayoshi

We have no objections to any of these, as presented. The information for the Matayoshi application does not indicate potential stream impacts through the reporting of flow data; presumably, the applicant must also request a stream diversion permit, and will provide relevant information at that time.

The Grace Pacific application will presumably be acted upon after other claimants to Pearl Harbor Aquifer groundwater, including the Department of Hawaiian Home Lands, have preexisting requests determined.

Warmest aloha,

John P. Rowe

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission
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DATE: June 17, 1993

TO:  Mr. Keith W. Ahue, Chairperson
     Commission on Water Resource Management, DLNR
     State of Hawaii
     Fax No. 587-0390

Subject: DWS COMMENTS ON WATER USE PERMITS - GROUNDWATER MANAGEMENT AREA

No. of Pages (including this transmittal): 4

REMARKS: SIGNED RESPONSE SHEETS (3) ARE TRANSMITTED HEREWITH.

Transmitter: Dana De Sors

NOTE: If you have not received all of the pages, please call

       Anita @ (808) 243-7835.
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. David Craddick

Page 2

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

RH:ko
Attachment(s)

RE: UALAPUE GROUND WATER MANAGEMENT AREA, HOLOKAI
WATER USE PERMIT APPLICATION [MHK 5-7-08:076]

Response:
Contact person: DANA DE SORS/ELLEN KRAFTSOW Phone: 243-7835

( ) We have no comments [Reviewed by DWS-Molokai 6/15/93]
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: David A. Craddick, Director
DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI

Date: 6/16/93
Mr. Keith Ahue, Chairperson  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Ahue:

RE: Water Use Permit Applications for:  
Mahealani Ranch, Well No. 0352-09;  
Ellen M. Osborne, Well No. 0448-01; and  
Thomas N. Matayoshi, Well No. 0548-01

We have reviewed the Water Use Permit Applications for the three requesters identified above. Based on the information provided, we have no objections to the granting of the permit to these existing users.

Sincerely,

LINDA CROCKETT LINGLE  
Mayor, County of Maui

NP:jso  
c:\letter\609
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. David Craddick, Director
   Maui Department of Water Supply

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

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

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form by June 22, 1993.

Additionally for your information, the deadline to submit a ground water use permit application for existing uses from existing wells in Windward Oahu and the island of Molokai is July 15, 1993. We respectfully ask that you publish this information in any of your public newsletters, bulletins, etc. This additional help would be greatly appreciated.
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. David Craddick

Page 2

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

RH:ko
Attachment(s)

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, Hawaii 96793

Dear Mayor Lingle:

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

In accordance with the Department of Land and Natural Resource Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit application for Ellen M. Osborne for Well No. 0448-01, which was published in the 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 a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

Very truly yours,

KEITH W. AHUE
CHAIRPERSON

Enc.
Honorable Byron Walters, Chair  
Board of Water Supply  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Walters:

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

In accordance with the Department of Land and Natural Resource Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit application for Ellen M. Osborne for Well No. 0448-01, which was published in the 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 enclosed a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

Very truly yours,

KEITH W. AHUE

Enc.
Honorable Goro Hokama, Chair  
County Council  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Hokama:

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

In accordance with the Department of Land and Natural Resource Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit application for Ellen M. Osborne for Well No. 0448-01, which was published in the 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 a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

Very truly yours,

KEITH W. AHUE

Enc.
PUBLICATION
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."

Kamalo (Well No. 0352-09)
Applicant: Mahealani Ranch
P.O. Box 825
Kaanakakai, HI 96748
Date Completed Application Received: January 20, 1993
Aquifer: Ulupalakua System, Southeast Sector, Molokai
Well Source: Kamalo Well, Well No. 0352-09, at Kamalo, Molokai, at Tax Map Key: 5-7-7555
Quantity Requested: 10,000 gallons per day
Existing Water Use: Irrigation of 2 acres of limes & pasture
Place of Water Use: Kamalo/Kapunui at Tax Map Key: 5-6-7-55

Mapulehu Shaft #1 (Well No. 0448-01)
Applicant: Ellen M. Osborne
Star Route 224-A
Kaanakakai, HI 96748
Date Completed Application Received: April 7, 1993
Aquifer: Ulupalakua System, Southeast Sector, Molokai
Well Source: Mapulehu Shaft #1, Well No. 0448-01, at Star Route 224-A, Molokai at Tax Map Key: 5-7-8-76
Quantity Requested: 2,600 gallons per day
Existing Water Use: Irrigation of 4.5 acres of ginger & heliconia
Place of Water Use: Star Route 224-A at Tax Map Key: 5-7-8-76

Matayoshi T. (Well No. 0548-01)
Applicant: Thomas N. Matayoshi
Star Route Box 301
Kaanakakai, HI 96748
Date Completed Application Received: March 2, 1993
Aquifer: Waialua System, North Sector, Molokai
Well Source: Matayoshi T. Well, Well No. 0548-01, at Star Route Box 301, Molokai at Tax Map Key: 5-7-5-83
Quantity Requested: 215 gallons per day
Existing Water Use: Irrigation of 1 acres of citrus fruit
Place of Water Use: Star Route Box 301 at Tax Map Key: 5-7-5-83

Oupa (Well No. 1744-05)
Applicant: Honolulu Board of Water Supply
630 South Beretania St.
Honolulu, HI 96813
Date Completed Application Received: December 7, 1992
Aquifer: Waialae System, Honolulu Sector, Oahu
Well Source: Oupa Well, Well No. 1744-05, at Oupa Valley, Oahu at Tax Map Key: 3-7-743
Quantity Requested: 200,000 gallons per day
Existing Water Use: Honolulu Municipal System
Place of Water Use: Honolulu System

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, or any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state properly or other interest in the matter; (2) set forth sections 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 June 22, 1993 to 1) the Commission on Water Management, P.O. Box 321, Honolulu, Hawaii 96806 and 2) a copy of the objection to the applicant at the above address.

COMMISSION ON WATER MANAGEMENT
KEITH W. AHU
Chairperson

Affidavit of Publication

STATE OF HAWAII
City and County of Honolulu

Hiroko Nakamura, being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of the HAWAII NEWSPAPER AGENCY LIMITED PARTNERSHIP, a partnership of GANNETT PACIFIC CORPORATION, publisher of THE HONOLULU ADVERTISER, and LIBERTY NEWSPAPERS LIMITED PARTNERSHIP, publisher of the HONOLULU STAR-BULLETIN, that said newspapers are newspapers of general circulation in the state of Hawaii, and that the attached notice is a true notice as was published in the aforementioned newspapers as follows:

The Honolulu Advertiser: times on

Honolulu Star-Bulletin: two times on

May 24, 1993
June 7, 1993

Sunday edition of The Honolulu Advertiser: times on

and that affiant is not a party to or in any way interested in the above entitled matter.

Hiroko Nakamura

Subscribed and sworn to before me this 7th day of June 1993
A.D. 1993

Eve A. Murayama
Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires March 7, 1996
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
   Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: __________________________ Phone: __________________________

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

Signed: __________________________ Date: ________________

________________________

MAY 17 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
          Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: William Devick

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

Signed: Henry M. Sakuda, Administrator
Division of Aquatic Resources

Date: 5/19/93
MEMORANDUM

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

FROM: Henry Sakuda, Administrator
Division of Aquatic Resources

SUBJECT: Comments on Water Use Permit Application by Ellen M. Osborne for
Well No. 0448-01, Ualapue Ground Water Management Area, Molokai

The application involves pumping up to 2,600 gallons of non-potable water per day for irrigation purposes from seepage into an old well. Because a map was not attached, we are unsure of the specific location of the well. Given the general area and the small amount of water that will be withdrawn, it is unlikely that any stream biota would be affected.
MEMORANDUM

TO:  

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

Response: Contact person: Gordon Akita  
Phone: 70227

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

Signed: [Signature] Date: 5/18/93

Response: Contact person: Gordon Akita  
Phone: 70227

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

Signed: [Signature] Date: 5/18/93
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT

☐ Ground Water or ☐ Surface Water

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96808. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulatin Branch at 587-0025.

1. (a) APPLICANT
   Firm/Name: ELLYN M. OSBORNE
   Contact Person: S. C. M.
   Address: STAR RD 224-A, KAUAIRIKI
   Phone: 558-8160
   (b) LANDOWNER
   Firm/Name: KNSDA
   Contact Person: Bob M. Wieder
   Address: A. A. M. CO 169
   Phone: 877-5561

2. WATER SUPPLY TO BE SERVED (explain): IOLAPUDE MOLOKAI
   3. (a) EXISTING SOURCE NAME AND STATE NUMBER:
   (b) PROPOSED (NEW) SOURCE NAME: 0002

4. SOURCE LOCATION: Address: STAR RD 224-A, KAUAIRIKI
   Tax Map Key: 5-7-08:76
   (Attach a USGS map, scale 1:2000, and a property tax map showing source location referenced to established property boundaries)

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

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Address: STAR RD 224-A
   Tax Map Key: 5-7-08:76
   (b) Land Use District (check one):
   ☐ Urban ☐ Agriculture ☐ Conservation ☐ Rural
   (c) County Zoning (describe)

8. QUANTITY OF WATER REQUESTED: 2,160 MAX. gallons per day

9. METHOD OF MEASUREMENT:
   ☐ Flowmeter ☐ Open-pipe ☐ Well ☐ Office ☐ Other (explain)

10. QUALITY OF WATER REQUESTED:
    ☐ Fresh ☐ Brackish ☐ Saline ☐ Potable ☐ Non-Potable

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

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

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

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 3AM-7AM
    (Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
    (a) Impact on Sustainable yield (?): 0
    (b) Permanent or Interim
    Instream Flow Standards affected (?): 0
    (c) Hawaiian Home Lands uses affected (?): 0
    (d) Other existing uses affected (?): 0
    (e) Other:

16. REMARKS, EXPLANATIONS: THIS WELL WAS DUG AND LAND WAS ROCKY SOMEWHERE IN THE 1920S, I HAVE EXCAVATED AS MUCH AS POSSIBLE TO RECLAIM

(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 existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that upon permit approval, a water shortage plan must be submitted should the Commission require one.

Applicant (print) ELLYN M. OSBORNE
Signature __________________________
Date of filing: 22 JAN 93

Landowner (print) ROBERT D. WIEGER
Signature __________________________
Date of filing: 01 JUN 93

For Official Use Only:
Date Received __________________________
Hydrologic Unit No. __________________________
Diversion Works No. __________________________
State Well No. __________________________
REMARKS, EXPLANATIONS (cont.):  As much water as possible because of large boulders and sediment at the well's bottom. I am unable to use the well. Sometime in the future, I hope to be able to remove the boulder(s) and then be able to pump the well; at present it contains about 2600 gallons. It requires 24 hours to refill from underground water resources.

22 Jan '73
MAY 12 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
          Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: __________________________ Phone: ________________

(✓) We have no comments  The subject property is not located within the Conservation District.
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ______ DATE: May 17, 1993
Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: ____________________________ Phone: ____________________________

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

Signed: ____________________________ Date: 5/13/93
**APPLICATION FOR WATER USE PERMIT**

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

**APPLICATION FOR WATER USE PERMIT**

1. **APPLICANT**
   - **Firm/Name**: ELLEN M. O'SCORAT
   - **Contact Person**:
   - **Address**: STAR AVE 224-A, KAWAWEAKO
   - **Phone**: 558-8160

2. **LANDOWNER**
   - **Firm/Name**: MSA
   - **Contact Person**: EDDA WUEBBER
   - **Address**: A. R. A. K. C. P. M.
   - **Phone**: 57-8541

3. **EXISTING SOURCE NAME AND STATE NUMBER**
   - **NEW**
   - **Well or stream diversion name/number**: 0449-01 MIRAIWEN SHAFT #1

4. **SOURCE LOCATION**
   - **Address**: STAR AVE 224-A, KAWAWEAKO
   - **Tax Map Key**: 5-7-08:76
   - **(Attach a USGS map, scale 1"x1" or 2000', and a property map showing source location referenced to established property boundaries.)

5. **SOURCE TYPE**
   - **(check one)**
     - Stream
     - Artesian Flow
     - Domestic
     - Water
     - Pump
     - Diverted Surface Flow
     - Other

6. **METHOD OF TAKING WATER**
   - **(check one)**
     - Artesian Flow
     - Well
     - Pump
     - Diverted Surface Flow
     - Other

7. **LOCATION OF PROPOSED WATER USE**
   - **(if possible, show on same maps as source location. Otherwise, attach similar maps)**
   - **Address**: STAR AVE 224-A
   - **(Land Use District)**
   - **(County Zoning)**

8. **QUANTITY OF WATER REQUESTED**
   - **gallons per day**: 2,600

9. **METHOD OF MEASUREMENT**
   - **(check one)**
     - Flowmeter
     - Open-pipe
     - Weir
     - Office
     - Other

10. **QUALITY OF WATER REQUESTED**
    - **(check one)**
      - Fresh
      - Salt
      - Potable
      - Non-Potable

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

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

13. **TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP**
    - **acre**
    - **crop**: 4.5

14. **PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION**
    - **(indicate hours of operation)**: 7am-3pm

15. **APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE**
    - **(a)** Impact on Sustainable yield?
    - **(b)** Permanant or Interim
    - **(c)** Instream Flow Standards affected?
    - **(d)** Hawaiian Home Land uses affected?
    - **(e)** Other existing legal uses affected?

16. **REMARKS, EXPLANATIONS**
    - **IN THE 1980S, I HAVE EXCAVATED AS MUCH AS POSSIBLE TO MECHANICAL USE IN THE 1980S, I HAVE EXCAVATED AS MUCH AS POSSIBLE TO MECHANICAL USE ON THE LAND.**

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

**Applicant (print)** ELLEN M. O'SCORAT

**Signature** ELLEN M. O'SCORAT

**Date** 22-09-93

**Landowner (print)**

**Signature** ROBERT D. WIEDER (EO-TEAS)

**Date** Jan 28, 1993

For Official Use Only:
- **Hydrologic Unit No.**
- **Diversion Works No.**
- **State Well No.**
15 REMARKS, EXPLANATIONS (cont'd): As much water as possible. Because
of large boulders and sediment at the well's bottom, I am
unwilling to use the well. Therefore, in the future, I hope to
be able to remove the boulder(s) and then be able to pump
the well. At present it contains approx. 2,600 gallons. It
requires 24 hours to refill from underground water resources.

22 Jan '93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: ___________________________ Phone: ________________

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

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.

Signed: ___________________________ Date: ________________
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Firm/Name: ELEN M. OSGOODE
   Contact Person: S. OSGOODE
   Address: STAR AVE 224-A
   KAWAIAKAU 141
   96704

(b) LANDOWNER
   Firm/Name: NSA
   Contact Person: ROBERT WICKER
   Address: FIO. PO BOX 67
   LIGEIA, HI 96701

2. WATER USE PERMIT NO.: OAHU-01 MAUWEN SHAFT #1
   (well or stream diversion name/number)

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:
   "OAHU-01 MAUWEN SHAFT #1"
   (b) PROPOSED (NEW) SOURCE NAME:

4. SOURCE LOCATION:
   Address: STAR AVE 224-A
   KAWAIAKAU
   Tax Map Key: 5-7-08:70
   (Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

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

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

7. LOCATION OF PROPOSED WATER USE (if possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Address: STAR AVE 224-A
   Tax Map Key: 5-7-08:70
   (b) Land Use District (check one):
   □ Urban □ Agriculture □ Conservation □ Rural
   (c) County Zoning (describe):

8. QUANTITY OF WATER REQUESTED: 2,160 gallons per day

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

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

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

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

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:
    4.5
    (acre) (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
    7am 3pm
    (Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
    (a) Impact on Sustainable yield (?):
    (b) Permenant or Interim
    □ Instream Flow Standards affected (?): none
    □ Hawaiian Home Land uses affected (?): no
    □ Other existing legal uses affected (?): no
    (e) Other:

16. REMARKS, EXPLANATIONS:
    THIS WELL WAS DUG AND LINED WITH ROCK SOMEWHERE IN THE 1920'S. I HAVE EXCAVATED AS MUCH AS POSSIBLE TO EXCAVATE.

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

Applicant (print): ELEN M. OSGOODE

Landowner (print): ROBERT W. WICKER

Signature: ELEN M. OSGOODE

Signature: ROBERT W. WICKER

For Official Use Only:
Date Received: 22 Jan 93
Hydrologic Unit No.: Diversion Works No.: State Water No.
Date Accepted: 22 Jan 93

For Official Use Only:
Division Works No.: State Water No.
REMARKS, EXPLANATIONS (cont'd):

As much water as possible. Because of large boulders and sediment at the well's bottom, I am unable to use the well. Sometime in the future, I hope to be able to remove the boulder(s) and then be able to pump the well. At present it contains approx. 2,000 gallons. It requires 24 hours to refill from underground water resources.

[Signature]

22 Jan '93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: ____________________________ Phone: ________________

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

Signed: ____________________________ Date: ________________
## APPLICATION FOR WATER USE PERMIT

### Instructions:
- Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management.
- Application must be accompanied by a non-refundable filing fee of $25.00 payable to the自然界 and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 947-0025.

### 1. (a) APPLICANT

<table>
<thead>
<tr>
<th>Firm/Name</th>
<th>ELLEN M. OSBORNE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person</td>
<td>S. AYER</td>
</tr>
<tr>
<td>Address</td>
<td>STAR ROUTE 224-A, KAWACAY</td>
</tr>
</tbody>
</table>

### (b) LANDOWNER

<table>
<thead>
<tr>
<th>Firm/Name</th>
<th>HSIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person</td>
<td>BOB WIENER</td>
</tr>
<tr>
<td>Address</td>
<td>A. P.O. BOX 1051</td>
</tr>
</tbody>
</table>

### 2. WATER WENT TO... VALAPUE, MOLOKAI

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

<table>
<thead>
<tr>
<th>#</th>
<th>OIL VaI WAV EL SHAFT #1</th>
</tr>
</thead>
</table>

### (b) PROPOSED (NEW) SOURCE NAME: 2000

### 4. SOURCE LOCATION:

<table>
<thead>
<tr>
<th>Address</th>
<th>STAR ROUTE 224-A, KAWACAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Map Key</td>
<td>S-7-08:76</td>
</tr>
</tbody>
</table>

### 5. SOURCE TYPE (check one):

- Stream
- Dike-confined
- Perched
- Caprock

### 6. METHOD OF TAKING WATER (check one):

- Artisanal Flow
- Well & Pump
- Diverted Surface Flow
- Other (explain)

### 7. LOCATION OF PROPOSED WATER USE:

<table>
<thead>
<tr>
<th>Address</th>
<th>STAR ROUTE 224-A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use District (check one):</td>
<td>Urban</td>
</tr>
<tr>
<td>(b) County Zoning (describe):</td>
<td>Rural</td>
</tr>
</tbody>
</table>

### 8. QUANTITY OF WATER REQUESTED:

| Gallons per day | 2,160 |

### 9. METHOD OF MEASUREMENT:

- Flowmeter
- Open pipe
- Well
- Office
- Other (explain)

### 10. QUALITY OF WATER REQUESTED:

- Fresh
- Endangered
- Salt
- Potable
- Non-Potable

### 11. PROPOSED USE:

- Municipal (including hotels, stores, etc.)
- Domestic (individual, noncommercial, etc.)
- Irrigation
- Industrial
- Military
- Other (explain)

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

| Units | N/A |

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

<table>
<thead>
<tr>
<th>Acres</th>
<th>4.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop</td>
<td>HELCOINA</td>
</tr>
</tbody>
</table>

### 14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:

| Time | 7am-3pm |

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

- Impact on Sustainable yield?: VALEMAUL
- Permanant or interim Instream Flow Standards affected?: NO
- Hawaiian Home Land uses affected?: NO
- Other existing legal uses affected?: N/A

### 16. REMARKS, EXPLANATIONS:

- THIS WELL WAS DUG AND LINED WITH ROCK SOMEWHERE IN THE 1970s. I HAVE EXCAVATED AS MUCH AS POSSIBLE TO RECLAIM.

---

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

Applicant (print): ELLEN M. OSBORNE

Landowner (print): ROBERT D. WIEDER

Signature: ELLEN M. OSBORNE

Date: 22 Jan 93

Signature: ROBERT D. WIEDER

Date: Jan 28, 1993
REMARKS, EXPLANATIONS (cont.):

As much water as possible. Because of large boulders and sediment at the well's bottom, it was unable to use the well. Sometime in the future, (hope to be able to remove the boulder(s) and then be able to pump the well; it contains approx. 2,600 gallons. It requires ~4 hours to refill from underground water resources.

Tom M. Otis
22 Jan '93
HAWAII NEWSPAPER AGENCY
LEGAL ADVERTISING DEPARTMENT
P. O. BOX 3350
HONOLULU, HAWAII 96801
PHONE: 525-7420
FAX: 525-7449 (ATTN: LEGAL AD DEPT.)

*** FAX TRANSMITTAL SHEET ***

DATE: May 13, 1993

NUMBER OF SHEETS (INCLUDING TRANSMITTAL SHEET): 2

TO:
COMPANY: DLNR - Comm. on Water Resource Mgmt.
ATTN: Faith
FAX NO.: (587-0219)

FROM:
COMPANY: HAWAII NEWSPAPER AGENCY
DEPT.: LEGAL ADVERTISING - THERESA/MARGIE
PHONE NO.: (808) 525-7420
FAX NO.: (808) 525-7449 (ATTN: LEGAL AD DEPT.)

PROOF YOUR AD CAREFULLY AND CALL IN ANY CORRECTIONS OR
OKAY BY 10:00 A.M., Thurs. 5/13/93
FACSIMILE TRANSMITTAL PAGE

Please deliver the following pages to:

Name: Hawaii Newspaper Agency
Company: Honolulu Star Bulletin
From: Faith/Commission on Water Resource Management
Date: May 10, 1993

Message: Public Notice for publishing on May 24 and June 7. See attached notice and purchase order. Please send proof prior to printing.

Total number of pages (including Transmittal Page): 5

If you do not receive all of the pages legibly, please call back: (808) 387-0216.
Sending Facsimile Number: (808) 387-0219
Receiving Facsimile Number: (808) 522-7449

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

** COUNT **
# 5

*** SEND ***

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<th>DURATION</th>
<th>#PAGES</th>
<th>COMMENT</th>
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<td>5-10-93 11:28AM</td>
<td>2'46&quot;</td>
<td>5</td>
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TOTAL 0:02'46" 5

XEROX TELECOPIER 7020
# Public Notice

Applications for Water Use Permits - Ground Water Management Areas

Publish in Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993

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<table>
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<th>QUAN.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>OBJECT</th>
<th>UNIT PRICE</th>
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<td>PUBLIC NOTICE - Applications for Water Use Permits - Ground Water Management Areas</td>
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**Requisition No.** 00137943

**Vendor:**
- **Number:** 117494
- **SF:** X

---

**Authorization:**
- **Requisitioner:** Faith FURUUCHI
- **TelephoneNumber:** 587-0216
- **Authorized Signature:** ANNE FURUUCHI

---

**For Department Use Only**

**State Accounting Form C-03**
Ms. Ellen M. Osborne  
Star Route 224-A  
Kaunakakai, HI 96748  

Dear Ms. Osborne:

Enclosed is a copy of the public notice for your water use permit application for Well No. 0448-01, which will be published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

Please be aware that there may be objections to your application. 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 application 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.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

RH:ko  
Encl.
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
Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Ellen M. Osborne for Well No. 0448-01. Public notice of this application was published in the Honolulu Star Bulletin issues of May 24, 1993 and June 7, 1993.

We would appreciate your review of the attached application and please return this form June 22, 1993.

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

RH:ko
Attachment(s)

Response: Contact person: __________________________________________________________________________ Phone: ____________

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

Signed: __________________________________________________________________________ Date: ____________
Mr. Dave Martin  
Native Hawaiian Advisory Council  
1088 Bishop St., Suite 1204  
Honolulu, Hawaii 96813

Ms. Rachel Kamakana  
P.O. Box 145  
Kaunakakai, Hawaii 96748

Mr. Matthew Adolpho  
Moomomi Ave.  
Kaunakakai, Hawaii 96748

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

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

Ms. Noelani Joy  
Farrington Ave.  
Kaunakakai, Hawaii 96748

Mr. Wayne Meyer  
P.O. Box 454  
Kaunakakai, Hawaii 96748
APPLICATION FOR WATER USE PERMIT

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

APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Firm/Name: EUGENIO M. OSORENA
   Address: STAR GT 224-A, KAAWAAKAAI
   Phone: 808-556-8160
   Contact Person: EUGENIO M. OSORENA
   Address: STAR GT 224-A, KAAWAAKAAI
   Phone: 808-556-8160
   Contact Person: EUGENIO M. OSORENA

   Signature: EUGENIO M. OSORENA

   (b) LANDOWNER
   Firm/Name: N/S
   Address: STAR GT 224-A, KAAWAAKAAI
   Phone: 808-556-8160
   Contact Person: ROBBIE HUGER
   Address: STAR GT 224-A, KAAWAAKAAI
   Phone: 808-556-8160
   Contact Person: ROBBIE HUGER

   Signature: ROBBIE HUGER

2. WATER SOURCE:
   Name: KAAWAAKAAI
   Location: KAAWAAKAAI

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:
   Name: OAHU-01 MAUIWAI SHAFT #1
   State Number: 006

   (b) PROPOSED (NEW) SOURCE NAME: 006

4. SOURCE LOCATION:
   Address: STAR GT 224-A, KAAWAAKAAI
   Tax Map Key: 5-7-08:70
   (Attach a USGS map, scale 1"=2000", and a property tax map showing source location referenced to established property boundaries.)

5. SOURCE TYPE (check one):
   Stream
   Artificial Flow

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Address: STAR GT 224-A, KAAWAAKAAI
   Tax Map Key: 5-7-08:70
   (b) Land Use District (check one):
   Urban
   Industrial
   Agriculture
   Rural

8. QUANTITY OF WATER REQUESTED: 2,100 gallons per day

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

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

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

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain):
  
13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:
    4.5
    GINGER
    (acres)
    (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 7am-3pm
    (Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
    (a) Impact on Sustainable yield (ifyes?):
    UNKNOW
    (b) Permanent or Interim
    Instream Flow Standards affected (ifyes?): NO
    (c) Hawaiian Home Land uses affected (ifyes?): NO
    (d) Other existing legal uses affected (ifyes?): NO
    (e) Other:

16. REMARKS, EXPLANATIONS: THIS WELL WAS DUG AND LAND WITH ROCK SOMEWHERE IN THE 1920S. I HOLE EXCAVATED AS MUCH AS POSSIBLE TO RECLAIM
    (If more space is needed, continue on back side)

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

Applicant (print): EUGENIO M. OSORENA
Landowner (print): ROBERT O. HUGER

Signature: EUGENIO M. OSORENA
Signature: ROBERT O. HUGER

Date: 02/28/83
Date: 03/28/83

For Official Use Only:
Date Received: 
Hydrologic Unit No.:
Division Works No.:
State Well No.:
REMARKS, EXPLANATIONS (cont'd): As much water as possible. Because of large boulders and sediment at the well's bottom, I am unable to use the well. Sometime in the future, I hope to be able to remove the boulder(s) and then be able to pump the well; at present it contains approx. 2500 gallons. It requires 24 hours to refill, from underground water resources.

[Signature]

22 Jan '93
Mr. Roy Hardy  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, HI  96809

Dear Mr. Hardy:

I am in receipt of your letter dated March 29, 1993, requesting further information regarding my water use permit application for the Mapulehu Shaft #1 (Well No. 0448-01), TMK 5-7-08-76.

The Maui County zoning for this parcel is agricultural; the location of proposed use is indicated in yellow highlighting on the enclosed map.

It is highly unlikely that I will use this well; it is blocked at the well’s bottom by a large boulder and with this boulder in it, it is a seepage well, providing about 2,600 gallons in every 24 hours. Mr. Sterling Chow has done some research for you about the well.

If you have further questions, please contact me at 558-8160.

Sincerely,

Ellen M. Osborne, Lessee  
Hawaiian Sugar Planters’ Association
Dear Mrs. Osborne:

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

We acknowledge receipt, on February 3, 1993, of your water use permit application for the Mapulehu Shaft #1 (Well No. 0448-01).

However, your application is incomplete. We have limited information from your registration file, but we need to know the following additional information:

1. Your county zoning code for the location of proposed use.

2. Location of your proposed use. Please indicate your use location on the attached TMK Map.

Upon receipt of the requested information, we will continue to process your application and will send you a copy of the public notice and any further information regarding your application status. 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.

Normally, one can expect their application to be processed within ninety (90) days from the date of receipt. However, a condition imposed by the Commission during designation proceedings is temporarily holding final action on all water use permit applications on Molokai until the end of March 1993. This may cause your application to go beyond the normal action time limit.

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

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

RH:fc
Attach.
January 29, 1993

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

Gentlemen:

Enclosed is the application of Water Use Permit for well #0448-01, Mapulehu Shaft #1, and the $25.00 filing fee.

Please call Ellen Osborne at 558-8160 on Molokai if you have any questions.

Sincerely,

Robert D. Wiemer

RDW: cp
Encls.

cc: E. Osborne
<table>
<thead>
<tr>
<th>INVOICE NO.</th>
<th>INVOICE DATE</th>
<th>DESCRIPTION</th>
<th>ACCOUNT CODE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Filing fee for Application for Water Use Permit/Molokai</td>
<td></td>
<td>$25.00</td>
</tr>
</tbody>
</table>

REMITTANCE ADVICE for CHECK No. 33560
APPLICATION FOR WATER USE PERMIT

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

APPLICATION FOR WATER USE PERMIT

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 808-587-0225.

1. (a) APPLICANT
Firm/Name: ELENA M. OSBORN
Contact Person: SUE M. Ph: 538-8760
Address: 9678 KAAIAKAI RD. #12
   WAILuku, MOLOKAI 96788
(b) LANDOWNER
Firm/Name: USAI
Contact Person: DAVE WIDMER Ph: 687-5821
Address: 246-884 ANEKA
   MOLOKAI, M. 96775

2. WATER SUPPLIED TO: WAILuku, MOLOKAI
   (well or stream diversion name/number)

3. (a) EXISTING SOURCE NAME AND STATE NUMBER: *0448-01 MAUNALEI SHAFT #1
   (well or stream diversion name/number)
(b) PROPOSED (NEW) SOURCE NAME: *0448

4. SOURCE LOCATION: Address: STAR ROUTE 224-A, KAAIAKAI
   Tax Map Key 5-7-08:10
   (Attach a USGS map, scale 1"=2000", and a property tax map showing source location referenced to established property boundaries.)

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

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
(a) Address: STAR ROUTE 224-A
   Tax Map Key 5-7-08:10
(b) Land Use District (check one): [] Urban [] Agriculture [] Conservation [] Rural
(c) County Zoning (describe areal extent):

8. QUANTITY OF WATER REQUESTED: 2,1600 monthly gallons per day

9. METHOD OF MEASUREMENT: [] Flowmeter [] Open-pipe [] Weir [] Orifice [ ] Other (explain)

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

11. PROPOSED USE: [] Municipal (including hotels, stores, etc.) [] Domestic (individual, noncommercial, etc.) [] Irrigation
    [] Industrial [] Military [] Other (explain)

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain): 0/A

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: 4.5 GINGER, NEOLONIA (acres) (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 7:00 am (Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
(a) Impact on Sustainable yield (?): [ ] Unknown
   (b) Permanent or Interim
      Instream Flow Standards affected (?): [ ] None
      (c) Hawaiian Home Land uses affected (?): [ ] No
      (d) Other existing legal uses affected (?): [ ] No
      (e) Other: [ ]

16 REMARKS, EXPLANATIONS: THIS WELL WAS DRILLED AND LINED WITH ROCK SORIING IN THE 1970S, LIQUE EXCAVATED AS MUCH AS POSSIBLE TO RECLAIM
   (If more space is needed, continue on back side)

Applicant (print) ELENA M. OSBORN
Signature: ____________________________
Author (print) ROBERT D. WIDMER, SE-TEAS.
Signature: ____________________________
Date 22 JUN 93 Date 28 JUL 93

For Official Use Only:
Date Received ____________________________ Hydrologic Unit No. ____________________________
Date Accepted ____________________________ Diversion Works No. ____________________________
Notice Dates: ____________________________ Mayor ____________________________ BWS ____________________________
Note: _____________________________________ Bulletin ____________________________ Public Hearing ____________________________

6/24/92 WUA Form
Surface water diversion 0448-01 on TMK: (2) 5-7-007:028  
owned by Nathaniel and Anne Curtis Bacon  
requesting extractive means to use up to 1,000 gpd (via solar pump)

Well called Mapulehu Shaft, noted on two different parcels, both field investigated  
ownership therefore in question, and WUP 214 issued also in question as to proper party of issuance  
use not being reported, raising question of potential revocation (no competing users).
Hi Charlie,

Just a bit more info... tmk - 5-7-008:076 was sold to the County of Maui by previous owner Nene O Molokai on 09/23/2004 (sale date) and 1004/2004 (recording date). The previous sale date was 06/18/1998 and recording date 06/1998. There is a one bedroom/one bath dwelling on property and they do have DWS water service.

Tmk - 5-7-005:002 are currently owned by Samuel and Pauline Castanera. It was sold to them by Pearl F. Petro on 01/06/2006 (sale date) and 01/13/2006 (recording date). There are no dwellings on the property. They do have DWS water service and the service holder name is Stephen Petro.

Our Molokai field staff confirms what our Engineering Division told me that to their knowledge there are no county wells in that area. They also have not been able to confirm the location of Mapulehu Shaft 1 (Well No. 0448-01).

Mahalo,
Arnold

>>> <Charley.F.Ice@hawaii.gov> 6/22/2010 1:30 PM >>>

Thanks, Arnold.
Can you document the ownership of Mapulehu Shaft (0448-01)? We show that it was owned by HSPA/HARC, but transferred somehow to MDWS. Yet our records show that a water use permit #214 for it is issued to Pearl Hodgins, the "landowner of record".
In part, this could be the product of faulty locating of the well. Clearly the County owns (2) 5-7-008:076, and clearly Pearl Hodgins owns (2) 5-7-005:002, and we have field verifications of both these parcels for the well. Do you have a lat-long we could compare with ours?

"Arnold Imaye" <Arnold.Imaye@co.maui.hi.us>
06/22/2010 12:56 PM
To
<Charley.F.Ice@hawaii.gov>
cc

Subject
Mapalehu Shaft

Hi Charlie,

Ellen is busy working on the Lanai WUDP for presentation to the Board of Water Supply on Thursday, June 24, 2010. She'll be free to on Friday, June 25, 2010. She said that a message was left on Engineering District Supervisor for Upcountry, West Maui and Molokai Alan Murata's phone regarding Mapalehu shaft. She asked me to inquire about your questions or concerns regarding this.

Mahalo,
Arnold Y. Imaye, Staff Planner
Water Resources & Planning Division
Department of Water Supply, County of Maui

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County of Maui.
IT Security measures will reject attachments larger than 12 MB, and will block or quarantine high-risk file types in attachments.

-----------------------------

County of Maui.
IT Security measures will reject attachments larger than 12 MB, and will block or quarantine high-risk file types in attachments.
Hi Charlie,

I'm still researching issue of ownership of Mapulehu Shaft 1 (Well No. 0448-01). At this time, I have not been able to document the ownership of the well.

Regarding the Water Use Permit application #214 by Pearl Hodgins, what is the date of the application, the source location and the tax map key?

I did find the HSPA Water Use Permit application dated January 28, 1993 in which Ellen M. Osborne lists the existing source name as #0448-01 Mapulehu Shaft 1 and the tmk as 5-7-08:76. Our Engineering Division does not have any information on the well. They also say that we do not own the well.

The lat-long of the well from the latest shape files are lat 210414 and long -156.80778 which place it on tmk - 5-7-005:002.

Both properties appear to have DWS water meters. I have asked our Molokai field staff about the well and, if possible, to verify its location.

I'll get back to you when I hear from them.

Mahlao,
Arnold

>>> <Charley.F.Ice@hawaii.gov> 6/22/2010 1:30 PM >>>

Thanks, Arnold.
Can you document the ownership of Mapulehu Shaft (0448-01)? We show that it was owned by HSPA/HARC, but transferred somehow to MDWS. Yet our records show that a water use permit #214 for it is issued to Pearl Hodgins, the "landowner of record".
In part, this could be the product of faulty locating of the well. Clearly the County owns (2) 5-7-008:076, and clearly Pearl Hodgins owns (2) 5-7-005:002, and we have field verifications of both these parcels for the well. Do you have a lat-long we could compare with ours?
Hi Charlie,

Ellen is busy working on the Lanai WUDP for presentation to the Board of Water Supply on Thursday, June 24, 2010. She'll be free to on Friday, June 25, 2010. She said that a message was left on (Engineering District Supervisor for Upcountry, West Maui and Molokai) Alan Murata's phone regarding Mapalehu shaft. She asked me to inquire about your questions or concerns regarding this.

Mahalo,
Arnold Y. Imaye, Staff Planner
Water Resources & Planning Division
Department of Water Supply, County of Maui

County of Maui.
IT Security measures will reject attachments larger than 12 MB, and will block or quarantine high-risk file types in attachments.
Hi Charlie,

Just a bit more info...tmk - 5-7-008:076 was sold to the County of Maui by previous owner Nene O Molokai on 09/23/2004 (sale date) and 1004/2004 (recording date). The previous sale date was 06/18/1998 and recording date 06/1998. There is a one bedroom/one bath dwelling on property and they do have DWS water service.

Tmk - 5-7-005:002 are currently owned by Samuel and Pauline Castanera. It was sold to them by Pearl F. Petro on 01/06/2006 (sale date) and 01/13/2006 (recording date). There are no dwellings on the property. They do have DWS water service and the service holder name is Stephen Petro.

Our Molokai field staff confirms what our Engineering Division told me that to their knowledge there are no county wells in that area. They also have not been able to confirm the location of Mapulehu Shaft 1 (Well No. 0448-01).

Mahalo,
Arnold

Thanks, Arnold.
Can you document the ownership of Mapulehu Shaft (0448-01)? We show that it was owned by HSPA/HARC, but transferred somehow to MOWS. Yet our records show that a water use permit #214 for it is issued to Pearl Hodgins, the "landowner of record".

In part, this could be the product of faulty locating of the well. Clearly the County owns (2) 5-7-008:076, and clearly Pearl Hodgins owns (2) 5-7-005:002, and we have field verifications of both these parcels for the well. Do you have a lat-long we could compare with ours?

Hi Charlie,
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Arnold Y. Imaye, Staff Planner
Water Resources & Planning Division
Department of Water Supply, County of Maui

County of Maui.
IT Security measures will reject attachments larger than 12 MB, and will block or quarantine high-risk file types in attachments.
**PUBLIC RECORD DATA**

**TMK # 2-5-7-8-76**

**8303 KAMEHAMEHA V HWY**

- **Owner:** COUNTY OF MAUI
- **Tax Payer:** COUNTY OF MAUI
- **Tax Bill:** 200 SOUTH HIGH ST, WAILUKU, HI 96793 USA
- **Tenure:** Fee Simple
- **Annual Tax:** $150.00

<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Size</th>
<th>Buildings:</th>
<th>Dwellings:</th>
</tr>
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<tbody>
<tr>
<td>Land:</td>
<td>$21,100</td>
<td>$21,100</td>
<td>8.91 ac</td>
<td>1</td>
</tr>
<tr>
<td>Total Buildings:</td>
<td>$170,600</td>
<td>$170,600</td>
<td>1,280 sq ft</td>
<td>1</td>
</tr>
<tr>
<td>Total:</td>
<td>$191,700</td>
<td>$191,700</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SALES**

- **6/20/1997 DEED**
  - LCW 4092 & POR LCW 3218: 1 = 8.915 AC
  - HAWAII AGRICULTURE RESEARCH CENTER, A Company or Corporation
  - *A HAWAII NON-PROFIT CORPORATION*
  - $10 DOC 97-081264

- **6/20/1997 DEED**
  - POR LCW 4092 LCW 3218 = 8.915 AC
  - GARTNER, KLAUS, W, Single Person or Individual
  - $355,000 DOC 97-081265

- **6/26/1998 TRANSND**
  - NEKE MOLOKAI, A Company or Corporation
  - $0 DOC 98-091916

- **10/4/2004 DEED**
  - KA HALE POMAIKAI, A Company or Corporation
  - $250,000 DOC 04-203830 BOC

- **2/18/2010 TRANSND**
  - COUNTY OF MAUI, Government
  - $0 DOC 10-022593 BOC

## RESIDENTIAL BUILDING DETAILS

<table>
<thead>
<tr>
<th>TMK # 2-5-7-8-76</th>
<th>Bldg 1 of 1</th>
<th>Card 1 of 1</th>
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</thead>
<tbody>
<tr>
<td><strong>Year Built:</strong></td>
<td>1989</td>
<td></td>
</tr>
<tr>
<td><strong>Effective year built:</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Physical condition:</strong></td>
<td>Average</td>
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<tr>
<td><strong>Shape:</strong></td>
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<tr>
<td><strong>Occupancy:</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Framing:</strong></td>
<td>Double wall</td>
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<tr>
<td><strong>Roof Structure:</strong></td>
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<td><strong>Roof Material:</strong></td>
<td>Composition</td>
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<tr>
<td><strong>Exterior Wall:</strong></td>
<td>Masonite</td>
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<td><strong>Roof Design:</strong></td>
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<td><strong>Interior Wall Structure:</strong></td>
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<tr>
<td><strong>Foundation:</strong></td>
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<tr>
<td><strong>Central AC/Heat:</strong></td>
<td>None</td>
<td></td>
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<tr>
<td><strong>Interior Wall Material:</strong></td>
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<tr>
<td><strong>Flooring:</strong></td>
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<tr>
<td><strong>Ceiling:</strong></td>
<td>Plaster-board</td>
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### FLOOR AREAS

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<tr>
<th>LLLA</th>
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<th>Family Rms</th>
<th>0</th>
<th>Full Baths</th>
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<td>Bedrooms</td>
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<td>Rec Rooms</td>
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<td>Add'l Fxt.</td>
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<td>Addl Story</td>
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<td>Total Rms</td>
<td>3</td>
<td>Total Fxt.</td>
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<tr>
<td>Half Story</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Attic</td>
<td>0</td>
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<td></td>
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<tr>
<td>Total SFLA 1</td>
<td>1,280</td>
<td>Rec Room area</td>
<td>0</td>
<td></td>
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<tr>
<td>Basement</td>
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- **2-5-7-8-76 Card 1**

6/22/2010
### Residential Building Additions

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<tr>
<th>#</th>
<th>Lower Level</th>
<th>1st Story</th>
<th>2nd Story</th>
<th>3rd Story</th>
<th>Area</th>
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<td>Main</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>B</td>
<td></td>
<td>1ST STORY FRAME</td>
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<td>640.00</td>
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### Other Building Improvements

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<th>Type</th>
<th>Description</th>
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<td>1990</td>
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<td>Average</td>
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<tr>
<td>RS1</td>
<td>FRAME UTILITY SHED</td>
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<td>1925</td>
<td>32</td>
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<td>RS1</td>
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<td>176</td>
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### Building Permits From Real Property Tax

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<th>Amount</th>
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<td>B90M018</td>
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<td>8/9/1990</td>
<td>B90M059</td>
<td>$12,960</td>
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### PUBLIC RECORD DATA

**TMK # 2-5-7-5-2**  
**WAILAU VALLEY**

**Owner:** Hodgins, Pearl A/et al  
**Tax:** Ilima Molokai Limited Partnership,  c/o: Ilima Molokai Limited  
**Payer:** Partnership  
**Tax Bill:** PO Box 125, Kaunakakai, HI 96748 USA

<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Size</th>
<th>Buildings:</th>
<th>Zoning:</th>
<th>Tenure:</th>
<th>Annual Tax:</th>
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<tr>
<td>Land: $98,000</td>
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**SALES**

<table>
<thead>
<tr>
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<th>Description</th>
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| 10/1/1990     | DEED-F  
Hodgins, Pearl A TRS  
Castanera Pauline L TRS |
| 10/1/1990     | DEED-F  
Hodgins, Pearl A TRS  
Castanera Pauline L TRS |
| 1/22/1992     | TRANS  
Petro, Pearl F |
| 1/22/1992     | TRANS  
Petro, Pearl F Irrevoc TR/etals  
Hodgins, Pearl A TRS |
| 1/27/1999     | TRANS  
Correction Deed  
Petro, Pearl Friel, Married Woman (Tenants in Severalty) |
| 1/27/1999     | TRANS-P  
Hodgins, Pearl Alice, Trustee (Tenants in Common)  
Castanera, Pauline Leinaala, Trustee (Tenants in Common)  
*Under that certain irrevocable trust of Pearl  
*Friel Petro for the benefit of Her children  
*Dated December 9, 1988, undivided 5.4% interest  
*Under that certain irrevocable trust of Pearl  
*Friel Petro for the benefit of her  
*Grandchildren Dated February 3, 1989,  
*Undivided 10.8% interest  
*Undivided 83.8% interest  
Petro, Pearl Friel, Married Woman  
*Undivided 83.8% Interest |
| 1/27/1999     | TRANS-P  
Hodgins, Pearl Alice, Married Woman (Tenants in Common)  
Shah, Geraldine Margret, Married Woman (Tenants in Common) |
| 1/13/2006     | QD-M  
ILIMA MOLOKAI LP, Partnership |

$2,500 DOC 90-151571  
$2,500 DOC 90-151572  
$0 DOC 92-009060  
$0 DOC 92-009061  
$0 DOC 99-012521  
$0 DOC 99-012522  
$0 DOC 99-012523  
$2,254,240 DOC 06-008904  
BOC

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<table>
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<tr>
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<th>Subdiv/Condo Tnr</th>
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<th>Owner/Lessee</th>
<th>Bds</th>
<th>Bths</th>
<th>Land area</th>
<th>Liv area</th>
<th>Last Si</th>
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<tbody>
<tr>
<td>2-5-2-13-34</td>
<td>F NAIWA</td>
<td></td>
<td>HODGINS, PEARL A</td>
<td>4</td>
<td>1</td>
<td>6.96 ac</td>
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<td>12/15/19</td>
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<tr>
<td>2-5-4-1-31</td>
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<td>10,443 sqft</td>
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<td>2-5-7-5-27</td>
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<td>HODGINS, PEARL A/ETAL</td>
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<td>0</td>
<td>665.99 ac</td>
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<td>1/13/20</td>
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<tr>
<td>2-5-7-5-33</td>
<td>F WAILAU VALLEY</td>
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<td>HODGINS, PEARL A/ETAL</td>
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<td>0</td>
<td>1,159.00 ac</td>
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<td>1/13/20</td>
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<td>HODGINS, PEARL A/ETAL</td>
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<td>8.34 ac</td>
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</tbody>
</table>

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**PUBLIC RECORD DATA**

**TMK # 2-5-7-5-27**  
**WAILAU VALLEY**

**Owner:** HODGINS, PEARL A/ETAL  
**Tax:** ILIMA MOLOKAI LIMITED PARTNERSHIP, c/o: ILIMA MOLOKAI LIMITED  
**Payer:** PARTNERSHIP

**Tax Bill:** PO BOX 9, KAUNAKAKAI, HI 96748 USA

<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Size</th>
<th>Buildings:</th>
<th>Dwellings:</th>
<th>Zoning:</th>
<th>PITT Code:</th>
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</thead>
<tbody>
<tr>
<td>Land: $8,600</td>
<td>$0</td>
<td>1,159.00 ac</td>
<td>0</td>
<td>0</td>
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<td>6-CONSERVATION</td>
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<tr>
<td>Buildings:</td>
<td>$0</td>
<td>0 sq ft</td>
<td></td>
<td></td>
<td></td>
<td>(Maui,Hawaii,Kauai)</td>
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<tr>
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<td>$8,600</td>
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<td></td>
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</table>

**Tenure:** Fee Simple  
**Annual Tax:** $150.00

**SALES**

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<tr>
<th>Date</th>
<th>Type</th>
<th>Description</th>
<th>Document</th>
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<tbody>
<tr>
<td>1/13/2006</td>
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**ILIMA MOLOKAI LP, Partnership**

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Copyright ©6/22/2010 by Hawaii Information Service
WATER USE PERMIT NO. 214

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

**Permit Information**

| Water User: | Pearl Hodgins  
P.O. Box 125  
Kaunakakai, HI 96748 |
|-------------|-------------------|
| Landowner of Source: | Pearl Hodgins  
P.O. Box 125  
Kaunakakai, HI 96748 |
| Permitted Withdrawal Rate: | 0.003 mgd (Based upon a 12-month moving average) |
| Water Management Area: | Ualapue |
| Island: | Moloka‘i |
| Aquifer Sector/System: | Southeast/Ualapue |
| System Sustainable Yield: | 8.0 mgd |
| Water Type: | Fresh, Non-potable |
| Original CWRM Date: | November 16, 1993 |
| Standard Conditions: | 1-11, 13-14, 16-17, 20-23 |
| Special Conditions: | 5 |

**Water Source**

| State Well Number(s): | 0448-01 |
| Well Name: | Mapulehu Shaft #1 |
| Water Source TMK Number(s): | 2nd Division, 5-7-008:076 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
| Geographical Coordinates: | Latitude 21° 03' 45.5" North  
Longitude 156° 49' 46.0" West |

**End Use**

| End Use TMK Number(s): | 2nd Division, 5-7-008:076 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
Beneficial Use Explanation: Used to irrigate alfalfa fields and Mapulehu Dairy

Background Information

State Well No. 0448-01 was originally dug and lined with rock in the 1920's. Water Use Permit 214 was approved during the November 16, 1993 Commission on Water Resource Management meeting. Standard conditions 1-11, 13-14, 16-17, 20-23 and special conditions 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Consistent water use reporting records are available for at least the past four years. The permittee's 12-month moving average has not exceeded the permitted amount of 0.003 mgd during this time.

Field Investigation Information

Contact: Pearl Hodgins
Site Address: P.O. Box 125
Kaunakakai, HI 96748

Brown and Caldwell conducted a field investigation on August 14th, 2008 at 2:45 p.m. with Mrs. Pearl Hodgins. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 214

State Well No 0448-01 is located on TMK parcel (2) 5-7-008:076 at 21° 03' 45.5" N, 156° 49' 46.0" W, with a real time accuracy of ±16 feet. During the field investigation, the permittee advised that the well is capped/covered with a plywood cover due to non-usage. The permittee stated that they have plans to use the water for agriculture in the future but did not give an estimated date, other options could include looking for buyers for the property. Reference the Appendix for photographs of the area where the well is current well is located.

The following are a list of standard condition(s) that the permittee is found to be in non-compliance with:
An approved flowmeter must be installed to measure monthly withdrawals and a month record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis.

Although the well has been covered, the permittee is still required to report zero usage to maintain permit compliance. Since the permittee has not been doing so, they are in violation of Standard Condition (10).

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permittee contact to Pearl Hodgins at (808) 567-6180
  - Landowner name and address
  - Create memo field entry noting field investigation on 8/14/08
- Address violation of Standard Condition (10) regarding non-reporting of water use.
- Address the following discrepancies between the Commission’s electronic database and records for well 0448-01 concerning ownership registration for Pearl Petro and HSPA.
20-Year Water Use Permit Review
Water Use Permit No. 214

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0448-01
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 214
Well Number(s): 0448-01

Contact Information (of the person who will be present at the visit):
Name: Ka Hale Pomaikai - Shari Lynn
Phone (for phone interview): 558-8480  Fax: 558-8489
Email: KHP@wining.com
Best time to reach for phone interview: Monday after - Noon(12) 7/21/08

Property Information (of the water use/well location):
Address: Kamehameha Ill pwy, Manoa Motokai (Mapulehu)
City: Manoa
Well Location TMK (list all if multiple wells present): 96778
Water Use TMK (list all if used on multiple lots): 96778

Water Use/Well Information:
Is the water source currently in use? Yes  ☑  No  ☐
If no, please explain: of its own accord

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): diversified agriculture, only - 2 acres - just when it rains and if it steps into nearby area

Is a flow meter installed and working properly? Yes  ☐  No  ☐
If no, please explain: not sure

Do you submit monthly water use reports to the State? Yes  ☐  No  ☐
If no, please explain: NEVER KNEW THIS WAS AN ISSUE or requirement

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

Option #1 Date (M-F): _______ Time: 9:00 am  ☐  12:00 pm  ☐  3:00 pm  ☐
Option #2 Date (M-F): _______ Time: 9:00 am  ☐  12:00 pm  ☐  3:00 pm  ☐
Option #3 Date (M-F): _______ Time: 9:00 am  ☐  12:00 pm  ☐  3:00 pm  ☐

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by July 18th, 2008 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:

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

Please note - we are in receipt of your 1st notice (attached) on 7/18/08 - this is 1ST notice of your confusing as we've never had any previous contact and are not sure about your question. Sorry & thanks for your patience!

Received: 7/18/08  Information Updated: 7/21/08  Phone Interview Complete:
Notes/Comments: Dressed to Milo.
Phone Interview

WUP Number: 214
Well Number(s): 0448-01

Contact Name: Shari Lynn
Phone Number: ____________

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

Well Location TMK(s): 5-7-008:076
Water Use TMK(s): 3-7-008:076

Water Source Address: Kamehameha V Highway, Nanai Molokai (Mapulehu)
City: Kaunakakai
Zip Code: 96748

Currently using water source?
Notes/Comments: Yes [ ] No [x]

How often is the water source being used?
Notes/Comments: Daily [ ] Weekly [ ] Monthly [ ]

How long have you been using this water source?:
Notes/Comments: N/A [ ]

Has there been any rezoning of the water source/water use properties?
Notes/Comments: Yes [ ] No [x]

Have you reported the rezoning to the State?
Notes/Comments: Yes [ ] No [ ] N/A [x]

If no, explain:

Scheduled field investigation day/time:
Notes (Special directions, site conditions, potential hazards, general notes, etc.):

Comments To Make:
- Although we prefer that you do not change your scheduled field investigation time, if you require a reschedule, you must provide Brown and Caldwell with at least five (5) working days notice of the need to reschedule.
- A representative from Brown & Caldwell will be making a reminder phone call to you sometime during the week prior to your scheduled field investigation.
- It is very important that you provide access to the site at the day and time agreed upon. Due to a very tight schedule, if you fail to provide access at the agreed upon time and/or do not reschedule with at least a five (5) working day notice, a makeup date will not be allowed.
- If for some reason you don't know where your well head is located, it would be a good idea to locate it prior to your field investigation to help make the visit go quickly and smoothly.

Interviewed By: [ ] Date: ____________ Time: ____________
Field Investigation Checklist

WUP Number: 214  Well Number(s): 0448-01

Water Source
Well Location TMK(s): 5-7-008:070
Well Head GPS Coordinates:  
Latitude: 421°03'45.5"  Longitude: 156°49'46.0'' ± 10
Well Type: 
Currently using water source?  Yes ☐  No ☐
Notes/Comments: well has been capped

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

Water Use
Water Use TMK(s): 5-7-008:070

What is the water being used for? 

Is the water being used within the permitted boundaries?  Yes ☐  No ☐
If no, explain: Although not in use

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

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

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

General Notes/Comments: 

Well Capped w/ plywood board & bolted down
No one living
Well located in front of house

Investigated By:  Date: 01/4/03  Time: 2:45 PM
Standard Conditions List

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means “the use of water in such a quantity as is necessary for economic and efficient utilization, which is both reasonable and consistent with State and County land use plans and the public interest.” (HRS § 174C-3)

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

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its <Insert Date> meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

Variations of Standard Condition (8) are as follows:
   i. Modification of any permit condition shall be approved by the Commission. Modification of any permit condition without notification may result in the revocation of the water use permit.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State’s and the Commission’s police powers under law as may be required.

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

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

Variations of Standard Condition (10) are as follows:

i. The applicant shall keep monthly pumpage estimates to be submitted annually to the Commission.

ii. An approved flowmeter(s) need not be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).

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

iv. Approved flowmeters must be installed to measure monthly withdrawals and a monthly record of withdrawals must be kept and reported to the Commission on Water Resource Management on a monthly basis.

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

vi. An approved flowmeter shall be installed to measure water withdrawals

vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Although not stated as a condition of the permit §13-168-7 HAR requires you to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

An approved flowmeter shall be installed and the withdrawal from Well 1851-73 shall be recorded and reported to DLNR on a monthly basis by the owner and/or operator of the well.

The withdrawals from these wells shall be recorded and reported to the DLNR on a monthly basis by the BWS.

The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting water usage on a monthly basis.

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

The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission along with water level and salinity measurements.

This permit shall be subject to the Commission’s periodic review of the <Aquifer> Aquifer System’s sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the <Aquifer> Aquifer System, or relevant modified aquifer(s), is reduced.

A permit may be transferred, in whole or in part, from the permittee to another, if:

a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

The uses(s) authorized by law and by this permit do not constitute ownership rights.

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

The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservations, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter
into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period or forfeiture.

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

17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter or attached exhibits are incorporated herein by reference.

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

Variations of Standard Condition (20) are as follows:

i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

21. This permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HRS § 174C-59 and the requirements of Chapter 174C, the Commission on Water Resource Management has the authority to allow the transfer of the permit and the use rights granted by this permit in a manner consistent with HRS § 174C-59. Any such transfer shall only occur with the Commission's prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

22. The water use permit granted shall be an interim water use permit, pursuant to HRS § 174C-50. The final determination of the water use quantity shall be made within five (5) years of the filing of the application to continue the existing use.

23. The water use permit shall be issued only after agricultural review.

24. That scheduled adjustments to Oahu Sugar Co. permitted use shall be initiated upon discontinuance of agricultural uses.
25. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on <Insert Date>.

26. The permit shall be subject to the review by the Attorney General.

27. The permit holder may be required to relinquish this permit at any time or specified time after issuance to the Board of Land and Natural Resources in accordance with Chapter 166 of Title 13.

28. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
Special Conditions List

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.

2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

3. The applicant shall contact the Environmental Management Division, State Department of Health, at 586-4304, concerning “GUIDELINES APPLICABLE TO GOLF COURSES IN HAWAII” date <Insert Date & Version #>.

4. Standard Condition 10 is emphasized, to report consumption on a regular basis.

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

6. This interim water use permit shall cease to become interim and shall be subject to HRS § 174C-55 upon administrative review of the quantity within five (5) years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same. Enforcement of the allocation limit shall be stayed pending staff's review and issuance of a permanent water use permit.

7. As-built drawings of the well and pump, and a complete pumping test record shall be submitted within sixty (60) days.

8. In the event the pump tests show that aquifer boundary conditions do not support the requested withdrawals, the Commission reserves the right to amend this permit, after a hearing, to a level that is supported by the pump tests.

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

10. The filing of an application by Kukui, Inc. for a new or modified water use permit for the Kualapuu Aquifer in excess of 2.0 mgd (total system withdrawal) shall be just cause for re-consideration of this interim permit by the Commission.

11. Upon completion of a new transmission line for the transport of water use by Well #17, the permit shall be modified to reduce the allocation amount by the additional 79,220 gallons per day allocated for use of the Molokai Irrigation System.

12. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall conduct a feasibility study and submit a report describing
alternative sources of nonpotable water for irrigation uses at the resort area. It is suggested that the developer consider use of dual lines in the subdivisions so that effluent may be used in the existing reuse system. Another consideration is the development of brackish water wells in the Kaluakoi Aquifer system for mixing with the effluent generated at the resort.

13. Within six (6) months from the date of approval of a water use permit for the well, the application shall evaluate the filter back discharges into Kakaako Gulch to determine if excessive preventable waste is occurring and identify possible measures to eliminate or reduce such waste. The evaluation shall be conducted in cooperation with the Commission staff and staff of the Department of Health's Safe Drinking Water Branch, which regulates the drinking water system.

14. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall 1) implement a leakage control and detection system and compete repairs to prevent such leakage and 2) implement use of xeriscaping and low-flow fixtures.

