**COMMISSION ON WATER RESOURCE MANAGEMENT**  
(06/08)

<table>
<thead>
<tr>
<th>FROM: ROY</th>
<th>DATE: SEP 16 2008</th>
<th>SUSPENSE DATE:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
<th>FOR:</th>
<th>PLEASE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHENG, C.</td>
<td></td>
<td>KUNIMURA, I.</td>
<td></td>
<td>Approval</td>
<td>See Me</td>
</tr>
<tr>
<td>CHING, F.</td>
<td></td>
<td>LEROUX, E.</td>
<td></td>
<td>Signature</td>
<td>Review &amp; Comment</td>
</tr>
<tr>
<td>CHONG, R.</td>
<td></td>
<td>MILLS, D.</td>
<td></td>
<td>Information</td>
<td>Take Action</td>
</tr>
<tr>
<td>DANBARA, S.</td>
<td>2</td>
<td>OHYE, L.</td>
<td></td>
<td></td>
<td>Type Draft</td>
</tr>
<tr>
<td>ENGLAND, D.</td>
<td></td>
<td>OHYE, M.</td>
<td></td>
<td></td>
<td>Type Final</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td>OSHIRO, K.</td>
<td></td>
<td></td>
<td>File</td>
</tr>
<tr>
<td>HARDY, R.</td>
<td></td>
<td>SAKODA, E.</td>
<td></td>
<td></td>
<td>Xerox</td>
</tr>
<tr>
<td>HOAGBIN, S.</td>
<td></td>
<td>SWANSON, S.</td>
<td></td>
<td></td>
<td>copies</td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>TORRES, R.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td>UYENO, D.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KAWAHARA, K.</td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIMURA, J.</td>
<td></td>
<td>YOSHINAGA, M.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*WUP is to House Foundation Seeds, local entity wholly owned by and d/b/a Monsanto*
September 15, 2008

Charley Ice,
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Re: Water Shortage Plan Water Use Permit No. 845, Well NO. 0601-01

Dear Mr. Ice,

Please accept this letter as our proposed actions in the event of a water shortage. The letter of September 5, 2008 from Laura H. Thielen, Chairperson, requests that we identify actions to take should the Commission declare a water shortage in the Kamiloloa Ground-Water Management Area. The following is a list of potential actions:

1. Overhead irrigation may be discontinued and remain so during the conservation period.
2. Monsanto irrigation crews monitor and inspect related irrigation systems to detect leaks and insure that all system components are operating correctly.
3. Irrigation of grassed waterways and all other erosion control structures may be discontinued.
4. Irrigation of all windbreak plantings may be discontinued with the exception of one application to windbreaks late in August and another late in September, as supply permits.
5. Crop planning may be modified to include only plantings of high priority throughout the conservation period.

I am available at your convenience to discuss any questions or suggestions that you may have.

Best regards,

Raymond J. Foster
Business Services Manager
September 5, 2008

845.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ken Rinkenberger
Holden's Foundation Seeds, LLC
P.O. Box 40
Kaunakakai, HI 96748

Dear Mr. Rinkenberger:

Transfer of Water Use Permit (WUP No. 274 to WUP No. 845) for Well No. 0601-01
Kamiloloa Ground-Water Management Area, Molokai

We have received your Request to Transfer Water Use Permit for the subject well. Please note that as part of the transfer process, we have assigned a new Water Use Permit Number for this well. This is for record keeping purposes only and voids and supersedes the previous Water Use Permit Number listed above. As provided by law, your notice of transfer simply notifies us of the transfer of the permit does not create any new rights and liabilities in favor of or against the transferee.

This letter transmits your water use permit for Oloolo Well (Well No.0601-01) for use of 0.075 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on September 15, 1993. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

**Special Conditions**

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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form
Please be sure to read the conditions of your approved permit.

We draw your attention to two key conditions of your permit that require your response. First, you are required 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 yearly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Kamiloloa Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Charley Ice of the Commission staff at 587-0218.

