Chairperson Wilson called the meeting of the Commission on Water Resource Management to order at 8:25 am.

The following people were in attendance:

MEMBERS: Mr. Michael Wilson
          Mr. Robert Girald
          Mr. Robert Nakata
          Mr. David Nobriga

STAFF:    Ms. Rae Loui
          Mr. Edwin Sakoda
          Ms. Lenore Nakama
          Mr. David Higa
          Ms. Janis Uwaine

COUNSEL:  Mr. William Tam

EXCUSED:  Dr. Lawrence Miike

OTHERS:
          Mr. Paul Matsuo
          Mr. Thomas Matayoshi
          Ms. Wilma Grambusch
          Ms. Rebecca Bishop-Yuen
          Ms. Ellen Kraftsow
          Mr. Cappy Caparida
          Ms. Earline Johnston
          Mr. D. Scott MacKinnon
          Mr. Danny Mateo
          Mr. Hide Takahashi
          Mr. Water Ritte
          Ms. Julie Patton

          Ms. Sarah Sykes
          Ms. Dorothee Curtis
          Mr. Girish Patel
          Mr. Walter Ragsdale
          Mr. David Craddick
          Mr. Glenn Teves
          Mr. DeGray Vanderbilt
          Ms. Laura Nishiyama
          Mr. Ben Neeley
          Mr. Keoni K. Agard
          Mr. Duane Cranney
          Mr. Matthew Adolpho

          Ms. Nancy Wescoatt
          Ms. NoelaN Joy
          Mr. Wayde Lee
          Mr. Clyde Tamaru
          Ms. Toni Bissen
          Ms. Judy Caparida
          Mr. Ron Hedani
          Mr. Nobu Shimizu
          Mr. Peni Te1ini
          Mr. Gregory Helm
          Mr. Martin Kahai

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

ITEM 1  MINUTES OF THE MARCH 14, 1995 MEETING

Deputy Director, Rae Loui, moved to amend the minutes by adding the following under page three, item three:

"Commissioner Miike requested that Dr. Anthony confine his remarks in the future to the specific issues before the Commission.

In response to a question from Commissioner Miike as to whether Mr. Anthony opposed permits for any well in the aquifer, Mr. Anthony responded that he was so opposed."
UNANIMOUSLY APPROVED AS AMENDED. (NOBRIGA/NAKATA)

ITEM 2

OLD BUSINESS/ANNOUNCEMENTS

Ms. Loui explained the submittals, attachments, and handouts that were made available to those present.

ANNOUNCED 12:00 P.M. P.H.

ITEM 5

WREN WESCOATT. AFTER-THE-FACT APPLICATIONS FOR A PUMP INSTALLATION PERMIT AND APPLICATION FOR A WATER USE PERMIT FOR WESTCOATT WELL (WELL NO. 0350-05) FOR INSTALLATION OF A 25 GPM CAPACITY PUMP FOR PROPOSED AGRICULTURE USE AT TMK 5-6-2:14, KUALAPUU GROUNDWATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff recommended approval.

PRESENTATION BY APPLICANT: None; however, Mrs. Wescoatt, the applicant's wife, was present.

UNANIMOUSLY APPROVED. (NOBRIGA/NAKATA)

ITEM 3

AMENDMENT TO SECTION 13-171-63, HAWAII ADMINISTRATIVE RULES (HAR) DEPARTMENT OF HAWAIIAN HOME LANDS RESERVATION FOR KUALAPUU, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Rae Loui

Staff Recommendations:

1. Amend Section 13-171-63, HAR, Department of Hawaiian Home Lands Reservation for Kualapuu, Molokai as follows: "The commission hereby reserves 2.905 million gallons per day of ground water from state lands in the Kualapuu aquifer system for use on Hawaiian home lands on Molokai. This amount shall be in excess of the existing uses of water on Hawaiian home lands as of the effective date of this rule."

2. Authorize Chairperson to sign and execute the necessary documentation.

PRESENTATION BY APPLICANT: Mr. Keoni Agard of the Department of Hawaiian Home Lands spoke in favor of staff's recommendation. He also stated that there were some concerns regarding the estimate of sustainable yield and requested an additional 1.3 mgd reservation from Kualapuu.

TESTIMONIES:

Ms. Noelani Joy, Molokai resident, wanted decision to be made during this meeting.

Ms. Judy Caparida, Molokai resident, stated that the homesteaders need the water; there was a big drought here before.
Mr. Glenn Teves, Molokai resident felt that the Commission should study the potential effects more. Concerned that Molokai Ranch and Tokyo Kosan wants water to speculate on their land.

Mr. DeGray Vanderbilt, Molokai resident, testified that speculators are concerned with profits from massive amounts of water. Commented that Kukui (Molokai), Inc. is looking out for its investments.

Ms. Toni Bissen stated that the Native Hawaiian Advisory Council supports the additional 2.0 mgd increase in reservation.

Ms. Wilma Grambusch, President of the Kalamaula Homestead Association and a private landowner, commented that testifiers should have representation with Molokai residents.

Mr. Wayde Lee, homestead resident, testified that he is in support of the Department of Hawaiian Home Lands' request. He felt that the residents of Molokai should be taken care of first.

Ms. Ellen Kraftsow of the Maui Department of Water Supply testified in support of the Department of Hawaiian Home Lands request; however, she is concerned that there won't be any water for existing municipal uses that exists.

Mr. Glenn Teves, Molokai resident, stated that the homesteaders needs should come first.

Mr. Matthew Adolpho, Molokai resident, supported the proposal. He felt that the investors and speculators should be checked.

Mr. DeGray Vanderbilt, Molokai resident, stated that he is in support of the proposal. He also voiced concerns that the Molokai Ranch will not come clear with their water sources. He feels that the community needs hard facts.

QUESTIONS/CLARIFICATIONS:

Commissioner Nobriga asked for clarification on what action they will be voting on at this meeting.

Deputy Director, Rae Loui, responded that the Commission can only take action on the submittal presented; not on the additional 1.3 that the Department of Hawaiian Home Lands has asked for at this meeting. Any additional amount requested must be acted upon at another meeting, with a public hearing and adequate notice.

UNANIMOUSLY APPROVED. (GIRAID/NOBRIGA)

ITEM 4 DEPARTMENT OF AGRICULTURE. APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT. PETITION TO AMEND THE INTERIM INSTREAM FLOW STANDARD, WAIKOLU STREAM, MOLOKAI

PRESENTATION OF SUBMITTAL: Mr. David Higa

The applicant requested a change to Exhibit D. The metal plate at the diversion dam #1 will be located at the far left of the diversion dam (looking upstream) rather than in the center.
Staff recommended approval as amended.

PRESENTATION BY APPLICANT: Mr. Paul Matsuo of the Department of Agriculture stated that they have been complying with the conditions of their water use permit. He also testified that the Department of Agriculture went to the Legislature to get funds appropriated for a biological and hydrologic study. He submitted to the Commission, Act 159, A Bill for an Act Making an Appropriation for the Waikolu Well Development Project. (Enclosed.)

TESTIMONIES:

Ms. Sara Sykes, a Molokai resident and landowner, asked the Commissioners to pay close attention to the data and make sure that it is factual. She also voiced her concern that legitimate biological studies are not being done.

Ms. Wilma Grambusch stated that she did not like the word "diversion"; however, she said she will trust the Department of Agriculture and thus, supports their proposal.

Ms. Noelani Joy supported the proposal.

Mr. Glenn Teves voiced his concern for the o'opu.

Suggestion: Commissioner Nobriga suggested to Chairman Wilson to have the Division of Aquatic Resources come up with a solution to help the o'opu from getting into areas which will endanger them.

MOTION: Commissioner Nobriga moved to approve the staff's recommendation.

UNANIMOUSLY APPROVED AS AMENDED. (NOBRIGA/NAKATA)

ITEM 6

PALAAU PRAWN & SHRIMP COMPANY. APPLICATIONS FOR A PUMP INSTALLATION PERMIT AND A WATER USE PERMIT FOR PALAAU PRAWN & SHRIMP SALT-WATER WELL (WELL NO. 0706-03) FOR INSTALLATION OF A 250 GPM CAPACITY PUMP FOR PROPOSED AQUACULTURE USE AT TMK 5-1-24, MANAWAINUI GROUNDWATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff recommended approval with the following special conditions: "The final pump capacity shall be determined from the pump test results and approved administratively by signature of the chairperson."

PRESENTATION BY APPLICANT: Ms. Rebeca Bishop Yuen stated that the hatchery will not affect the ocean or aquifer and will have no impact.

TESTIMONIES:

Ms. Wilma Grambush was concerned about the salt water effects.

QUESTIONS/CLARIFICATIONS:

Commissioner Nakata questioned why the need for such a large capacity pump (250 gpm) for such a small use.

Ms. Bishop-Yuen replied that the size requested is the size that fits the casing.
UNANIMOUSLY APPROVED. (NAKATA/NOBRIGA)

ITEM 7

MAUI COUNTY DEPARTMENT OF WATER SUPPLY, APPLICATION FOR A WATER USE PERMIT, KUALAPUU MAUKA WELL (WELL NO. 0801-03), KUALAPUU GROUNDWATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff recommended approval with the following special condition: "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."

PRESENTATION BY APPLICANT: Ms. Ellen Kraftsow of the Maui County Department of Water Supply wanted to make a clarification/correction on the report made by staff that 384,000 gallons per day is the existing use; it should be 500,000 gallons per day, if based on the 12-month moving average as of July, 1992. However, the actual current use is 700,000 gallons per day and the 384,000 will not be enough.

TESTIMONIES:

Ms. Noelani Joy testified in support of the staff's recommendation to issue an interim water use permit for reasonable and beneficial use of 384,000 gallons per day.

Mr. Glenn Teves testified that the fact that the salt level did rise shows cause for concern and the USGS did not do a complete investigation. He further stated that the three wells are too close to each other and is very concerned that if the wells are pumped at the same time, there will be no water.

Mr. David Craddick responded to Mr. Teves' testimony and stated that the pumps will not run at the same time as it will be potentially dangerous and not practical.

Mr. Teves responded by stating that the Hawaiian Homes reservation of water will require that the two pumps be run at the same time in order to get all the water that they are asking for.

Ms. Sarah Sykes testified that she supports staff's recommendation; she stated that she is willing to conserve.

Ms. Wilma Grambusch expressed her concerns; in her opinion, it seemed like the private entity has more privilege than the community.

Mr. David Craddick said that in regards to safe operating practices, they are in violation of their own standards. In the event a well goes down, there would be serious trouble. He further stated that the Board of Water Supply needs to do whatever it can to look into other wells.

Mr. Patel told the Commission that the Kualapuu sector has been explored enough; other areas must be sought. He also worried that the more explorations will lead to more chances of prices going up. He further stated that he supports staff recommendation #2.

Mr. DeGray Vanderbilt came up before the Commission and stated that he
supports staff’s recommendation. He also commented that, if Mr. Craddick was concerned about violation of the standards, why give Molokai Ranch some water?

Ms. Judy Caparida, Molokai resident, testified in support of the issuance of an interim water use permit for 384,000 gpd for reasonable and beneficial use, stating that the water is needed for the residents, animals, and plants.

Mr. Walter Ritte advised the Commission that they must be cautious of the water from the aquifer. He also expressed his concerns about the "deals" between Molokai Ranch and the Maui Board of Water Supply.

Deputy Director, Rae Loui requested to have the staff confirm the corrected data supplied by the Maui Board of Water Supply.

MOTION: Commissioner Nobriga moved to defer action.

UNANIMOUSLY APPROVED TO DEFER ACTION. (NOBRIGA/GIRALD)

ITEM 8

WILMA KAMAKANA GRAMBUSCH. MOTION FOR EXTENSION TO FILE A REQUEST FOR A CONTESTED CASE HEARING ON THE KUKUI (MOLOKAI), INC. WATER USE PERMIT APPLICATION FOR WELL 17 (WELL NO. 0901-01) AT TMK 5-2-12:29, KUALAPUU GROUNDWATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff recommended denial of the motion for extension to file a request for a contested case hearing on the application for water use permit for Well 17

PRESENTATION BY APPLICANT: Ms. Wilma Grambusch questioned who had standing. She also stated that she opposes the taking of water from a 24-inch pipeline and also opposes the recommendation by staff to deny the motion for extension to file a request for a contested case hearing.

TESTIMONIES:

The following people testified against the Attorney General’s opinion regarding the deadline for filing contested case hearing requests:

Ms. Sarah Sykes
Mr. Glenn Teves
Mr. Girish Patel
Mr. Wayde Lee
Ms. Toni Bissen
Ms. Noeani Joy

QUESTIONS/CLARIFICATIONS:

Chairperson Wilson requested that Mr. Tam give an explanation on contested case hearing procedures.

In regards to Ms. Bissen’s testimony questioning the interpretation of the rule and her statement that anyone should have the opportunity to request a contested case hearing until a decision is made, Commissioner Girald commented
that, to allow people to continue to request contested case hearing until a
decision is made, could be endless; the Commission would not be able to do its
job.

UNANIMOUSLY APPROVED TO DENY THE MOTION FOR EXTENSION.
(GIRALD/NAKATA)

ITEM 2

KUKUI (MOLOKAI) INC., WATER USE PERMIT APPLICATION FOR EXISTING
USE WELL #17 (WELL NO. 0901-01) AT TMK 5-2-12:29, KUALAPUU
GROUNDWATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff recommended approval of the issuance of an interim water use
permit to the applicant for the reasonable and beneficial use of 871,420
gallons per day with the special conditions as listed in the submittal, and
with amendments to recommendation:

2. Defer action on the future use portion of the water use
permit application for Well #17 (well No. 0901-01) pending the establishment of existing uses (as of July 15, 1992) in the aquifer. Kukui (Molokai), 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 and staff's
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.

PRESENTATION BY APPLICANT: None; however, Mr. Ron Hedani of
Kukui(Molokai), Inc. was present and responded to questions on their backwash
system, along with Mr. Nobu Shimizu.

TESTIMONIES:

Ms. Noelani Joy testified that she is in support of staff's recommendation and
thought it was fair and reasonable.

The following people testified their concerns that the applicant was wasting a
lot of water, with the excuse of "backwash". They requested an independent
audit and in addition to individual testimony, they also submitted photographs
and a videotape showing the dumping of water into the gulch.

Mr. Glenn Teves       Ms. Sarah Sykes
Ms. Julie Patton  
Mr. Girish Patel  
Mr. Matthew Adolfo  
Mr. Wayde Lee  
Mr. DeGray Vanderbilt  
Ms. Judy Caparida  
Mr. Walter Ritte  
Mr. Martin Kahai

Commissioner Girald voiced his concerns about whether conservation is being practiced.

Mr. Keoni Agard testified that the Department of Hawaiian Home Lands supports the staff's recommendation but does not support any amount above 871,420 gpd.

Ms. Toni Bissen, representing OHA, testified that OHA does not oppose staff's recommendation.

Ms. Wilma Grambusch stated her opinion that if Native Hawaiian's cannot get water, then Kukui (Molokai), Inc. should not have it. She further commented that she was disturbed that the Department of Hawaiian Home Lands testified on this matter without conferring with the Molokai residents first.

MOTION: Commissioner Girald moved to approve staff's recommendations with amendments to Recommendation #2 and, to further amend the staff's recommendation as follows:

#1 (d); change "one year" to "six months"

Add Special Condition (f) to recommendation # 1 "Within six 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 complete repairs to prevent such leakage, and 2) implement use of xeriscaping and low-flow appliance/fixtures.

MOTION: Commissioner Nakata moved to suspend the Commission's enforcement of the approved existing use allocation for six months.

UNANIMOUSLY APPROVED AS AMENDED (GIRALD/NOBRIGA)

ITEM 10

WILMA KAMAKANA GRAMBUSCH, REQUEST FOR A CONTESTED CASE HEARING ON WATER USE PERMIT APPLICATIONS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

After a short discussion with Ms. Grambusch, Ms. Nakama stated that Ms. Grambusch will withdraw her contested case hearing on the condition that one of the applicants, Kawela Plantation, be subject to an independent audit of their pumpage and monitored for a period of six months.

MOTION: Commissioner Nobriga moved to have the applicant's pumpage be subject to audit and monitored for a period of six months.

ITEM WITHDRAWN.
ITEM 11  RESUBMITTAL - WILMA KAMAKANA GRAMBUSCH. APPLICATIONS FOR WATER USE PERMITS WELL NOS. 0352-17, 0456-01 & 18 TO 20, KAWELA AND UALAPUE GROUNDWATER MANAGEMENT AREAS, MOLOKAI

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

TESTIMONIES:

Ms. Grambusch requested that her applications be deferred.

MOTION: Commissioner Nobriga moved to defer action.

UNANIMOUSLY APPROVED TO DEFER. (NOBRIGA/WILSON)

ITEM 12  RESUBMITTAL - APPLICATIONS FOR WATER USE PERMITS AND AFTER-THE-FACT PUMP INSTALLATION PERMIT. KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

DAVID CURTIS (WELL NO. 0352-10)  
KAWEWA PLANTATION (WELL NOS. 0456-04, 06.08.09 & 0457-04)  
JOHN WM. IAEA SR. (WELL NO. 0456-16)  
R.M. GRANGER (WELL NO. 0456-17)  
MAUI DEPARTMENT OF WATER SUPPLY (WELL NO. 0457-01)

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

Staff added Special Condition (c) to Recommendation #3 that "the applicant's pumpage be subject to independent audit and monitored for a period of six months"

TESTIMONIES:

Mrs. Dorothy Curtis presented testimony on behalf of her husband.

Ms. Ellen Kraftsow also presented testimony. She also stated that there is a discrepancy in the reasonable and beneficial use; it should be 333,000 instead of 288,000.

Commissioner Nobriga asked the Maui Department of Water Supply to make sure that in the future, they have their figures correct and further warned that if there is another issue in the future whereby there is a discrepancy in the figures, he will not vote in favor.

MOTION: Commissioner Nobriga moved to accept the figures and amend #6 of the staff recommendation from 288,000 to 333,000.

UNANIMOUSLY APPROVED AS AMENDED. (NOBRIGA/NAKATA)

The following items were presented and acted upon jointly:

ITEM 13  COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR STATEWIDE HYDROLOGIC DATA COLLECTION AND WATER RESOURCE INVESTIGATIONS, FISCAL YEAR (FY) 1995

ITEM 14  COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR AN
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

INTERGOVERNMENTAL PERSONNEL ASSIGNMENT (MR. EDWARD BOLKE), FISCAL YEAR (FY) 1995

ITEM 15  
COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR SURFACE WATER/GROUND WATER RELATIONSHIPS EAST MAUI STUDY, FISCAL YEAR (FY) 1995

ITEM 16  
COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR WATER RESOURCE INVESTIGATIONS - WAI'AHOLE STREAM MONITORING, OAHU, FISCAL YEARS (FY) 1995 AND 1996

ITEM 17  
COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR WATER RESOURCE INVESTIGATIONS FOR THE DEPARTMENT OF HAWAIIAN HOMELANDS (DHHL), KUALAPUU WELL, MOLOKAI, FISCAL YEAR (FY) 1995

UNANIMOUSLY APPROVED. (NOBRIGA/GIRALD)

ADJOURNMENT: The meeting was adjourned at 4:25 p.m. (NOBRIGA/GIRALD)

Respectfully submitted,

JANIS F. UWAINE
Secretary

APPROVED AS SUBMITTED:

RAE M. LOUI  
Deputy Director
State of Hawaii
Department of Land and Natural Resources
COMMISSION ON WATER RESOURCE MANAGEMENT
Honolulu, Hawaii

March 14, 1995

Chairperson and Members
Commission on Water Resource Management
State of Hawaii

Gentlemen:

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

Applicant:                                         Landowner:

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

2. (Well Nos. 0456-04, 06, 08, 09 & 0457-04)
   Kawela Plantation
   Homeowners Association
   P.O. Box 698
   Kawakakai, HI 96748
   Same

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

4. (Well No. 0456-17)
   R.M. Granger
   P.O. Box 371
   Kaunakakai, HI 96748
   D.E. Johnson
   P.O. Box 371
   Kaunakakai, HI 96748

5. (Well No. 0457-01)
   Maui Dept. of Water Supply
   P.O. Box 1109
   Wailuku, HI 96793
   Same

Background

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

Staff’s recommendation to the Commission is to deny the petitioner’s standing in this matter because the claim of harm to legal water interests could not be established. Should the Commission approve the staff’s recommendation to proceed with decision-making on pending Kawela applications, this submittal presents a description and analysis of the proposed water use permits. Specific information regarding the sources, uses, notifications, objections, and field investigations is provided in Attachment A and the attached exhibits.
Analysis & Issues

An analysis of the proposed permits in relation to the seven (7) criteria set forth in HRS 174C-49(a)Conditions for a permit is provided as follows:

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

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

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<th>ITEM</th>
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<td>Less: Other Existing Permits</td>
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<td>Shigenobu Inouye (Well No. 0352-11)</td>
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<td>Less: Pending Applications:</td>
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(2) Reasonable-beneficial - The applications scheduled for Commission action are summarized and evaluated with respect to reasonable and beneficial use:

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

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

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

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

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

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

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

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

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

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

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

Using the Oahu Water Requirement Forecast and floriculture for 2 acres, the required estimated need for irrigation is 14,800 gpd. The applicant has not supplied any information on his actual pumpage. Therefore, it would appear that the applicant's request is too low.
R.M. Granger, Well No. 0456-17 - The application is for an existing source and an existing use of potable water from the Kawela Aquifer System for irrigation of four (4) acres of pasture and corn. The field investigation verified that there are four (4) acres of pasture for horse grazing.

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

Maui Department of Water Supply, Well No. 0457-01 - The application is for continued existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui’s Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well equipped with two (2) pumps. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment. An after-the-fact pump installation permit was approved in May 1994.

The current 12-month moving average for reported pumpage from this well is 0.287 mgd. Usage as of July 1992 is about 0.315 mgd. During the field investigation, the applicant verbally estimated the use ranges from 0.310 to 0.370 mgd per month. Therefore, the applicant’s request for 0.432 mgd has not been justified.

(3) Interference with other existing legal uses -

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

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

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

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

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

March 14, 1995

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

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

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

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

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

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

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

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

RECOMMENDATION

Staff recommends that the Commission:

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

2. Approve the issuance of an after-the-fact pump installation permit and an interim water use permit to David W. Curtis for the reasonable and beneficial use of 12,600 gallons per day of potable water from the Kamalo-C Well (Well No. 0352-10) for irrigation of 4 acres of nursery and domestic use for one (1) residence, subject to the standard water use permit conditions listed in Attachment B, the standard pump installation permit conditions listed in Attachment B1, and the following special conditions:

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

   b. Prior to the issuance of any permits for this well, the applicant shall submit the filing fee of $25.00 for the after-the-fact pump installation permit application.
3. Approve the issuance of a water use permit for 285,000 gallons per day for the Breadfruit Well (Well No. 04556-04), DW1 to DW3 Wells (0456-09,08,06), and Ag 1 Well (Well No. 0457-04) for agriculture and domestic use at forty (40) houseslots for Kawela Plantation, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

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

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

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

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

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

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

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

6. Approve the issuance of an interim water use permit to the Maui Dept. of Water Supply for the reasonable and beneficial use of 288,000 gallons per day of potable water from the Kawela Shaft Well (Well No. 0457-01) for municipal supply for the Kaunakakai-Kawela Distribution System, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

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

Respectfully submitted,

RAE M. LOUI
Deputy Director

Michael D. Wilson, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER: KAWELA System, SOUTHEAST Sector, MOLOKAI

| Sustainable Yield: | 5 mgd |
| Existing Water Use Permits: | 0.095 mgd |
| Available Allocation: | 4.905 mgd |
| Total of other pending existing use applications: | 0 mgd |

1. WELL:

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

2.a. WELL:

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

2.b. WELL:

   DW3 Well (Well No. 0456-06)
   Location: Kawela, Molokai, TMK:5-4-14:17
   Year Drilled: 1980
   Casing Diameter: 6 in.
   Elevation (msl = 0 ft.)
     Water Level: 3.4 ft.
     Ground: 223 ft.
     Bottom of Solid Casing: 0 ft.
     Bottom of Perforated: -10 ft.
     Bottom of Open Hole: -10 ft.
   Total Depth: 233 ft.
   Grouted Annulus Depth: NA ft.
<table>
<thead>
<tr>
<th>Location</th>
<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevations (msl = 0 ft.)</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DW2 Well (Well No. 0456-08)</strong></td>
<td>1980</td>
<td>6 in.</td>
<td></td>
<td>244 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>KAWELA, MOLOKAI, TMK:5-4-1:26</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>DW1 Well (Well No. 0456-09)</strong></td>
<td>1980</td>
<td>6 in.</td>
<td></td>
<td>235 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Kawela, Molokai, TMK:5-4-14:50</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AG #1 Well (Well No. 0457-04)</strong></td>
<td>NA</td>
<td>NA in.</td>
<td></td>
<td>244 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Kawela-Iaea #3 Well (Well No. 0456-16)</strong></td>
<td>NA</td>
<td>NA in.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ATTACHMENT A**
Chairperson and Members  
Commission on Water Resource Management  

March 14, 1995

4. **WELL:**  
   **Location:** Near Kakahaia Pond, Molokai, TMK:5-4-1:11  
   **Year Drilled:** 1976  
   **Casing Diameter:** 8 ft dia. dug  
   **Elevations (msl = 0 ft.)**  
   - **Water Level:** 3.5 ft.  
   - **Ground:** 20 ft.  
   - **Bottom of Solid Casing:** NA ft.  
   - **Bottom of Perforate:** NA ft.  
   - **Bottom of Open Hole:** 1 ft.  
   **Total Depth:** 19 ft.  
   **Grouted Annulus Depth:** NA ft.

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

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**Use Information**

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

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

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

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

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

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

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

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

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

Nearby Surrounding Wells and Other Registered Ground Water Use

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

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

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

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

4. There are twenty-six (26) other wells within a mile of the well (see Exhibit 1B). Thirteen (13) of these wells are currently in use.

5. There are sixteen (16) other wells within a mile of the well (see Exhibit 1F). Thirteen (13) of these wells are currently in use.

Public Notice

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

Objections

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

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

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

Briefs in Support

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

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

The water sources and existing uses were investigated as follows:

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

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. The pump installation and water use permit application and staff submittal approved by the Commission at its March 14, 1995 meeting are incorporated into the permit by reference.
Ms. Wilma Grambusch  
P.O. Box 614  
Kaunakakai, HI 96748

Dear Ms. Grambusch:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ssk
FROM: Lenva

TO: E. Sakoda, F. Ching, R. Hardy, L. Nakama, D. Higa, J. Zhang, S. Kukubun, Y. Shiroma, E. Hirano

DATE: 6/22/94

FILE IN: Wilma Grambush file (in front)

REGULATION BRANCH
Commission on Water Resource Management

PLEASE:

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

REMARKS:

Called Wilma - She received letter.

Stands firm on CCH request. Wants to consult w/ Bill Cang (on mainland currently).

Major issue: Native tenant rights.

Will call her on 8/1/94 if I don't hear from her by then.
Ms. Wilma Grambusch  
P.O. Box 614  
Kaunakakai, HI 96748

Dear Ms. Grambusch:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ssk
Mr. Keith Ahue, Chairperson
Commission on Water Resource Management
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

Re: JOHNSON WELL # 0456-014
APPLICANT: R.M. GRANGER

WRITTEN TESTIMONY IN FAVOR

Dear Sir:

After your regular Commission meeting on Molokai on September 15 and the Public Hearing on November 17, I would like to answer as best I can some of the objections voiced by the one opponent to my application:

1. I am an 8th generation American.
2. I own property and pay taxes - my wife is Elizabeth Johnson of "Johnson Well".
3. My property is a total of 6 acres of which I only farm 2.
4. Kawela is a near desert area receiving about 12 inches of rain per year, all of which comes in the winter months and most of which runs-off. The rest of the year it is hot and windy. Under these conditions grass crops need a minimum of 2 acre-inches of water per week.

\[
\begin{align*}
1 \text{ acre inch} &= 28000 \text{ gallons} \\
x2 \text{ inches} &= 56000 \text{ gallons} \\
x2 \text{ acres} &= 112000 \text{ gallons} \\
/7 \text{ days} &= 16000 \text{ gal/day} = \\
&\text{your staff exact recommendations.}
\end{align*}
\]

I respectfully request you follow your staff's recommendations. I can live with this amount and will cooperate with the Commission in the future.

Thank you for your time, effort and especially for your patience during some stressful circumstances.

Respectfully,

R.M. GRANGER TAXPAYER
Mr. Keith Ahue, Chairperson
Commission on Water Resources Management
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

Re: Kawela Plantation well #'s 0456-04 
0456-06
0456-08
0456-09
0457-04

WRITTEN TESTIMONY IN FAVOR

Dear Sir:

I am a resident of Kawela Plantation and as past President of the Homeowners Association. I am familiar with the water system the development history and needs.

There are a total of 210, 2 acre lots all owned by individuals. The Developer now owns only the roads. In addition the lot owners hold in common near 5500 acres up to the forest line. There are two separate water systems, potable and agricultural, both metered at the individual lots and of course at the well heads. The systems meet all federal state and county standards. In fact our grounds manager is the only qualified back-flow maintenance person on Molokai.

I would like to answer some of the objections point by point, raised by the individual objecting to our application:

1. Kawela Plantation is a housing development, on 2 acre lots. This is a fact we have never tried to hide, it is stated in the developers initial application.

2. Very few of the lots have Ag exemptions, the rest pay quite high taxes to Maui County.

3. The Homeowners Association, through dues collected, pays property taxes on the 5500 acres held in common. It is also important to note that Kawela Plantation is of little burden to the County as the roads are private, the water system is private and there is no garbage pick-up service to the residents. There is also no mail delivery, only to boxes at the highway.

4. Contrary to testimony, the residents and owners at Kawela Plantation are not all "Rich Haole" from the mainland. Many
of the owners are long time Molokai residents of Hawaii some of which may have a higher percent Hawaiian ancestry than our opponent on this matter.

5. WATER USE:
50 current residents
+ 10 non resident farmers
= 60 x 2 acres = 120 acres
+ 25 acres common ground irrigated.
= 145 acres currently irrigated.
2 acre-inches/week = 56000 gal/wk
x 145 acres / 7 days = 1,160000 g/day.

Our application is for 775,000 gal/day total on all wells above. Kawela Plantation uses only the latest in drip irrigation systems and electronic control. In addition we have encouraged planting of drought resistant species to further conserve water.

OTHER CONSERVATION/GOOD NEIGHBOR When Kawela Plantation purchased the land from Molokai Ranch we effectively ended over grazing by cattle preventing excessive soil erosion and improving absorption and stream flow. Kawela Plantation owns Oni Alii park and is currently negotiating with the County to either deed part of this to the County or rent on a long term basis. We are good neighbors, pay our dues (taxes) and should be entitled to the same water rights as any other resident on Molokai. We certainly want to protect the value of our property as much as any other neighbor American.

QUESTION The County of Maui builds into its request a 15 to 30 percent growth factor to cover new homes being built. Should Kawela Plantation as a sub division have the same privilege or will we have to seek the Commissions approval every time we add meters to the system?

The opponent to our application testified against the Development when it was first proposed and now wants to cripple the property owners and hurt them financially by severely limiting their water. If she is so truly concerned about the Kawela water why is she not attacking Molokai Ranch's water catchment system directly above our Development that removes near 280 000 g/d from the Kawela aquifer.

Thank you for your time and patience in this matter and respectfully request you lay aside much of the previous testimony against our application.

Respectfully

R.M. GRANGER Homeowner
Mr. Keith Ahue, Chairperson  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, HI 96809  

Re: State Dept. of Agriculture well #’s 0855-06  
0855-05  
0855-04  
0855-01  
0855-02  
0855-03  

WRITTEN TESTIMONY IN FAVOR  

Dear Sir:  

I know the State Department of Agriculture and many other interested parties have furnished you with the pertinent facts on the above application, on the physical as well as the economic effect on Molokai. I will elaborate some on the testimony given by Pete Eichhorn of Hawaiian Research Ltd.  

I represent one of many seed companies that have substantial capital investment in Hawaii in research and production facilities. These companies are Pioneer, Northrup King and Dekalb on Kauai, ICI on Oahu, Dekalb on Maui and Cargill, Ciba Seeds, Holdens and Hawaiian Research on Molokai. This seed industry adds in excess of 6 million dollars each year to the economy of the State and on Molokai alone near 2 million dollars. This is in the form of full time jobs, the normal purchases of supplies and services, and from added visitors. During Cargills’ busy season 16 technical and professional people a year come from the mainland, stay an average of 2.5 weeks, renting cars, condos and generally adding to the economy. Hawaiian Research Ltd. has about 75 to 80 such visitors. They add considerable to the local economy.  

This business involves mainly corn but many other crops are also grown. This seed industry is ideal for Hawaii’s environment and ecology. With the exception of water (which we pay for) the seed industry only adds to the State’s economy. It takes nothing from it. Seed is shipped here in small quantities from many points on the mainland and from many foreign countries. The seed is multiplied at the expense of much hand labor and returned to
the country of origin. It is a low volume, high value product. The nature of the business is seasonal with October to March being the busiest. All of the companies mentioned have yearround full time people employed. Cargill has 8 year around employees including myself.

Hawaii's physical environment is near ideal for this business, with little risk from frost or other hazards. The Hawaii Business environment however is less than ideal which has given rise to much competition for this business from such places as Florida, Mexico, Puerto Rico, Chile, Argentina and New Zealand. All of these places claim a lower cost factor. In the last 8 years Cargill's commitment to Hawaii has been reduced by 60 percent, all of which has gone to Mexico, Florida and Chile. This loss to Hawaii to other countries is true for the other major seed companies as well. With the recent approval of NAFTA we may be in for another round of reduction.

The MIS system at its present rate (average over last 3 years) cannot support the present and near future demands. Consider what has happened in the past eight years:
1. Pineapple acres were drastically reduced and brought to zero. Thus water demands were reduced.
2. Coffees of Hawaii took some old Del Monte land and gradually increased water use.
3. For almost a year the MIS had electrical problems which kept them from attaining old volume levels.
4. As a result levels in the reservoir began to gradually declining to the point last summer when MIS officials were talking of action to implement rationing.
5. The Hawaiian Homes Commission is now completing a major domestic water line project which will allow development of previously unused 5 acre ag plots.

A reduction in available water to the private industry on Molokai will only add more to the cost of doing business here. Furthermore if the seed industry is forced to leave Molokai there is better than a 50:50 chance it will also leave the State.

Economists, both public and private, tell us that Hawaii's higher cost and "poor business atmosphere" cannot be attributed to one thing but rather, it is very complex. Considering today's world economy, NAFTA, and especially the State economy, we must take action at all levels of government and in all businesses to put Hawaii back in a competing role. And, what better area than agriculture the ultimate basis of all industry. I challenge you, as a key government agency to start this new direction for Hawaii.
I respectfully request you honor the State Department of Agriculture's application and further yet consider approving levels based on averages before the major electrical problem.

If you have questions about the seed industry please feel free to contact me at 553-5473 or 553-5228(h) or contact Dr. James Brewbacker, Professor of Horticulture, U.H.

Respectfully

R.M. GRANGER PhD
CARGILL HYBRID SEED
P.O. Box 701
Kaunakakai, Hawaii 96748

c.c. Paul Matsoo DOA
Jim Brewbaker U.H.
NOTICE OF PUBLIC HEARING
for
WATER USE PERMITS APPLICATIONS
KAWEKA AND WAIKOLU GROUND WATER MANAGEMENT AREAS, MOLOKAI

COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

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

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

Date Completed Application Received: June 8, 1993

Aquifer: Waikolu System, Northeast Sector, Molokai

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

Irrigation System
Place of Water Use: Hoolehua at various Tax Map Keys

Breadfruit Well (Well No. 0456-04)

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

Date Completed Application Received: January 21, 1993

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

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

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

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

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

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

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

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

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

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE, CHAIRPERSON

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

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

Dated: OCT 4 1993

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

Dear Mr. Ahue:  

Withdrawal of Objections  

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

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

Warmest aloha,  

Hoaliku L. Drake, Chairman  
Hawaiian Homes Commission  

HLD:BH:ci/1608L.77
MEMORANDUM

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

ATTN: Mr. William Tam, Deputy Attorney General

FROM: Rae M. Loui, Deputy Director

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

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

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

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

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

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

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

Please provide the following information:

1. NAME: Wilma Kamakana Grambusch

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

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

4. ATTORNEY ADDRESS: 969 Ahuwale Place

Honoalulu, HI 96821

PHONE: (808) 377-1205

5. SUBJECT MATTER: Objection to water permit applications

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

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

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

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

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

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

10. WHAT IS YOUR SPECIFIC DISAGREEMENT REGARDING THIS ISSUE?

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

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

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

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

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

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

Mrs. Wilma Kamakana Hambusch

Dated: Petitioner
TAX MAP KEYS

Kawela Plantation

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

Iaea and Granger

as above plus

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

Curtis and Hawaiian Research

all Keys referenced above
BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT

STATE OF HAWAII

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

PETITION TO INTERVENE

AND

CERTIFICATE OF SERVICE

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

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

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

PETITION TO INTERVENE

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

I. NATURE OF PETITIONERS' STANDING AND STATUTORY OR OTHER RIGHT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**VII. PRAYER FOR RELIEF**

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

Dated: Molokai, Hawaii, September 14, 1993

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

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

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

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

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

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

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

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

Dated: September 15, 1993, Kaunkakai, Hi,

Michael Foulkes, for the Intervenor
Mrs. Wilma Grambusch
Commission on Water Use Management
Mr. Keith Ahue, Chairperson
P.O. Box 621
Honolulu, Hi 968020

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

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

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

II. Specific Objections to Applications:

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

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

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

b. Item 9 --

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

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

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

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

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

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

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

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

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

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit Applications for R.M. Granger for Well Nos. 0456-01 Kawela, Molokai TMK 5-4-1: 11

We have determined that this application will have no effect on historic sites. There are no known historic sites on this parcel where three other wells have been dug. Any historic sites that may have been present would have been destroyed by the construction of the wells.

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

AG:111
MEMORANDUM

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

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

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

Mr. Goro Hokama, Chair
   County Council
   County of Maui

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 1993.

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

Attachments

Response: Contact person: Ellen Kraftson Phone: 243-7835

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

Signed: Date: Sept 14, 1993
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 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: ________________________
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
Wilma Grambusch
Mike Foulkes
Edwin Miranda
Paul Matsuo
Robert Granger
Charley Ice
Gene Ferguson
Rick Ten Cate
Duane Cranney
June Kapuni-Dearson
Joseph Wampler
Daniel Bennet
Kelii Mawae
Neal Wu

Tom Hill
Judy Caparida
Ellen Kraftsow
Steve Kaiser
Wilma Joy
Peter Eichhorn
Collette Machado
Tom Nance
Tom DeCourcy
Elizabeth Johnson
George Denison
Peter Thompson
Kip Dunbar
David Martin

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, WAHIKULI IRRIGATION WELL (WELL NO. 5440-01), WAHIKULI, 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, KAMIILOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Nakata/Lewin).
Chairperson and Members
Commission on Water Resource Management July 28, 1993

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.
Chairperson and Members  
Commission on Water Resource Management  
July 28, 1993

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).

ITEM 11  
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, WAIKOLU 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:

Water Use Permit Applications
Kawela Ground Water Management Area, Molokai

Applicant: Landowner:

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

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

3. (Well No. 0456-04)
   (Well Nos. 0456-04,06,08)
   (Well No. 0457-04)
   Kawela Plantation Homeowners Assoc.
   P.O. Box 698
   Kaunakakai, HI 96748

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

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

Background

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

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

Analysis & Issues

In general, there are thirty-five (35) potential well sites in the Kawela Aquifer System. The 1992 Draft of the Molokai Water Use and Development Plan estimated that the total existing withdrawal from the Kawela Aquifer System is 0.31 mgd as of 1990,
but only includes the County Water Supply's portion. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.52 mgd. The total quantity of water requested, including incomplete applications, to date is about 36% of the Kawela Aquifer System's sustainable yield. Therefore, there does not appear to be a potential over-pumping situation in this aquifer system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   The applicant estimated that irrigation needs are 1,000 gpd/lot and 1,000 gpd/acre. Normal diversified agriculture estimates from the Oahu Water Requirement Forecasts would be about 7,784 gpd/acre for diversified agriculture. This would correspond to an existing total need of 778,400 gpd (302 acre lots). However, the field investigation did not differentiate the proportion of the existing occupied lots to the water distribution system.

   However, there are several wells downgradient of the sources and, in fact, objections have been raised to the use of the applicants wells. The objector has wells and property interest in the area and should therefore have standing. This objection requires that the applications go to public hearing.

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

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

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

   Since the quantity of water requested is relatively small, the request is for an existing use, unacceptable adverse impacts on other local wells, streams, and the Kawela Aquifer System are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.
Chairperson and Members  
Commission on Water Resource Management  

September 15, 1993

5. **Maui DWS** - The application is for an existing source requesting an existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui's Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well with two (2) pumps inside. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment.

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

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

**RECOMMENDATION**

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

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

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

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

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

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

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

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

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.
Chairperson and Members  
Commission on Water Resource Management  
September 15, 1993

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

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

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

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

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

Respectfully submitted,

RAE M. LOUI  
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson

Attorney Mike Fokeh - Petitioner to intervene - expands on 9/14 deadline object.  
Kawela - urban use not urban D.A.
WATER USE PERMIT DETAILED INFORMATION

Source Information

**AQUIFER:** KAWELA System, SOUTHEAST Sector, MOLOKAI

<table>
<thead>
<tr>
<th>Sustainable Yield:</th>
<th>Available Allocation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 mgd</td>
<td>4.998 mgd</td>
</tr>
</tbody>
</table>

*Total of other pending allocations:

- 0.002 mgd
- 1.784 mgd

*Note: Includes incomplete application requests

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

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

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

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

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

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location:</th>
<th>Year Drilled:</th>
<th>Casing Diameter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DW2 Well (Well No. 0456-08)</td>
<td>KAWELA, MOLOKAI, TMK:5-4-1:26</td>
<td>1980</td>
<td>6 in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
</tr>
<tr>
<td>NA ft.</td>
<td>235 ft.</td>
<td>3 ft.</td>
<td>-7 ft.</td>
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<table>
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<th>Location:</th>
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<th>Casing Diameter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DW1 Well (Well No. 0456-09)</td>
<td>Kawela, Molokai, TMK:5-4-1:50</td>
<td>1980</td>
<td>6 in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
</tr>
<tr>
<td>NA ft.</td>
<td>225 ft.</td>
<td>1 ft.</td>
<td>-9 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location:</th>
<th>Year Drilled:</th>
<th>Casing Diameter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG #1 Well (Well No. 0457-04)</td>
<td>Kawela, Molokai, TMK:5-4-1:33</td>
<td>NA</td>
<td>6 in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
</tr>
<tr>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location:</th>
<th>Year Drilled:</th>
<th>Casing Diameter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kawela-Iaea #3 Well (Well No. 0456-16)</td>
<td>Kawela, Molokai, TMK:5-4-1:52</td>
<td>NA</td>
<td>NA in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
</tr>
<tr>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
</tr>
</tbody>
</table>

Total Depth:  
Grouted Annulus Depth:

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

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

Use Information

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

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

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

3.b. Quantity Requested: 300,000 gallons per day.
    Existing Type of Water Use: Domestic use for 210 ag units
    Place of Water Use: Kawela Plantation 1,2,& 3 at TMK: 5-4-14:various
    Reported Water Usage: 35,000 gpd
    Nearby Similar Water Usage: NA gpd
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3.c. Quantity Requested: 225,000 gallons per day.
Existing Type of Water Use: Irrigation of 300 acres over 139 lots.
Place of Water Use: Kawela Plantation 2 & 3 at TMK: 5-4-15:various
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

4. Quantity Requested: 1,000 gallons per day.
Existing Type of Water Use: Supply 3 homes, irrigate 2 acres flowers
Place of Water Use: Kawela. Molokai at TMK: 5-4-1:52
Reported Water Usage: not reported gpd
Nearby Similar Water Usage: NA gpd

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

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

Nearby Surrounding Wells and Other Registered Ground Water Use

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

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

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

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

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

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

Public Notice

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

ATTACHMENT A
Objections

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

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

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

Briefs in Support

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

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

Field Investigation

The water sources and existing uses were investigated as follows:

1. October 12, 1992. Verified 4 acres of ornamental palms, papaya, and citrus trees. Estimated use is 5,400 gpd for irrigation plus domestic use for one home.
3. a. to c. January 11, 1993. Verified 50 of the total 210 lots are occupied. Estimated use is 1,000 gpd/lot for irrigation and 1,000 gpd/lot domestic.
4. |
5. February 10, 1993. Verified that the source existed. At the time new motor and pump was being prepared at site for installation. Well has meter. Applicant estimated pumpage at 0.310 mgd to 0.367 mgd annual average.
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT B
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. Box 624
Honolulu, HI 96809
ATTN: ROY HARDY

Dear Sir,

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

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

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

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

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

Yours truly,

Wilma K. Hambusch
July 27, 1993

Kawela Plantation,
Homeowners Association,
P.O. Box 28
Kaunakakai, HI 96748

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

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


Dear Ms. Loui,

I have no comment on the procedural objections.

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

Yours truly,

John F. Davis, President
Kawela Plantation
Homeowners Association

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

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

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


Dear Mr. Loui,

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

To respond specifically to Mrs. Grambusch's objection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

[Signature]

(NINE OTHER IDENTICAL BRIEFS LIKE THIS W/ OTHER SIGNATURES SUBMITTED)
Exhibit 1 D
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

<table>
<thead>
<tr>
<th>CENTRAL SECTOR</th>
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| Alpha USA        |          |          |          |          |          |          | 2.01     |

| WEST SECTOR      |          |          |          |          |          |          | 0.00     |

| TOTAL            |          |          |          |          |          |          | 11.55    |

1 Water development source unidentified.
**Molokai Working Group**

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

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<td>2. Coffee - 800 acres</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

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

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

**EXHIBIT 4**
Molokai Working Group

BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD

**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 6
TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM 3 Sea Life Park Wells

Background

The submittal mistakenly states that "no specific objections were filed." In fact, NHAC filed specific written objections to the application on September 3, 1993 (copy attached), 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  605·10-12

Analysis:

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

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

Analysis & Issues

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

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

RECOMMENDATION

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

WATER USE PERMIT DETAILED INFORMATION

Nearby Surrounding Wells and Other Registered Ground Water Use

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

ITEM 8  Kawela Ground Water Management Area  0352-10, 0456-17, 0456-04, 0460-16, 0457-01

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** 0501-02, 659-01

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** 0602-04, 0449-01

Oral testimony may be presented.

**ITEM 11 Ualapue Ground Water Management Area** 0502-02, 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** 0605-01

**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.
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 7-17 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:

0352-15, 0456-19, 0456-04, 0456-16, 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 renewing waters is finalized, including the scope of aquifers which are affected, can water permits be issued on Molokai.

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

b. Item 9

a. Request of DHHL for Water Use Permits: Kalamaula Homestead Association requests that this matter be consolidated with the proposed rule to be heard at 6:00 P.M. The reservation of amount sought by DHHL coheres with the amount proposed by the Molokai Working Group. Kalamaula Homestead Association asserts that the rights to water of Hawaiian Homesteaders is not subservient to the rulemaking authority of COWRM and that the amounts set forth are grossly inadequate to meet the needs of the Kalamaula Homestead Association and its future plans. Objector, Kalamaula Homestead Association protests the arrangements made by DHHL for sharing water with the Department of Water Supply and the complete failure of DHHL to act as a fiduciary representative of the native Hawaiian beneficiaries. The limitation stated on page 3 limiting the issuance of interim permits, which is to be temporary until the reservations are set by rule, is a limitation that should be placed on all permits on Molokai. Under the original version of the Hawaiian Homestead Act, all waters, including both agricultural and domestic 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 DOE and Maui County to meet the terms of the decree and the terms of the Safe Drinking Water Act. Moreover, Kalamaula Homestead Association objects to the issuance of a water use permit to the County when there is present evidence of the County's failure to fully comply with environmental laws in terms of the proper closing of the landfill and dumpsite that exists on Kalamaula Homestead Property. The County should not be rewarded with permits for more water when they have failed to meet the quality requirements as to existing uses.

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

Item 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 violates the intent of the state legislature. Objector thus reserves its right to seek judicial review, by way of a contested case proceeding, or otherwise as to all permits issued prior to finalizing the issues as to the rule reserving waters for Homesteaders.

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

Williamson B.C. Chang
Counsel for Objector, Kalamaula Homestead Assn, Professor of Law, University of Hawaii
Mr. Keith W. Ahue, Chairperson
Commission on Water Resource Management
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Chairperson Ahue:

SUBJECT: WATER PERMIT APPLICATIONS

This letter responds to your request for comments on the water permit application transmitted to me by your letters dated August 27, 1993.

I received your request on August 31, 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 the attached comments.

If you have any questions, please contact me.

Yours truly,

GORO HOKAMA
Council Chair
MEMO TO: Goro Hokama, Chair

FROM: Councilmember Patrick S. Kawandi

SUBJECT: Water Use Permit Applications

Thank you for giving me the opportunity to view the Water Use Permit Applications for the Island of Molokai. I have reviewed it over with Wren Wescoatt and Noelani Joy, members of the Molokai Working Group which is a Commission on Water Resource Management, Department of Land and Natural Resources, State of Hawaii.

The following permit numbers, well names and locations all show "demonstrable" needs as specified by the new Molokai Water Management Area Guidelines whereby the applicant demonstrated a clear purpose for the water use request.

0457-01 Maui County-Dept. of Water Supply
0801--01 & 02 Dept. of Hawaiian Home Lands, Kualapuu
0352-12 John N. Urauchi, Kamalo
0456-16 Kawela Iaea #3, Kawela
(Kaunakakai side of Rice Patch)
0456-01 Johnson Kawela (mauka of Rice Patch)
0501-04 Kupa Hawaiian Research irrigating fields around Slaughter House
1059-01 Maui County-Dept. of Water Supply Waikalae Tunnel
0601-01 Kaunakakai Hawaiian Research irrigating fields below Manila Camp
0604-04 Molokai Ranch, Ooia Dug Well

However, permit no. 0448-07 Clara Burito Sabas Mapulehu requests 50,000 gallons per day to irrigate 1 acre of taro and/or truck farms by stream diversion and pump-well combinations. This amount may exceed the seasonal stream flows in this area and comprise, if granted, a complete stream diversion. As this application may understandably be to protect future needs, a more prudent permit condition may be to limit stream diversion and well withdrawal amounts to a more practical level in keeping with the requirements of 1 acre that may be planted in the future. The new guidelines seek to manage water use to actual need over future projections where an increase-withdrawal rate can be applied for as need dictates.
Lastly, permit numbers:

- **0605-01** Orca Well 1 Molokai Ranch Manawainui
- **0605-02** Orca Well 2 Molokai Ranch Manawainui
- **0605-03** Orca Well 3 Molokai Ranch Manawainui
- **0706-02** South Hoolehua Molokai Ranch Hoolehua

have some common application problems as follows:

14 (a) "Impact on sustainable yield: none" This may be incorrect as total withdrawal rate requested is 1,290,000 gallons per day for these permits which are all located in one area. The removal of this amount may certainly affect the upper "potable aquifer" as similar concerns are being addressed on Lana'i.

14 (c) "Hawaiian Home Lands use affected: no" In many cases, the location of these wells are directly adjacent to Hawaiian Homestead lands and this substantial withdrawal rate may preclude the future development of these agricultural leases.

14 (d) "Other existing legal uses affected: no" This response may have overlooked affects on adjacent spring-flow required for fish pond survival in this immediate area. If the springs are diminished or halted, the fishponds will die and destroy forever any attempts at their restoration. A more cautious approach at permitted withdrawal might keep from having to remove a 1000 year old cultural resource from Molokai's future.

14 (e) "Other (pending permits, EIS etc.): none" The demonstrable requirement" of the guidelines has not been met as the application applies for a "proposed need" not a "clearly identifiable need" as required. This applicant seems to be trying to protect "uncertain future needs" rather than actual as required in a water management area. This amount, 1,290,000 GPD for "fish and shrimp" goes unmentioned in the Water Management Guidelines Exhibit 5 Non-Potable Water Use Projections a places Molokai Ranch as the highest user of this water quality.

Perhaps DLNR should review well production records to satisfy the "demonstrable" requirement and allocate on this level, rather than everything these wells can produce. The idea of a water management area is "take what you need, not all you can grab."

Thank you, I enjoyed reviewing these permits. If any questions feel free to contact me.

cht
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 1993.

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: [Signature]
Date: 9-9-93

Contact person: Gordon Akita
Phone: 70227

Attachments
Mr. R.M. Granger  
P.O. Box 371  
Kaunakakai, HI  96748  

Dear Mr. Granger:

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

The Commission on Water Resource Management will be acting on your water use permit application for your Johnson Well (Well No. 0456-17) at its September 15, 1993 meeting at 1:30 p.m. at the Mitchell Pauoli Center in Kaunakakai, Molokai.

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

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

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

RH: fc  
Attach.
September 9, 1993

MEMO TO THE FILE

FROM: Neal Fujii

SUBJECT: Location Of A New Well, Kawela-Johnson Well
Well No. (0456-17)

From the findings of the field inspection by Sterling Chow we had
assumed that subject well was the Kamaka Dug Well (Well No. 0456-
01). Upon further inspection of incoming water use permit
applications, we determined that the Kawela-Johnson well was a
different, unnamed well.

The well was plotted on the "working" Molokai well map and coded
for ICSD computer input on September 9, 1993.
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Commission on Water Resource Management
Honolulu, Hawaii

AUG 27 1993

REF: WRM-KY

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

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         Water Use Permit Application
         Kawela Ground Water Management Area, Molokai

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We would appreciate your review of the attached application and please return this form by September 14, 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: 9/7/93
MEMORANDUM

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

FROM: Henry Sakuda, Administrator  
Division of Aquatic Resources

SUBJECT: Comments on water use permit application for R.M. Granger for Well  
No. 0456-01 in the Kawela Ground Water Management Area, Molokai

The application is for an very old but recently refurbished well near sea level above the  
Kakahaia Fish Pond to supply approximately 25,000 gallons per day of fresh and brackish  
water for farm animals and irrigation use. There is no potential for any impact on surface  
water habitat. We have no objections from the aquatic biological resources standpoint.
MEMORANDUM

TO: Yoshi Shiroma, DLNR-CWRM
    Project Coordinator

FROM: Sterling Chow

PROJECT: Verification of Water Sources and Uses--Molokai

SUBJECT: File Ref: JOHNSON DE
          Revision of Well Number

In a telephone conversation with Roy Hardy today, it was agreed that the number assigned to a well registered under file reference JOHNSON DE should be given a new well number rather than the well number assigned, 0456-01 (Kamakana Dug). As noted in the JOHNSON DE report, there was some question in determining if the Johnson well was a well previously included in the Groundwater Index. In addition, Roy noted that well 0456-01 (Kamakana Dug) is a well that may have been registered under file reference GRAMBUSH WK. Consequently, the well number has been revised to Well 0456-17 (Johnson).

Included is a quad map showing the location of Well 0456-17 plotted using the GPS reading obtained in the field.

cc: Roy Hardy

Sterling J. L. Chow Engineering and Planning Services
615 Piikoi Street, Suite 1601 / Honolulu, Hawaii 96814 / (808) 524-1399 / FAX (808) 536-3975
September 2, 1993

The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 521  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy

Dear Mr. Ahue:

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

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Area</th>
<th>Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
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</thead>
<tbody>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>500,000</td>
<td>5-2-11:22</td>
<td>0605-01</td>
</tr>
<tr>
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<td>100,000</td>
<td>5-2-11:22</td>
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<tr>
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<td>40,000</td>
<td>5-2-11:22</td>
<td>0605-03</td>
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<tr>
<td>Molokai Ranch</td>
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<td>500,000</td>
<td>5-1-02:18</td>
<td>0706-02</td>
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<tr>
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<td>--</td>
<td>864,000</td>
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<td>1059-01</td>
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<tr>
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<td>--</td>
<td>432,000</td>
<td>Various</td>
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<tr>
<td>DHHL</td>
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<td>500,000</td>
<td>Various</td>
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<tr>
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<td>Ualapue</td>
<td>50,000</td>
<td>5-7-08:7</td>
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<tr>
<td>R.M. Granger</td>
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<td>25,000</td>
<td>5-4-001:011</td>
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<td>5-4-01:52</td>
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<td>J.N. Urauchi</td>
<td>Kapucalei</td>
<td>1,000</td>
<td>5-6-011:016</td>
<td>0352-12</td>
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We have no comments or concerns regarding permit applications for Wells Nos. 1059-01, 0457-01, 0801-01, 0801-02, 0448-07, 0456-01, 0456-16, and 0352-12.
We are concerned with the amounts of water requested by Molokai Ranch and Hawaiian Research (the combined requests amount to 2,200,000 gallons per day). We feel that the amounts requested are high and will further constrain water usage to other users in the area.

As you know, the Island of Molokai has few aquifers with very limited capacity. In addition, rainfall occurrence in the area is low and unpredictable and the prospects for replenishment are uncertain. Therefore, in granting water permits for these two applicants, we urge you to consider that the Department of Hawaiian Home Lands has large land holdings on Molokai and has been unable to develop these lands because of limited water supply.

In reviewing the water permit applications we have found some inconsistencies in the procedure to determine water demands. In most applications, particularly those with high water demands, the quantity of water requested was based on either the capacity of the operating water pump, number of pumping hours, or number of sprinklers, rather than on water consumption for a specific use per se (i.e., food crops, ornamentals, aquaculture, and so on). We urge the Commission to standardize procedures to determine water demands based on specific uses. We feel that such procedures would lead to improved water use efficiency and will dispel any sense of differential treatment in granting water permit applications.

Sincerely yours,

Clayton H.W. Hee
Chairperson
Office of Hawaiian Affairs

LM:sk
MEMORANDUM

TO: Aquatic Resources

Forestry and Wildlife

Historic Preservation

Land Management

Natural Area Reserve System

Office of Conservation and Environmental Affairs

State Parks

Water and Land Development

Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments

Water Use Permit Application

Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 1993.

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

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SUBJECT: Request for Comments
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DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.

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
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    Natural Area Reserve System
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( ) Comments attached
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Signed: _______________________________ Date: ____________
State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Commission on Water Resource Management  
Honolulu, Hawaii

AUG 27 1993

REF: WRM-KY

MEMORANDUM

TO: Aquatic Resources  
    Forestry and Wildlife  
    Historic Preservation  
    Land Management  
    Natural Area Reserve System  
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Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 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: Steve Tagawa  
           Phone: 587-0385
           ( ) We have no comments  
           ( ) We have no objections  
           ( ) Comments attached  
           ( ) Additional information requested  
           ( ) Extended review period requested

Signed:  
Date: 9/7/93
Mr. R.M. Granger  
P.O. Box 371  
Kaunakakai, HI 96748

Dear Mr. Granger:

Enclosed is a copy of the public notice for your water use permit application for Well No. 0456-01 which will be published in the Honolulu Star Bulletin issues of August 23 & 30, 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
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

Kupa Well (Well No. 0501-04)
Applicant: Hawaiian Research Ltd.
   P.O. Box 40
   Kaunakakai, HI 96748
Date Completed Application Received: July 13, 1993
Aquifer: Kamiloloa System, Southeast Sector, Molokai
Well Source: Kupa Well, Well No. 0501-04, at Kaunakakai, Molokai at Tax Map Key: 5-3-8:23
Quantity Requested: 430,000 gallons per day
Existing Water Use: Irrigation of 30 acres of corn and sorghum
Place of Water Use: Kaunakakai at Tax Map Key: 5-3-3:1

Kaunakakai Well (Well No. 0601-01)
Applicant: Hawaiian Research Ltd.
   P.O. Box 40
   Kaunakakai, HI 96748
Date Completed Application Received: July 13, 1993
Aquifer: Kamiloloa System, Southeast Sector, Molokai
Well Source: Kaunakakai Well, Well No. 0601-01, Kaunakakai, Molokai, at Tax Map Key: 5-3-3:1
Quantity Requested: 480,000 gallons per day
Existing Water Use: Irrigation of 40 acres of corn and sorghum
Place of Water Use: Kaunakakai at Tax Map Key: 5-3-5:3

Johnson Well (Well No. 0456-01)
Applicant: R.M. Granger
   P.O. Box 371
   Kaunakakai, HI 96748
Date Completed Application Received: July 6, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11
Quantity Requested: 25,000 gallons per day
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11
Kawela-Iaea #3 (Well No. 0456-16)
Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748
Date Completed Application Received: July 1, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-Iaea #3 Well, Well No. 0456-16, Kawela, Molokai, at Tax Map Key: 5-4-1:52
Quantity Requested: 1,000 gallons per day
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela, Molokai at Tax Map Key: 5-4-1:52

Kawela Shaft (Well No. 0457-01)
Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793
Date Completed Application Received: June 9, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela Shaft Well, Well No. 0457-01, Kawela, Molokai, at Tax Map Key: 5-4-1:50
Quantity Requested: 432,000 gallons per day
Existing Water Use: Municipal for the Maui Dept. of Water Supply Kaunakakai-Kawela System
Place of Water Use: Within the Kaunakakai-Kawela Water System at various Tax Map Keys

DHHL 1 (Well No. 0801-01)
DHHL 2 (Well No. 0801-02)
Applicant: Dept. of Hawaiian Home Lands
P.O. Box 198
Hoolehua, HI 96729
Date Completed Applications Received: July 6, 1993
Aquifer: Kualapuu System, Central Sector, Molokai
Well Sources: DHHL 1 & 2 Wells, Well Nos. 0801-01 and 02, north of Puu Luahine Crater, Molokai at Tax Map Key: 5-2-10:3
Quantity Requested: 500,000 gallons per day
Existing/New Water Use: Current and foreseeable domestic DHHL needs
Place of Water Use: Hoolehua, Kalamaula, and Kalae at various Tax Map Keys

Waikalae Tunnel (Well No. 1059-01)
Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793
Date Completed Application Received: July 7, 1993
Aquifer: Kualapuu System, Central Sector, Molokai
Well Source: Waikalae Tunnel, Well No. 1059-01, Waikalae, Molokai, at Tax Map Key: 5-2-14:2
Quantity Requested: 864,000 gallons per day
Existing Water Use: Municipal for the Maui Dept. of Water Supply Kalae System
Place of Water Use: Within the Kalae Water System at various Tax Map Keys

(more)
Ooia Dug Well (Well No. 0604-01)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Ooia Dug Well, Well No. 0604-01, Palaau Government Road, Molokai at Tax Map
Key: 5-2-11:23
Quantity Requested: 150,000 gallons per day
Existing Water Use: Industrial use (fire & dust control)
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:29

Orca Shaft #1 (Well No. 0605-01)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Shaft #1, Well No. 0605-01, Palaau Government Road, Molokai at Tax Map
Key: 5-2-11:22
Quantity Requested: 500,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

Orca Well #2 (Well No. 0605-02)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Well #2, Well No. 0605-02, Palaau Government Road, Molokai at Tax Map
Key: 5-2-11:22
Quantity Requested: 100,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

Orca Well #3 (Well No. 0605-03)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Well #3, Well No. 0605-03, Palaau Government Road, Molokai at Tax Map
Key: 5-2-11:22
Quantity Requested: 40,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

(more)
South Hoolehua Well (Well No. 0706-02)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: South Hoolehua Well, Well No. 0706-02, Palaau Government Road, Molokai at Tax Map Key: 5-1-2:18
Quantity Requested: 500,000 gallons per day
Existing Water Use: Aquaculture and irrigation of 36 acres of coco palms
Place of Water Use: Palaau Government Road at Tax Map Key: 5-1-2:18

Urauchi #1 Well (Well No. 0352-12)
Applicant: John N. Urauchi
P.O. Box 7
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Urauchi #1 Well, Well No. 0352-12, Kapualei, Molokai at Tax Map Key: 5-6-11:16
Quantity Requested: 1,000 gallons per day
Existing Water Use: Irrigation of 0.25 acres of various crops
Place of Water Use: Kapualei at Tax Map Key: 5-6-11:16

Mapulehu-Sabas Well (Well No. 0448-07)
Applicant: Clara Brito Sabas
P.O. Box 237
Kaunakakai, HI 96748
Date Completed Application Received: July 9, 1993
Aquifer: UaIapue System, Southeast Sector, Molokai
Well Source: Mapulehu-Sabas Well, Well No. 0448-07, Mapulehu, Molokai at Tax Map Key: 5-7-8:7
Quantity Requested: 50,000 gallons per day
Existing Water Use: Irrigation of 1 acre of taro, coconuts, and various other fruits and vegetables
Place of Water Use: Mapulehu, Molokai at Tax Map Key: 5-7-8:7

(more)
Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 14, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE
Chairperson

Dated: AUG 17 1993

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

AUG 27 1993

REF: WRM-KY

MEMORANDUM

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

FROM:  
Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 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
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for R.M. Granger for Well No. 0456-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

We would appreciate your review of the attached application and please return this form by September 14, 1993.

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

Attachments

Response: Contact person: _______________ Phone: ____________

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

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

Dear Mayor Lingle:

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

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit application for R.M. Granger for Well No. 0456-01, 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,

[Signature]

KEITH W. AHUE

Enc.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

Kupa Well (Well No. 0501-04)
Applicant: Hawaiian Research Ltd.
P.O. Box 40
Kaunakakai, HI 96748
Date Completed Application Received: July 13, 1993
Aquifer: Kamiloloa System, Southeast Sector, Molokai
Well Source: Kupa Well, Well No. 0501-04, at Kaunakakai, Molokai at Tax Map Key: 5-3-8:23
Quantity Requested: 430,000 gallons per day
Existing Water Use: Irrigation of 30 acres of corn and sorghum
Place of Water Use: Kaunakakai at Tax Map Key: 5-3-3:1

Kaunakakai Well (Well No. 0601-01)
Applicant: Hawaiian Research Ltd.
P.O. Box 40
Kaunakakai, HI 96748
Date Completed Application Received: July 13, 1993
Aquifer: Kamiloloa System, Southeast Sector, Molokai
Well Source: Kaunakakai Well, Well No. 0601-01, Kaunakakai, Molokai, at Tax Map Key: 5-3-3:1
Quantity Requested: 480,000 gallons per day
Existing Water Use: Irrigation of 40 acres of corn and sorghum
Place of Water Use: Kaunakakai at Tax Map Key: 5-3-5:3

Johnson Well (Well No. 0456-01)
Applicant: R.M. Granger
P.O. Box 371
Kaunakakai, HI 96748
Date Completed Application Received: July 6, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11
Quantity Requested: 25,000 gallons per day
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11
Kawela-iaea #3 (Well No. 0456-16)
Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748
Date Completed Application Received: July 1, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-iaea #3 Well, Well No. 0456-16, Kawela, Molokai, at Tax Map Key: 5-4-1:52
Quantity Requested: 1,000 gallons per day
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela. Molokai at Tax Map Key: 5-4-1:52

Kawela Shaft (Well No. 0457-01)
Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793
Date Completed Application Received: June 9, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela Shaft Well, Well No. 0457-01, Kawela, Molokai, at Tax Map Key: 5-4-1:50
Quantity Requested: 432,000 gallons per day
Existing Water Use: Municipal for the Maui Dept. of Water Supply Kaunakakai-Kawela System
Place of Water Use: Within the Kaunakakai-Kawela Water System at various Tax Map Keys

DHHL 1 (Well No. 0801-01)
DHHL 2 (Well No. 0801-02)
Applicant: Dept. of Hawaiian Home Lands
P.O. Box 198
Hoolehua, HI 96729
Date Completed Applications Received: July 6, 1993
Aquifer: Kualapuu System, Central Sector, Molokai
Well Sources: DHHL 1 & 2 Wells, Well Nos. 0801-01 and 02, north of Puu Luahine Crater, Molokai at Tax Map Key: 5-2-10:3
Quantity Requested: 500,000 gallons per day
Existing/New Water Use: Current and foreseeable domestic DHHL needs
Place of Water Use: Hoolehua, Kalamaula, and Kalae at various Tax Map Keys

Waikalae Tunnel (Well No. 1059-01)
Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793
Date Completed Application Received: July 7, 1993
Aquifer: Kualapuu System, Central Sector, Molokai
Well Source: Waikalae Tunnel, Well No. 1059-01, Waikalae, Molokai, at Tax Map Key: 5-2-14:2
Quantity Requested: 864,000 gallons per day
Existing Water Use: Municipal for the Maui Dept. of Water Supply Kalae System
Place of Water Use: Within the Kalae Water System at various Tax Map Keys

(more)
Ooia Dug Well (Well No. 0604-01)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Ooia Dug Well, Well No. 0604-01, Palaau Government Road, Molokai at Tax Map Key: 5-2-11:23
Quantity Requested: 150,000 gallons per day
Existing Water Use: Industrial use (fire & dust control)
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:29

Orca Shaft #1 (Well No. 0605-01)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Shaft #1, Well No. 0605-01, Palaau Government Road, Molokai at Tax Map Key: 5-2-11:22
Quantity Requested: 500,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

Orca Well #2 (Well No. 0605-02)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Well #2, Well No. 0605-02, Palaau Government Road, Molokai at Tax Map Key: 5-2-11:22
Quantity Requested: 100,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

Orca Well #3 (Well No. 0605-03)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: Orca Well #3, Well No. 0605-03, Palaau Government Road, Molokai at Tax Map Key: 5-2-11:22
Quantity Requested: 40,000 gallons per day
Existing Water Use: Aquaculture for 120 acres of shrimp and fish
Place of Water Use: Palaau Government Road at Tax Map Key: 5-2-11:22

(more)
South Hoolehua Well (Well No. 0706-02)
Applicant: Molokai Ranch, Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813
Date Completed Application Received: July 13, 1993
Aquifer: Maunawainui System, Central Sector, Molokai
Well Source: South Hoolehua Well, Well No. 0706-02, Palaau Government Road, Molokai at Tax Map Key: 5-1-2:18
Quantity Requested: 500,000 gallons per day
Existing Water Use: Aquaculture and irrigation of 36 acres of coco palms
Place of Water Use: Palaau Government Road at Tax Map Key: 5-1-2:18

Urauchi #1 Well (Well No. 0352-12)
Applicant: John N. Urauchi
P.O. Box 7
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Urauchi #1 Well, Well No. 0352-12, Kapualei, Molokai at Tax Map Key: 5-6-11:16
Quantity Requested: 1,000 gallons per day
Existing Water Use: Irrigation of 0.25 acres of various crops
Place of Water Use: Kapualei at Tax Map Key: 5-6-11:16

Mapulehu-Sabas Well (Well No. 0448-07)
Applicant: Clara Brito Sabas
P.O. Box 237
Kaunakakai, HI 96748
Date Completed Application Received: July 9, 1993
Aquifer: Ualapue System, Southeast Sector, Molokai
Well Source: Mapulehu-Sabas Well, Well No. 0448-07, Mapulehu, Molokai at Tax Map Key: 5-7-8:7
Quantity Requested: 50,000 gallons per day
Existing Water Use: Irrigation of 1 acre of taro, coconuts, and various other fruits and vegetables
Place of Water Use: Mapulehu, Molokai at Tax Map Key: 5-7-8:7

(more)
Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 14, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE
Chairperson

Dated: AUG 17 1993

July 27, 1993
Kawela Plantation,
Homeowners Association
P.O. Box 28
Kaunakakai, HI 96748

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

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


Dear Ms. Loui,

I have no comment on the procedural objections.

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

Yours truly,

John F. Davis, President
Kawela Plantation
Homeowners Association

cc: Native Hawaiian Advisory Council
1088 Bishop Street
Suite 1024
Honolulu, HI 96813
Dear Mr. Granger:

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

We acknowledge receipt, on July 6, 1993, of your completed water use permit application for the Johnston Well (Well No. 0456-01). We have determined from our November 11, 1992 field investigation that your State Well No. is 0456-01 which was previously known as the Kamakana Dug Well.

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 review by the Molokai Task Force. This may cause your application to go beyond the normal action time limit.

We will be sending you a copy of the public notice for your application and any further information regarding the status of your application.

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:ko
July 19, 1993  
Kaunakakai, HI 96748

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

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

Dear Mr. Loui,

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

To respond specifically to Mrs. Grambusch's objection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

[Nine other identical briefs like this w/other signatures submitted].
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. Box 614
Honolulu, HI 96809
ATTN: ROY HARDY

July 6, 1993

Dear Sir,

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

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

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

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

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

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

Yours truly,

Wilma K. [Signature]
INSTRUCTIONS AND INFORMATION FOR COMPLETING WATER USE PERMIT APPLICATION

STATUTORY AUTHORITY: State Water Code, §174C, HRS
ADMINISTRATIVE RULES: Title 13 Chapter 171, HAR

Fill out form line items completely by printing in ink or typing. Empty line item blanks will constitute an incomplete application unless otherwise notified.

Under title APPLICATION FOR WATER USE PERMIT check either ground water or surface water but not both.

Line item 1(a). APPLICANT - Mailing address and phone information on the person requesting to receive a water use permit is entered here.

Line item 1(b). LANDOWNER - Mailing address and phone information on the person who owns the land on which the water source, i.e. well or stream diversion, exists or will exist is entered here.

Line item 2. WATER MANAGEMENT AREA & ISLAND - Aquifer system name from which ground water is or will be withdrawn OR watershed name from which surface water is or will be diverted is entered here.

Line item 3(a). EXISTING SOURCE NAME AND STATE NUMBER - The name of the existing well or stream diversion structure as defined by the applicant is entered here. The existing state number for the well or stream diversion is also entered here.

Line item 3(b). PROPOSED (NEW) SOURCE NAME - If source is not existing but the applicant will construct it within four (4) years after water use permit issuance, the name of the new source as defined by the applicant is entered here. No state number is necessary as source does not yet exist.

Line item 4. SOURCE LOCATION - Address and tax map key number of the source location is entered here. A USGS map and county property tax map showing the location of the source MUST be attached.

Line item 5. SOURCE TYPE - Only check the one (1) box which best describes the type of hydrologic water source from which water from item 4 will be taken.

Line item 6. METHOD OF TAKING WATER - Only check the one (1) box which best describes the method of taking water from the source defined in line Items 4 & 5.

Line item 7(a). LOCATION OF PROPOSED WATER USE - Address and tax map key number of the location where the source water, as defined by the applicant in line Items 4, 5, & 6, is or will be used is entered here. A USGS map and county property tax map showing the location of the source MUST be attached. If possible, applicant is encouraged to use same map attached for item 4.

Line item 7(b). LAND USE DISTRICT - Only check the one (1) box which indicates the State Land Use District classification for the location where the source water, as defined by the applicant in line Items 4, 5, & 6, is or will be used.

Line item 7(c). COUNTY ZONING - Describe the county zoning classification for the location where the source of water, as defined by the applicant in line items 4, 5, & 6, is or will be used.

Line item 8. QUANTITY OF WATER REQUESTED - The average daily amount of water requested by the applicant is entered here in gallons per day.
INSTRUCTIONS AND INFORMATION
FOR COMPLETING WATER USE PERMIT APPLICATION

STATUTORY AUTHORITY: State Water Code, §174C, HRS
ADMINISTRATIVE RULES: Title 13 Chapter 171, HAR

Line item 9. METHOD OF MEASUREMENT - Check the appropriate box(s) which best indicate the applicant's method of measuring the existing use or the applicant's method which will be used from a future well or stream diversion.

Line item 10. QUALITY OF WATER REQUESTED - Check the appropriate box(s) which best indicate the quality of water requested by the applicant.

Line item 11. PROPOSED USE - Check the appropriate box(s) which best indicate the type of use(s) the applicant is or will be using the water defined by Items 4, 5, & 6.

Line item 12. NUMBER AND TYPE OF UNITS TO BE SERVED - If applicant is or will be using or supplying water to many homes, indicate the number and type of units to be served.

Line item 13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP - If applicant is or will be using or supplying water for irrigation, indicate the total acreage and type of crop to use water defined by Items 4, 5, & 6.

Line item 14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION - Indicate a time schedule which best estimates the typical time(s) during a day when water, as defined by Items 4, 5, & 6, is or will be withdrawn.

Line item 15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE -
(a) Any anticipated negative impact(s) on the sustainable yield of Item 2, water management area, which may restrict or affect the applicant's present request for water use.
(b) Any anticipated negative impact(s) on permanent or interim instream flow standards of nearby streams which may restrict or affect the applicant's present request for water use.
(c) Any anticipated impacts, positive and negative, on Hawaiian Home Lands uses which may restrict or affect the applicant's present request for water use.
(d) Any anticipated impacts on other existing legal uses which may restrict or affect the applicant's present request for water use.

Line item 16. REMARKS, EXPLANATIONS - Space provided to describe additional information where requested on form or which applicant wishes to submit to the Commission.

SIGNATURES - Both the applicant and the landowner must sign and date the application before it is accepted by the Commission.
ISLAND OF MOLOKAI - 83 MGD

CENTRAL - 11 MGD
KUALAPUU - 7 MGD
HOOLEHUA - 2 MGD
KALUAKOI - 2 MGD

WEST - 4 MGD
PUNAKOU - 2 MGD
MAUNAWAINUI - 2 MGD

KUALAPUAPA - 2 MGD
KAHANUI - 3 MGD
WAIKOLU - 2 MGD
HAUPU - 2 MGD
PELEKUNU - 9 MGD
WAILAU - 15 MGD
HALAWA - 8 MGD
WAIALUA - 8 MGD
UALAPUE - 8 MGD
KAWELA - 5 MGD
KAMILOLOA - 3 MGD

SOUTHEAST - 24 MGD

NOTE: Base map, hydrologic units and sustainable yield data adopted from Water Resources Protection Plan, Hawaii Water Plan, June, 1990.

FIGURE 1
ISLAND OF MOLOKAI
GROUND WATER RESOURCES
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 587-0225.

1. (a) APPLICANT
   Firm/Name: P.M. GRANGER
   Contact Person: Ph. 553-5473
   Address: Kanoa Kula, HI 96798

   (b) LANDOWNER
   Firm/Name: D.E. JOHNSON
   Contact Person: Ph. 967-6191
   Address: Kauai Island, Hawaii 96798

2. LOCATION MANAGEMENT AREA:
   Island: Molokai

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:
   Name: 03-56-0-1-0-17
   State Number: 0456-0-17

   (b) PROPOSED (NEW) SOURCE NAME:
   Name: Johnson Well Kauela
   State Number: 5-4-001-011

4. SOURCE LOCATION:
   Address: Tax Map Key
   Tax Location: 5-4-001-011
   (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
   Wells & Pump
   Diverted Surface Flow
   Other (explain)

6. METHOD OF TAKING WATER (check one):
   Artesian Flow
   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
   (b) Land Use District (check one):
   (c) County Zoning (describe) A

8. QUANTITY OF WATER REQUESTED: 25000 gallons per day

9. METHOD OF MEASUREMENT:
   (a) Flowmeter
   (b) Open-pipe
   (c) Weir
   (d) Office
   (e) Other (explain)

10. QUALITY OF WATER REQUESTED:
    (a) Fresh
    (b) Borefield
    (c) Salt
    (d) Potable
    (e) Non-Potable

11. PROPOSED USE:
    (a) Municipal (including hotels, stores, etc.)
    (b) Domestic (individual, noncommercial, etc.)
    (c) Industrial
    (d) Military
    (e) Irrigation (plant, farm, urban, etc.)