15. Action on the future use portion of the water use permit application for Well #17 (Well No. 0901-01) is deferred pending the establishment of existing uses in the aquifer. Kukui Inc.'s application for uses in excess of those uses existing on July 15, 1992 will be considered "new" uses and will be taken up by the Commission as soon as other existing use applications have been decided. In the interim,
   a. The Commission shall recognize that there is disagreement between the applicant's staff calculations of reasonable-beneficial existing use
   b. The Applicant will have the burden of proof to show within six (6) months reasonable-beneficial existing use calculations that support the applicant's request as opposed to staff's calculations.
   c. The Commission's enforcement of the approved existing use allocation will be suspended for six (6) months.

16. The permittee shall submit a notice of intent and written request to continue the use at least ninety (90) days prior to the expiration of the interim five-year permit.

17. The Commission shall delegate to Maui Department of Water Supply the authority to allocate the use of water for municipal purposes, as provided in §174C-48(b).

18. Maui Department of Water Supply shall be exempt from the requirements for permit modifications, as provided in §174C-57(c).

19. The permittee must meter water use and monitor chloride concentrations on a monthly basis and submit monthly reports of water use and chloride concentrations to the Commission.

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

22. The applicant shall present the results of the electromagnetic resistivity survey, pump tests, and stream monitoring to a community meeting as well as to the Commission.

23. A final determination of water use quantity shall be made within five (5) years of the filing date of the application (<Insert Date>) to continue existing use.

24. The applicant shall implement, by December 31, 1995, a biological and hydraulic monitoring program for a minimum 2-year period that: 1) documents the existing operating procedure, 2) seeks to identify the impacts of all operating alternatives on Waikolu Stream, and 3) seeks to identify the effectiveness of weir modifications (Dam No. 1). This program shall incorporate the three new wells, Wells #4-6 (Well Nos. 0855-06, -05, & -04, respectively), which may be pumped within the approved limits, for monitoring and testing purposes only. Further, semi-annual reports summarizing data and preliminary findings shall be submitted to the Commission. It is suggested that the Department of Agriculture work with the State Division of Aquatic Resources and other affected agencies to prepare the monitoring program in light of the difficult technical questions raised by this application. A particular concern is the coordination of this monitoring program with the ongoing National Park Service study by Anne Brasher. A draft of this plan shall be submitted to the Commission staff within ninety (90) days for technical review and comment. Results of the monitoring program shall be used to make recommendations to the Commission on any additional use of the wells, and shall be made readily available to all interested parties.

25. That the Commission approves the well construction permit for the Kamiloloa-Waiola Well (Well No. 0759-01), subject to the standard well construction conditions and the special conditions for the pumping well for the aquifer tests.

26. That the Commission authorizes the Chairperson to approve and issue a pump installation permit upon acceptance of adequate pump test result, subject to the standard pump installation conditions.

27. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

28. The applicant shall follow the agreed monitoring plan.

29. If pesticides used by the applicant are found in ground or surface water and can be traced to the applicant's use, the CWRM may revoke the permit immediately upon such finding.
30. Issuance of the interim permit shall be withheld until the reservation of water for DHHL is set by rule. Applicant may continue this existing use within the approved limits.

31. The applicant shall submit well modification and pump installation permit applications for administrative approval by chairperson prior to beginning any work required to complete well.

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

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

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

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

48. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

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

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

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

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

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

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

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

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

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to in form the Commission as to the nature of the emergency and the expected duration of the emergency. A water
use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.

59. Note DOH’s requirements related to non-potable water systems (attached to original permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as “DO NOT DRINK, NON-POTABLE” to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. In addition, as long as the U.S. Geological Survey is collecting and analyzing the chloride content of the well water, the requirement for the permittee to measure and report chlorides is also waived.

63. Well elevation components must be surveyed by a licensed surveyor and this information must be submitted to commission prior to issuance of permanent permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S. Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est. lands west of Wahiawa (2100 ac+) and the associated TMK's for use area.

70. Deferred action on portion requested for golf course irrigation pending further refinement of irrigation requirement and a feasibility study for utilization of surface water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit shall be until treated wastewater is available and acceptable for use. The permittee shall continue discussions with Honolulu Board of Water Supply regarding the use of reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission’s sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health’s Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use.

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson’s approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or the WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
131. This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

132. Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

133. If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

134. This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

135. These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

136. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen's Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

138. Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation's Board) or into Waikele Farm's existing irrigation system.

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

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

143. Proposed other uses will be considered at a later date.
Applications for Water Use and
Well Construction/Pump Installation Permits
Ualapue Ground Water Management Area, Molokai

Applicant: 
1. (Well No. 0352-12) 
John N. Urauchi
P.O. Box 7
Kaunakakai, HI 96748

2. (Well No. 0448-01) 
Ellen M. Osborne
Star Route 224-A
Kaunakakai, HI 96748

3. (Well No. 0549-01) 
Pearl Friel Petro
P.O. Box 125
Kaunakakai, HI 96748

Background

The applicants submitted completed water use permit applications to the Commission as 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. An application for a well construction/pump installation permit was filed for Well No. 0352-12 on July 16, 1993. This existing well was dug in the 1920's and used until the 1940's.

Analysis & Issues

Overall Ualapue Ground Water Management Area Conditions

Currently, the aquifer system's estimated sustainable yield is 8 million gallons per day (mgd). Actual withdrawals from the system are still in the process of being established; however, estimates of existing ground water withdrawals range from 0.172 mgd based on reported monthly water use (12-month moving average withdrawal as of July 1993) to 0.62 mgd reported by The Molokai Working Group. Pending permit applications show a total request of 0.064 mgd (see Exhibit 1), which is well within the limit of available water.

No significant increases in potable water needs are projected to the year 2010 by the Molokai Working Group (Exhibits 3 and 4).
Chairperson and Members  
Commission on Water Resource Management  
November 17, 1993

With the exception of one incomplete application (for Timothy Meyer, Well No. not assigned) and two applications requiring further field investigation (Well Nos. 0352-17 & 0448-08), all pending water use permit applications are presented in this submittal for Commission action and total 0.064 mgd, or <1% of the sustainable yield.  

\[ \text{The Molokai Working Group has made three recommendations regarding the Southeast Aquifer Sector, which encompasses the Ualapue Aquifer System. They are:} \]

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

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

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

Considering the estimated 24 mgd sustainable yield of the Southeast Sector in relation to current and foreseeable future withdrawals which total about 1.9 mgd (includes permitted uses, pending permit applications for both existing and future uses, and projected increases to the year 2010 in potable water demand) water availability does not appear to be an issue at present. Staff finds that there is no reason to believe that the following Molokai application requests will violate any of these recommendations made by the Working Group.

1. **John N. Urauchi** - This existing dug well is currently unused and has not been in use since 1946. The well is currently filled with silt, and an application for a well construction/pump installation permit to redevelop the source is also pending. The applicant requests an allocation of 1,000 gpd of brackish water for future agricultural irrigation and aquacultural use on a 0.25-acre parcel. On September 15, 1993, the Commission deferred action on this water use permit application and requested that the applicant provide written documentation showing definite plans to use the requested amount within the next four (4) years. In compliance with this request, on October 18, 1993, the applicant submitted a four-year timetable outlining his plans for water use (see Attachment D). Staff finds this document to be adequate justification for the applicant’s request for a water use permit at this time.

The well is located near sea level just inland from the Kamalo Harbor. There are no wells located downgradient; however, there are several other active wells in the immediate vicinity of this source (see Exhibit 2A). Because this request is for a very small quantity of water, it is unlikely that the proposed withdrawal will have any measurable impact on other local pumped wells, surface waters, and the Ualapue Aquifer System. No specific objections to this water use permit have been submitted to the Commission.

2. **Ellen M. Osborne** - This existing dug source has not been used for a number of years because of large boulders and sediment at the well’s bottom. Although the pump is run intermittently to keep the pump and motor in working condition, county water is currently supplying the applicant’s domestic and nursery irrigation needs. The applicant plans to use fresh, potable water from this source to augment the supply of county water for irrigation of 4.5 acres of ginger and heliconia. Domestic needs will continue to be met by the county water system. On September 15, 1993, the Commission deferred action on this water use permit application and requested that the applicant provide written documentation showing definite plans to use the requested amount within the next four (4) years. In compliance with this request, on September 30, 1993, the applicant submitted a written statement of her intent to use this water within the specified time period (See Attachment E).
The State Historic Preservation Division (HPD) had requested on September 30, 1993 that any action on this permit application be deferred pending the completion of an investigation for alleged multiple violations of HRS Chapter 6E-11 involving the subject well. On October 13, 1993, staff was informed that the investigation was completed to the satisfaction of HPD and the Dept. of the Attorney General. No other specific objections to this application have been submitted to the Commission.

This request is for a small quantity of water to replace an existing use of county water for nursery irrigation. Unacceptable adverse impacts to other local wells, streams, and the Ualapue Aquifer System are not anticipated.

3. **Pearl Friel Petro** - This request is for an existing use of fresh water from the Mapulehu Tunnel for irrigation of 2 acres of banana, papaya, and citrus fruit trees. Water contained in the tunnel flows by gravity through a 2''-diameter galvanized pipe to the use site. The applicant estimates the irrigation requirement is about 10,000 gpd. From the Oahu Water Requirements Forecast, developed by the State Dept. of Agriculture, the applicant's estimate of the daily irrigation demands appears reasonable; the forecast indicates bananas require slightly more than 3,000 gallons per acre per day (gal/ac/day), while papayas may require up to 5,000 gal/ac/day. The forecast does not include an estimate for citrus fruit trees. Using the most water-intensive plant, papayas, a use of 10,000 gpd over 2 acres would be justified. The quantity of water used is not metered. However, a standard condition of a water use permit for this existing amount is that a meter be installed and that the applicant report monthly water use on a yearly basis.

This tunnel has been used as a source of irrigation water supply since the 1940's. There are no other wells within a mile of this source. Staff finds no reason to believe that unacceptable adverse impacts to other local wells, streams, and the Ualapue Aquifer System will result from continuation of this long-standing use of water.

**RECOMMENDATION**

Staff recommends:

1. That the Commission approve the issuance of an interim water use permit to John N. Urauchi for the reasonable and beneficial use of 1,000 gallons per day of brackish water from the Urauchi #1 Well (Well No. 0352-12) for agricultural irrigation and aquacultural use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The interim water use permit shall be subject to the five-year verification period afforded to existing uses.

2. That the Commission approve the issuance of a well construction/pump installation permit for the Urauchi #1 Well (Well No. 0352-12), subject to the standard well construction/pump installation permit conditions listed in Attachment C.

3. That the Commission approve the issuance of an interim water use permit to Ellen M. Osborne for the reasonable and beneficial use of 2,600 gallons per day of fresh, potable water from the Mapulehu Shaft #1 (Well No. 0448-01) for floriculture and nursery irrigation use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The interim water use permit shall be subject to the five-year verification period afforded to existing uses.
3. That the Commission approve the issuance of an interim water use permit to Pearl Friel Petro for the reasonable and beneficial use of 10,000 gallons per day of fresh water from the Mapulehu Tunnel (Well No. 0549-01) for agricultural irrigation use, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

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

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

[Signature]

KEITH W. AHUE, Chairperson
# WATER USE PERMIT DETAILED INFORMATION

## Source Information

**AQUIFER:** Ualapue System, Southeast Sector, Molokai

- **Sustainable Yield:** 8 mgd
- **Existing Water Use Permits:** 0.195 mgd
- **Available Allocation:** 7.805 mgd
- **Total of other pending allocations:** 0.050 mgd

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<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevations (msl = 0 ft.)</th>
<th>Total Depth</th>
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<td>Urauchi #1 Well (Well No. 0352-12)</td>
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<td>5 ft. diameter</td>
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**ATTACHMENT A**
Use Information

1. Quantity Requested: 1,000 gallons per day.
   Proposed Type of Water Use: Agricultural irrigation and aquaculture
   Place of Water Use: Kapualei at TMK: 5-6-11:16
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

2. Quantity Requested: 2,600 gallons per day.
   Proposed Type of Water Use: Irrigation of 4.5 acres of ginger and heliconia
   Place of Water Use: Star Route 224-A at TMK: 5-7-8:76
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 10,000 gallons per day.
   Proposed Type of Water Use: Irrigation of 2 acres of fruit trees Ualapue system
   Place of Water Use: Mapulehu, Molokai at TMK: 5-7-5:32
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

Total Requested: 13,600 gpd

Ualapue Aquifer System
Current 12-Month Moving Average Withdrawal: 0.172 mgd (2% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are sixteen (16) other wells within a mile of Well No. 0352-12 (see Exhibit 2A). Fourteen (14) of these wells are currently in use. There are ten (10) other wells within a mile of Well No. 0448-01 (see Exhibit 2B). Only two (2) of these wells are currently in use. There are no other wells within a mile of Well No. 0549-01 (see Exhibit 2C).

Information from the registration program indicates there are possibly nineteen (19)
existing wells in the Ualapue Aquifer System. The Maui Water Use and Development Plan, Island of Molokai estimates that existing ground water withdrawals from the aquifer are 0.18 as of 1990. The Final Report from the Molokai Working Group estimates a total existing use of 0.62 mgd as of July 1993.

Public Notice

In accordance with HAR §13-171-17, public notices were published in the Star-Bulletin as 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 applications 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 permits were to be submitted to the Commission by the dates indicated in 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 in Exhibit 1. To the best of staff's knowledge there are no objectors who have property interest within the Ualapue Aquifer System or who will be directly and immediately affected by the proposed water use. No specific objections were filed with the Commission.

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. No briefs in support were filed with the Commission.

Field Investigation

1. The water source and proposed use was investigated on November 6, 1992. The investigation verified the existence of the dug source and the applicant's request for a water use permit.

2. The water source and proposed use was investigated on November 9 & 20, 1992 and March 31, 1993. The investigations verified the existence of the source and the applicant's request for a water use permit.

3. The water source and existing use was investigated on February 20, 1993. The investigation verified the existence of the source and use described in the permit application.
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 November 17, 1993 meeting are incorporated into the permit by reference.

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

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

ATTACHMENT B
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) 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 Ualapue 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 Ualapue 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 CWRM's establishment of instream standards and policies related to stream protection and management, as well as legislative mandates to protect stream resources.
STANDARD WELL CONSTRUCTION/PUMP INSTALLATION PERMIT CONDITIONS

1. The Commission shall be notified before work commences.

2. The well construction/pump installation permit shall be for construction, testing, and installation of a gpm capacity, or less, pump in the well, as determined by the pumping test results. The applicant shall coordinate with the Commission and conduct a pumping test in accordance with the protocol established by the Commission. A means to accurately measure water levels, acceptable to the Commission, shall also be provided. The applicant shall submit to the Commission the test results and proposed permanent pump information, based on the test, for approval by the Chairperson. No permanent pump may be installed and no water used from the well without the Chairperson's approval.

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

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

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

6. The well construction/pump installation permit may be revoked if work is not started within six (6) months after the methodology and analysis of the test results are agreed upon. The work proposed in the well construction/pump installation permit application shall be completed within two years from the date of permit issuance.

7. That the pumping test shall follow the aquifer pump testing protocol established by the Commission. Prior to conducting the aquifer pump test, the applicant shall mutually agree with the Commission staff to a methodology and analysis of the test results.

8. The following shall be submitted to the Commission within thirty (30) days after completion of work:
   a. Well completion report.
   b. Elevations of well (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other water quality data.

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

10. The well construction/pump installation water use permit application and staff submittal approved by the Commission at its November 17, 1993 meeting are incorporated into the permit by reference.

11. The permit shall be subject to review by the Attorney General.

ATTACHMENT C
Commission of Water Resource Management  
Department of Land & Natural Resources  
P. O. Box 621  
Honolulu, HI 96809  

Attn.: Mr. Keith W. Ahue, Chairman  

Subject: Umauchi Well No. 1 (Well No. 0352-12)  
Kapuaei, Molokai  

At the September 15, 1993 Commission of Water Resource Management meeting held on Molokai, the Commission deferred action for one month on our request for use of 1000 gallons per day for the existing well on our property at Kapuaei, TMK No. 5-6-11-16. This would give us this one month period to document a timetable (four years) of our plans for use of this water on the property. The well has not been used for several years.

Due to a cataract surgery on my left eye last month (September 29th), I could not finish this document within the one month period. We regret this delay and hope that this reaches you before the next Commission meeting.

During the first year (Ending in summer 1994); We have already hired Severino Del Cruz, Jr., on an as available basis, to clear the lot using his small bull dozer, of large haole kea, kiawe trees and general rubbish left by the last tenant and our neighbor.

Second year (to summer, 1995): We plan to clear and repair the well (stone casing) and install either wind, photo voltaic, electric or gasoline engine powered pump. This will be a very small pump. Test pump. Build above ground wooden tanks for the aqua culture project (fish or prawns). Test and adjust as necessary.

Third year (to summer 1996): Start vegetable crops, utilizing waste water from the aqua culture project. Type of crop will depend on experiments we will conduct. Eggplant use to do well here.

Fourth year (to summer 1997): project should be in full operation.

A hand drawn map is attached as Exhibit A of the project. Please refer to it.

This project is small family oriented enterprise. Products will probably be just enough for family and friends' use. However, depending on market conditions and demand, small amounts may be sold to make up for expenses of running the pump.

Due to small size (0.25 acre), it is estimated that no more than an average of 1000 gallons a day, year around, will be required.

Please call me at 553-5673 if you have any questions. Thank you.

[Signature]

John N. Urauchi

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

Dear Mr. Hardy:

Re: Well No. 0448-01

At the September 15, 1993 meeting at Kaunakakai, my application for a water use permit for the above referenced well was deferred until the November 10, 1993 meeting.

I have submitted to you a written plan showing where I currently use county water. That plan will not change when I am successful in obtaining a water use permit. The only change will be my switching to well water and discontinuing the use of county water.

As I explained to the commission, there exist two very large boulders at the bottom of the well. I cannot justify the costly removal of them unless I am granted a water use permit. When the permit is granted, I will immediately pursue removal of the boulders. The water has been tested to be both non-brackish and potable; I intend to use the water only for agricultural irrigation.

Further, I find no relationship whatsoever between granting me the water use permit and the alleged disturbance of a burial site. It is very likely that this issue will not be resolved in the very near future. Owing to the time and effort I have already put into excavating the well, I feel it is proper that the water use permit be granted.

Please contact me at the above address if you require further information. Thanks very much for your time in addressing the above issues.

Sincerely,

Ellen M. Osborne

ATTACHMENT E
**Aquifer System: UALAPUE**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Well No</th>
<th>Well Name</th>
<th>Exist</th>
<th>Proposed</th>
<th>Received</th>
<th>Acknowledged</th>
<th>Accepted</th>
<th>Public 1 Notice</th>
<th>Public 2 Notice</th>
<th>Objection Deadline</th>
<th>Suspense</th>
<th>Days Left</th>
<th>Agenda</th>
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<tr>
<td>ELLEN M. OSBOWNE</td>
<td>0448-01</td>
<td>Mapulehu Shaft#1 Y</td>
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<td>02/03/93</td>
<td>03/29/93</td>
<td>04/07/93</td>
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<td>TIMOTHY E. MEYER, SR.</td>
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<td>JOHN N. URAUCHI</td>
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<td>09/01/93</td>
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<td>PEARL FRIE PETRO</td>
<td>0549-01</td>
<td>Mapulehu Tunnel Y</td>
<td>Y</td>
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<td>WILMA KAMAKANA GRAMBUSCH</td>
<td>0448-08</td>
<td>Mapulehu Shaft#1 Y</td>
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</tbody>
</table>

6 Applications Totaling 0.064

**Exhibit 1**

MOLOKAI HAS 6 Applications Totaling 0.064
Ellen M. Osborne  
HC 1, Box 500  
Kaunakakai, HI 96748  
(808) 558-8160  
November 17, 1993

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

Re: Well No. 0448-01, Mapulehu Shaft #1

Dear Rae:

As you will recall, during the meeting November 17 on Molokai, I asked that the applicant's name for this well permit be changed from my name to that of the landowner, Hawaiian Sugar Planters' Association.

You told me that there was no problem in that change; I am writing this note to remind you of the change.

If you have any questions, please feel free to contact me at any time.

Sincerely,

Ellen M. Osborne  
Tenant of HSPA
MEMORANDUM

TO: RAE LOUI, Deputy Director
   Commission on Water Resource Management

FROM: DON HIBBARD, Administrator
       State Historic Preservation Division

SUBJECT: Completion of Investigation of Water Well, Mapulehu
         Shaft # 1, Well No. 0448-01, Tax Map Key 5-7-8: 76,
         Mapulehu, Molokai

This is a follow up to my memorandum to you dated September 28,
1993 regarding an ongoing investigation relating to violations of
chapter 6E, H.R.S. On October 6, 1993, my staff, along with
investigators from the Department of the Attorney General,
examined the water well subject of Ms. Ellen Osborne’s water use
application. The investigation was completed that same day to
the satisfaction of this office and the Department of the
Attorney General.

Thank you for your cooperation and patience in this matter. If
there are any questions, please call Edward Halealoha Ayau, Esq.
at 587-0010.

EA:jt

c: Dawn Chang, Esq. Dept. of the Attorney General
    William Tam, Esq. Dept. of the Attorney General
TO       
DATE 10/1     TIME 3:14 p
WHILE YOU WERE OUT
M       Bill Tam well no. 048-01
of
Phone

<table>
<thead>
<tr>
<th>TELEPHONED</th>
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<tr>
<td>CALLED TO SEE YOU</td>
<td>WILL CALL AGAIN</td>
</tr>
<tr>
<td>WANTS TO SEE YOU</td>
<td>URGENT</td>
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</table>

Message Osborne will application. Will try to investigate w/in next 2 weeks. Talled to Dawn Chang— will try to complete for you w/mtg. Operator
<table>
<thead>
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<th>TO:</th>
<th>INIT:</th>
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</thead>
<tbody>
<tr>
<td>[ ] G. Matsumoto</td>
<td>[ ] See Me</td>
</tr>
<tr>
<td>[ ] E. Sakoda</td>
<td>[ ] Call</td>
</tr>
<tr>
<td>[ ] Y. Shiroma</td>
<td>[ ] Review &amp; Comment</td>
</tr>
<tr>
<td>[ ] E. Hirano</td>
<td>[ ] Take Action</td>
</tr>
<tr>
<td>[ ] D. Higa</td>
<td>[ ] Investigate &amp; Report</td>
</tr>
<tr>
<td>[ ] G. Bauer</td>
<td>[ ] Draft Reply</td>
</tr>
<tr>
<td>[ ] R. Hardy</td>
<td>[ ] Acknowledge Receipt</td>
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<td>[ ]</td>
<td>[ ] Xerox ___ copies</td>
</tr>
</tbody>
</table>

**PLEASE:**

**FOR YOUR:**

---

10/1/93 spoke w/ Eddie Agan of DHP. A site visit will be scheduled to "assess the situation" ASAP. Right now, there are problems coordinating the schedules of the investigation team which include: AG investigator, DOWARD representative, & DHP personnel.

**Louise,**

We should follow up with DHP on when they are going to investigate "the well" for any violations. Once we find out what DHP is going to do then let's acknowledge this letter.
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, HI 96809
Attention: Mr. Roy Hardy

Dear Mr. Hardy:

Re: Well No. 0448-01

At the September 15, 1993 meeting at Kaunakakai, my application for a water use permit for the above referenced well was deferred until the November 10, 1993 meeting.

I have submitted to you a written plan showing where I currently use county water. That plan will not change when I am successful in obtaining a water use permit. The only change will be my switching to well water and discontinuing the use of county water.

As I explained to the commission, there exist two very large boulders at the bottom of the well. I cannot justify the costly removal of them unless I am granted a water use permit. When the permit is granted, I will immediately pursue removal of the boulders. The water has been tested to be both non-brackish and potable; I intend to use the water only for agricultural irrigation.

Further, I find no relationship whatsoever between granting me the water use permit and the alleged disturbance of a burial site. It is very likely that this issue will not be resolved in the very near future. Owing to the time and effort I have already put into excavating the well, I feel it is proper that the water use permit be granted.

Please contact me at the above address if you require further information. Thanks very much for your time in addressing the above issues.

Sincerely,

Ellen M. Osborne
REGULATION BRANCH
Commission on Water Resource Management

FROM: Lenovo  DATE: 9/7/93  FILE IN: 0448-01

TO: INIT:  
- E. SAKODA
- K. Oshiro
- D. Higa
- R. Hardy
- J. Zhang
- 
- 
- 
- R. LOUI
- S. Kokubun
- G. MATSUMOTO
- Y. SHIROMA

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

FOR YOUR:  
- Approval
- Signature
- Information

REMARKS:  
Called Eddie again to HPD (in charge of burial sites).
He informed me that state has filed a formal complaint against applicant and he's unsure whether she has responded, as required by law. Also, anonymous caller who claimed she worked for applicant I was there when sites were disturbed, called HPD and claimed applicant dumped missing skeletal remains into the well.

HPD has recommended that action be deferred until issue is resolved.
FIELD MEMORANDUM

DECLARANT (File Reference): HSPA

SITE VISIT DATE: November 9, 1992 (Larry Helm)
November 20, 1992 (Ellen Osborne)
March 31, 1993 (Larry Helm)

PRESENT: Mr. Larry Helm (November 9, 1992 & March 31, 1993)
Sterling Chow
Ms. Ellen Osborne (November 20, 1992)
Sterling Chow

STATUS: (1) Dug well number 0448-01 (Mapulehu Shaft 1) pumped intermittently to keep pump and motor in working condition, but not used regularly.

(2) Unused dug well, number 0448-03 (Mapulehu Shaft 3).

(3) Unused dug well, well 0448-05 (Mapulehu Dug).

SOURCE(S): (1) Well 0448-01 (Mapulehu Shaft 1). TMK: 5-7-8:76. USGS Halawa quad (Mo-5). Ualapue aquifer.

(2) Well 0448-03 (Mapulehu Shaft 3). TMK: 5-7-8:75. USGS Halawa quad (Mo-5). Ualapue aquifer.


USE(S): (1) TMK: 5-7-8:76. USGS Halawa quad (Mo-5). Pump run intermittently to keep pump and engine in working order. Water pumped used to irrigate ginger or heliconia crops.

(2) Not in use.

(3) Not in use.
FIELD NOTES:

Well 0448-01 (Mapulehu Shaft 1):

1. Source: Dug well with 9 foot circular cross-section, total depth 12 feet with 4 feet of water. Water withdrawn using a pump of unknown capacity with a 3 hp gas engine and a 2-inch diameter PVC inlet and outlet. According to Ms. Osborne, the well would empty in about one hour and refill within a day.

2. Use: Currently the pump and motor are only run intermittently to keep them in working condition. Ms. Osborne may use the well water regularly if she gets a better pump (she cannot get enough pressure in the lines with the pump she currently has) and she deepens the well (to increase its yield). County water is now used for her home and crop irrigation.

3. Quantity: Estimated volume of water in well is approximately 3000 gallons. Quantity used is not being measured.

4. Location: Source and use, TMK: 5-7-8:76.
   Using the GPS: latitude = 21 deg 04 min 23.0 sec N
   longitude = 156 deg 48 min 42.8 sec W


6. Water sample taken from discharge pipe after water had run for approximately 15 minutes yielded a salinity concentration of 91 ppm.
FIELD INSPECTION INFORMATION CHECKLIST (Ver. 4/3/91)

PART I: USE OF WATER

Declarant’s File Reference: HSPP

1. Tax Map Key where the water is used: 5 - 7 - 8 : 76. Does the declarant own this land? YES If not, who does?

2. What is the water used for? MAY USE WELL REGULARLY IF GET BETTER PUMP OR DEEPEN WELL. If for irrigation, how many acres are being irrigated by crop type? CURRENTLY COUNTY WATER USED FOR HOME. 1 ACRE OF GINGER AND HELIOTROPIA. 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? NO If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously.

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

PART II: WATER SOURCE

Source #: 0448-01 Name: MPPLEHIA SUHBAI

1. Where does the water come from / what kind of source is this? DUG WELL, 9 FT CIRCULAR, 30 IN. DIA., 12 FT. WATER, 4 FT DEEP.
   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: 41°04′23.0″N, Lon: 102°48′42.8″W
   What is the capacity for taking (gpm)? 3 HP GAS ENGINE, 2″ PVC, MUST 4 OUTL
   How often is it taken (used)? PUMP PUMP PUMP PUMP IN WORKING ORDER.

3. Tax Map Key at the source: 5 - 7 - 8 : 76. Determine declarant’s relation to source. Does the declarant:
   1) Operate and maintain the source? YES If not, who does?
   2) Own the land at the source? YES If not, who does?
   3) Use the water from this source? YES If not, who does?
   4) Own the land where the water is being used? NO
   5) None of the above? YES If so, why did they file?

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

VERIFIED BY: STEELING CHOW DATE: 11-20-93

UPPER SAMPLE TAKEN, AFTER PUMP RUNNING 15 MINUTES.
SALINITY MEASUREMENT 91 DPM.
August 21, 1999

Ms. Linnel T. Nishioka, Deputy Director
Department of Land & Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Application for A Water Use Permit
Puko‘o Farm Well (Well No. 0447-02), TMK 5-7-7:75
Domestic & Irrigation Use of 2,500 gpd
Ualapu‘e Ground Water Management Area, Moloka‘i

Dear Ms. Nishioka:

I am expressing some concerns on behalf of Ke Kua‘aina Hanauna Hou with regards to Stanley and Frances Ort’s water application. We are a 501(c)(3) organization operating a seaweed aquaculture facility in a private lagoon located at Puko‘o, East Moloka‘i (also known previously as Puko‘o Fishpond). Our organization manages a 28-acre lagoon property. Small freshwater springs bubble along the shoreline of Puko‘o lagoon where mats of limu ele‘ele (Enteromorpha sp.) as well as limu palahalaha (sea lettuce or Ulva spp.) grow. Ke Kua‘aina cultivates commercially the long limu ogo (Gracilaria parvispora) in floating baskets in the lagoon and on rocks bearing sporelings of ogo. Another seaweed that occurs naturally and abundantly in Puko‘o lagoon is the wawae‘iole (Codium sp.). The lagoon also serves as a natural nursery for fish like weke and other fish commonly found in brackish waters: mullet, aholehole, awa (milkfish).

There is a freshwater ditch on the northern edge of our property adjacent to the main Kamehameha V highway which turns south in an L-shape, terminating into the ocean along the west public-right-of-way to the beach and where the remnants of another old fishpond are evident. Along this fishpond is limu pehu (similar to limu kohu) and various fish species such as mullet, awa, weke, kumu, and aholehole. At the terminus of the ditch along the salt and freshwater interface are the native opae (shrimp), harvested by various kupuna who come from the west public right-of-way. The ditch is fed by a spring that is north of the main highway and runs beneath the road. In the ditch are numerous freshwater algae species and fish, including o‘opu. This past year, Ke Kua‘aina has worked collaboratively with the Molokai Aquaculture Training Program (MATP) to maintain the freshwater ditch. The MATP group planted hasu and watercress in the ditch, and several years ago Ke Kua‘aina had planted wetland taro here.

Based on this information, we are concerned that the issuance of a water permit to the Orts may prove detrimental to the diverse marine and aquatic life thriving at Puko‘o. Furthermore, through studies we have conducted in conjunction with researchers from the University of Arizona Environmental Research Laboratory, we have found that our commercially grown seaweed,
Gracilaria parvispora, relies on nutrients found in freshwater runoff (particularly ammonia) and that it is found to grow in waters less saline than normal seawater.

We would recommend that baseline data (salinity measurements, nutrient analysis) be gathered here at Puko’o and a formal inventory of marine and aquatic species be conducted prior to an issuance of a water permit. We also recommend that during the 5 year probationary stage of the permit, that monitoring of biotic species and water sampling take place to determine whether the Ort water pumpage of 2,500 gpd has had an actual impact or has proved negligible.

Finally, we inquire as to the necessity of issuing a water permit to the Orts at this juncture. Our property and neighboring properties at Puko’o rely on county water for our domestic and irrigation needs. For example, on our 28-acre property we are growing native plants and irrigate them with county water. We also have a native plant nursery online and use county water to maintain the plants.

Mahalo for this opportunity to comment. Please do not hesitate to contact us if you require further information.

Sincerely yours,

Colette Y. Machado,
Executive Director
Ms. Zelie K. Duvauchelle  
P.O. Box 98  
Kaunakakai, HI 96748

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

Dear Ms. Duvauchelle:

From our field investigation on November 12, 1993, we have determined that the spring-fed water that you are proposing for use for agricultural irrigation is surface water in nature. Since your source is a surface water source and the Southeast Sector of Molokai is a water management area for ground water only, it is unnecessary for you to obtain a water use permit from the Commission at this time. However, if you plan to install a pump at the spring source or plan to divert any of the water, a stream diversion works permit and a petition to amend the interim instream flow standard for the surface water source are required. We have enclosed these forms for your use.

If you have any questions, please contact Lenore Nakama at 587-0218 or David Higa at 587-0249.

Sincerely,

RAE M. LOUI  
Deputy Director

Enclosure
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 these applications for permits in Windward O'ahu and on Moloka'i:

(O'ahu):

Kualoa-Ranch (3351-04)
Kahana-State Park (3352-01)
Papaakoko-Hanohano (3553-01)

(Moloka'i):

Ualapue-Petro (0549-01)
Pukoo-Duvauchelle (0448-08)

None of these applications are expected to affect Hawaiian home lands. We have no comments on the Kualoa or Kahana applications; we ask that the Papaakoko application's new use proposal be deferred until all existing correlative uses are determined.

We have no comment on the Ualapue application. We note that the Duvauchelle use is adjacent to a fishpond and are aware that rules under consideration would protect use of fishponds. You might condition any approval such that, if groundwater pumping should adversely affect traditional use of the fishpond, pumping adjustments might be necessary.

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD/BH:ci/1639L.23
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: November 17, 1993
TIME: 1:30 p.m.
PLACE: Mitchell Pauole Center
       Conference Room
       Kaunakakai, Molokai, Hawaii

ROLL CALL
Chairperson Ahue called the meeting of the Commission on Water
Resource Management to order at 1:35 p.m.

The following were in attendance:

MEMBERS: Mr. Keith Ahue
          Mr. Richard Cox
          Mr. Guy Fujimura
          Mr. J. Douglas Ing
          Mr. Robert Nakata
          Dr. John Lewin

STAFF: Ms. Rae Loui
       Mr. Edwin Sakoda
       Mr. Roy Hardy
       Ms. Lenore Nakama
       Ms. Sharon Kokubun

OTHERS: Weymouth Kamakana
        Pearl Petro
        John Urauchi
        Eugene Gerguson
        Sarah Sykes
        Michael Ribao
        Mark/Becky Yuen
        Wilma Grambusch
        Dave Martin
        DeGray Vanderbilt
        Rachael Kamakana
        Greg Helm
        Peter Eichhorn
        Myrle Florea
        Noelani Joy
        Colette Machado
        Michael Foulkes
        Barry Ching

All written testimonies submitted at the meeting are filed in the Commission office and
are available for review by interested parties. Some items were taken out of sequence
to accommodate requests by applicants or interested parties.

ITEM 1  MINUTES OF THE OCTOBER 13 AND 27, 1993 MEETINGS

Unanimously accepted with the correction of the dates on the header pages
for the minutes of October 13, 1993 (Cox/Nakata).

ITEM 2  AMENDMENT TO CHAPTER 13-171 HAWAII ADMINISTRATIVE
RULES (HAR). ADDING A NEW SECTION 13-171-63. DEPARTMENT
OF HAWAIIAN HOME LANDS RESERVATION FOR KUALAPUU,
MOLOKAI

Ms. Loui explained that the proposed rule was amended to address
concerns raised at the public hearing held on October 13, 1993.
Therefore, the rule reads more directly that the Commission hereby
reserves .905 mgd from the Kualapuu Aquifer for use on Hawaiian Home
Lands on Molokai.
Mr. Dave Martin of the Native Hawaiian Advisory Council submitted concerns (see Commission files) but stated they would not contest the issue.

Unanimously approved (Cox/Nakata).

**ITEM 6**

APPLICATIONS FOR WATER USE AND WELL CONSTRUCTION/ PUMP INSTALLATION PERMITS, UALAPUE GROUND WATER MANAGEMENT AREA, MOLOKAI

1. John N. Urauchi, Well No. 0352-12
   Unanimously approved (Cox/Nakata).

2. Ellen M. Osborne, Well No. 0448-01
   Mr. Nakata asked if the concerns of Historic Preservation were addressed. The investigation was satisfactory and Historic Preservation had no objections to Mrs. Osborne's water use permit request.
   Unanimously approved (Cox/Nakata).

3) Pearl Friel Petro, Well No. 0549-01
   Unanimously approved (Cox/Nakata).

**ITEM 3**

DEFERRAL OF WATER USE PERMIT APPLICATIONS, MOLOKAI GROUND WATER MANAGEMENT AREAS

1. Wilma Kamakana Grambusch, Well Nos. 0352-17, 0456-01, & 18 to 20
   Unanimously approved for deferral (Fujimura/Cox).

2. Kainalu Ranch, Well No. 0546-02
   Unanimously approved for deferral (Fujimura/Cox).

3. Zelie Duvauchelle, Well No. 0448-08
   Ms. Collete Machado was concerned because they relied on the water that drains from the Duvauchelle property. Mr. Hardy explained that further field investigation is necessary before any decision can be made on the application. Ms. Machado said she would discuss the matter with Mr. Hardy after the meeting.
   Unanimously approved for deferral (Fujimura/Cox).D

**ITEM 4**

HALE MAHAOLU APPLICATION FOR A WATER USE PERMIT, HUMEHANA WELL (WELL NO. 0501-06), KAMLOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Nakata/Cox).
Chairperson and Members
Commission on Water Resource Management

November 17, 1993

ITEM 5  WATER USE APPLICATIONS, MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI

Mr. Cox asked for comments on testimony submitted by Mr. Martin on their concerns of how the numbers were developed and if the short growing season was taken into consideration. Mr. Hardy explained that by using a 12-month moving average, that is taken into consideration.

Mrs. Wilma Grambusch stated her objections to the permit applications because withdrawals of brackish or potable water would have an affect on the Kalamaula Homestead lands. She felt there was not enough monitoring information and that the eco-balance on the south shore water would be threatened.

Mr. Mike Ribao of Maui Electric commented on the recommendations of staff.

Mr. Cox asked if the requests were for existing uses only and if staff did consider the use of brackish water. Mr. Hardy replied that except for Application 5 which was for a future use, all requests were for existing uses. In regards to the brackish water, if it is from the aquifer system, it is deducted from the sustainable yield.

1. Hawaiian Research Ltd., Well No. 0603-01
   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

4. Maui Electric Company, Ltd., Molokai Division, Well Nos. 0603-06 and 0604-04 & 05
   Unanimously approved to deny without prejudice the water use permit as recommended by staff (Nakata/Cox).

5. Molokai Ranch Ltd., Well No. 0706-02
   Unanimously approved the water use permit as recommended by staff (Nakata/Cox).

ITEM 7  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR PUMP INSTALLATION PERMITS, MILILANI WELLS 9 & 10 (WELL NOS. 2852-01 & 02); PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

ITEM 8  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIPAHU III WELLS (WELL NOS. 2459-26 TO 30); PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).
ITEM 9  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIWA 575-FT. WELLS 1 & 2 (WELL NOS. 2658-03 & 2659-04), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

ITEM 10  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIWA 765-FT. WELLS 1 & 2 (WELL NOS. 2658-04 & 05), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

The Board of Water Supply applications (Items 7 to 10) were heard, discussed, and acted on together.

Mr. Ing asked how staff would know if the Board was drawing more water than what is being requested. Mr. Sakoda replied that monthly pumping records are submitted and reviewed.

ITEM 11  OTHER BUSINESS

24-Inch pipeline being installed by Kukui-Molokai

Ms. Sarah Sykes expressed her concern that the construction and grading work done by the Molokai Ranch is too close to and may degrade the drinking water wells and that further evaluation such as an EIS is needed.

Chairperson Ahue stated that the issue of an environmental assessment and EIS is currently being reviewed by DLNR staff but is a Board of Land and Natural Resources issue, not a Water Commission issue.

Mr. DeGray Vanderbilt also testified that an EIS should be done.

ADJOURNMENT  The meeting was adjourned at 2:37 p.m.

Respectfully submitted,

SHARON S. KOKUBUN, Secretary

APPROVED AS SUBMITTED:

RAE M. LOUI, Deputy Director
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 Hakama, 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
   Uelapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for
Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in

We would appreciate your review of the attached application and please return this form by
November 16, 1993.

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

Response: Contact person: ELLEN KRAFTSOW Phone: 243-7835

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

Signed: David R. Craddick, Director
       DEPT. OF WATER SUPPLY, COUNTY OF MAUI

Date: 10/27/93
Chairperson and Members  
Commission on Water Resource Management  
State of Hawaii  
Honolulu, Hawaii

Gentlemen:

Deferral of Water Use Permit Applications  
Molokai Ground Water Management Areas

Applicants:  

<table>
<thead>
<tr>
<th>Well Nos.</th>
<th>Landowner</th>
</tr>
</thead>
<tbody>
<tr>
<td>0352-17, 0456-01 &amp; 18 to 20</td>
<td>Same</td>
</tr>
<tr>
<td>Wilma Kamakana Grambusch</td>
<td>Same</td>
</tr>
<tr>
<td>P.O. Box 614</td>
<td></td>
</tr>
<tr>
<td>Kaunakakai, HI 96748</td>
<td></td>
</tr>
<tr>
<td>Well No. 0546-02</td>
<td>Same</td>
</tr>
<tr>
<td>Kainalu Ranch</td>
<td></td>
</tr>
<tr>
<td>Star Route Box 320</td>
<td></td>
</tr>
<tr>
<td>Kaunakakai, HI 96748</td>
<td></td>
</tr>
<tr>
<td>Well No. 0448-08</td>
<td>Same</td>
</tr>
<tr>
<td>Zelie Duvauchelle</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 98</td>
<td></td>
</tr>
<tr>
<td>Kaunakakai, HI 96748</td>
<td></td>
</tr>
</tbody>
</table>

Background

The Commission designated Windward Oahu and the island of Molokai with their corresponding aquifer systems as ground water management areas on May 5 & 13, 1992, respectively. All registered ground water users have been sent an initial notification of the official date, July 15, 1992, on which the Commission would begin accepting water use permit applications for existing water use permits.

Issues

These applicants require Commission action. The first one listed is to satisfy the ninety (90) day requirement for action. The second applicant has already been before the Commission for action and was given until today’s meeting to provide further information for further action. The third applicant also requires further field investigative work. Table 1 summarizes applicants, and the reasons for their deferral.
TABLE 1

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Reason for Deferral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilma Kamakana</td>
<td>Further field investigation necessary.</td>
</tr>
<tr>
<td>Grambusch Wells</td>
<td>Further time necessary to finalize agricultural plan in conjunction with the Soil Conservation Service. When this plan is finished the applicant will be able to submit well construction and pump installation permit applications with the pending water use permit application.</td>
</tr>
<tr>
<td>Kainalu Ranch Well 0546-02</td>
<td>Further field investigation necessary.</td>
</tr>
<tr>
<td>Zelie Duvauchelle Well 0448-08</td>
<td>Further field investigation necessary.</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

That the Commission defer action on the applications listed in Table 1 until the reasons for deferral are completed.

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
1993 November 17

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM 1.  Minutes of October 13 and October 27, 1993

ITEM 5  POAMOHOL A WELL & NHAC WELL

Poamoho Venture's comments "that they made modifications to their agricultural plans because of the amount of water available in the aquifer" are not supported by the history of its application. Its reduction in quantity of water requested (from 0.8 to 0.6 mgd) was apparently achieved by eliminating the water requirement for nearby University of Hawaii projects, not by modifications to agricultural plans for its own lands. Therefore Poamoho Venture's suggestion that we "also make modifications" to our crop selections "in consideration of the amount of water available" is shibai. It also illustrates the Venture's lack of knowledge about agricultural conditions in our area, where edaphic and hydrological characteristics limit crop selection to those suited for highly waterlogged mucky soils and/or ponded fields.

Nonetheless, our agricultural plan already exhibits modifications made because of the amount of water available. If we were to plant the entire acreage in our preferred cash crop, watercress, our water requirements would 4.5 mgd. Knowing that the historical maximum capacity of our existing water source to be 0.75 mgd, we scaled back our watercress acreage accordingly and eliminated the immediate need to develop additional water sources on the property.

ITEM 2.  Molokai HHL Reservation

Public Hearing:

How does staff differentiate between applicable and inapplicable comments from testimonies received? An analysis of the (in)applicability of comments received should be included in the submittal.

For instance, the Maui mayor's suggestion that the water reserve be defined in terms of quality as well as quantity is an extremely applicable comment which we support and which probably has broad support among Molokai beneficiaries of the Hawaiian Homes
Commission Act. Note that DHHL's testimony explicitly states that "These foreseeable needs reflect potable water requirements of planned developments." Furthermore, staff apparently ignored DHHL's request for "the remainder of the available Kualapuu groundwater as a reserve for this [agricultural] purpose."

These comments and issues were apparently deemed inapplicable for no apparent reasons and were not incorporated into the proposed amendment. The rationale surrounding these and other significant staff decisions about public hearing testimony must be documented for public consumption.

Attachment: DRAFT HAR 13-171-63

The words "from state lands" must be deleted from the proposed rule. Nothing in HRS 174C-101 or HAR 13-171-13(d) restricts reservations to water from state lands and no testimony supports such restriction. COWRM authority extends to all aquifer waters, not merely to those portions underlying state lands.

A first call on government-owned water is not the same as a reservation of water to guarantee fulfillment of priority needs. Moreover, the definition of "government-owned water" is debatable, with no formal Attorney General or judicial decision on the matter recorded. Under the current constitutional and common law of Hawaii (which characterizes all water resources as a public trust) government-owned water is all water, and there is no legal basis for restricting sources of water reserved for Hawaiian Home Lands to state lands. In general, the Hawaiian Homes Commission Act (HHCA) is currently interpreted in accordance with currently prevailing law. Arguments that the current definition of "government-owned water" in HHCA section 221 must coincide with that accepted at the time of HHCA legislation attempt to apply a double standard to that section and are void.

The phrase "for use on Hawaiian Home Lands on Molokai" must be changed to "for use by the Hawaiian Homes Commission (HHC) on Molokai." Once a reservation of water based on current and foreseeable needs on Hawaiian Home Lands is achieved, HHC must not be barred from activating that reserve for other purposes while developing the capability to use the water on its own lands. In fact, HHC use of reserve water in this way will speed the achievement of this capability, as HHC will be able to use the reserve to generate more resources for homestead development.

ITEM 3. Deferral of Water Use Permit Applications

Background

Unlike similar items on this agenda, the date of submittal of the completed water use permit applications is not given. Specific information regarding the source, use, notification, objections, and field investigations are not attached. When recommending a
deferral, staff should still submit this information to facilitate complete public and COWRM review and assessment.

Issues

Given that COWRM has contracted for verification of water uses on Molokai and that this work has been going on for some time, "Further field investigation necessary" is a weak reason for deferral of the Grambusch and Duvauchelle applications. Verification of their uses and of all uses connected to pending water use permit applications should be a COWRM priority coordinated with the contractor. For instance, it is hard to understand why the investigation of the application submitted for agenda item 4 (Home Pumehana Well) was completed within three weeks of its submittal while the Grambusch and Duvauchelle applications were not afforded similar timeliness of due process.

"Further field investigation necessary" implies that some field investigation has already been completed. Staff should present the results of investigations completed to date and specify the investigative work remaining.

RECOMMENDATION

COWRM should issue the Grambusch and Duvauchelle applications based on current information, or at least impose a time limit for completion of "Further field investigation."

ITEM 5 Manawainui Ground Water management Area

Analysis & Issues

NHAC again objects to COWRM's practice of blindly permitting existing uses at 100% of existing use. While the Water Code assures existing correlative uses of ground water, it does not require that 100% of the use be assured. Rather, the intent of water use permitting is to create a level playing field inclusive of all existing and pending uses, so that the best combination of reasonable-beneficial use serving the public interest can be achieved. There is nothing holy about existing use, except that it is assured only to the extent that it remains more reasonable and beneficial than competing existing and new uses. Especially at a time when COWRM does not yet have a specific framework of identifying, assessing, and evaluating reasonable and beneficial uses and applying public interest balancing tests, it is ridiculous to blanketly assume that existing uses are better than new uses.
TABLE 1

The table requires an additional column showing the recommended allocation to each pending application. It also lacks at least two additional components:

1. Bulk allocation of water to Maui County for municipal use.
2. Reservation for Hawaiian Home Lands.

1. Hawaiian Research, Ltd.

Just because impacts "should not be any different than it has been for the last twenty (20) years" does not necessarily mean that adverse impacts are not now occurring. COWRM apparently has no baseline information for concluding that "Unacceptable adverse impacts are not anticipated from continuation of this long-standing water use." Behind seemingly innocuous statements like "because this use has been in existence for a number of years, no further impacts are anticipated" lies the possibility that this and other uses may have created and continued significant impacts that have not been identified, assessed, or evaluated due to a presumption that "old use is good use."

If "Comments regarding potential impacts of existing and future withdrawals from this source on fishponds and nearshore ecosystems is a valid concern," yet "information necessary to determine the extent and nature of resultant impacts, if any, on the productivity of these ecosystems is not available," then COWRM must define its mission for obtaining this information and determining these impacts. The issue cannot be written off just because "no designated marine conservation areas exist in the immediate vicinity," the "use has been in existence for a number of years," and "no further impacts are anticipated" (emphasis added).

In future submittals, the wording of the title to this section should be changed from "Analysis & Issues" to "Issues & Analysis." This should foster more ordered and logical thinking among all involved.

4. Molokai Ranch, Ltd.

In addition to the uncertainty "whether pumping at the proposed rate can be sustained without compromise to water quality," NHAC also questions the proposed discharge rate of aquacultural effluent and whether such discharge can be sustained without compromise to water and environmental quality. In the past, COWRM has requested demonstration of wastewater system viability in conjunction with applications for aquacultural water use. However, in this case
applicant's development plan only makes oblique reference to "drainage canals" with no identification of ultimate wastewater discharge points, volumes, constituents, or treatment methods.

ITEM 6  Ualapue Ground Water Management Area

Analysis & Issues

2.  Ellen M. Osborne

What was the result of the completed investigation regarding alleged multiple violations of HRS 6E-11 involving the subject wells? Mere reference to HOD and Dept. of the Attorney General "satisfaction" is not enough, and completion of the investigation does not necessarily mean that the matter has been resolved.

ATTACHMENT E

While Mrs. Osborne finds "no relationship whatsoever between granting me the water use permit and the alleged disturbance of a burial site," the staff submittal clearly states that the wells are directly involved. What is the truth of the matter? Even if the wells do not coincide with the burial site, the issues are not separate. Concerns of various state agencies, especially those regarding violations of state law, should be visible and applicable across the spectrum of permitting and enforcement activities.

Mahalo

David L. Martin, Water Claims Manager

pc:  W. Grambusch
     Z. Duvauchelle
     Molokai homestead associations
     Molokai Working Group
     Maui Mayor and County Council
     BLNR and board members
     HHC and Commissioners
     OHA and Trustees
     Ka Lahui Hawai'i Molokai
     NHLC
     Water Code Review Commission and Commissioners
MEMORANDUM

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

FROM: Don Hibbard, Administrator
State Historic Preservation Division

SUBJECT: Historic Preservation Review of a Water Use Permit
Application for Zelie K. Duvachelle for Well No. 0448-08
Pukoo, Molokai
TMK: 5-7-07: 28

November 12, 1993

We believe that the proposed use of this existing well will have "no effect" on historic sites. There are no known historic sites on this parcel, which has been under residential and agricultural use for many years. The old fishpond (Pukoo Pond) across the road from this parcel has been totally destroyed by the construction of the harbor.

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

AG: jen
Mr. Keith W. Ahue, Chair  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Ahue:

SUBJECT: WATER PERMIT APPLICATION

This letter responds to your request for comments on the water permit applications transmitted to me by your letter dated October 26, 1993.

I received your request on October 27, 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 comments.

If you have any questions, please contact me.

Yours truly,

GORO HOKAMA  
Council Chair

GH:306:ml4  
Attachments
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
   Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

We would appreciate your review of the attached application and please return this form by November 16, 1993.

If you have any questions regarding this application, 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: _____________
FIELD INSPECTION INFORMATION CHECKLIST

PART I: USE OF WATER

Declarant's File Reference: WUPPA - BELIE DAVIS KELLE

1. Tax Map Key where the water is used: 5-1-1-28. Does the declarant own this land? YES  If not, who does?  Landa owned by Belie Davis Kelle & Robert McCoy.

2. What is the water used for?  Irrigation & Aquaculture
   If for irrigation, how many acres are being irrigated by crop type?  1/4 ACRE AQUACULTURE
   If for livestock, how many and what kind?  ________
   If for drinking, at how many houses?  ________

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

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

PART II: WATER SOURCE

Source #: ________ Name: ________

1. Where does the water come from?  WELL: PUMP WATER FROM SPRING; RED TANK VIA SPRING POWERED PUMP 1/2" B PL TO 10'X10'X10' TANK (CONCRETE)
   Types of sources include:  GRAVITY FEED TO TANKED ACRE, 1/10 A TO POND.  (5750 GAL)
   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?  (Cir: 21° 8' 43° 5.0" N, 115° 16' 48" 04" W)
   What is the capacity for taking (gpm)?  1,000 GPM
   How often is it taken (used)?  WILL BE USED AS NEEDED TO FILL TANK 1 WHEN

3. Tax Map Key at the source:  5-1-1-28. Determine declarant's relation to source. Does the declarant:
   1) Operate and maintain the source?  YES  If not, who does?  WILL OPERATE & MAINTAIN WHEN INSTALLED.
   2) Own the land at the source?  YES  If not, who does?  ________
   3) Use the water from this source?  YES  If not, who does?  NOT IN USE Now.
   4) Own the land where the water is being used?  ________
   5) None of the above?  ________ If so, why did they file?

4. Does any one else also use water from this source?  YES  If yes, is their use included in this user's declaration?  NO  Who are the other users?  Did they file?  GULLETE MACHADO (FIRE DEPT: MACHADO) FILED DECLARATION FOR USE OF SPRING WATER ORIGINATING ON TANK: 5-1-1-28.

VERIFIED BY: CHERING CHOW  DATE: 11/12/92

* OLD PUMP (WINDMILL DRIVEN) LOCATED APARTY 40 FT NORTH OF PROPOSED LOCATION FOR TAKING WATER.
OCT 26 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
          Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

We would appreciate your review of the attached application and please return this form by November 16, 1993.

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

LN:ky
Attachments

Response: Contact person: __________________________ Phone: __________

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

Signed: __________________________ Date: __________
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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LN:ky
Attachments

Response: Contact person: Phone:
( ) We have no comments 587-0274
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date:
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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If you have any questions regarding this application, 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: MANABU TAGOMORI
Date: NOV 24 1993
OCT 26 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  
Ualapue Ground Water Management Area, Molokai

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If you have any questions regarding this application, 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: ________________________  
Administrator

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  
          Ualapue Ground Water Management Area, Molokai

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

Signed: ___________________________  Date: ___________
Ms. Zelie K. Duvauchelle  
P.O. Box 98  
Kaunakakai, HI 96748

Dear Ms. Duvauchelle:

Enclosed is a copy of the public notice for your water use permit application for Well No. 0448-08 which will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

Please be aware that there may be objections to your application. 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 application with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

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

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.
PUBLIC NOTICE

Applications for Water Use Permit
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."

Mapulehu Tunnel (Well No. 0549-01)
Applicant: Pearl Friel Petro
P.O. Box 125
Kaunakakai, HI 96748
Date Completed Application Received: September 15, 1993
Aquifer: Ualapue System, Southeast Sector, Molokai
Well Source: Mapulehu Tunnel, Well No. 0549-01, at Mapulehu, Molokai, at Tax Map Key: 5-7-5:2
Quantity Requested: 1,000 gallons per day.
Existing Water Use: Irrigation of 2 acres of citrus trees and bananas; domestic service to 1 residence
Place of Water Use: Mapulehu, Molokai at Tax Map Key: 5-7-5:32

Duvauchelle-McCary (Well No. 0448-08)
Applicant: Zelie K. Duvauchelle
P.O. Box 98
Kaunakakai, HI 96748
Date Completed Application Received: August 18, 1993
Aquifer: Ualapue System, Southeast Sector, Molokai
Well Source: Duvauchelle-McCary Well, Well No. 0448-08, at Puko'o, East Molokai, at Tax Map Key: 5-7-7:28
Quantity Requested: 35,500 gallons per day.
Existing Water Use: Irrigation of 2.17 acres of water cress, taro, and aquaculture
Place of Water Use: Puko'o East Molokai at Tax Map Key: 5-7-7:28

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 November 16, 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

RAE M. LOUI for
KEITH W. AHUE, Chairperson

Dated: OCT 20 1993

Publish in: Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 25, 1993 and November 1, 1993.

We would appreciate your review of the attached application and please return this form by November 16, 1993.

If you have any questions regarding this application, 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
    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
    Ualapue Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for
Zelie K. Duvauchelle for Well No. 0448-08. Public notice of this application will be published

We would appreciate your review of the attached application and please return this form by
November 16, 1993.

If you have any questions regarding this application, 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: __________
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
Ualapue 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 application for Zelie K. Duvauchelle for Well No. 0448-08, 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 a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

Very truly yours,

KEITH W. AHUE

Enc.
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
Ms. Zelie K. Duvauchelle  
P.O. Box 98  
Kaunakakai, HI 96748

Dear Ms. Duvauchelle:

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

We acknowledge receipt, on August 18, 1993, of your completed water use permit application for the Duvauchelle-McCary Well (Well No. not assigned). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Since you were not registered as having a well, nor is your well on the ground water well index of wells statewide, we will need to conduct a field investigation of your source as well as your use within the 90-day period. Please fill out the enclosed field investigation form so that we can send someone to inspect your situation.

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

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

Sincerely,

RAE M. LOUI  
Deputy Director

RH:fc  
Encl.
FIELD VERIFICATION OF DECLARED WATER SOURCES AND USES

Please take a few minutes to provide the information requested below and return this form to the Commission on Water Resource Management as soon as possible using the enclosed postage-paid envelope.

Whom should we contact to arrange for a field inspection of your water source(s) and water use(s), and how can we contact them?

Name(s): ____________________________________________

Phone No. (Daytime): _______________ Phone No. (Evenings): _______________

Good time to call: ____________________________________________

Thank you for your cooperation.
I consent to the assistance of the Native Hawaiian Advisory Council (NHAC) and their agents in representing applicants for ground water use permits, including others who may have competing water uses. I realize that this consent is only for the ground water use application process and that NHAC is not seeking to represent me or others at this point in time as to the certification or resolution of competing water claims. I waive any possible claims of conflict of interest by NHAC in assisting Hawaiians and other applicants in applying for their water use permits. This waiver of claims of possible conflicts of interest shall be limited to the ground water use permit application process.

I also acknowledge that NHAC has no duty to disclose to me any information or knowledge of water uses that may be adverse to my interest that may arise out of their assistance of Hawaiians and others through the Native Hawaiian Water Resources Control Project.

Zelie K. Duvauchelle
Name

P.O. Box 98
Kaunakakai, HI 96748

Address
August 5, 1993

Native Hawaiian Advisory Council
1088 Bishop St. # 1204
Honolulu, Hawaii  96813

Dear Sir/Madam,

I have just returned home to Molokai after an extended vacation to find the enclosed Application for Water Use Permit.

I have filled it out and am returning the same to you.

I am hoping it is not too late.

Aloha,

Zelie K. Duvauchelle
APPLICATION FOR WATER USE PERMIT

STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT

(a) APPLICANT
Firm/Name: Zelia K. Duvauchelle
Contact Person: Ph: 558-8207
Address: P.O. Box 98
Kainakai, HI 96748

(b) LANDOWNER OF SOURCE
Firm/Name: Same
Contact Person: Ph: 
Address: 

SOURCE INFORMATION

1. WATER MANAGEMENT AREA: Ulapue
2. ISLAND: Molokai
3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: Duvauchelle-McGary Well
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: Duvauchelle Well
   (c) LOCATION: Address: Puko'o, East Molokai
   Tax Map Key: 5-7 07-128
   (Attach a USGS map, scale 1" = 2000", and a property tax map showing source location referenced to established property boundaries.)
4. SOURCE TYPE (check one): Stream
   Basal
   DiZse-confined
   Perched
   Caprock
5. METHOD OF TAKING WATER (check one): Artesian
   Well & Pump
   Diverted Surface
   Other (explain)

USE INFORMATION

6. 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
   (b) Tax Map Key: 5-7 07-128
   (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (c) Address: Puko'o, East Molokai
   (d) Current Land Use District: Urban
   Agriculture
   Conservation
   Rural
   (e) Current County Zoning Code: 500-Agricultural/Rural
7. QUANTITY OF WATER REQUESTED: 35,500 gallons per day (averaged over 1 year)
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)
    Aquaculture

   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: 2.17 Watercress, Taro, Aquaculture (acres)
    (crop)
13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: Continuous, As Needed
    (daytime hours of operation, ex. 7 a.m. to 2 p.m.)
14. 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
15. REMARKS, EXPLANATIONS:

   (if more space is needed, continue on back side)

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

   Applicant (print): Zelia K. Duvauchelle
   Landowner (print): Same
   Signature: ____________________________
   Date: ____________________________

   For Official Use Only:
   Date Received ____________________________
   Hydrologic Unit No. ____________________________
   Date Accepted ____________________________
   Diversin Works No. ____________________________
   State Well No. ____________________________

5/19/93 WUFA Form
TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>TMK</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS OF NET ACRES</th>
<th>GPD/UNIT OF GPD/ACRE</th>
<th>TOTAL GPD</th>
<th>% OF TOTAL GPD TO BE USED OVER NEXT 4 YEARS</th>
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<tr>
<td>Taxkey</td>
<td>Subdiv/Condo</td>
<td>Tnr Address</td>
<td>Owner/Lessee</td>
<td>Bds</td>
<td>Bths</td>
<td>Land area</td>
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<tr>
<td>2-5-7-7-28</td>
<td>F8665</td>
<td>BACON, KAMEHAMEHA NATHANIEL &amp; V HWY ANNE C</td>
<td>3</td>
<td>2</td>
<td>2.01 ac</td>
<td>1,268</td>
</tr>
</tbody>
</table>

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.

Copyright ©3/10/2011 by Hawaii Information Service
TO: [Name]
DATE: 4/13
TIME: [Time]

WHILE YOU WERE OUT

M: [Name of new owner of property]
Phone: [Phone number]

TELEPHONED
PLEASE CALL

CALLED TO SEE YOU
WILL CALL AGAIN

WANTS TO SEE YOU
URGENT

RETURNED YOUR CALL

Message: Well on Molokai
Transfer title
Thanks very much for your response and updating our information. This clears things up a little, and perhaps you will confirm that our response finally makes sense. To answer your questions sequentially:

1. What you identify as a well once operated by a windmill, 40 feet mauka of Lo'iloa Spring, was not confirmed to be a well in November 1993, when we were verifying and registering these sources. Rather, the shed was believed to house the wellhead and pump, designated 0448-09, which you now point out was an error. Perhaps the shed was still intended to house a pump which

2. The designation of Lo'iloa Spring as surface water source designation (before the Water Code or the Commission).

3. The appropriate thing to do now is to apply the designation 0448-09 no windmill-operated site 40 feet mauka. That was doubtless the original intent to confuse the two. Thank you for clearing that up. This is "housekeeping" of action on your part. It is transferred to your name and called Puko'o-Bacon Well.

4. We are sending the letters you requested by mail.

5. The Ort Well has not yet been constructed, and the permit has been extended to July 2003. We do not anticipate that it should affect the fishpond, despite the concerns of Ms. Machado, but will review pump tests records in this light when they are done, as our normal procedure.
Dear Charley:

I am finally responding to your department's letters of a year ago relative to our request to have Duvauchelle Well no. 0448-09 at Puko'o on Moloka'i transferred to our names, as the new owners of the property on which the well is located. Family illness has prevented me from being on top of this matter during the past year.

We thank you for your efforts in transferring the well ownership, so that it now reads Puko'o-Bacon Well, as indicated in Linnel Nishioka's letter of May 4, 2001. But in a subsequent letter it sounds like there is some confusion relative to the number (well no. 0448-09) issued to the Duvauchelle well. In Ms. Nishioka's letter of May 16, 2001, she also makes reference to Lo'iloa Spring (diversion no. 0448-01).

It may be helpful to note that we have been told by the Duvauchelle family that the well that the original number was assigned to exists approximately 40 feet mauka and slightly east of the referred to spring. It was installed sometime around the turn of the century to pump water to the cistern/resevoir above the well. This water was then gravity fed water to the old Duvauchelle family home that was located just to east and Makai of the well and cistern (approximately where the Samuel Yap home is now located), and to agricultural crops. This well is where the windmill was located, and though the windmill is no longer standing, the actual pump/well head is still there. We would be happy to provide current photographs of the well head and its location if needed. The new structure located at the spring outlet is actually a recently constructed (late 1980's) shed that the Duvauchelle/McCarys considered using as a future pump house if they were granted a permit to pump from the actual spring source, instead of re-using the old well.

If you will look at the photographs included in the August 16, 1999 Memorandum from Glenn Bauer, SUBJECT: Investigation of Spring Discharge at Puko'o, Moloka'i, August 11, 1999, photo #3 is incorrectly labeled. It is actually a photo of the spring source and the new shed, which never contained and does not now contain an "abandoned pump". If you will look at the photographs included in the WUPA filed by Zelie Duvauchelle November 21, 1993, you will see that the first photo correctly identifies the same shed, in which a pump was to be installed in the future, and in the last photo, the old well head/pump that was driven by the former windmill.

Also, in her letter dated May 16, 2001, paragraph 4, Ms. Nishioka states that she has enclosed "(1) the letter from Colette Machado expressing concerns with respect to use of water from this spring,", but I think she accidentally enclosed a letter that Ms. Machado wrote later, on August 21, 1999, expressing concerns about the Puko'o Farm Well application submitted by Stanley and Frances Ort, instead.

So, we would appreciate it if you could help us with the following questions:

1. What was the date that Well no.0448-09 was issued for the Duvauchelle Well?

2. What was the date that Diversion no. 0448-01 was issued for Lo'iloa Spring?

3. Does the content of your department's May 16, 2001 letter mean that well no. 0448-09 no longer has a number? If so, we respectfully request that the no. 0448-09 for the Puko'o-Bacon Well be maintained in the records as separate from and in addition to Diversion no. 0448-01 for Lo'iloa Spring, since they are in different locations.
4. May we please receive a copy of the Colette Machado (representing Ke Kua'aina Hanauna Hou) water use/source declaration relative to the 1993 Duvauchelle application for water use, or any other letter that she might have written to your department relative to this application?

5. Was the Puko'o Farm Well (Well no. 0447-02) application approved? If so, has it been installed and is it in use? If so, has the drawing of that water affected the salinity of the ocean water in and around Puko'o Lagoon?

Thank you for helping us get this matter cleared up.

Sincerely,

Anne Curtis Bacon

ph  558-0320
fax  558-0120
Nathaniel and Anne Curtis Bacon  
P.O.Box 730  
Kaunakakai, HI 96748  

Dear Mr. and Ms. Bacon:  

Loʻi‘loa Spring (Diversion No. 0448-01)  

Please reference our letter to you dated May 4, 2001 (attached). After further review, we find that the use of the term “well” for your spring source was incorrect. We understand that locally it has long been referred to as the "Duvauchelle Well" and was assigned a well number. However, our records indicate that your source is a surface water (spring) source rather than a well. The improvements at the spring mouth for use of pumps gave it the designation as (surface) Diversion No. 0448-01.

To clarify our May 4 letter, it is the transfer of Loʻi‘loa Spring (Diversion No. 0448-01) to your ownership that we acknowledge, not “Well No. 0448-09”. In the future, the source can simply be referred to by the traditional name, Loʻi‘loa Spring. Future increased use of water from the existing improvement should refer to Diversion No. 0448-01, and would require approval of an application to amend the interim instream flow standard.

In discussions with staff, you indicated that you may also consider constructing a well. We find no clear evidence of an existing well in our records, only reference to a former windmill, which may only have preceded the current pump house in withdrawing water from the spring. Please use the provided forms from our earlier transmittal to apply for well permits.

Finally, we are transmitting requested information from our files, including: (1) the letter from Colette Machado expressing concerns with respect to use of water from this spring; (2) the field investigation that followed; (3) the earlier field investigation (1993) for Zelie Duvauchelle’s water use declaration and application for water use permit; and (4) both the submittal and the minutes from the Commission action taken on the water use permit application.

If you have any questions, please contact Charley Ice of the Water Commission staff at 587-0251 or toll-free at 1-800-468-4644, extension 70251.

Sincerely,

Linnel T. Nishioka  
Deputy Director

Enclosure
Nathaniel and Anne Curtis Bacon
P.O.Box 730
Kaunakakai, Moloka‘i HI 96748

Dear Mr. and Ms. Bacon:

Puko'o-Bacon Well (Well no. 0448-09)

Thank you for announcing the transfer of ownership of this well to your name, and for sending documentation of your deed. We are placing in both the Water Use Declarations file and the Well file a copy of this acknowledgement with your letter, noting the transfer and the change in well name from "Zelie Duvauchelle Well" to Puko'o-Bacon Well (same Well No. 0448-09).

We are also transmitting copies of a well construction and pump installation permit application, a water use permit application, and a petition to amend the interim instream flow standard, as requested, in the event you wish to pursue new work on an unregistered well on your property or to make offstream use of the spring water also found there.

If you have any questions, please contact Charley Ice of the Water Commission staff at 587-0251 or toll-free at 1-800-468-4644, extension 70251.

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

Cl:ky
Enclosures
FROM: LINNEL

DATE: APR 20 2001

TO: BAUER, G.

TO: LUM, A.

TO: NAKAMA, L.

TO: NAKANO, D.

TO: NISHIOKA, L.

TO: OHYE, M.

TO: SAKODA, E.

TO: SUBIA, S.

TO: SWANSON, S.

TO: UYENO, D.

TO: YODA, K.

PLEASE:

See Me

Review & Comment

Take Action

Type Draft

Type Final

File

Xerox ___ copies

Please see tabbed memo, with attachments, for explanation.

No record of this well - illegal. ATF have to notify the

of this TMK or in registration

New owner.

11 May 01: databases has been reconciled w/ well database by Ray, in consultation also

with Mitch. A new letter clarifies that this source is not a well, will be remove

from the well database and well map, and the well number dropped.
April 18, 2001

TO:
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
PO Box 621
Honolulu, Hi  96809

FROM:
Nathaniel and Anne Curtis Bacon
PO Box 730
Kaunakakai, Hi 96748
(808) 558-0320

To Whom it may Concern:

We, Nathaniel and Anne C. Bacon, have purchased TMK: 5-7-7-28 on Molokai from Robert A. and Zelie K. Duvauchelle McCary. There is a well on the property assigned the number 0448-09 that remains in their name.

At the recommendation of the Realtor in charge of the property sale, Diane Swensen, we are requesting that the State change the registered name on the well to correspond to the name change on the deed. Please find an enclosed copy of the deed and related tax map.

Please feel free to contact us if you need further information.

Thank you for your assistance,

Nathaniel Bacon

Anne Curtis Bacon
Well Numbers in 0448 (Moloka‘i)

There are conflicting numbers assigned to sources in this grid (map attached). Corrections are proposed herein.

0448-08 and 09
Lo‘iloa Spring, which once served taro production and contributed to Puko‘o Fishpond was assigned the designation of Stream Diversion 0448-01. A structure was built by Zelie Duvauchelle, property owner, at one edge of the freshwater pond where spring water collects before moving makai, at the spot where the major portion of discharge occurs, and was tentatively assigned the number 0448-09 during a source declaration verification. A well further mauka in the same immediate vicinity was not declared nor numbered. Unfortunately, the Duvauchelle Well file folder was captioned 0448-08 (not “09” as advised).

The well database has assigned “-08” to the “Puko‘o-Machado Well” on the Puko‘o Fishpond property (Colette Machado was the declarant on behalf of the Schroll Trust, which holds title to the property operated by Ke Kua‘aina Hanauna Hou). There is no folder for this well, which was located during the well declarations process and found to be unused and full of debris.

The new owner of the Duvauchelle Well wishes to clean out the pond where the spring discharges, and possibly to resume using that water for irrigation, pumping it from the “well improvement” which should be called 0448-09 (folder has been changed to show this), as recommended in the declarations report. They also propose to explore the previously undeclared and unused well identified in the verification, and possibly refurbish that well, which should then be called 0448-10.*

0448-01 and 02
As a separate matter, the declarations database lists two different wells as 0448-01, and one of them appears to be a well mapped as “-02”. Unfortunately, neither the well database nor any folder provides a corroborating TMK number. Fortunately, the declarations files do distinguish them as “-01” and “-02”. I suggest that the declarations database be adjusted to reflect the declarations files: the well on TMK 5-7-8:76 is Well No. 0488-01, HSPA Mapulehu Shaft 1 (tenant Ellen Osborne); and the well on TMK 5-7-5:2 is Well No. 0488-02, Mapulehu Shaft 2 (owned by Pearl Petro). (For reasons unknown, the three “Mapulehu Shafts” are all dug wells!)

* A WCPIA for exploratory work on 0448-10 and IIFSA for the spring are being sent to the new property owner in anticipation of their planning, as well as a WUPA, should exploration of 0448-10 suggest its use. They also requested a copy of the declaration file (for the spring source) by adjacent landowner-declarant Colette Machado.
August 16, 1999

MEMORANDUM FOR THE RECORD

FROM:  Glenn Bauer

SUBJECT:  Investigation of Spring Discharge at Puko’o, Molokai, August 11, 1999

Background

Richard Jinnai, Charley Ice, and I investigated a basal spring source at Puko’o, Molokai on August 11, 1999. The investigation was prompted by a proposed well approximately 1,000 ft. northeast of the spring and up gradient of the ground-water flow. On July 21, 1999 Colette Machado, representing Ke Kua’aina Hanauna Hou (KKHH), faxed a letter expressing concern that pumpage from the well could affect spring flow, and noting that baseline data should be collected at Puko’o prior to issuance of a well and water use permit. In our investigation we were joined by Malia Akutagawa of KKHH and Bill Puleloa of Division of Aquatics, DLNR.

At the July 21, 1999 Commission meeting, Chairperson Johns inquired about the flow and condition of the spring at Puko’o, and asked the Commission staff to investigate. Previous to this investigation, what was known about the spring is found in Stearns and Macdonald’s (1947), Geology and Ground-Water Resources of Molokai, Hawaii.

Stearns and Macdonald (1947) report that the basal spring, known as Loiloa Spring, is one of two that fed the Puko’o Fishpond. Loiloa is the larger of the two, and was reported by Mr. E. K. Duvauchelle to have discharged 0.75 mgd in 1910. There is no reference as to who performed the measurement or how was it accomplished. Stearns and Macdonald (1947) describe Loiloa Spring as issuing from alluvium at the base of basalt spur, about 150 ft. mauka of the highway and at an approximate elevation of 5± ft. msl. Presently, the spring orifice is visible, but flow from the spring is restricted by California grass as the water is channelized makai and under the Kamehameha V Highway to a drainage ditch that runs along the perimeter of the property. An old pump house overlies the spring. The second spring indicated on the geologic map was not visible, and may have been covered during the dredge and fill operation.

Puko’o Fishpond has been altered considerably. The pond is now dredged and partially filled in. As mentioned above, a drainage channel runs parallel to the highway on the mauka side of the property intercepting the ground-water discharging from Loiloa Spring, and a diffuse inflow of ground-water discharging into the channel, east of where Loiloa Spring enters the channel. Figure 1 is a sketch map of the conditions encountered on August 11.

Results

Because of the impossibility of measuring Loiloa Spring above Kamehameha V Highway, we decided to measure the flow in the drainage channel in two localities. The flow measurements were performed using a Marsh-McBirney Flowmate 2000 portable flowmeter and
top-setting wading rod. Each section increment was 0.2 ft. and flow was measured at 0.6 depth.

The first section (Section 1) is about 50± ft. east of the confluence of Loiloa Spring with the drainage channel. The second section (Section 2) is about 500± ft. southwest from the first section and includes all water discharging into the channel. Subtracting Section 1's discharge from the total flow at Section 2 would equal the flow from Loiloa Spring. This result, however, assumes that no other spring discharge enters the channel west of the confluence. Sections 1 and 2 were measured during a low tide cycle that reached its minimum of 0.0 ft. msl at 0916 at Kaunakakai Harbor. Both sections were measured within two hours after low tide. The changing tide, however, did not influence the flow measurements because the water stage elevations remained constant as determined by reference point measurements before and after each section. Figures 2-9 represent field conditions. Table 1 below, summarizes the flow measurements obtained.

Table 1

<table>
<thead>
<tr>
<th>Section</th>
<th>Discharge (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.036</td>
</tr>
<tr>
<td>2</td>
<td>0.346</td>
</tr>
<tr>
<td>2-1</td>
<td>0.310</td>
</tr>
</tbody>
</table>

Table 1 shows that the calculated flow from Loiloa Spring is 0.310 mgd, less than half of what was reported in Stearns and Macdonald (1947).

At each section and at Loiloa Spring water samples and conductivity measurements were collected. In addition, a fresh water basal spring located about 0.1 mile east of the Puko’o Fishpond was also sampled. The actual discharge point for this spring was not seen, however, the spring water formed a small estuary that was dammed at the coast by a sand bar. The sample was collected about 75 feet mauka from the shoreline. Table 2 below summarizes the conductivity and salinity results.

Table 2

<table>
<thead>
<tr>
<th>Station</th>
<th>Chloride (ppm)</th>
<th>Specific Conductance (umhos)</th>
<th>Temperature (°C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loiloa Spring</td>
<td>67</td>
<td>418</td>
<td>24.0</td>
</tr>
<tr>
<td>Section 1</td>
<td>122</td>
<td>651</td>
<td>24.8</td>
</tr>
<tr>
<td>Section 2</td>
<td>73</td>
<td>481</td>
<td>25.5</td>
</tr>
<tr>
<td>Basal Spr. 0.1 mi east</td>
<td>118</td>
<td>687</td>
<td>25.1</td>
</tr>
</tbody>
</table>
Stearns and Macdonald (1947) sampled Loiloa Spring in September 1945. Their reported chloride concentration was 194 ppm.

Recommendations

Long-term monitoring of Loiloa Springs and other basal springs should begin. Measuring the springs at Puko’o can now be accomplished relatively quickly. We can return to the same sections several times a year. If the 1999 winter months are wet, then I believe we should return to see if there is a significant increase in spring discharge.

I do not believe that the proposed well will have an effect on the Loiloa Spring discharge. However, in order to quantify any possible effects I recommend that a data logger be installed at Loiloa Spring several weeks prior to testing for baseline data (e.g. tidal fluctuation) and during a long-term aquifer test that should last several days. The long-term aquifer test would be a special condition applied to the well construction/pump installation permit since a use of 2,500 gpd does not require any testing according to the Hawaii Well Construction and Pump Installation Standards (Table 9 of standards).

The location and measurement of other East Molokai basal springs should be done. Perhaps Colette Machado, Malia Akutagawa, Bill Puleloa, and Walter Ritte can aid us in locating and contacting owners for this purpose.

References

Figure 1
Figure 2
Loiloa Spring Source (Note: California grass)

Figure 3
Loiloa Spring Source and Abandoned Pump

Figure 4
Culvert Where Loiloa Spring Crosses Highway. Spring Source Located Near Large Mango Tree.

Figure 5
Drainage Channel Makai of Highway and West of
Figure 6  
Section 1

Figure 7  
Section 2

Figure 8  
Location of Section 1 as Seen From Section 2

Figure 9  
Location of Section 2 as Seen From Section 1 (Section 2 in Ironwood Trees)
Notes on Glenn Bauer's Report on Measuring Lo‘iloa Spring (Puko'o)
August 11, 1999

The investigation was prompted by Commissioners' response to comments in the Water Use Permit Application of Stan and Frances Ort for 2500 gpd from a proposed Puko'o-Ort Well (0447-02). Proprietors of Ke Kua‘aina Hanauna Hou (KKHH) at Puko'o Fishpond expressed concern that withdrawals from the proposed well might adversely impact spring flow, important to maintain the habitat integrity of the fishpond. The only other information about this spring is the 1947 Stearns and Macdonald reference to a 1910 estimate of Lo‘iloa Spring volume at 750,000 and 194 ppm chlorides.

What we found is that Puko'o Fishpond has been dredged into what the proprietors described as a "3-leaf clover", with areas formerly within the fishpond now backfilled, including the location of the main building of KKHH. The former pond walls have been compromised so that the pond opens to the sea through a channel, and additional rock was brought in to line the current pond configuration. Ironically, the spring in question reaches the ocean by means of a culvert beneath the main coastal road and a swaled channel circumscribing the property; it now discharges to the next (west) fishpond. The swale has the appearance of a drainage ditch, with water flowing down its upper length from seepage sources to join the flow from the spring through the culvert. We believe the upper swale flow represents general groundwater discharge, although a second spring recorded in geology reports could not be found and may well have been obliterated by backfill; if so, the former spring discharge may be finding its way into the upper "drainage" channel.

Our measurements in the channel above and below the culvert discharge was intended to isolate the Lo‘iloa Spring contribution, but in fact, additional groundwater seepage along the remaining channel may also contribute. No such obvious springs or seeps were noticed, although our visit was timed to coincide with a low tide. The "middle leaf" of the clover-shaped fishpond exhibited seepage tunnels at the base of a backfill layer, which were dry during our visit at low tide, and it is not known when or how such seepage occurs.

Lo‘iloa Spring itself emerges from a basalt spur some 150 feet from the roadway immediately into a pond overgrown with California grass. It does not appear to show any current of flow, which is why we chose two sections of the "drainage channel" on the makai side of the road for our measurements. The neighbor residing next to the spring maintains the spring opening and the pumphouse located above on rock, and indicates that the source of the spring is a "tunnel" into the mountain, which conforms to our expectation that it is fed from a lava tube. Our temperature measurement near the throat of the spring was close enough to the ambient temperature to confuse a clear idea of the water's origin.
November 23, 1993

FAX TRANSMITTAL

Total number of pages: 1
(including cover page)

TO: Roy Hardy, DLNR
FAX No.: 587-0219

FROM: Sterling Chow

SUBJECT: Zelie Duvauchelle WUPA

I called and spoke to Robert McCary (Zelie Duvauchelle's husband, 558-8207) this afternoon regarding the wall at the edge of the pond where the proposed pump intake will be located.

Mr. McCary said the wall was built about 3 years ago to hold up the bank. When kids would fish in the pond from that location, parts of the bank would fall into the pond.

He added that where he would like to locate the intake is where a spring is located. There are two other springs within 3 or 4 feet of that location.

Sterling J. L. Chow Engineering and Planning Services
615 Piikoi Street, Suite 1601 / Honolulu, Hawaii 96814 / (808) 524-1399 / FAX (808) 534-3975
LAND COURT SYSTEM
REGULAR SYSTEM

Return by: Mail [xx] Pickup [ ] To:
American Savings Bank
915 Fort Street Mall
Honolulu, HI 96813

GRANTOR: ZELIE K. DUVAUCHELLE-MCCARY and ROBERT A. MCCARY

GRANTEE: NATHANIEL BACON and ANNE CURTIS BACON

PROPERTY: "AKIONA-DUVAUCHELLE SUBDIVISION"
Lot No. 1-A Kamehameha V Highway
Kaunakakai, Hawaii

TMK NO.: (2) 5-7-7-28

WARRANTY DEED

THIS DEED, made this ____ day of NOV 19 1997, 19 ,
by ZELIE K. DUVAUCHELLE-MCCARY and ROBERT A. MCCARY, wife and
husband, hereinafter called the "Grantor", and NATHANIEL BACON and
ANNE CURTIS BACON, husband and wife, whose address is 32 Robinson
Road, P.O. Box 5151, Edgartown, MA, 02539, hereinafter called the
"Grantee",

Certified to be a true, correct and complete copy of the
instrument recorded in the Bureau of Conveyances of the
State of Hawaii.

on NOV 26 1997 at 8:01 A.M. as
Document No. 97-165710

OLD REPUBLIC TITLE AND ESCROW OF HAWAII
By May Ferdi.
That for TEN DOLLARS ($10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as Tenants by the Entirety, in fee simple:

All of that certain parcel of land situate at Pukoo, Island of Molokai, County of Maui, State of Hawaii, as more particularly described in Exhibit "A", attached and incorporated herein by reference, and together with the personal property, if any, described in said Exhibit "A";

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both in law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may be specifically set forth herein; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, and the Grantee's heirs, personal representatives, and assigns.
The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context thereof. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned executed these presents as of the day and year first above written.

ZELIE K. DUVAUCHELLE-MCCARY

ROBERT A. MCCARY

"Grantor"
(signatures continued)

NATHANIEL BACON

ANNE CURTIS BACON

"Grantee"
STATE OF HAWAII
COUNTY OF MAUI

On this 4th day of September, 1997, before me personally appeared ZELIE K. DUVAUCHELLE-MCCARY and ROBERT A. MCCARY, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Lisa V. Williams
Notary Public, State of Hawaii

My Commission Expires Nov. 18, 1998
On this 19 day of November, 1992, before me personally appeared NATHANIEL BACON and ANNE CURTIS BACON, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Notary Public, State of Massachusetts

My Commission Expires: ____________
EXHIBIT "A"

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number 6038, Land Commission Award Number 3830, Apana 1 to Puua and being portion(s) of Royal Patent 6036, Land Commission Award Numbers 4119 and 4125, Apana 1 to Kekuhi and Royal Patent Number 7375, Land Commission Award Number 8214 to Ilae Napohaku) situate, lying and being on the Northerly side of Kamehameha V Highway at Pukoo, Island of Molokai, County of Maui, State of Hawaii, being Lot 1-A of the "AKIONA-DUVAUCHELLE SUBDIVISION", and thus bounded and described:

Beginning at the Southeast corner of this lot, being also the Southwest corner of Lot 1 of the Sherwood Subdivision and the Northerly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAPULEHU" being 2,087.54 feet North and 1,482.11 feet East and running by azimuths measured clockwise from true South:

1. 72° 0 50' 33.58 feet along the Northerly side of Kamehameha V Highway;
2. 79° 17' 30" 202.16 feet along same;
3. 164° 0 03' 7.00 feet along Lot 2-A, Akiona-Duvauchelle Subdivision;
4. 254° 0 03' 5.00 feet along same;
5. 164° 0 03' 235.12 feet along same;
6. 72° 0 00' 136.79 feet along same;
7. 162° 0 00' 141.99 feet along same;
8. 252° 0 00' 337.56 feet along Royal Patent 7375, Land Commission Award 8214, to Ilae Napohaku;
9. 353° 0 03' 145.94 feet along Lot 2 of the Sherwood Subdivision;
10. 347° 30' 132.00 feet along Lot 1 of the Sherwood Subdivision;
11. 267° 0 00' 39.60 feet along the same;
12. 332° 0 00' 126.96 feet along same to the point of beginning; containing an area of 94,830 square feet or 2.177 acres.
Being all the property described in the following:

(A) DEED
Recorded : July 15th, 1991 in the Bureau of Conveyances, State of Hawaii, as Document No. 91-094710
Grantor : AUGUST K. DUVAUCHELLE and SOPHIE M. DUVAUCHELLE, husband and wife
Grantee : ZELIE K. DUVAUCHELLE-MCCARY and ROBERT A. MCCARY, wife and husband, as Tenants by the Entirety

(B) DEED
Dated : July 10th, 1992
Recorded : July 23rd, 1992 in the Bureau of Conveyances, State of Hawaii, as Document No. 92-118367
Grantor : RICHARD C. F. CHUN, Personal Representative of the Estate of Ellen A. C. Duvauchelle, Deceased
Grantee : ZELIE K. DUVAUCHELLE-MCCARY and ROBERT A. MCCARY, wife and husband, as Tenants by the Entirety
SUBJECT, HOWEVER, TO THE FOLLOWING:

1. The lien of deferred or roll back taxes, if any, assessed pursuant to the provisions of Section 3.48.325, et seq. of the Maui County Tax Code. (Re: Change in land use classification.

2. Title to all minerals and metallic mines reserved to the State of Hawaii.

3. Designation of easement (area 7,110 square feet) for pedestrian, traffic and utilities purposes in favor of Lot 1, Tax Map Key: 5-7-7-65 (2) over a portion of the premises described herein, as shown on survey map prepared by A. E. Minvielle, Jr., Registered Professional Land Surveyor, dated February 22, 1988, being more particularly described as follows:

   Beginning at the Southeast corner of this easement, being also the Southeast corner of Lot 1 of the North side of Kamehameha V Highway, thence by true azimuths and distances:

   1. 72° 50' 00" 33.58 feet along Kamehameha V Highway;
   2. 79° 17' 30" 39.54 feet along the same;
   3. 167° 30' 00" 130.38 feet along the remainder of Lot 1;
   4. 267° 00' 00" 39.60 feet along Lot 1, TMK: 5-7-7-65;
   5. 332° 00' 00" 126.96 feet along same to the point of beginning. Area of Easement 7,110 square feet.

4. GRANT OF EASEMENT
   Dated: March 21st, 1988
   Recorded: in the Bureau of Conveyances, State of Hawaii, in Book 21787, Page 298
   In favor of: SAMUEL R. YAP and RUTH E. YAP, husband and wife
   Granting: An easement for pedestrian, traffic and utilities purposes
WUPA: DUVAUCHELLE, ZELIE

Verification of Water Sources and Uses--Molokai

Report submitted to:
Commission on Water Resource Management
Department of Land and Natural Resources

November 21, 1993

Sterling J. L. Chow Engineering and Planning Services
615 Piikoi Street, Suite 1601 / Honolulu, Hawaii 96814 / (808) 597-8162 / FAX (808) 536-3975
FIELD MEMORANDUM

WUP APPLICANT: DUVAUCHELLE, ZELIE

SITE VISIT DATE: November 12, 1993

PRESENT: Mr. Robert McCary (applicant's husband)
Sterling Chow

STATUS: Proposed use of spring water. Well index number 0446-09 (Pukoo-Duvauchelle) will be assigned to this well.

SOURCE(S): TMK: 5-7-7:28. USGS Halawa quad (Mo-5). Ualapue aquifer system. Well to be assigned number 0446-09 (Pukoo-Duvauchelle).

USE(S): TMK: 5-7-7:285. USGS Halawa quad (Mo-5). Proposed use for orchard crops, taro, watercress, and aquaculture.

FIELD NOTES:

1. Source: A spring that flows into a pond approximately 1/3 acre in size. The water from this pond flows through a 24-inch culvert under Kamehameha V Highway, into a ditch on TMK: 5-7-7:21, then into the ocean.

   The applicant proposes to locate a pump intake at what appears to be the location of a spring that flows into the pond noted above. A solar powered pump would be used to pump the water from the pond through a 1-1/2 inch diameter pipe into a 10'x10'x10' (approximately 7,500 gallons) concrete reservoir. The water would then be gravity fed to the locations of use.

2. Use: The water would be pumped as needed to fill the concrete reservoir and when sufficient sunlight is available. The water would be gravity fed from the reservoir down a slope between the reservoir and the well and used to irrigate terraced areas of fruit trees. The amount of terraced area will depend on the usable area along the slope. Mr. McCary indicated that because the slope is rocky, the only areas that will be planted is between these rocky spots. The sloped area has an estimated gross area of approximately 1/3 acre. The usable area will be less than 1/3 acre.
At the bottom of the slope a taro patch approximately 500 square feet in size will be irrigated, and the overflow from the taro patch will flow back into the pond where the water was pumped from.

The pond would be cleared of the grassy overgrowth that has encroached into the pond over the years and used for aquaculture and growing watercress. After clearing, the pond is expected to be approximately 1/3 acre in size.

3. Quantity: According to Mr. McCary, the combination of the pump size, head, and maximum expected solar irradiation would enable 1,000 gallons per day to be pumped.

4. Location: Source and use, TMK: 5-7-7:28. Meas from quad: latitude = 21 deg 04 min 35 sec N longitude = 156 deg 48 min 11 sec W

5. Ownership: Land owned by Robert McCary, Et al.

6. Well number 0448-09 (Pukoo-Duvauchelle) will be assigned to this well.
The intake for Well 0448-09 (Pukoo-Duvauchelle) will be located as indicated in the photo. The pump will be housed in the shed shown.

View facing makai from the shed where the pump will be housed.
Water will be pumped into this existing 10'x10'x10' concrete reservoir.

The concrete reservoir is located behind the mango tree in this photo. The sloped area with haole koa and grass will be terraced for fruit trees. The area for taro is indicated.
Pump for old windmill driven well located approximately 40 feet mauka of the proposed site for the new well.

Not sure if this is another 2nd source on property or just a pump too far away from source.
8/18/93 field measurement

just saw spring and not 2nd source although didn't look for it.
Another view of the ditch system which receives water from the highway culvert as well as seepage into the ditch.

View facing makai from the highway culvert. The property was once a fishpond, but was filled in the 1970's.
View facing makai of portion of the ditch that flows into the ocean.

The ocean outlet end of the ditch.
Well 0448-08 is located near the west side of the property near the hala tree in the photo. Plans call for locating a nursery and taro patches in the open areas in the photo.
View of the property from the ocean side where a lagoon has been constructed.
Close up of mauka end of highway culvert.

View facing west of ditch parallel to the highway which conveys the spring water along the boundaries of the property.
Highway culvert which conveys spring water from grassy area near coconut trees mauka of the highway to the Ke Kuaaina Hanauna Hou property.

Close up of grassy area mauka of the highway.
FIELD INSPECTION INFORMATION CHECKLIST

PART I: USE OF WATER

Declarant's File Reference: Machado C

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

Source #: C448-08 Name: Kukoo - Machado

1. Where does the water come from / what kind of source is this? DUG WEL, 2 FT TP CONCRETE PIPE, FILLED TO WITHIN 2 FT OF TOP.

   Types of sources include:
   1) Wells (drilled, dug, tunnel)
   2) Divisions (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? APS: LBT-21°04'27.0"N, LON-158°48'13.7"W

   What is the capacity for taking (gpm)? NO PUMP, NOT OPER

   How often is it taken (used)? ______

3. Tax Map Key at the source: 5 - 7 - 7 - 21. Determine declarant's relation to source. Does the declarant:

   1) Operate and maintain the source? Yes If not, who does? NOT IN USE

   2) Own the land at the source? Yes If not, who does? NOT IN USE

   3) Use the water from this source? No If not, who does? KE KUARIN HANALUKI (NON-PROFIT ORG)

   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? No If yes, is their use included in this user's declaration? _____ Who are the other users? Did they file? ______

VERIFIED BY: Sterling Chow DATE: 3-31-893

* Since registration, school trust gifted land to Ke Kuarin Hanalukai, Inc., a non-profit organization. Collette Machado is executive director of this group. A 4-page portion near the bottom was held by the school trust.
FIELD INSPECTION INFORMATION CHECKLIST

PART I: USE OF WATER

Declarant's File Reference: MACHADO C

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

PART II: WATER SOURCE

Source #: 0448-01 Name: IMPERIAL SPRING

1. Where does the water come from / what kind of source is this? STRING WHICH ORIGINATED MANNER-OF-DUMP AND FOUND AT DUMP SITE CULVERT INTO A DITCH PERPENDICULAR
   Types of sources include: TO DUMP. DITCH ALSO RECEIVES FRENCH
   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)
   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)? ____________________________

2. Tax Map Key at the source: 5 - 7 - 21/28 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? NO If not, who does? KE HUNGT RANCH
   3) Use the water from this source? NO If not, who does? NOT IN USE
   4) Own the land where the water is being used? ______
   5) None of the above? ______ If so, why did they file? ____________________________

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

VERIFIED BY: STERLING CHOW  DATE: 3-31-93

FUTURE PLAN TO USE WATER TO IRRIGATE NURSERY OF NATIVE HAWAIIAN PLANTS AND TAPA
COLETTE MACHERDO NOTIFIED OF PERMITS REQUIREMENTS IF THEY PLAN TO USE THE
WATER (SCAP/ DIV WORK PERMIT, AMENDMENT OF 5TH FLOW STUD)
FIELD MEMORANDUM

DECLARANT (File Reference): MACHADO C

SITE VISIT DATE: March 31, 1993

PRESENT: Ms. Colette Machado
          Sterling Chow

STATUS: (1) Unused spring flow. Stream diversion number 0448-01 (Loiloa Spring) will be assigned to this diversion.

          (2) Unused dug well. Well index number 0448-08 (Pukoo-Machado) will be assigned to this well.

SOURCE(S): (1) TMK: 5-7-7:21 & 28. USGS Halawa quad (Mo-5). Ualapue aquifer system. Diversion to be assigned number 0448-01 (Loiloa Spring).

          (2) TMK: 5-7-7:21. USGS Halawa quad (Mo-5). Ualapue aquifer system. Well to be assigned number 0448-08 (Pukoo-Machado).

USE(S): (1) Not in use.

          (2) Not in use.

FIELD NOTES:

Stream Diversion 0448-01 (Loiloa Spring):

1. Source: The source for this stream diversion is spring flow from an area mauka of Kamehameha V Highway as well as seepage directly into a ditch. The declarant identified the source of the spring as being mauka of the highway and flows onto their property through a 24-inch diameter culvert. A ditch located parallel to the makai side of the highway collects water from the culvert as well as seepage along the mauka boundary of the property and conveys it to the ocean along the west side of the property. See the attached tax map for approximate location and alignment of the ditch.

The spring flow fed a fishpond which was located on the property. In the 1970's the fishpond was filled and a lagoon constructed for a potential resort development. The ditch conveys the spring water around the filled area and out to the ocean.
2. Use: The spring water is currently not in use. In 1990 the landowner gifted the land to Ke Kuaaina Hanauna Hou group for their use. In the future, the water may be used to provide water for a nursery and taro patch in an area approximately 3/4 acres in size near the well registered by the declarant.

3. Quantity: Not in use.

4. Location: Source and use, TMK: 5-7-7:21&28. Using the GPS: 
   latitude = 21 deg 04 min 30.8 sec N
   longitude = 156 deg 48 min 04.4 sec W

5. Ownership: Land owned by Ke Kuaaina Hanauna Hou. (Note: When the declaration of water use forms were completed, the land was owned by the Maud Van Cortland Scholl Trust. Since then, the land has been gifted to the Ke Kuaaina Hanauna Hou non-profit organization.)

6. Stream diversion number 0448-01 (Loiloa Spring) will be assigned to this diversion.

7. Ms. Machado was notified of CWRM permits needed of the spring water were to be used.

Well 0448-08 (Pukoo-Machado):

1. Source: A dug well with a 2-foot diameter concrete ring on top. The well is filled with debris to within 2-feet of the top of the concrete ring. No water is visible.

2. Use: Not in use. May be used in future for drinking water or irrigation.

3. Quantity: Not in use.

4. Location: Source and use, TMK: 5-7-7:21. Using the GPS: 
   latitude = 21 deg 04 min 27.0 sec N
   longitude = 156 deg 48 min 13.7 sec W

5. Ownership: Land owned by Ke Kuaaina Hanauna Hou. (Note: When the declaration of water use forms were completed, the land was owned by the Maud Van Cortland Scholl Trust. Since then, the land has been gifted to the Ke Kuaaina Hanauna Hou non-profit organization.)

6. Well number 0448-08 (Pukoo-Machado) will be assigned to this well.