Sincerely,

[Signature]

LAURA H. THIELEN
Chairperson

Attachments: WUR Form

c: Monsanto Hawaii
Molokai Properties, Ltd.
GROUND-WATER USE PERMIT
WUP NO. 845

PERMITTEE

Permittee/Water User   Landowner of Source
Address Holden's Foundation Seeds, LLC   Address Molokai Properties, Ltd.
P.O. Box 40   745 Fort Street, Suite 600
Kaunakakai, HI 96748   Honolulu, HI 96813

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Molokai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Southeast</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Kamiloloa</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Kamiloloa</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>3</td>
</tr>
<tr>
<td>Well Name</td>
<td>Ooolo Well</td>
</tr>
<tr>
<td>State Well No.</td>
<td>0601-01</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Agricultural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.075 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>5-3-005:003</td>
</tr>
<tr>
<td>State land use classification</td>
<td>AG</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>Agriculture</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
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 September 15, 1993 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.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. protect the water sources (quantity or quality);
   b. meet other legal obligations including other correlative rights;
   c. insure adequate conservation measures;
   d. require efficiency of water uses;
   e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

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

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).
11. This permit shall be subject to the Commission's periodic review of the Kamiloloa 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 Kamiloloa 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 the 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 use(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 conservation, 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 of 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 Kamiloloa 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 are incorporated herein by reference.

Attached

C: Molokai Properties, Ltd.
Assessed Values reflect tax year 2008.

Search criteria: TMK Taxkey 2-5-3-3-1

<table>
<thead>
<tr>
<th>Taxkey</th>
<th>Subdiv/Condo</th>
<th>Tnr Address</th>
<th>Owner/Lessee Bds Bths</th>
<th>Land area</th>
<th>Liv area</th>
<th>Last Sale</th>
<th>Instr Pri.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-5-3-3-1</td>
<td>L KAUNAKAKAI MOLOKAI RANCH LTD</td>
<td>0 0 1,768.31 ac 0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.

Copyright ©7/16/2008 by Hawaii Information Service
To: Susan Swanson
From: R. Foster
Fax No.: 808 587 0219
Phone No.: 808 587 0243
Date: 12/28/07
Re: Water Use Permit Name Change  CC: J. Lasua

Susan, I’m hopeful that I understood you correctly to need the effective date for Monsanto’s acquisition of Hawaiian Research, in reference to our request to change the name on CWRM water use permits.

Monsanto purchased Holden Foundation Seeds, as a wholly owned subsidiary on December 11, 2000. We have operated since that time as Holden Foundation Seeds, dba Hawaiian Research. Recent changes in our internal organization make it more correct to be known as Monsanto at this time.

Please call with any questions or comments.

Best Regards and Happy Holidays.
December 7, 2007

Ken C. Kawahara, P.E.
Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii

RE: WUP’s 216, 273, 274, 462

Dear Mr. Kawahara,

I need to request a name change to Monsanto Company on the referenced water use permits due to the purchase of Hawaiian Research Ltd. by Monsanto Company. Please advise if any further documentation is required to facilitate this process.

Sincerely,

[Signature]

Raymond J. Foster
Business Services Manager
Dear Mr. Eichhorn:

Approval of Water Use Permit for Well No. 0601-01
Kamiloloa Ground-Water Management Area, Molokai

This letter transmits your water use permit for Ooolo Kaunakakai (Well No.0601-01) for use of 0.075 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on September 15, 1993. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

Special Conditions

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 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. This interim water use permit shall cease to become interim and shall be subject to Haw. Rev. Stat. §174C-55 upon administrative review of the quantity within 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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit.

We draw your attention to two key conditions of your permit that require your response. First, you are required 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. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Kamiloloa Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251.

Aloha,

TIMOTHY E. JOHNS
Chairperson

Attachments

c: Molokai Ranch, Ltd.
GROUND-WATER USE PERMIT
WUP NO. 274

PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permittee/Water User</td>
<td></td>
</tr>
<tr>
<td>Address Hawaiian Research, Ltd.</td>
<td>Address Molokai Ranch, Ltd.</td>
</tr>
<tr>
<td>P.O. Box 40</td>
<td>55 Merchant Street, