MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: March 14, 1995
TIME: 8:00 a.m.
PLACE: Mitchell Pauole Center
Kaunakakai, Molokai

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 Giraldo
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 Milke

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 Cradick
Mr. Glenn Teves
Mr. DeGray Vanderbilt
Ms. Laura Nishiyama
Mr. Ben Neeley
Mr. Keoni K. Agard
Mr. Duane Cranney
Mr. Matthew Adolfo
Ms. Nancy Wescoatt
Ms. Noelani Joy
Mr. Wayde Lee
Mr. Clyde Tamaru
Ms. Toni Bissen
Ms. Judy Caparida
Mr. Ron Hedani
Mr. Nobu Shimizu
Mr. Peni Tellini
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 1, 1995 MEETING

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

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

In response to a question from Commissioner Milke 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 4:40 p.m. 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. Wescott, 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. (GIRALD/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 5-1-2:4, MANAWAIU 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. Rebecca Bishop Yuen stated that the hatchery will not affect the ocean or aquifer and will have no impact.

TESTIMONIES:

Ms. Wilma Grambusch 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 Caparica, 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 MANAGER 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. Noelani 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 9

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. Noealani 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, KAWEWA 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 AFTERTHEFACT PUMP INSTALLATION PERMIT, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

DAVID CURTIS (WELL NO. 0352-10)
KAWELA 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
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 - WAIAHOLE 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 HOME LANDS (DHHI), KUALAPU'I 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. UWAIINE
Secretary

APPROVED AS SUBMITTED:

RAE M. LOUI
Deputy Director
MINUTES FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: March 14, 1995
TIME: 8:00 a.m.
PLACE: Mitchell Pauole Center
        Kaunakakai, Molokai

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          Mr. Robert Girald
          Mr. Robert Nakata
          Mr. David Nobriga

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

COUNSEL: Mr. William Tam

EXCUSED: Dr. Lawrence Miike

OTHERS:

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PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

TESTIMONIES:

Ms. Grambusch requested that her applications be deferred.

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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"

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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.

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

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The following Items were presented and acted upon jointly:

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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
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

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:

   Same

   Same

   Lukela Estate
   P.O. Box 405
   Kaunakakai, HI 96748

   D.E. Johnson
   P.O. Box 371
   Kaunakakai, HI 96748

   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>
</tr>
<tr>
<td>Less: Other Existing Permits</td>
<td></td>
</tr>
<tr>
<td>Shigenobu Inouye (Well No. 0352-11)</td>
<td>-0.004</td>
</tr>
<tr>
<td>Kanukuawa Ranch (Well No. 0354-03)</td>
<td>-0.017</td>
</tr>
<tr>
<td>T.T. Meyer, Inc. (Well No. 0354-01)</td>
<td>-0.029</td>
</tr>
<tr>
<td>(Well No. 0354-02)</td>
<td>-0.040</td>
</tr>
<tr>
<td>(Well No. 0354-04)</td>
<td>-0.005</td>
</tr>
<tr>
<td>Subtotal</td>
<td>4.905</td>
</tr>
<tr>
<td>Less: Pending Applications:</td>
<td></td>
</tr>
<tr>
<td>David W. Curtis (Well No. 0352-10)</td>
<td>-0.050</td>
</tr>
<tr>
<td>Kawela Homeowners Assoc. (Well No. 0456-04)</td>
<td>-0.250</td>
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<tr>
<td>(Well Nos.0456-06,08,09)</td>
<td>-0.300</td>
</tr>
<tr>
<td>(Well No. 0457-04)</td>
<td>-0.225</td>
</tr>
<tr>
<td>John Wm. Iaea Sr. (Well No. 0456-16)</td>
<td>-0.001</td>
</tr>
<tr>
<td>R.M. Granger (Well No. 0456-17)</td>
<td>-0.025</td>
</tr>
<tr>
<td>Maui DWS (Well No. 0457-01)</td>
<td>-0.432</td>
</tr>
<tr>
<td>Available Allocation</td>
<td>3.622</td>
</tr>
</tbody>
</table>

**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
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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 homelands 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) 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:

   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

Attachments

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

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

<table>
<thead>
<tr>
<th>Sustainable Yield:</th>
<th>5 mgd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Water Use Permits:</td>
<td>0.095 mgd</td>
</tr>
<tr>
<td>Available Allocation:</td>
<td>4.905 mgd</td>
</tr>
<tr>
<td>Total of other pending existing use applications:</td>
<td>0 mgd</td>
</tr>
</tbody>
</table>

**WELL:**

**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: | 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 |
| **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. |

**2.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. |
| 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. |
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<table>
<thead>
<tr>
<th>WELL:</th>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>DW2</td>
<td>KAWELA, MOLOKAI, TMK:5-4-1:26</td>
<td>1980</td>
<td>6 in.</td>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
<td>Bottom of Perforated:</td>
<td>Bottom of Open Hole:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA ft.</td>
<td>235 ft.</td>
<td>3 ft.</td>
<td>-7 ft.</td>
<td>-9 ft.</td>
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<td></td>
<td></td>
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<td></td>
<td>Total Depth:</td>
<td>244 ft.</td>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
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<td>DW1</td>
<td>Kawela, Molokai, TMK:5-4-14:50</td>
<td>1980</td>
<td>6 in.</td>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
<td>Bottom of Perforated:</td>
<td>Bottom of Open Hole:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA ft.</td>
<td>225 ft.</td>
<td>1 ft.</td>
<td>-9 ft.</td>
<td>-10 ft.</td>
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<td>2.c.</td>
<td>AG #1 Well (Well No. 0457-04)</td>
<td>Kawela, Molokai, TMK:5-4-15:33</td>
<td>NA</td>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
<td>Bottom of Perforated:</td>
<td>Bottom of Open Hole:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Depth:</td>
<td>244 ft.</td>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Kawela-iaea #3 Well (Well No. 0456-16)</td>
<td>Kawela, Molokai, TMK:5-4-1:52</td>
<td>NA</td>
<td>Elevations (msl = 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
<td>Bottom of Perforated:</td>
<td>Bottom of Open Hole:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Depth:</td>
<td>NA ft.</td>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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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: 1 ft.
Total Depth: 19 ft.
Grouted Annulus Depth: NA 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: -2 ft.
Total Depth: 38 ft.
Grouted Annulus Depth: NA ft.

Use Information

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

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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.
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 Commission's police powers under law as may be required.

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

10. If the ground water source 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.

ATTACHMENT B
FROM: Lenove                  DATE: 4/22/94       FILE IN: WILMA GRAMBUSH FILE

TO: INIT: PLEASE: REMARKS:
    
    ☑ E. SAKODA       See Me     
    F. Ching         Call       
    
    R. Hardy         Review & Comment 
    L. Nakama       Take Action 
    FILE           Investigate & Report 
    
    D. Higa         Draft Reply  
    J. Zhang        Acknowledge Receipt 
    
    ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ...
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,

RAE M. LOUI
Deputy Director

LN:ssk
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
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. Frambrusch
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 to 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 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,

Miles C. Kahale

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<tr>
<td></td>
<td>U. KAMA\ka\na GRAMBUSCH 456-19\n</td>
<td></td>
<td>KAMA\ka\na #2</td>
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<td></td>
<td>HANU DUS 457-01\n</td>
<td></td>
<td>KAE\la S\HAFT</td>
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<td>KAE\la PLTN HOM\EOWN ASSOC 457-04\n</td>
<td></td>
<td>AG #1</td>
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**WATER USE PERMIT APPLICATION NOTICE STATUS REPORT 09/04/93**

Total Applications: 23

Total Amount: 1.786 mgd
## Molokai Working Group

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

### CENTRAL SECTOR

**Manawainui System**
1. Hawaiian Research 0.56

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

Subtotal 4.43

### NORTHEAST SECTOR

**Kahanui System**
1. National Park Service 0.22

**Waikolu System**
1. DOA MIS 2.70

### SOUTHEAST SECTOR

**Kamiloa System**
1. Hawaiian Research 0.26

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

Subtotal 0.76

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

Subtotal 0.62

**Alpha USA** 2.01

### WEST SECTOR

0.00

### TOTAL

11.55

1 Water development source unidentified.
## Molokai Working Group

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

<table>
<thead>
<tr>
<th>Source</th>
<th>5 to 10 years</th>
<th>Total Build out</th>
<th>Total</th>
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<tr>
<td><strong>DHHL</strong></td>
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<tr>
<td>Hoolehua</td>
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<tr>
<td>Kalamaula</td>
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<td><strong>Other MIS users</strong></td>
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<tr>
<td><strong>Molokai Ranch</strong></td>
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<tr>
<td>Agriculture, Dairy, Pastures:</td>
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<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
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<tr>
<td>2. Coffee - 800 acres</td>
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<tr>
<td>3. Dairy - 4,000 head</td>
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<td>4. Palm Nursery - brackish</td>
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<td>5. Feedlot</td>
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<td>6. Pastures</td>
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<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
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<td><strong>Subtotal Agriculture</strong></td>
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<td>1. Maunaloa Links</td>
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<td>2. Ironwoods</td>
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<td>3. Network</td>
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<tr>
<td><strong>Subtotal Recreation</strong></td>
<td>0.50</td>
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<tr>
<td><strong>Kaluakoi Resort</strong></td>
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<tr>
<td>Recreation: Golf Course Addition (two 36-hole courses)</td>
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<td>2.8</td>
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<td><strong>Alpha USA</strong></td>
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<td><strong>TOTAL</strong></td>
<td>20.52</td>
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<td>42.9</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

2Water 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
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 0.82
Subtotal 1.79

**NORTHEAST SECTOR**

Kahanui System
1. National Park Service 0.22

Waikolu System
1. DOA MIS 1.13

**SOUTHEAST SECTOR**

Kamuloloa 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
Ms. Wilma Grambusch  
P.O. Box 614  
Kaunakakai, HI 96748

Dear Ms. Grambusch:  

Ground Water Use Permit Applicant's  
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 of 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 the 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,

RAE M. LOUI
Deputy Director

LN:ssk
PUBLIC NOTICE

PUBLIC HEARING
for
WATER USE PERMITS APPLICATIONS
KAWELA AND WAIKOLU GROUND WATER MANAGEMENT AREAS, MOLOKAI

COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

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, at 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

COMMISSION OF 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 persons 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:

MEMORANDUM

TO: Rae M. Loui, Deputy Director, CWRM
   Attention: Roy Hardy, CWRM

FROM: William M. Tam, Deputy Attorney General

RE: Contested Case Hearing Request by Wilma Grambusch, Kawela Ground Water Management Area, Molokai

We are writing in response to your October 5, 1993 request for a determination whether Wilma Grambusch has standing to request a contested case hearing on water use permit applications by other landowners within the Kawela Ground Water Management Area, Molokai.

At the September 15, 1993 Commission meeting, Mrs. Grambusch appeared with her attorney and "objected" to a number of water use permits in the Kawela aquifer in which her land is located. Under HRS §174C-50, if anyone with standing objects within the statutory period to a proposed water use permit for an existing use, the Commission must conduct a "public hearing" on the proposed permit. The process also applies to objections filed in the case of applications for new uses under HRS §174C-53 as well.

As a landowner within the ahupuaa and aquifer of Kawela, Mrs. Grambusch has standing to object. Consequently, the Commission must hold a "public hearing" on those permits to which she expressed an unequivocal objection.

However, any request for a contested case hearing is premature at this point. Under the Commission’s Administrative Rules, HAR §13-167-52(a), a request for a contested case
hearing "must be made not later than the public hearing (if one is required) or the commission meeting at which the matter is scheduled for disposition (if no public hearing is required)." At the public hearing, any individual with standing may request a contested case hearing. However, under the statutory framework, the purpose of a public hearing is to give the public the opportunity to comment and present any information that the Commission should consider in acting upon the application. The two step process (objection leads to public hearing; at public hearing contested case hearing request if no satisfactory response) is intended to resolve as many matters as possible in public hearing arena where information can be presented without having to enter into formal adjudicatory proceedings.

Therefore, we conclude that while the Commission must conduct a "public hearing" on the applications which Mrs. Grambusch has filed objections, any request for a contested case is premature and should be held in abeyance.
October 14, 1993

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

Dear Mr. Ahue:

Withdrawal of Objections

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

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

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD:BH:ci/1608L.77
MEMORANDUM

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

ATTN: Mr. William Tam, Deputy Attorney General

FROM: Rae M. Loui, Deputy Director

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

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

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

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

RH:ko
Attach.
MEMORANDUM

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit
Application for Maui Department of Water Supply for
Well No. 0457-01
Kawela, Molokai
TMK: 5-4-1: 50

This is an existing well facility, including an access road. Any
historic sites that may have been present would have been
destroyed during construction work. Therefore, we believe that
this application will have no effect on historic sites.

If you have any questions, please contact Annie Griffin at
587-0013.

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 the Maui Dept. of Water Supply for Well No. 0457-01. 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: [Blank]

Phone: [Blank]

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

Signed: [Signature]

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 Maui Dept. of Water Supply for Well No. 0457-01. 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: [Signature]

Date: [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
    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 Maui Dept. of Water Supply for Well No. 0457-01. 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 Tagoawa Phone: 587-0385
( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date: 9/17/93
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 TT Meyer, Inc. 
P.O. Box 1829 Kaunakakai, HI 96748 Kaunakakai, HI 96748
2. (Well No. 0456-17) R.M. Granger D.E. Johnson 
P.O. Box 371 P.O. Box 371 
Kaunakakai, HI 96748 Kaunakakai, HI 96748
P.O. Box 698 P.O. Box 698 
Kaunakakai, HI 96748 Kaunakakai, HI 96748
4. (Well No. 0456-16) John Wm. Iaea, Sr. Same 
P.O. Box 405 
Kaunakakai, HI 96748
5. (Well 0457-01) Maui Dept. of Water Supply Same 
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,
Chairperson and Members
Commission on Water Resource Management

September 15, 1993

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. Additionally, on-station, off-station, and regional analysis of storage and demand for the Hawaiian islands showed that most development was not distributed in a manner that would be detrimental to the Kawela 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 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. **B.R. Granger** - This application is for a new 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...
Chairperson and Members  
Commission on Water Resource Management  
September 15, 1993

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 30 lots were occupied as of January 11, 1993.

The applicant estimated that irrigation needs are 1,000 gpd/lot and 1,000 gpd/acre for domestic needs. This corresponds to a use of 2,000 gpd/2 acres or 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 (50.2 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 applicant's 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. Such a public hearing will also help to assess existing reasonable quantum of domestic and irrigational demand.

4. **John Wm. Iaea, 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 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.
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 IF). 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**

Staff makes the following recommendations to the Commission as follows:

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:

   i. 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-iaea #3 Well (Well No. 0456-16), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   i. The reasonable and beneficial use of agricultural irrigation of 2 acres.
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

Attach.

Petition to intervene - expands on 9/16 deadline  
Court - motion heard - motion was denied  
Complgr. - Prelim. water details needed  
Kawela - water use rather than D. A.  
Issue -应 complete issue date  
Vows - no proof done and not affect  
5

Attorney Mike Folker -
# WATER USE PERMIT DETAILED INFORMATION

## Source Information

**AQUIFER:**

- Sustainable Yield: 5 mgd
- Existing Water Use Permits: 0.002 mgd
- Available Allocation: 4.998 mgd
- *Total of other pending allocations: 1.784 mgd

*Note: Includes incomplete application requests*

1. **WELL:**
   - **Location:** Kamalo-C 0352 Well (Well No. 0352-10)
   - **Year Drilled:** 10 Miles East Kam Hwy, Molokai, TMK:5-6-7:37
   - **Casing Diameter:** 1989
   - **Elevations (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. **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 Perforated: NA ft.
     - Bottom of Open Hole: NA ft.
   - **Total Depth:** 19 ft.
   - **Grouted Annulus Depth:** NA ft.

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

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

ATTACHMENT A
<table>
<thead>
<tr>
<th>WELL</th>
<th>Location</th>
<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevation (msl = 0 ft.)</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</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>
<td>NA ft.</td>
<td>233 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td>DW1 Well (Well No. 0456-09)</td>
<td>Kawela, Molokai, TMK:5-4-1:450</td>
<td>1980</td>
<td>6 in.</td>
<td>NA ft.</td>
<td>244 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td>AG #1 Well (Well No. 0457-04)</td>
<td>Kawela-laea, TMK:5-4-1:52</td>
<td>NA</td>
<td>6 in.</td>
<td>NA ft.</td>
<td>244 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Kawela-laea #3 Well (Well No. 0456-16)</td>
<td>Kawela, Molokai, TMK:5-4-1:52</td>
<td>NA</td>
<td>NA in.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
</tr>
</tbody>
</table>
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:
Ground: NA ft.
Bottom of Solid Casing: 36 ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -2 ft.
Total Depth: 38 ft.
Grouted Annulus Depth:

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

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  

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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:  
Nearby Similar Water Usage: NA gpd

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:  
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:  
Nearby Similar Water Usage: 0.346 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
Chairperson and Members  
Commission on Water Resource Management  
September 15, 1993

Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission according to Exhibit 2 with the exception of September 13, 1993 dates; these should be September 14, 1993.

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. 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.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

5. The ground water use approved must not interfere with interim or permanent instream flow standards. 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.

ATTACHMENT B
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.
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. Hambrick
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

ATTACHMENT D
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 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 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,

Miles C. Kawela

(NINE OTHER IDENTICAL BRIEFS LIKE THIS W/OTHER SIGNATURES SUBMITTED).
Well No. 0456-16

radius = 1 mile

Exhibit 1F
Aquifer System: KAWELA

<table>
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<tr>
<th>UWA NO</th>
<th>Applicant</th>
<th>WELL NO</th>
<th>WELL NAME</th>
<th>EXIST</th>
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<td>0354-02</td>
<td>T.T. MAYER INC #2 Y</td>
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<td>07/16/93</td>
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23 Applications Totaling 1.786
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

CENTRAL SECTOR
Manawainui System
1. Hawaiian Research 0.56

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

NORTHEAST SECTOR
Kahanui System
1. National Park Service 0.22

Waikolu System
1. DOA MIS 2.70

SOUTHEAST SECTOR
Kamiloloa System
1. Hawaiian Research 0.26

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

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

Alpha USA 2.01

WEST SECTOR

TOTAL 11.55

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

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

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<td>Hoolehua</td>
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<td><strong>2.50</strong></td>
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<td><strong>Molokai Ranch</strong></td>
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<tr>
<td>Agriculture, Dairy, Pastures:</td>
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<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
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<tr>
<td>2. Coffee - 800 acres</td>
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<tr>
<td>3. Dairy - 4,000 head</td>
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<td>4. Palm Nursery - brackish</td>
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<td>5. Feedlot</td>
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<td>6. Pastures</td>
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<td>7. Hay - assume all irrigated on Homesteads</td>
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<td>2. Ironwoods</td>
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<td>3. Network</td>
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<tr>
<td><strong>Kaluakoi Resort</strong></td>
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<td>Recreation: Golf Course Addition (two 36-hole courses)</td>
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<td><strong>20.52</strong></td>
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*Estimates furnished by users and were accepted by working group without challenge.

1 From 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

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

Water development source unidentified

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

Note: Non-Potable Water Use Projections are for major agricultural and recreational uses in the central and western areas of the island. It does not include instream uses, fishponds, taro patches, aquacultural projections, etc.
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 0.82
Subtotal 1.79

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

**Waikolu System**
1. DOA MIS 1.13

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

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

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

### WEST SECTOR
0.00

**TOTAL** 5.10

EXHIBIT 6
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
Kelli 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  KALEA LOA PARTNERS, L.P. AMENDMENT OF A WATER USE PERMIT AND APPLICATION FOR A WELL CONSTRUCTION PERMIT, KALEA LOA 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, KAMILOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

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

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

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

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

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

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

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

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

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

1. Unanimously approved (Nakata/Cox).

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

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

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

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

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

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

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
1993 September 15

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

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

Background

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

Analysis & Issues

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

Recommendation:

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

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

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

Public Notice

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

Objections/Comments

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

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

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 decision-making 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, 0456-16, 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 0901-01, 0959-01

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

ITEM 10 Manawainui Ground Water Management Area 0403-04, 0245-01 0403 0706-02

Oral testimony may be presented.

ITEM 11 Ualapue Ground Water Management Area 0362-12, 0448-01, 0449-01

Analysis & Issues

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

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

ITEM 13 Department of Agriculture Waikolu Wells 0955-01 0400

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.
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 Maui Dept. of Water Supply for Well No. 0457-01. 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.

Contact person: Brian Misko
Phone: 243-7735

Response:

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

Signed: ___________________________ Date: ______________
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

Attachments
MEMO TO: Goro Hokama, Chair

FROM: Councilmember Patrick S. Kawand

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, Ooa 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-with drawal 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 then 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
Counsel for Kalamaula Homestead Association, an Unincorporated Association, Mrs. Wilma Grambusch, President

September 13, 1993

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

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

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

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

II. Specific Objections to Applications:

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

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

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

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 subervient 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 the 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 17: 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, Kalamaualu Homestead Assn, Professor of Law, University of Hawaii
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Maui Dept. of Water Supply for Well No. 0457-01. 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: Brian Miskoe Phone: 243-7735
( ) We have no comments
( ) We have no objections
() Comments attached
() Additional information requested
( ) Extended review period requested

Signed: Date: 9/13/93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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         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.

Response: Contact person: Gordon Akita  Phone: 70227
          We have no comments
          We have no objections
          Comments attached
          Additional information requested
          Extended review period requested

Signed: MANABU TAGOMORI  Date: 9.9.93
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

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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: 9/3/93
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 Maui Department of Water Supply for Well No. 0457-01 in the Kawela Ground Water Management Area, Molokai

The application is for an existing well at low elevation near Kawela Stream. Approximately 432,000 gallons of basal water will be pumped daily for municipal use. Current usage is 300,000 gallons per day. Kawela Stream sustains important native species biota in perennial pools in its upper reaches. The lower reach is almost continuously dry. The well location is sufficiently far from the upper reaches to minimize any dewatering effect from pumping. The fact that it is an existing well suggests that any effect would already have been felt. We have no objections from the aquatic resources standpoint.
The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy

Dear Mr. Ahue:

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

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<tr>
<th>Applicant Name</th>
<th>Area</th>
<th>Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
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<td>432,000</td>
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<td>Kawela</td>
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<td>Kapuaile</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

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Response: Contact person: Phone: 587-0274
( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date: 8/31/93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

 Transmitted for your review and comment is a copy of a water use permit application for Maui Dept. of Water Supply for Well No. 0457-01. 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 the Maui Dept. of Water Supply for Well No. 0457-01. 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 the Maui Dept. of Water Supply for Well No. 0457-01, 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,

KEITH W. AHUE  
Chief Engineer

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: 5-3-3:1

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

Dated: AUG 17 1993

MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Maui Dept. of Water Supply for Well No. 0457-01. 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: _____________

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

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

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
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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: ______________
Mr. David Craddick  
Maui Dept. of Water Supply  
P.O. Box 1109  
Wailuku, Maui, HI 96793

Dear Mr. Craddick:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 0457-01 & 1059-01 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,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.

Mr. David Craddick  
Maui Dept. of Water Supply  
P.O. Box 1109  
Wailuku, Maui, HI 96793

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Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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P.O. Box 40
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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

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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: 5-3-3:1

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-laea #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-laea #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 Hoolchua 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 Hoolchua 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 15, 1993

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

Dear Mrs. Loui:

Re: KAWELA SHAFT (WELL NO. 0457-01)
   UALAPUE SHAFT (WELL NO. 0449-01)

We are responding to your letter dated July 8, 1993. Enclosed, please find the original permit applications for the above-mentioned wells.

We apologize for any inconvenience.

Sincerely,

David R. Craddick
Director

ab
Enclosures
xc: Planning Division
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT
JUL 03 2001

Ground Water or Surface Water

COMMISSION ON WATER RESOURCE MANAGEMENT

INSTRUCTIONS: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, 1441 A'ohoku Place, Honolulu, Hawaii 96819. Application must be accompanied by a non-refundable filing fee of $250.00 payable to the DEPARTMENT OF LAND AND NATURAL RESOURCES. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 808-488-4944.

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: COUNTY DEPARTMENT OF WATER SUPPLY
   Contact Person: DAVID CRANDLER
   Mailing Address: PO BOX 1105
   City/State: WAIKIKI, OAHU, HAWAII 96813

2. LANDOWNER OF SOURCE
   Island: MAUI

SOURCE INFORMATION

3. WATER MANAGEMENT AREA: ISLAND OF MAUI
   Location: KAWEA SHAFT 0457-01

4. LOCATION: Tax Map Key: 5-1-1-50
   Source Map: Attached on back of application
   Property Tax Map: Attached on back of application
   Property Tax Map: Showing location referenced to identified property boundaries.

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

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

USE INFORMATION

7. QUANTITY OF WATER REQUESTED:
  boards 3.5 mgd combined demand for Maui in 2010, $93.44 mgd
   of water

8. METHOD OF MEASUREMENT:
   □ Rawmeter □ Open-pipe □ Meter □ Office (total)

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

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

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:
    918

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:
    3 Hect. 17.01 Acres

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
    24 Hours (daytime hours of operation, 7 a.m. to 7 p.m.)

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:
    (a) Impact on Sustainable yield (7):
    (b) Instream Flow Standards affected (7):
    (c) Hawaiian Home Lands use affected (7):
    (d) Other existing legal uses affected (7):
    (e) Other (pending permits, EIS, etc.)(7):

15. REMARKS, EXPLANATIONS:

(If more space is needed, continue on back side)

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

Applicant (print) COUNTY DEPARTMENT OF WATER SUPPLY

[Signature]
Date: 2/4/93

For Official Use Only:

[Signature]
Date: 2/3/93

Hydrologist Unit No.__________

Diversions Works No.________

State Well No.________

4/13/93 WUPA For
TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>TMK</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>NET ACRES</th>
<th>GPD/ACRE</th>
<th>TOTAL GPD</th>
<th>% OF TOTAL TO BE USED OVER NEXT 4 YEARS</th>
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</table>
Mr. David Craddick, Director
Department of Water Supply
County of Maui
P.O. Box 1109
Wailuku, Maui, HI 96793

Dear Mr. Craddick:

Applications for a Water Use Permit
Kualapuu, Kawela, and Ualapue Ground Water Management Areas,
Island of Molokai

We acknowledge receipt, on June 9, 1993, of your completed water use permit applications for Kawela Shaft and Ualapue Shaft (Well Nos. 0457-01 and 0449-01). Please submit the original permit applications for inclusion in our files.

We also acknowledge receipt of your water use permit applications for Kualapuu Mauka Well and Waikalae Tunnel (Well Nos. 0801-03 and 1059-01). Please note that the landowners' signatures as co-applicant complete the permit applications and allow the applications to be accepted for further processing.

Normally, one can expect their application to be processed within ninety (90) days from the date of receipt. However, a condition imposed by the Commission during designation proceedings is temporarily holding final action on all water use permit applications on Molokai until the end of July 1993 pending the final report from 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 applications and any further information regarding the status of your applications. In addition, we may need to visit and verify your proposed water source and use sites if we have not done so already under our registration program.

Lastly, we are returning your water use permit application for the Halawa Intake. At this time, the use of surface waters in the State of Hawaii does not require a permit.

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

Sincerely,

RAE M. LOUI
Deputy Director

LN:ko
Enc.
HALAWA
APPLICATION FOR WATER USE PERMIT

☐ Ground Water or ☐ Surface Water

PERMITTEE INFORMATION

1. (a) APPLICANT  
   Firm/Name: Maui County Department of Water Supply  
   Contact Person: David Crabtree  
   Address: P.O. Box 316  
   Wailuku, Maui, Hawaii 96793

   (b) LANDOWNER OF SOURCE  
   Firm/Name: Pau o Hoku Ranch  
   Contact Person: Ph.  
   Address:  

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: ISLAND OF MOLOKA'I  
   ISLAND: MOLOKA'I

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: HalaWa Intrae - NO #  
   (b) PROPOSED (NEW) WELL/DIVERSION NAME:  

   (c) LOCATION: Address - HalaWa - MOLOKA'I  
      Tax Map Key: 5-9 390-05  
      (Attach a USGS map, scale 1" = 2000', and a property tax map showing source location referenced to established property boundaries.)

4. SOURCE TYPE (check one):  
   ☐ Stream ☐ Ground  
   ☐ Rice-field ☐ Perched  
   ☐ Caprock

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)  
   (a) Proposed use of water is:  
      ☐ Existing ☐ New  
      ☐ Both existing & new use

   (b) Tax Map Key: 5-9 390-05  
      (If location of use is over multiple TMKs, please complete Table 1 on back of application)

   (c) Address: N/A

   (d) Current Land Use District (check one):  
      N/A ☐ Urban ☐ Agriculture ☐ Conservation ☐ Rural

   (e) Current County Zoning Code: N/A

7. QUANTITY OF WATER REQUESTED: gallons per day 1,438.30

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

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

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

      ☐ Other (explain)

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

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:  

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: N/A

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HOURS (daytime hours of operation, ex. 7 a.m. to 2 p.m.)

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:  
   (a) Impact on Sustainable yield (1?):  
      STREAM SOURCE: HalaWa STREAM LISTS AS 4-1-21
   (b) Stream Flow Standards affected (1?):  
      STREAM ASSESSMENT SAYS NO DIVERSION  
      BEFORE FIRST FLOWING  
      CRITICAL HATCHING PERIOD FROM 4:1 TO 4:21
   (c) Hawaiian Home Lands use affected (1?):  
      NO DWELLING WATER WILL BE IRRIGATED
   (d) Other existing legal uses affected (1?):  
      NONE
   (e) Other (pending permits, EIS, etc.):(1?):  
      NO OTHER NEW METER GRANTED IN THIS AREA

15. REMARKS, EXPLANATIONS:
   NO NEW METERS GRANTED IN THIS AREA

For Official Use Only:

Applicant (print):

Signature:

Date:

Landowner (print):

Signature:

Date:

State Commission on Water Resource Management
Department of Land and Natural Resources
### TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
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</tr>
</thead>
</table>

*Note: Table with blank cells.*
STATE OF HAWAII  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  

APPLICATION FOR WATER USE PERMIT  

(a) Ground Water  
(b) Surface Water  

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 211, Honolulu, Hawaii 96820. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Request Branch at 808-681-5236 (neighbor islands) or 1-800-652-6666.

PERMITTEE INFORMATION  

1. (a) APPLICANT  
   Firm/Name: MAUI COUNTY DEPARTMENT OF WATER SUPPLY  
   Contact Person: DAVID CHANDLER  
   Address: PO BOX 1099  
   ___________  

(b) LANDOWNER OF SOURCE  
   Firm/Name: COUNTY OF MAUI  
   Contact Person:  
   Address:  

SOURCE INFORMATION  

2. WATER MANAGEMENT AREA: ISLAND OF MAUNA  
3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: KAWELA SHAFT 45-701  
(b) PROPOSED (NEW) WELL/DIVERSION NAME:  
(c) LOCATION: Address: SEE MAP  
   (Attach a USGS map, scale 1" = 2000', and a property tax map showing source location referenced to established property boundaries.)  

USE INFORMATION  

4. SOURCE TYPE (check one): □ Stream □ Well □ Borehole □ Dike-confined □ Perched □ Caprock, □ Other (explain)  
5. METHOD OF TAKING WATER (check one): □ Artesian □ Wall & Pump □ Diverted Surface □ Other (explain)  

USE INFORMATION  

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)  
   (a) Proposed use of water is: □ Existing □ New □ Both existing & new use  
   (b) Tax Map Key:  
   (c) Address: MAUNA KAUAI-WAILUA SYSTEM MAUI COUNTY DEPARTMENT OF WATER SUPPLY  
7. QUANTITY OF WATER REQUESTED: __432 mgd__ gallons per day (94.4 mgd pumped as of 4/9/19)  
8. METHOD OF MEASUREMENT:  
   □ Flowmeter □ Open-cast □ Wair □ Office □ Other (explain)  
9. QUALITY OF WATER REQUESTED: □ Fresh □ Brackish □ Salt □ Potable □ Non-Potable  
10. PROPOSED USE:  
   □ Municipal (including hotels, stables, etc.) □ Individual Domesque □ Irrigation □ Industrial □ Other (explain)  
   (□ Agriculture □ Conservation □ Rural)  
   1,225 METERS □ 1544 ACTIVE WELLS □ 194 ACTIVE □ 441 ACTIVE □ 396 ACTIVE □ 557 ACTIVE □ 327 ACTIVE □ 320 ACTIVE □ 315 ACTIVE □ 310 ACTIVE □ 309 ACTIVE □ 305 ACTIVE □ 302 ACTIVE □ 299 ACTIVE □ 296 ACTIVE □ 294 ACTIVE □ 289 ACTIVE □ 286 ACTIVE □ 283 ACTIVE □ 279 ACTIVE □ 276 ACTIVE □ 273 ACTIVE □ 269 ACTIVE □ 266 ACTIVE □ 263 ACTIVE □ 260 ACTIVE □ 257 ACTIVE □ 254 ACTIVE □ 251 ACTIVE □ 248 ACTIVE □ 245 ACTIVE □ 242 ACTIVE □ 239 ACTIVE □ 236 ACTIVE □ 233 ACTIVE □ 230 ACTIVE □ 227 ACTIVE □ 224 ACTIVE □ 221 ACTIVE □ 218 ACTIVE □ 215 ACTIVE □ 212 ACTIVE □ 209 ACTIVE □ 206 ACTIVE □ 203 ACTIVE □ 200 ACTIVE □ 197 ACTIVE □ 194 ACTIVE □ 191 ACTIVE □ 188 ACTIVE □ 185 ACTIVE □ 182 ACTIVE □ 179 ACTIVE □ 176 ACTIVE □ 173 ACTIVE □ 170 ACTIVE □ 167 ACTIVE □ 164 ACTIVE □ 161 ACTIVE □ 158 ACTIVE □ 155 ACTIVE □ 152 ACTIVE □ 149 ACTIVE □ 146 ACTIVE □ 143 ACTIVE □ 140 ACTIVE □ 137 ACTIVE □ 134 ACTIVE □ 131 ACTIVE □ 128 ACTIVE □ 125 ACTIVE □ 122 ACTIVE □ 119 ACTIVE □ 116 ACTIVE □ 113 ACTIVE □ 110 ACTIVE □ 107 ACTIVE □ 104 ACTIVE □ 101 ACTIVE □ 98 ACTIVE □ 95 ACTIVE □ 92 ACTIVE □ 89 ACTIVE □ 86 ACTIVE □ 83 ACTIVE □ 80 ACTIVE □ 77 ACTIVE □ 74 ACTIVE □ 71 ACTIVE □ 68 ACTIVE □ 65 ACTIVE □ 62 ACTIVE □ 59 ACTIVE □ 56 ACTIVE □ 53 ACTIVE □ 50 ACTIVE □ 47 ACTIVE □ 44 ACTIVE □ 41 ACTIVE □ 38 ACTIVE □ 35 ACTIVE □ 32 ACTIVE □ 29 ACTIVE □ 26 ACTIVE □ 23 ACTIVE □ 20 ACTIVE □ 17 ACTIVE □ 14 ACTIVE □ 11 ACTIVE □ 8 ACTIVE □ 5 ACTIVE □ 2 ACTIVE □ 1 ACTIVE  
11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:  
12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:  
   DRAI (a) (b) (crop)  
13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HOURS  
   (Daytime hours of operation, ex. 7 a.m. to 2 p.m.)  
14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:  
   (a) impact on Sustainable yield (7?): KANALU ANUFEI SYSTEM HAS SUSTAINABLE YIELD OF 5 MGAD  
   (b) stream flow Standards affected (7)?  
   (c) Hawaiian Home Lands affected (7)?  
   (d) Other existing legal uses affected (7)?  
   (e) Other (pending permits, EIS, etc)(7)?  
   15. REMARKS, EXPLANATIONS:  
   (If more space is needed, continue on back side)  
   Applicant (print): MAUI COUNTY DEPARTMENT OF WATER SUPPLY  
   Landowner (print):  
   Signature: ___________  
   Date: ___________  
   For Official Use Only:  
   Date Received:  
   Hydrologic Unit No.:  
   Date Accepted:  
   Division Works No.:  
   State Well No.: 4/13/93 WUPA For  
   State: Hawaii  
   (city: Honolulu, county: MAUI)
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<tr>
<th>PROJECT NAME</th>
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ROAD CLASSIFICATION

Medium-duty

Light-duty

Unimproved dirt

State Route

KAUNAKAKAI, HAWAII
N2103.75—W15657/9.5x7.5
1967
7.5 MINUTE SERIES
SCALE 1:24,000

KAUNALO SRAFT

Map of the island of Molokai, scale 1:62,500. is available

UNIMPROVED DIRT

State Route

KAUNALO SRAFT

Map of the island of Molokai, scale 1:62,500. is available

KAUNAKAKAI, HAWAII
N2103.75—W15657/9.5x7.5
1967
7.5 MINUTE SERIES
SCALE 1:24,000
DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

FIRE PROTECTION
WATER DISTRIBUTION MAP

KAWELA
MOLOKAI DISTRICT

Drawn By: E.S.H. Date: Dec 11, 1964
Scale: 1" : 400'

Approved By: [Signature]
Manager & Chief Engineer

Kawela Pump Elev. 34' 3"
DWS WELLS/Molokai - Water Levels

Ualapue Well No. 0449-01 - 500 gpm pump
Elev. +42.42' MSL (top-of-steel plate)

Feet -39.32 (top-of-water)
Feet -44.00 (bottom-of-well)

Water Level Above Mean Sea Level
10/15/90 +3.41'
12/06/90 +3.66'
02/05/91 +3.59'
08/13/91 +3.51'
06/05/91 +3.37'
07/26/91 +3.53'
08/26/91 +3.63'

Highest Level Above Mean Sea Level
01/19/50 +6.05'

Lowest Level Below Mean Sea Level
09/16/75 -2.09'

Kawela Well No. 0457-01 - 300 gpm pump
Elev. +37.37' MSL (top-of-steel plate)

Feet -35.26 (top-of-water)
Feet -38.16 (bottom-of-well)

Water Level Above Mean Sea Level
10/15/90 +2.05'
12/4/90 +2.04'
02/05/91 +2.78'
03/13/91 +1.97'
06/05/91 +1.91'
07/29/91 +1.97'
08/26/91 +2.11'

Highest Level above Mean Sea Level
02/05/91 +2.78'

Lowest Level below Mean Sea Level
06/24/55 -1.47'

Source: DWS Molokai, Supervisor
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<th>WELL #</th>
<th>NAME</th>
<th>OWNER</th>
<th>DISTANCE</th>
<th>DIRECTION</th>
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**GULCHES**

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</thead>
<tbody>
<tr>
<td>Kawela Gulch</td>
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(Map legend and details are not transcribed.)

Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and Hawaii State Survey
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<th>WELL</th>
<th>NAME</th>
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<th>YEAR</th>
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FIELD MEMORANDUM

DECLARANT (File Reference): MAUI DWS MOL

SITE VISIT DATE: February 10, 1993
February 11, 1993

PRESENT:
February 10, 1993:
Mr. Philip Akiona, DWS
Mr. Richard Jinnai, DLNR
Sterling Chow

February 11, 1993:
John and Wilfred, DWS personnel
Mr. Richard Jinnai, DLNR
Sterling Chow

STATUS:
(1) Dug Well 0449-01 (Ualapue Shaft) currently in use. Water source for the east Molokai service area.

(2) Dug Well 0457-01 (Kawela Shaft) currently in use. One of two water sources (the other being Kualapuu Mauka, Well 0801-03) for the Kaunakakai service area.

(3) Drilled Well 0801-03 (Kualapuu Mauka) currently in use. One of two sources (the other being Kawela Shaft, Well 0457-01) for the Kaunakakai service area.

(4) Dug Well 1059-01 (Waikalae Tunnel) currently in use. Water source for the Ka'ae service area.

(5) Stream diversion in Halawa Valley currently in use. Water source for service within Halawa Valley. This diversion will be assigned Stream Diversion number 0945-01 (Makaeleele-DWS).

(6) Declaration filed for use water from the Molokai Irrigation System. This connection is no longer in service. Disconnected September, 1992.

(7) Declaration filed for use of water from the State Department of Hawaiian Home Lands water system. The "Kalae Booster Pump" is currently used to pump water from the DHHL one million gallon tank in Kalae into the Department of Water Supply's 100,000 gallon Kalae tank to maintain fire protection capacity.
SOURCE(S):


(2) Well 0457-01 (Kawela Shaft). TMK: 5-4-1:50. USGS Kaunakakai quad (Mo-3). Kawela aquifer system.

(3) Well 0801-03 (Kualapuu Mauka). TMK: 5-2-1:24. USGS Kaunakakai quad (Mo-3). Kualapuu aquifer system.


(5) TMK: 5-9-6:01. USGS Halawa quad (Mo-5). Halawa aquifer system. Diversion to be assigned number 0945-01 (Makaelelele-DWS).

(6) See File Ref: STATE DOA for the Molokai Irrigation System source information.

(7) See File Ref: STATE DHHL MOL for source information regarding the Kalae one million gallon tank.

USE(S):

(1) Water provided to 281 service connections on the east end of Molokai along Kamehameha V Highway from approximately the 9 mile marker in Kamalo to the 22 mile marker in Moanui.

(2) Well 0457-01 is one of two sources (the other is Kualapuu Mauka, Well 0801-03) that provides water for approximately 1,100 service connections in the Kaunakakai area.

(3) Well 0801-03 is one of two sources (the other is Kawela Shaft, Well 0457-01) that provides water for approximately 1,100 service connections in the Kaunakakai area.

(4) Well 1059-01 provides water to approximately 60 service connection within the Kalae service area.

(5) Diversion 0945-01 provides water to 6 service connections within Halawa Valley.

(6) No longer in use.
(2) Well 0457-01 (Kawela Shaft):

1. Source: A dug well with a 4-foot diameter circular cross section and 40 feet deep. At the bottom of the shaft is a 200 foot long skimming tunnel that extends westward. Water is withdrawn using a 300 gpm pump with a 30 hp electric motor. A second pump and motor are used for standby. A new motor and pump were on site and were to be installed soon after the site visit.

2. Use: The water is used to provide water to approximately 1,100 service connections in the Kaunakakai area. Kawela Shaft and Kualapuu Mauka (Well 0801-03) are the two water sources for the Kaunakakai service area.

3. Quantity: The quantity used is measured with a flow meter. According to Mr. Akiona, the well is pumped approximately 17 to 20 hours per day. Based on a 300 gpm pumping rate, the monthly pumpage would range from 9.3 to 11.0 million gallons per month.

4. Location: Source, TMK: 5-4-1:50.
   Using the GPS: latitude = 21 deg 04 min 20 sec N
   longitude = 156 deg 57 min 02 sec W

5. Ownership: Land owned by Maui County.
FIELD INSPECTION INFORMATION CHECKLIST

PART I: USE OF WATER

Declarant's File Reference: M901 DWS MOL

1. Tax Map Key where the water is used: __-__-___. Does the declarant own this land? NO If not, who does? ONE OF TWO WELLS FOR DWS KAVUAH PUMP SYSTEM

2. What is the water used for? 1100 SERVICE CONNECTIONS
   If for irrigation, how many acres are being irrigated by crop type? __________
   If for livestock, how many and what kind? ____________ by how many people?
   If for drinking, at how many houses? __________

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

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

PART II: WATER SOURCE

Source #: 0457-01 Name: KAWELA SHAFT

1. Where does the water come from / what kind of source is this? DUG WELL 4 FT DEEP SHACK WITH 200 FT SKIMMING TUNNEL
   Types of sources include:
   1) Wells (drilled, dug, tunnel)
   2) Diversions (ditch, pipe, pump, or livestock from a stream, spring, swamp, pond)
   3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)

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

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

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? GPS: LAT 21DEG 04MIN 10SEC N, LONG 153DEG 57MIN 02SEC W
   What is the capacity for taking (gpm)? TWO 30 HP ELECTRIC MOTORS W/300 GPM PUMP ONE BACKUP
   How often is it taken (used)? DAILY 17-30 GPM/MIN

3. Tax Map Key at the source: 5-4-1-50. Determine declarant's relation to source. Does the declarant:
   1) Operate and maintain the source? YES If not, who does? _______________________
   2) Own the land at the source? YES If not, who does? _______________________
   3) Use the water from this source? YES If not, who does? _______________________
   4) Own the land where the water is being used? NO
   5) None of the above? _______ If so, why did they file? _______________________

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

VERIFIED BY: STERLING CHAN DATE: 2-10-93

100,000 GALLON TANK IN KAWELA PLANTATION UNIT II SUBDIVISION
Exhibit 1
"Work on the wall was temporarily halted so that personnel could assist with repairs to the Kualapuu Well," she said. "The work will resume, and the wall will be completed.

"The broken chain-link fence is expected to be repaired," she said. "There are established procedures for ensuring protection and sanitation of our wells, and we'll be taking whatever necessary corrective action to better the situation at the Kawela Well."

Water from the well site, which serves the Kawela area, is disinfected and meets all state and federal water quality standards, Martin said.

Feeter's report of poor maintenance and security at the Kawela Well follows water problems on Molokai of the last two weeks. Maui County urged Kaunakakai and Kalae residents to use water for only bare necessities while repairs continued on a broken pump at the Kualapuu Well. The situation led to the relocation of nearly two dozen Molokai dialysis patients to Oahu and Maui.

The well was back in service Saturday, and residents were told they could return to their normal levels of water use. About 1,275 water meters were affected by the call for water cutbacks.

Martin said the Kawela Well was not used to supply water to Kaunakakai and Kalae residents last week. The county supplemented its water supply for those residents with water from a state Department of Hawaiian Home Lands well.

* Brian Perry can be reached at citydesk@mauinews.com.

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County to probe poor condition of water wells

Kaunakakai resident showing concern over lack of security at site

By BRIAN PERRY, City Editor

POSTED: July 28, 2009

KAUNAKAKAI - Maui County officials said Monday they were looking into a report of poor maintenance and security at the site of the Kawela water wells on Molokai.

Kaunakakai resident J. William Feeter sent a letter via e-mail Monday to Department of Water Supply Director Jeff Eng, Mayor Charmaine Tavares and County Council Chairman Danny Mateo. He also provided a copy to news media, including The Maui News.

His letter was accompanied by photos of the well site that show a building with a section of chain-link fencing removed; rusting, unused water lines among weeds; an apparently abandoned flatbed truck; and an incomplete cinder-block wall.

Feeter said he was concerned about the lack of security at the well site.

"Apparently, the west perimeter chain-link fence has been taken down, and construction of a Cinder-block wall started but not completed," he said. "There is no surveillance system or posting of signs."

Feeter said an area next to the well site "has obviously been used as a dumping site."

"There is an old truck, broken transit pipe, hydrants, plastic pipe, fittings, pump parts, electric panels, chunks of paving, asbestos pipe and gravel," he reported. "Is there not some value to some of this metal or equipment?"

"With present conditions, the site would not pass sanitary inspection," he said. "The community is at risk."

"It appears very obvious that best management practices and required periodic maintenance have been ignored," Feeter said.

Jacky Takakura, administrative officer with the water department, confirmed the Kawela Well is managed by Maui County.

The site has two wells, which in the past fiscal year provided an average of 191,000 gallons per day. Molokai residents and businesses used an average of 1.07 million gallons per day during the same period, Takakura said.

That means the two wells provided about 17.8 percent of the island's water supply.

Takakura said she was checking to see if a plan already was in place to clean up the site. Maui County spokeswoman Mahina Martin said the incomplete work on the cinder-block wall is part of an ongoing project to relocate electric lines at the well site.

http://www.mauinews.com/page/content.detail/id/521562.html?nav=10

7/28/2009
### Kawela Plantation Wells

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<td>dug</td>
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<td>Old DW 3 (Mon)</td>
<td>PER</td>
<td>21 04 15; 156 56 41</td>
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<td>(drill)</td>
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<td>0456-08</td>
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<td>PER</td>
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### Other Kawela Wells

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<td>Kawela</td>
<td>dug</td>
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<td>Kawela Shaft (MDWS)</td>
<td>SHF</td>
<td>21 04 07; 156 56 54</td>
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WATER USE PERMIT NO. 223

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

Permit Information

**Water User:** Maui DWS
P.O. Box 1109
Wailuku, HI 96793

**Landowner of Source:** County of Maui
P.O. Box 1109
Wailuku, HI 96793

**Permitted Withdrawal Rate:** 0.330 mgd (Based upon a 12-month moving average)

**Water Management Area:** Kawela

**Island:** Moloka’i

**Aquifer Sector/System:** Southeast/Kawela

**System Sustainable Yield:** 5.0 mgd

**Water Type:** Fresh

**Original CWRM Date:** March 14, 1995

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

**Special Conditions:** 5

Water Source

**State Well Number(s):** 0457-01

**Well Name:** Kawela Shaft

**Water Source TMK Number(s):** 2nd Division, 5-4-001:050

**State Land Use Classification(s):** N/A

**County Zoning Classification(s):** N/A

**Geographical Coordinates:**
Latitude 21° 04’ 07.2” North
Longitude 156° 56’ 53.8” West

End Use

**End Use TMK Number(s):** 2nd Division, Various

**State Land Use Classification(s):** N/A

**County Zoning Classification(s):** N/A
Beneficial Use Explanation: DWS Kaunakakai/Kawela system - 1,225 meters, 1,044 active meters, 944 active residential meters

Background Information

Consistent water use reporting records are available for at least the past five years. Over the past five years, the permittee’s 12-month moving average was over the permitted amount of 0.330 mgd for a short period. Since then, the permittee has not been in violation of overpumping. Reference the permit file for additional information on reporting history.

Water Use Permit 221 was approved during the September 15, 1993 Commission on Water Resource Management meeting. Standard conditions 1-11, 13-14, 16-17, 20-23 and special conditions 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Field Investigation Information

Contact: Keola Yasso
Site Address: P.O. Box 1109
Wailuku, HI 96793

Brown and Caldwell conducted a field investigation on August 14, 2008 from 2:00 p.m. until 3:00 p.m. with Thomas (Maui DWS - Molokai Supervisor). During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 223

State Well No. 0457-01 is located on TMK parcel (2) 5-4-001:050 at 21° 04' 07.2" N, 156° 56' 53.8" W, with a real time accuracy of ±23 feet. Water is drawn from the well via a vertically mounted pump motor and is metered at the well site. Total readings from this well are sent to the Maui BWS central SCADA system for data collection and analysis. End use areas include most of the Kaunakakai service areas, as well as additional locations across the island. 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. The permittee demonstrated functionality of an installed flowmeter and provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries. Water use is currently being reporting on a monthly basis. However, salinity records are not being reported.

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 salinity reports are being submitted to the Commission, the permittee is found to be in violation of Standard Condition (10).

**Recommendations**

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permittee contact to new Maui BWS director
  - End use TMK should be Various
  - Create memo field entry noting field investigation on 8/14/08

- Address violation of Standard Condition (10) regarding non-reporting of salinity levels.
20-Year Water Use Permit Review
Water Use Permit No. 223

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0457-01
Figure 2 – SCADA Monitoring System
Figure 3 – Kawela (Molokai) Maui BWS facility
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 323
Well Number(s): 0457-01

Contact Information (of the person who will be present at site visit):
Name: Keola Yasso
Phone (for phone interview): 333-0445
Fax: 553-3531
Email: Keola.Yasso@comcast.net
Best time to reach for phone interview: 07:00 - 3:00 PM

Property Information (of the water use/well location):
Address: Kona Hawaiian Hwy (Kawela)
City: Kaunakakai
Well Location TMK (list all if multiple wells present): 5-4-001-050
Water Use TMK (list all if used on multiple lots): MULTIPLE

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"): MUNICIPAL - KAUWAKAHI - KANEA SYSTEM - RESIDENTIAL, HOTEL, COMMERCIAL AND INDUSTRIAL USE

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

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

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

Option #1 Date (M-F): ___________ Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm [ ]
Option #2 Date (M-F): ___________ Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm [ ]
Option #3 Date (M-F): ___________ Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm [ ]

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by July 18th, 2008 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
mcsmith@browncaid.com

For Official Use Only

Received: 7/18/08 Information Updated: 7/21/08 Phone Interview Complete:
Notes/Comments:
Phone Interview

WUP Number: 223
Well Number(s): 0457-01

Contact Name: Keola Vasso
Phone Number: 336-0445

Attempt #1: Date/Time: 7/12/08
Result: left message, no answer

Attempt #2: Date/Time:
Result:

Well Location TMK(s): 5-4-001:050
Water Use TMK(s):

Water Source Address: Kaneohe Hwy (Kaneohe)
City: Kualoa Zip Code: 96748

Currently using water source? Yes □ No □

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

How long have you been using this water source?:

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: Thursday Aug 14th 8:00am

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

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

Interviewed By: Date: 8/20/08 Time: 9:30
Field Investigation Checklist

WUP Number: 223
Well Number(s): 0457-01

Water Source
Well Location TMK(s): 5-4-001:050
Well Head GPS Coordinates: Latitude: N 21° 07.2', Longitude: 156° 56.7'
Well Type: Drilled, Deep Well, Fresh
Currently using water source? ____________________________
Yes ☑ No ☐

Notes/Comments:

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

Notes/Comments:

Water Use
Water Use TMK(s): Unknown
What is the water being used for? ____________________________
Kamakahiki Water System

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

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

Are the permit conditions being complied with? ____________________________
Yes ☑ No ☐
If no, explain ________________________________________

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

General Notes/Comments:

SCAPA System
Kamakahiki Water System

Investigated By: ____________________________ Date: 9/14/08 Time: 3:00 pm
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on 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 a quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure withdrawals;
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a **monthly** basis.

viii. Although not stated as a condition of the permit §13-168-7 HAR requires you to keep a record of your **monthly** total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

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

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

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

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

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

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

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

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

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

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

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

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

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

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

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

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

**Variations of Standard Condition (20) are as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

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

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

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

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

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

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

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

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

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

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

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

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

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to inform the Commission as to the nature of the emergency and the expected duration of the emergency. A water
use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.

59. Note DOH's requirements related to non-potable water systems (attached to original permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as "DO NOT DRINK, NON-POTABLE" to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. In addition, as long as the U.S. Geological Survey is collecting and analyzing the chloride content of the well water, the requirement for the permittee to measure and report chlorides is also waived.

63. Well elevation components must be surveyed by a licensed surveyor and this information must be submitted to commission prior to issuance of permanent permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S. Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est. lands west of Wahiawa (2100 ac+) and the associated TMK's for use area.

70. Deferred action on portion requested for golf course irrigation pending further refinement of irrigation requirement and a feasibility study for utilization of surface water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit shall be until treated wastewater is available and acceptable for use. The permittee shall continue discussions with Honolulu Board of Water Supply regarding the use of reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission’s sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health’s Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use.

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson’s approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or this WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
131. This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

132. Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

133. If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

134. This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

135. These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

136. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen’s Beach GC (TMK 139-11-2,3), 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:

Same

Same

Lukela Estate  
P.O. Box 405  
Kaunakakai, HI 96748

D.E. Johnson  
P.O. Box 371  
Kaunakakai, HI 96748

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.
Chairperson and Members  
Commission on Water Resource Management  

March 14, 1995  

Table 1. Kawela Aquifer System

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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
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):

- **Well No. 0456-04** - for irrigation of 200 acres covering 81 lots & common areas in Unit I (see Exhibit 1C).
- **Well Nos. 0456-06,08,09** - for domestic supply to Units I & II (see Exhibit 1C).
- **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.
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

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.
(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.
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. 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) 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:

   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  

Attachments  

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
Chairperson and Members
Commission on Water Resource Management

March 14, 1995

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.
   Elevations (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
   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.

2.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.
   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.

ATTACHMENT A
<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>Location:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year Drilled:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground:</td>
<td>235 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>3 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>-7 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>-9 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Depth:</td>
<td>244 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></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>DW1 Well (Well No. 0456-09)</td>
<td>Kawela, Molokai, TMK:5-4-14:50</td>
<td>1980</td>
<td>6 in.</td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
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<tr>
<td>Year Drilled:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground:</td>
<td>225 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>1 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>-9 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>-10 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Depth:</td>
<td>235 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.c. WELL:                                                            | Location:                      | Year Drilled: | Casing Diameter: |
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>AG #1 Well (Well No. 0457-04)</td>
<td>Kawela, Molokai, TMK:5-4-15:33</td>
<td>NA</td>
<td>6 in.</td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year Drilled:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Depth:</td>
<td>244 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. WELL:                                                              | Location:                      | Year Drilled: | Casing Diameter: |
<table>
<thead>
<tr>
<th></th>
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</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>Location:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year Drilled:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. WELL:
Location: Johnson Well (well No. 0456-17)
Year Drilled: Near Kakahaia Pond, Molokai, TMK:5-4-1:11
Casing Diameter: 1976
8 ft dia. dug
Elevations (msl= 0 ft.)
Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location: Johnson Well (well No. 0456-17)</th>
<th>Year Drilled: Near Kakahaia Pond, Molokai, TMK:5-4-1:11</th>
<th>Casing Diameter: 1976</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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8 ft dia. dug</td>
<td></td>
<td></td>
<td>3.5 ft.</td>
<td>20 ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>1 ft.</td>
</tr>
<tr>
<td>WELL:</td>
<td>Location: Kawela Shaft (Well No. 0457-01)</td>
<td>Year Drilled: Kawela, Molokai, TMK:5-4-1:50</td>
<td>Casing Diameter: 1921</td>
<td>Elevations (msl= 0 ft.)</td>
<td>Water Level:</td>
<td>Ground:</td>
<td>Bottom of Solid Casing:</td>
<td>Bottom of Perforated:</td>
<td>Bottom of Open Hole:</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td></td>
<td>NA in.</td>
<td></td>
<td></td>
<td>36 ft.</td>
<td>36 ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>-2 ft.</td>
<td>-2 ft.</td>
</tr>
</tbody>
</table>

Total Depth: 19 ft.
Grouted Annulus Depth: NA 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:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location: Kawela Shaft (Well No. 0457-01)</th>
<th>Year Drilled: Kawela, Molokai, TMK:5-4-1:50</th>
<th>Casing Diameter: 1921</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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA in.</td>
<td></td>
<td></td>
<td>36 ft.</td>
<td>36 ft.</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td>-2 ft.</td>
<td>-2 ft.</td>
</tr>
</tbody>
</table>

Total Depth: 38 ft.
Grouted Annulus Depth: NA ft.

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.
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>

ATTACHMENT A
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.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

5. The ground water use approved must not interfere with interim or permanent instream flow standards. 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 KAWELEA 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 KAWELEA Ground Water Management Area.

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

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

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

ATTACHMENT B
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: Charley

TO: BAUER, G.
GOODING, K
FUJI, N.
OHYE, M
YOSHINAGA, M
SWANSON, S.
KUNIMURA, I.
IMATA, R.
NAKAMA, L.
HIGA, D.
UYENO, D

DATE: 14 Mar 06

PLEASCE:

Review & Comment
Type Draft
Type Final
File
Xerox copies
Take Action:

Approval
Signature
Information

File

I have a call in to Kamuela Plantation.

How did chlorides jump before what seems like a shaft of light?

Ellen Kraft sent this with a "why?" But how did chlorides jump before what seems like a shaft of light?
Kawela Well - Pumpage & Chlorides

Jan-88 May-90 Jan-92 May-93 Sep-94 Jan-96 May-97 Sep-98 Jan-00 May-01 Sep-02 Jan-04 May-05
Mr. David Craddick, Director  
Maui Department of Water Supply  
200 South High Street  
Wailuku, Maui HI 96973

Dear Mr. Craddick:

Pump Temporarily Out of Order  
Kawela Well (Well No. 0457-01)

Thank you for your letter of September 13, 2001, notifying us of the need to replace Kawela pumpage with water from Kualapu‘u Mauka Well (Well No. 0801-03) for about one month, during repairs of the Kawela pump. Your estimate is that the current pumpage of 698,000 gpd would increase to about 943,000 gpd.

Under the circumstances, we understand the need to take this step. Please transmit daily chloride readings for the period that the Kualapu‘u Mauka Well is under increased pumpage.

We take this opportunity to note that despite requests, beginning with a notice of overpumping on July 21, 1998, to mitigate the overpumpage already existing at Kualapu‘u Mauka, in excess of your Water Use Permit #359 for 516,000 gpd, by indicating a timeframe for developing a relief source. To date, we have not received any indication of any efforts in this direction. Please be informed that we shall pursue fines for violation of your permit at the earliest opportunity.

If you have any questions, please contact Charley Ice of the Water Commission staff at 587-0251 or toll-free at 984-4644, extension 70251.

Sincerely,

[Signature]

LINNEL T. NISHIOKA  
Deputy Director

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**DATE:** 9/27/01

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Note: Anyway, acknowledge situation carefully.

Ray - Kualapan SY = small, isn't this going to take us

1) ONS can pump 0x35-03, enforce and still not
   mixed SY

2) NP= 0.510, 12MAY = 0.703
   Get 12MAY for Kualapan & advise Dave asap.

Neal - what is current 12-MAY and how long can bees sustain 0.9 yd. w/o 1) going over SY?

2) their WUP 12-MAY?
September 13, 2000

Honorable Limel Nishioka, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Re: Kawela Well 0457-01 Pump Temporarily Out of Order

Dear Ms. Nishioka,

The Department's Kawela Well 0457-01 pumps went down last week, and we expect that repairs will take approximately a month. During the interim, we will need to utilize the Kualapuu Well 0801-03 more heavily than usual.

Our average pumpage from the Kawela wellfield is about 245,000 gpd. This will bring our pumpage from about 698,000 gpd to about 943,000 gpd until the problem is resolved. We will reduce pumpage on 0801-03 as soon as the repairs are made.

Thank you for your understanding and patience.

Sincerely,

David Craddick
Director
elk
# Island Water Use Permit Index

## ISLAND OF MOLOKAI

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| Tuesday, March 27, 2001 | Page 1 of 2 |
September 13, 2000

Honorable Linnel Nishioka, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Re: Kawela Well 0457-01 Pump Temporarily Out of Order

Dear Ms. Nishioka,

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Thank you for your understanding and patience.

Sincerely,

David Craddick
Director
elk

By Water All Things Find Life
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**FROM:** Tim  
**DATE:** 8/13/98

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<td>OHYE, M.</td>
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<td>UYENO, D.</td>
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<td>YODA, K.</td>
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</tbody>
</table>

**SUSPENSE DATE:**

**PLEASE:**

- See Me
- Review & Comment
- Take Action
- Type Draft acknowledgement
- Type Final
- File
- Xerox ___ copies
August 10, 1998

Honorable Timothy E. Johns
Deputy Director
State of Hawaii
Department of Land & Natural Resources
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Johns:

Subject: Kawela, Molokai State Well No. 0457-01
"Kawela #1"

Due to diminishing pump rates, the pump at Kawela Shaft, Molokai, was replaced during June 1998. The pump capacity remains the same.

Should you have any questions about the North Waihee Wells, please contact Andy Pascua, Acting Plants Maintenance Superintendent, (808) 243-7551.

Sincerely,

David Craddick, Director

Enc: Well Completion Report
copy: Andy Pascua
       Engineering
       Ellen Kraftsow

“By Water All Things Find Life”
# PART II.  (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company: **URC WATER WORKS**
21. Name of person performing work: **MELVIN B. LIMA**
22. Date Pump Installation Completed: **JUNE 10, 1998**

23. PUMP INSTALLATION:
   - Pump Type, Make, Serial No.: **SIMLO 1909701247**
   - Capacity: **300** gpm
   - Motor type: H.P., Voltage, rpm: **45, 2 HP, 440V, 1800**
   - Depth of Pump Intake Setting: **37'** ft. below, which elevation is **38.4** ft.
   - Depth to bottom of airline: **NONE** ft. below, which elevation is **** ft.
   - Pumping Head is: **300** ft. Type of flow meter: **SIGNET** which measures in **GALLONS**

24. As-built drawings attached? **Yes**  **No**
25. Other remarks/comments: **(See below)**

**Pump Installation Contractor (print): **MELVIN B. LIMA**  **C-57 Lic. No.:** **C-18254**
**Applicant (print): **  **Date: ** **8/10/98**

<table>
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<th>Water Level Dates</th>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks</th>
<th>Water Level Dates</th>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks</th>
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</tbody>
</table>

**PART I. WELL CONSTRUCTION REPORT**

3. Drilling Company: ________________________________

4. Name of driller who performed work: ________________________________

5. Type of rig/construction: ________________________________

6. Date(s) Well Construction and pump tests (if any) completed: ________________________________

7. GROUND ELEVATION (referenced to mean sea level, msl): ________________________________ ft.
   Well Bench Mark (description/location): ________________________________ Elevation(msl): ________________________________ ft.

8. DRILLER'S LOG: Please attach geologic log (if available or if required by permit)

<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, Dates, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>____________</td>
<td>_______________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>_______________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>_______________________________________</td>
</tr>
</tbody>
</table>

(If more space is needed, continue on back.)

9. Total depth of well below ground: ________________________________ ft.

10. Hole size: ____________ inch dia. from ____________ ft. to ____________ ft. below ground
    ____________ inch dia. from ____________ ft. to ____________ ft. below ground
    ____________ inch dia. from ____________ ft. to ____________ ft. below ground

11. Casing installed: ____________ in. I.D. x ____________ in. wall solid section to ____________ ft. below ground
    ____________ in. I.D. x ____________ in. wall perforated section to ____________ ft. below ground
    Casing Material/Slot Size: ________________________________

12. Annulus:
    Grouted from ____________ ft. below ground to ____________ ft. below ground
    Gravel packed from ____________ ft. below ground to ____________ ft. below ground

13. Initial water level: ____________ ft. below ground. Date and time of measurement: ________________________________

14. Initial chloride: ____________ ppm Date and time of sampling: ________________________________

15. Initial temperature: ____________ °F Date and time of measurement: ________________________________

16. PUMPING TESTS: Reference Point (R.P.) used: ________________________________, which elevation is ____________ ft.
    (1) Step-Drawdown Test Date ________________________________
    Start water level ____________ ft. below R.P.
    End water level ____________ ft. below R.P.
    (2) Long-term Aquifer Test Date ________________________________
    Start water level ____________ ft. below R.P.
    End water level ____________ ft. below R.P.

17. Aquifer Pump Test Procedures data & graphs (1/96 LTAT Form) attached? __ Yes __ No

18. As-built drawings attached attached? __ Yes __ No

19. Other remarks/comments: (On back of this form)

---

Well Drilling Contractor (print) ________________________________ C-57 Lic. No. ________________________________
Signature ________________________________ Date ________________________________

Surveyor (print) ________________________________ Lic. No. ________________________________
Signature ________________________________ Date ________________________________

Applicant (print) ________________________________
Signature ________________________________ Date ________________________________
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.
AFTER-THE-FACT

PUMP INSTALLATION PERMIT

for

Kawela Shaft
Well No. 0457-01
Kawela, Molokai

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

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your AFTER-THE-FACT application to install a pump in Kawela Shaft (Well No. 0457-01), is approved subject to the following conditions:

1. The proposed uses 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 the 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.

2. An approved flowmeter 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.

3. An as-built sectional drawing of the pump installation shall be submitted to the Commission staff within 30 days after completion of the work.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. The permit application shall be incorporated herein by reference.

KEITH W. AHUE, Chairperson
Commission on Water Resource Management

MAY 3 1994
Date of Issuance

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: [Signature]
Date: 5/11/94

Printed Name: David Craddock

Firm or Title: Director of Water Supply

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

c: USGS
Department of Health
Safe Drinking Water Branch
Ground Water Protection Program
May 17, 1994

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

Dear Rae:

SUBJECT: Kawela Well Data (Well No. 0457-01) Molokai

The following page is the data requested by Mr. Bauer on the Kawela Well. It appears there is no data on file with DLNR.

The new pump and pump assembly have the same engineering data as the pump that was replaced.

If you have any questions please call me at 243-7816.

Sincerely,

David Craddick
Director

"By Water All Things Find Life"
<table>
<thead>
<tr>
<th>Kawela Well No. 0457-01</th>
</tr>
</thead>
</table>
| Ground elevation (MSL) | 36.4 ft.  
| Depth of Water | 34.7 ft.  
| Casing Diameter | 48 in.  
| Perforated Casing Depth | 38.7 ft.  
| Total Well Depth | 38.7 ft.  
| Pump Capacity | 300 gpm  
| Pump Setting |  

Table 2. List of selected wells and available period of record of ground-water pumpage, water-level, and chloride data

[*, observation well; --, no data]

<table>
<thead>
<tr>
<th>Well</th>
<th>Pumpage Period</th>
<th>Number of years</th>
<th>Water-level Period</th>
<th>Number of years</th>
<th>Chloride Period</th>
<th>Number of years</th>
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<tr>
<td>Waikolu Valley</td>
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<td></td>
</tr>
<tr>
<td>0855-01</td>
<td>1961-present</td>
<td>31</td>
<td></td>
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<tr>
<td>0855-02</td>
<td>1961-present</td>
<td>31</td>
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<tr>
<td>0855-03</td>
<td>1961-present</td>
<td>31</td>
<td></td>
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<tr>
<td>Kualapuu area</td>
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<tr>
<td>0700-01*</td>
<td>--</td>
<td>--</td>
<td>1972-present</td>
<td>20</td>
<td>1976-present</td>
<td>16</td>
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<tr>
<td>0801-01</td>
<td>1961-present</td>
<td>31</td>
<td>--</td>
<td>--</td>
<td>1953-present</td>
<td>39</td>
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<tr>
<td>0801-02</td>
<td>1981-present</td>
<td>11</td>
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<tr>
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<td>0901-01</td>
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<td>1952-76</td>
<td>24</td>
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<td>1950-63</td>
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<td>--</td>
<td>1938-46</td>
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<tr>
<td>0648-02*</td>
<td>--</td>
<td>--</td>
<td>1970-present</td>
<td>22</td>
<td>1970-71</td>
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<tr>
<td>0649-01</td>
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<td>13</td>
<td>1947-present</td>
<td>45</td>
<td>1946-present</td>
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<tr>
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<td>13</td>
<td>1974-present</td>
<td>18</td>
<td>1946-present</td>
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<td>1938-45</td>
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<td>1954-present</td>
<td>38</td>
<td>1956-present</td>
<td>38</td>
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<tr>
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<td>--</td>
<td>--</td>
<td>1967-77</td>
<td>10</td>
<td>1967-71</td>
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</tbody>
</table>

Table 3. Pumping rates of wells in Waikolu Valley, Kualapuu area and along the south shore of East Molokai

[gal/min, gallons per minute; Mgal/d, million gallons per day; --, no data]

<table>
<thead>
<tr>
<th>Well</th>
<th>Pumping rate (gal/min)(gpm)</th>
<th>24-hr pumping capacity (Mgal/d)</th>
<th>July 1991 mean pumping (Mgal/d)</th>
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<tbody>
<tr>
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<tr>
<td>0855-01</td>
<td>1000*</td>
<td>1.64</td>
<td>0.48**</td>
</tr>
<tr>
<td>0855-02</td>
<td>1000*</td>
<td>1.64</td>
<td>0.48**</td>
</tr>
<tr>
<td>0855-03</td>
<td>1000*</td>
<td>1.64</td>
<td>0.48**</td>
</tr>
<tr>
<td>Total --</td>
<td>3.32</td>
<td>1.44</td>
<td>1.44</td>
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<td>0801-01</td>
<td>380</td>
<td>0.55</td>
<td>0.18</td>
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<td>0801-02</td>
<td>710</td>
<td>1.02</td>
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<td>875</td>
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<td>2.22</td>
<td>1.45</td>
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<td>650*</td>
<td>0.94</td>
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<tr>
<td>Total --</td>
<td>2.71</td>
<td>0.55</td>
<td>0.55</td>
</tr>
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</table>

* indicates rated pump capacity; ** indicates value is estimated from rated pump capacity and the number of hours pump was in use.
Figure 10a. Annual mean pumpage from selected wells.
Figure 10b. Monthly and annual mean pumpage from well 0901-01.

Figure 10c. Monthly and annual mean pumpage from well 0902-01.
Figure 10d. Monthly and annual mean pumpage from well 0801-01.

Figure 10e. Monthly and annual mean pumpage from well 0801-02.
Figure 11. Water levels from selected wells, 1938-92 (refer to table 3 for well characteristics and dates).
Table 4.-Well characteristics and water-level data from selected wells

[D, dug well; T, test hole; S, shaft; W, drilled well; DOA, Department of Agriculture; DLNR, Department of Land and Natural Resources; DHHL, Department of Hawaiian Home Lands; USGS, U.S. Geological Survey]

Well characteristics: In feet above or below mean sea level.
Water level: In feet above mean sea level.

<table>
<thead>
<tr>
<th>State Local</th>
<th>Top of casing of hole</th>
<th>Bottom of hole</th>
<th>Water level</th>
<th>Date measured</th>
<th>Owner</th>
</tr>
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<tr>
<td>0855-01 W22</td>
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<td>592</td>
<td>989</td>
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<td>665</td>
<td>947</td>
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<td>10-21-91</td>
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Figure 12a. Monthly and annual mean water level from pumping well 0901-01.

Figure 12b. Monthly and annual mean water level from pumping well 0902-01.
Figure 12c. Monthly and annual mean water level from observation well 0700-01.

Figure 12d. Monthly and annual mean water level from observation well 0905-01.
Figure 13e. Monthly and annual mean chloride concentration of water from pumping well 0801-01.

Figure 13f. Monthly and annual mean chloride concentration of water from pumping well 0801-02.
Figure 13g. Monthly and annual mean chloride concentration of water from pumping well 0901-01.

Figure 13h. Monthly and annual mean chloride concentration of water from pumping well 0902-01.
KALAUPAPA - PROJECT AREA

HYDROLOGIC UNITS - ISLAND OF MOLOKAI

Exhibit 1
Island: 4
Well No: 0457-01
Quad Map: 03
Latitude: 210419
Longitude: 1565705
Well Name: KAWELA SHAFT
Year drilled: 1921
Memo: memo
Owner or User: MAUI COUNTY
Drilled by: Old Number
Aquifer System: 40302 KAWELA
Old aquifer: QA
Aquifer System: 40302 KAWELA
Old aquifer: QA
Construction type: TUN
TEST pumping: gpm
Usage type: DOM
Casing Dia: in
drawdown: ft
Since: 1972
Total Well depth: 38 ft
Cl: mg/l
Anticipated
Solid casing: ft
temp: °C
daily draft: 0.1 mgd
Perforated: ft
Specific Cap: gpm/ft
12-mo MAVG: 0.1 mgd
TRANSMISSIVITY
Elevations relative to MSL
Pump Capacity: gpm
Lastest
Ground: + 36 ft
mgd
Water Use Report
Bottom of hole: -2 ft
"installed: 19
" of solid: ft
" of perf: ft
Init static head: ft
Initial Cl: 16 mg/l
Initial temp: °C
Current " head: ft
Current Cl: mg/l
Current temp: °C

Edit C:\...gw\WELLPHYS Rec 2107/3106 View Num
Form 881)

STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management. P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3048 or 548-7945 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shaft, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.: 0457-01
WELL NAME OR DESIGNATION: Kawela Shaft
ISLAND: Molokai

SOURCE OR STATION NAME (For a battery of wells): ____________

A. WELL OPERATOR
Firm name: Dept. of Water Supply
Contact person: ____________
Address: P. O. Box 1109
Wailuku, Maui, Hawaii
Zip: 96793 Phone: 243-7730

B. OWNER OF WELL SITE
Firm name: County of Maui
Contact person: __________________
Address: 200 S. High Street
Wailuku, Maui, Hawaii
Zip: 96793 Phone: ____________

C. WELL LOCATION
Tax Map Key: 5-4-01:50 Town, Place, District: Kawaela
Attach USGS “Quad” map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells: submit “as-built” drawing, driller’s log, and pump test results, and complete items below. For Tunnels and Shafts, submit construction drawings, plot plan, or sketch map.

Ground elevation (mean sea level): ____________ ft.
Reference point: ____________
Elevation: ____________ ft.
Description: ____________

Depth to water (Below reference point): ____________ ft.
Maximum recorded chloride: ____________ ppm
Minimum recorded chloride: ____________ ppm

Year drilled or constructed: ____________
Well contractor: ____________
Casing diameter: ____________ in.
Solid casing depth (Below ground): ____________ ft.
Perforated casing depth (Below ground): ____________ ft.
Total depth of well: ____________ ft.
Minimum chloride in 1987: ____________ ppm

E. INSTALLED PUMP DATA
Pump type: [ ] Vertical shaft [ ] Submersible [ ] Centrifugal [ ] Other (specify): ____________
Power: [ ] Diesel, ____________ HP [ ] Gas, ____________ HP [ ] Electric, ____________ HP [ ] Other (specify): ____________
Pump capacity: 300 gallons per minute ____________
Pump installation contractor: ____________

(continued over)

For Official Use Only:
Date received: 3-20-84
Date accepted: ____________
Field checked by: ____________ Date: ____________
Latitude: 21° 04' 19" State Well No.: 0457-01
Longitude: 156° 57' 05"
Hydrologic Unit: ________

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.
F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: □ Daily □ Weekly □ Monthly

□ Other (describe): ____________________

Method of measurement: □ Flow Meter □ Orifice

□ Other (describe): ____________________

Quantity of Use (Report measured or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery.):

WATER USE, IN GALLONS x 1000

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<td>7,507</td>
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<td>9,357</td>
<td>10,312</td>
<td>10,213</td>
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<td>10,949</td>
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<td>9,022</td>
<td>9,656</td>
<td>11,592</td>
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<td>10,550</td>
<td>9,546</td>
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</table>

Minimum day's use: ____________________ gallons

Maximum day's use: ____________________ gallons

Typical times of usage: ____________________

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

□ Municipal (including resorts, hotels, businesses)

□ Domestic (systems serving 25 people or less)

□ Irrigation

□ Industrial

□ Military

□ Other

Additional Information

Number of service connections: ____________________

Acres Irrigated: ____________________

Crop(s): □ Sugar □ Pineapple

□ Other (specify): ____________________

Non-Crop: □ Landscape □ Golf Course

□ Other (specify): ____________________

Method: □ Drip □ Furrow □ Sprinkler

□ Cooling □ Manufacturing □ Mill

□ Other (specify): ____________________

Specify (livestock, aquaculture, etc.): ____________________

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: ____________________
Printed Name: ____________________
Firm or Title (Well Operator, etc.): Director of Department of Water Supply
County of Maui

Date: 2/14/85