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain):
    (a) Pasture/Lawn
    (b) Acres
    (c) Crop

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:
    (a) Acres
    (b) Crop

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
    (a) Between 13:00 & 18:00 hrs once a week

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
    (a) Impact on Sustainable yield (%):
    (b) Perennial or Intermittent
    (c) Instream Flow Standards affected (%):
    (d) Hawaiian Home Land uses affected (%):
    (e) Other:

16. REMARKS, EXPLANATIONS:
    (a) This is a very old well that has been used from
    the beginning for crop irrigation & animal drinking. The well was recently
    (if more space is needed, continue on back side)

For Official Use Only:
Date Received: 5/10/93
Date Accepted: 5/10/93
Hydrologic Unit No.:
Diversion Works No.:
State Well No.:
Public Hearing:

Notice Dates:
Public Mayor BWS Mail List Bulletin

Applicant (print) P.M. GRANGER Landowner (print) DORIS ELIZABETH JOHNSON
Signature 5/10/93
Date 5/10/93

Printed by: WUPA Form 5/24/92
15. REMARKS, EXPLANATIONS (cont'd):

Cleaned and concrete rings with a cover installed to prevent sifting and to insure against accidental entry by humans and other animals. The well was视察ed by Mrs. Chew, thus the exact lot/lot location on the first page.

The daily water use is calculated on a 1.5 acre, each applied to 4 acres once a week. This will vary with the type of crop and stage of the crop. Also, the application may be once or twice, or twice per week (split).

Water is distributed by a buried 2" pvc with intermittent overhead sprinklers.

---

Calculated Normal Use

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<td>1/2 acre</td>
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: 2 acres use once 2x per week = 4 (275.451 gallons) 2x = 1,101 gallons

: 2 acres use twice 2x per week = 4 (275.451 gallons) 2x = 2,202 gallons

Original Water Plan: 4 acres use 4,700 gpd = 300,800 gpd

Field Investigation: Estimated use of 11,000 gpd = 33,000 gpd
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**Total Applications:** 23

**Total Volume:** 1.786
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

**CENTRAL SECTOR**

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<td>2. DHHL</td>
<td>0.84</td>
</tr>
<tr>
<td></td>
<td>3. Kaluakoi Resort</td>
<td>2.14</td>
</tr>
<tr>
<td></td>
<td>4. Other State Projects</td>
<td>0.11</td>
</tr>
<tr>
<td></td>
<td>5. Palaau Industrial Park</td>
<td>0.20</td>
</tr>
<tr>
<td></td>
<td>6. Others (Kualapuu, Kalae, Kipu)</td>
<td>0.20</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>4.43</strong></td>
</tr>
</tbody>
</table>

**NORTHEAST SECTOR**

<table>
<thead>
<tr>
<th>System</th>
<th>Users and Projects</th>
<th>Use (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahanui System</td>
<td>1. National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td>Waikolu System</td>
<td>1. DOA MIS</td>
<td>2.70</td>
</tr>
</tbody>
</table>

**SOUTHEAST SECTOR**

<table>
<thead>
<tr>
<th>System</th>
<th>Users and Projects</th>
<th>Use (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamuloloa System</td>
<td>1. Hawaiian Research</td>
<td>0.26</td>
</tr>
<tr>
<td>Kawela System</td>
<td>1. County DWS</td>
<td>0.32</td>
</tr>
<tr>
<td></td>
<td>2. Kawela Plantation</td>
<td>0.40</td>
</tr>
<tr>
<td></td>
<td>3. Kamalo Ranch</td>
<td>0.04</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>0.76</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>System</th>
<th>Users and Projects</th>
<th>Use (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ualapue System</td>
<td>1. County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td>2. Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>3. Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>0.62</strong></td>
</tr>
</tbody>
</table>

**Alpha USA**            |                                                     | **2.0** |

**WEST SECTOR**

<table>
<thead>
<tr>
<th>System</th>
<th>Use (MGD)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>0.00</td>
</tr>
</tbody>
</table>

**TOTAL**                | **11.55** |

*1 Water development source unidentified.*

EXHIBIT 3
Molokai Working Group

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

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

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

1From DHHL projections

From DOA - MIS average delivery = 7.5 mgd

2/3 x 7.5 mgd = 5.0 mgd preference to DHHL

1/3 x 7.5 mgd = 2.5 mgd for other MIS users

Note: deficit from MIS of 0.42 mgd

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

3Water development source unidentified

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

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

EXHIBIT 4
To Kay 7/15/93

0356-01 is a well index at Makolelaan owned by Foster Estate
EXHIBIT 1

PROJECT AREA

ISLAND OF MOLOKAI

CENTERAL - 11 MGD

KAULALAPU - 1 MGD

KALALAPU - 1 MGD

NORTH-EAST - 2 MGD

WAIKALU - 2 MGD

WEST - 5 MGD

MAUNA-LOA - 2 MGD

MAUNA-LOA - 2 MGD

MALAPUS - 4 MGD

KALOLU - 2 MGD

SOUTHEAST - 14 MGD

MAULOA - 6 MGD

MAJELA - 8 MGD

NORTHWEST - 1 MGD

EXHIBIT I

ESTIMATED DEVELOPABLE YIELDS BY AQUIFER SECTORS/SYSTEMS

WELL NO. 0356-0

Estimated developable yields by aquifer sectors/systems.

From CWRM meeting draft

Exhibit 1
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
CONTROL BY USGS, USC&GS, AND HAWAII STATE SURVEY
TOPOGRAPHY BY PHOTOGRAMMETRIC METHODS FROM AERIAL
PHOTOGRAPHS TAKEN 1950. FIELD CHECKED 1952. REVISED 1968
SELECTED HYDROGRAPHIC DATA COMPiled FROM USC&GS
CHARTS 4121 (1966) AND 4130 (1964)
THIS INFORMATION IS NOT INTENDED FOR NAVIGATIONAL PURPOSES
# Kawela Plantation Wells

<table>
<thead>
<tr>
<th>Well No.</th>
<th>Well Name</th>
<th>type</th>
<th>Lat – Long</th>
</tr>
</thead>
<tbody>
<tr>
<td>0456-04</td>
<td>Breadfruit (Ag Well 2)</td>
<td>dug</td>
<td>21 04 03; 156 56 46</td>
</tr>
<tr>
<td>0456-06</td>
<td>Old DW 3 (Mon)</td>
<td>PER</td>
<td>21 04 15; 156 56 41</td>
</tr>
<tr>
<td>0456-07</td>
<td>Exploratory Well 2</td>
<td>(drill)</td>
<td>21 04 00; 156 56 11</td>
</tr>
<tr>
<td>0456-08</td>
<td>Old DW 2 (Mon)</td>
<td>PER</td>
<td>21 04 15; 156 56 25</td>
</tr>
<tr>
<td>0456-09</td>
<td>DW 1</td>
<td>PER</td>
<td>21 04 14; 156 56 26</td>
</tr>
<tr>
<td>0456-18</td>
<td>DW 2A</td>
<td>ROT</td>
<td>21 04 13; 156 56 27</td>
</tr>
<tr>
<td>0456-19</td>
<td>DW 3A</td>
<td></td>
<td>21 04 15; 156 56 41</td>
</tr>
<tr>
<td>0457-03</td>
<td>Exploratory Well 1</td>
<td>(drill)</td>
<td>21 04 08; 156 56 40</td>
</tr>
<tr>
<td>0457-04</td>
<td>Ag Well 1</td>
<td>PER</td>
<td>21 04 21; 156 57 34</td>
</tr>
</tbody>
</table>

# Other Kawela Wells

<table>
<thead>
<tr>
<th>Well No.</th>
<th>Well Name</th>
<th>type</th>
<th>Lat – Long</th>
</tr>
</thead>
<tbody>
<tr>
<td>0456-01</td>
<td>Kamakana</td>
<td>dug</td>
<td>21 03 55; 156 56 24</td>
</tr>
<tr>
<td>0456-02</td>
<td>Kawela</td>
<td>dug</td>
<td>21 03 60; 156 56 46</td>
</tr>
<tr>
<td>0456-03</td>
<td>TH</td>
<td>ROT</td>
<td>21 04 02; 156 56 49</td>
</tr>
<tr>
<td>0456-05</td>
<td>Nalulua</td>
<td>dug</td>
<td>21 03 51; 156 56 35</td>
</tr>
<tr>
<td>0456-10</td>
<td>Sutcliffe-Mulloy</td>
<td>dug</td>
<td>21 03 58; 156 56 28</td>
</tr>
<tr>
<td>0456-11</td>
<td>Perrels 1</td>
<td>dug</td>
<td>21 04 03; 156 56 39</td>
</tr>
<tr>
<td>0456-12</td>
<td>Perrels 2</td>
<td>dug</td>
<td>21 04 03; 156 56 38</td>
</tr>
<tr>
<td>0456-13</td>
<td>Kawela - Foster</td>
<td>ROT</td>
<td>21 03 50; 156 55 59</td>
</tr>
<tr>
<td>0456-14</td>
<td>Kawela – Iaea 1</td>
<td>dug</td>
<td>21 04 01; 156 56 39</td>
</tr>
<tr>
<td>0456-15</td>
<td>- Iaea 2</td>
<td>dug</td>
<td>21 03 56; 156 56 44</td>
</tr>
<tr>
<td>0456-16</td>
<td>- Iaea 3</td>
<td>dug</td>
<td>21 04 04; 156 56 44</td>
</tr>
<tr>
<td>0456-17</td>
<td>Kawela-Johnson</td>
<td>dug</td>
<td>21 03 56; 156 56 23</td>
</tr>
<tr>
<td>0457-01</td>
<td>Kawela Shaft (MDWS)</td>
<td>SHF</td>
<td>21 04 07; 156 56 54</td>
</tr>
</tbody>
</table>
WATER USE PERMIT NO. 268

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

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Robert M. Granger</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P.O. Box 1830</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Landowner of Source:</td>
<td>D.E. Johnson</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 371</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.016 mgd (Based upon a 12-month moving average)</td>
</tr>
<tr>
<td>Water Management Area:</td>
<td>Kawela</td>
</tr>
<tr>
<td>Island:</td>
<td>Moloka‘i</td>
</tr>
<tr>
<td>Aquifer Sector/System:</td>
<td>Southeast/Kawela</td>
</tr>
<tr>
<td>System Sustainable Yield:</td>
<td>5 mgd</td>
</tr>
<tr>
<td>Water Type:</td>
<td>Fresh, Brackish</td>
</tr>
<tr>
<td>Original CWRM Date:</td>
<td>March 14th, 1995</td>
</tr>
<tr>
<td>Standard Conditions:</td>
<td>1-11, 13-14, 16-17, 20-23</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>5</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 0456-17 |
| Well Name: | Johnson |
| Water Source TMK Number(s): | 3rd Division, 5-4-001:011 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
| Geographical Coordinates: | Latitude 21° 03' 56.2" North<br>Longitude 156° 56' 23.0" West |

End Use

| End Use TMK Number(s): | 2nd Division, 5-4-001:011 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
| Geographical Coordinates: | Same as Source |
Beneficial Use Explanation: Drinking water for horses & wild deer

Background Information

There is no water use reporting record available for Water Use Permit 268. Water Use Permit 268 was approved during the March 14th, 1995 Commission on Water Resource Management meeting. This water source has been in use for approximately 13 years with the current permittee. Standard conditions 1-11, 13-14, 16-17, & 20-23 and special condition 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: Robert M. Granger
Site Address: Kamehameha V Hwy.
Kaunakakai, HI 96748

Brown and Caldwell conducted a field investigation on January 29th, 2008 from 7:45 a.m. until 8:10 a.m. with Mr. Robert Granger. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. The physical location of this site is down a dirt driveway located on the Mauka side of the highway approximately 1/2-mile past Onioni Road. 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. 268

State Well No. 0456-17 is located on TMK parcel (2) 5-4-001:011 at 21° 03’ 56.2” N, 156° 56’ 23.0” W, with a real time accuracy of ±17 feet. Water is drawn from the well with a small, 5-HP pump and sent to a small 300-400 gallon water trough that is used to supply drinking water to horses and wild deer. There is also a hand pump installed as a backup to the motorized pump. This hand pump, however, is not currently operational. Reference the Appendix for photographs of the previously described system components.

Based upon visual inspection of the system, all components appear to be in full working order. Water is being used within the permitted TMK boundaries. There is no flowmeter installed and no water use reporting records on file. The permittee claims he only uses about 70 gpd of water.
which should exempt him from reporting requirements. However, if he has not filed a formal change to his permit, he is still required to report usage to the Commission.

The following are a list of standard condition(s) that the permittee is found to be in non-compliance with:

(10) 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.

Since no water use or salinity reports are being submitted to the Commission, the permittee is found to be in violation of Standard Condition (10).

Recommendations

- Update the Commission’s electronic database with the following:
  - Change permittee mailing address to P.O. Box 1830, Kaunakakai, HI 96748
  - Change end use to 'Use for drinking water for horses and wild deer'
  - Create memo field entry noting field investigation on 1/29/08
- Address violation of Standard Condition (10) regarding non-reporting of salinity levels.
20-Year Water Use Permit Review
Water Use Permit No. 268

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0456-17

Figure 2 – Water trough for drinking water end use
Figure 3 – Location of source & end use
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 268
Well Number(s): 0456-17

Contact Information (of the person who will be present at site visit):
Name: Robert M. Granger
Phone (for phone interview): [Redacted]
Email: [Redacted]
Best time to reach for phone interview: 8 a.m. to 4 p.m.

Property Information (of the water use/well location):
Address: D.E. Johnson P.O. Box 371
City: Kaukakai HI
Zip: 96748
Well Location TMK (list all if multiple wells present): 5-4-01:11
Water Use TMK (list all if used on multiple lots):

Water Use/Well Information:
Is the water source currently in use? Yes ☑ No ☐
If no, please explain:
What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"):
Drinking water for horses & wild deer, bees & other wildlife

Is a flow meter installed and working properly? Yes ☐ No ☑
If no, please explain: Never had flow meter

Do you submit monthly water use reports to the State? Yes ☐ No ☑
If no, please explain: use less than 500 gallons/wk (70 g/d)

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

Option #1 Date (M-F): 1-21-08
Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #2 Date (M-F): 1-22-08
Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #3 Date (M-F): 1-23-08
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 December 12th, 2007 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@brwnclld.com

Submitted by: R. M. Granger
11/25/07

For Official Use Only
Received: 11/26/07
Information Updated: 11/26/07
Phone Interview Complete: 1/22/08
Notes/Comments: Need to obtain physical address of water use/well head for investigation purposes.
Phone Interview

WUP Number: 268  Well Number(s): 0456 - 17

Contact Name: Robert M. Granger  Phone Number: (608) 553-5359

Attempt #1: Date/Time: 1/22/08  Result: Reached

Attempt #2: Date/Time: N/A  Result: N/A

Well Location TMK(s): 5-H-001:011

Water Use TMK(s): 5-H-001:011

Water Source Address: Onioni St.

City: Kaunakakai  Zip Code: 96748

Currently using water source? Yes ☒ No ☐

Notes/Comments:

300-500 gal/week

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

Notes/Comments:

5 HP Pump

How long have you been using this water source?: 10+ years

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

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

If no, explain:

Scheduled field investigation day/time: 6:00

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

- East out of Kailua past mile marker 5
  Past Kukui Gulch
  @ on 1st street Past Gulch (Onioni Dr)
  Lined by Plumeria trees
  Up the hill, stay on Onioni as it turns toward Maui
  #4 1st house on @, horse trailer on drive

- Wainui 553-8201 ; Lisa Foster (Unit 2)

Maulaia Hwy. East -> Tumu into Kanii Hwy -> Through
Kaunakakai -> @ Onioni
  - Ulani 13 road before
  - Kahakana Beach Park is too far
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.
- Other

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
# Field Investigation Checklist

**WUP Number:** 268  
**Well Number(s):** 0456-17

## Water Source

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Location TMK(s):</td>
<td>5-4-001:01</td>
</tr>
</tbody>
</table>
| Well Head GPS Coordinates: | Latitude: 21°03'56.2" N  
Longitude: 156°56'23.0" W |
| Well Type: | Well Pump |
| Currently using water source? | Yes ☒ No ☐ |
| Notes/Comments: |

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
</table>
| Is there a flow meter installed? | Yes ☐  
No ☒ |
| Is the flow meter operational | Yes ☐  
No ☒  
N/A ☑ |
| Notes/Comments: | Pump capacity below cap limit |

## Water Use

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Use TMK(s):</td>
<td>5-4-001:01</td>
</tr>
<tr>
<td>What is the water being used for?</td>
<td>Horse drinking water</td>
</tr>
<tr>
<td>Is the water being used within the permitted boundaries?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If no, explain:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there any observed wasting of water or water loss?</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>If no, explain:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the permit conditions being complied with?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If no, explain:</td>
<td>No water meter, but usage is under the minimum amount (≤1700 gpd)</td>
</tr>
</tbody>
</table>

## Other

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
</table>
| Photographs of: | Water Source ☒  
Water Meter ☐  
Usage Area ☒  
Pump/Motor ☒ |

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Notes/Comments:</td>
<td>5 - HP Pump</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
</table>
| Investigated By: | M.S./D.Y.  
Date: 1/29/09  
Time: 7:45 a.m. |
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

**Variations of Standard Condition (10) are as follows:**

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

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

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

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

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

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

vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development,
P.O. Box 373, Honolulu, HI 96809, on a **monthly** basis.

viii. Although not stated as a condition of the permit §13-168-7 HAR requires you to keep a record of your **monthly** total pumpage, water level, salinity, and water temperature. This information **must** be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

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

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

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

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

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

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

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:
   i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

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

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

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

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

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

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

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

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

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

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

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

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

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to in form the Commission as to the nature of the emergency and the expected duration of the emergency. A water
use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.

59. Note DOH's requirements related to non-potable water systems (attached to original permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as "DO NOT DRINK, NON-POTABLE" to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. In addition, as long as the U.S. Geological Survey is collecting and analyzing the chloride content of the well water, the requirement for the permittee to measure and report chlorides is also waived.

63. Well elevation components must be surveyed by a licensed surveyor and this information must be submitted to commission prior to issuance of permanent permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S. Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked.

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est. lands west of Wahiawa (2100 ac+) and the associated TMK's for use area.

70. Deferred action on portion requested for golf course irrigation pending further refinement of irrigation requirement and a feasibility study for utilization of surface water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit shall be until treated wastewater is available and acceptable for use. The permittee shall continue discussions with Honolulu Board of Water Supply regarding the use of reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission’s sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health’s Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use.

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That interim permits for water use issued in accordance with the proposed schedule shall be subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson’s approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or this WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
131. This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

132. Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

133. If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

134. This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

135. These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

136. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen's Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

138. Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation's Board) or into Waikele Farm's existing irrigation system.

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

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

143. Proposed other uses will be considered at a later date.
Chairperson and Members  
Commission on Water Resource Management  
State of Hawaii

Gentlemen:

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

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

2. (Well Nos. 0456-04,06,08,09 &0457-04)  
   Kawela Plantation  
   Homeowners Association  
   P.O. Box 698  
   Kaunakakai, HI 96748

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

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

5. (Well No. 0457-01)  
   Maui Dept. of Water Supply  
   P.O. Box 1109  
   Wailuku, HI 96793

Landowner:  
1. Same  
2. Same  
3. Lukela Estate  
4. D.E. Johnson  
5. Same

Background

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

Staff's recommendation to the Commission is to deny the petitioner's standing in this matter because the claim of harm to legal water interests could not be established. Should the Commission approve the staff's recommendation to proceed with decision-making on pending Kawela applications, this submittal presents a description and analysis of the proposed water use permits. Specific information regarding the sources, uses, notifications, objections, and field investigations is provided in Attachment A and the attached exhibits.
Analysis & Issues

An analysis of the proposed permits in relation to the seven (7) criteria set forth in HRS 174C-49(a) Conditions for a permit is provided as follows:

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

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

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KAWELA AQUIFER SYSTEM (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable Yield</td>
<td>5</td>
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<tr>
<td>Less: Other Existing Permits</td>
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<tr>
<td>Shigenobu Inouye (Well No. 0352-11)</td>
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<tr>
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</tr>
<tr>
<td>Available Allocation</td>
<td>3.622</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

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

Using the Oahu Water Requirement Forecast and floriculture for 2 acres, the required estimated need for irrigation is 14,800 gpd. The applicant has not supplied any information on his actual pumpage. Therefore, it would appear that the applicant's request is too low.
R.M. Granger, Well No. 0456-17 - The application is for an existing source and an existing use of potable water from the Kawela Aquifer System for irrigation of four (4) acres of pasture and corn. The field investigation verified that there are four (4) acres of pasture for horse grazing.

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

Maui Department of Water Supply, Well No. 0457-01 - The application is for continued existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui’s Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well equipped with two (2) pumps. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment. An after-the-fact pump installation permit was approved in May 1994.

The current 12-month moving average for reported pumpage from this well is 0.287 mgd. Usage as of July 1992 is about 0.315 mgd. During the field investigation, the applicant verbally estimated the use ranges from 0.310 to 0.370 mgd per month. Therefore, the applicant’s request for 0.432 mgd has not been justified.

(3) Interference with other existing legal uses -

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

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

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

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

(4) Public interest - These proposed beneficial uses of water for domestic and agriculture uses do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by various State and County agencies, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.
State & County general plans and land use designations - The Office of Conservation and Environmental Affairs and the Maui County Planning Department have reviewed these applications. No objections or concerns have been raised. These proposed uses have been shown to be consistent with the State and County general plans and land use designations.

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

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

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

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

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

RECOMMENDATION

Staff recommends that the Commission:

1. Deny without prejudice the standing of Ms. Wilma Kamakana Grambusch in this matter.
2. Approve the issuance of an after-the-fact pump installation permit and an interim water use permit to David W. Curtis for the reasonable and beneficial use of 12,000 gallons per day of potable water from the Kamalo-C Well (Well No. 0352-10) for irrigation of 4 acres of nursery and domestic use for one (1) residence, subject to the standard water use permit conditions listed in Attachment B, the standard pump installation permit conditions listed in Attachment B1, and the following special conditions:
   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.
   b. Prior to the issuance of any permits for this well, the applicant shall submit the filing fee of $25.00 for the after-the-fact pump installation permit application.
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

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

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

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

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

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

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

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

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

6. Approve the issuance of an interim water use permit to the Maui Dept. of Water Supply for the reasonable and beneficial use of 283,000 gallons per day of potable water from the Kawela Shaft Well (Well No. 0457-01) for municipal supply for the Kaunakakai-Kawela Distribution System, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

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

Respectfully submitted,

Rae M. Loui  
Deputy Director

Attachments

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

**AQUIFER:**

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<th>Value</th>
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<td>Existing Water Use Permits</td>
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**WELL:**

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<th>Location</th>
<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevations (msl= 0 ft.)</th>
<th>Water Level</th>
<th>Ground</th>
<th>Bottom of Solid Casing</th>
<th>Bottom of Perforated</th>
<th>Bottom of Open Hole</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
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<td>1.</td>
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<td>below solid casing by 30 ft.</td>
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<td>2.a</td>
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<td>30 ft.</td>
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<td>DW1 Well (Well No. 0456-09)</td>
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**ATTACHMENT A**
4. WELL:
Location: Johnson Well (well No. 0456-17)
Year Drilled: Near Kakahaia Pond, Molokai, TMK:5-4-1:11
Casing Diameter: 1976
Elevations (msl= 0 ft.)
Water Level: 8 ft dia. dug
Ground: 3.5 ft.
Bottom of Solid Casing: 20 ft.
Bottom of Perforate: NA ft.
Bottom of Open Hole: NA ft.
Total Depth: 1 ft.
Grouted Annulus Depth: 19 ft.

5. WELL:
Location: Kawela Shaft (Well No. 0457-01)
Year Drilled: Kawela, Molokai, TMK:5-4-1:50
Casing Diameter: 1921
Elevations (msl= 0 ft.)
Water Level: NA in.
Ground: NA ft.
Bottom of Solid Casing: 36 ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: NA ft.
Total Depth: -2 ft.
Grouted Annulus Depth: 38 ft.

Use Information

1. Quantity Requested: 50,000 gallons per day.
Existing Type of Water Use: Irrigation of 4 acres of papaya & nursery.
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

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<th>Place of Water Use:</th>
<th>P.O. BOX 1829 at TMK: 5-6-7:37</th>
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<tr>
<td>Reported Water Usage:</td>
<td>NA gpd</td>
</tr>
<tr>
<td>Nearby Similar Water Usage:</td>
<td>NA gpd</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

Nearby Surrounding Wells and Other Registered Ground Water Use

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

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

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

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

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

4. There are twenty-six (26) other wells within a mile of the well (see Exhibit 1B). Thirteen (13) of these wells are currently in use.

5. There are sixteen (16) other wells within a mile of the well (see Exhibit 1F). Thirteen (13) of these wells are currently in use.

Public Notice

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

Objections

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

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

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

Briefs in Support

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

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

The water sources and existing uses were investigated as follows:

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

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies to Stream Protection and Management (SPAM), as well as legislative mandates to protect stream resources.
## Breakdown of Existing Groundwater Usage in MGD

### Central Sector

<table>
<thead>
<tr>
<th>System</th>
<th>Entity</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manawainui System</td>
<td>Hawaiian Research</td>
<td>0.56</td>
</tr>
<tr>
<td>Kualapuu System</td>
<td>County DWS</td>
<td>0.59</td>
</tr>
<tr>
<td></td>
<td>DHHL</td>
<td>0.38</td>
</tr>
<tr>
<td></td>
<td>Kaluakol Resort</td>
<td>0.82</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>1.79</strong></td>
</tr>
</tbody>
</table>

### Northeast Sector

<table>
<thead>
<tr>
<th>System</th>
<th>Entity</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahanui System</td>
<td>National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td>Waikolu System</td>
<td>DOA MIS</td>
<td>1.13</td>
</tr>
</tbody>
</table>

### Southeast Sector

<table>
<thead>
<tr>
<th>System</th>
<th>Entity</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamiloa System</td>
<td>Hawaiian Research</td>
<td>0.26</td>
</tr>
<tr>
<td>Kawela System</td>
<td>County DWS</td>
<td>0.32</td>
</tr>
<tr>
<td></td>
<td>Kawela Plantation</td>
<td>0.16</td>
</tr>
<tr>
<td></td>
<td>Kamalo Ranch</td>
<td>0.04</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>0.52</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>System</th>
<th>Entity</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ualapue System</td>
<td>County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td>Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>0.62</strong></td>
</tr>
</tbody>
</table>

### West Sector

<table>
<thead>
<tr>
<th>System</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
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<td></td>
</tr>
</tbody>
</table>

### Total

<table>
<thead>
<tr>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.10</td>
</tr>
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</table>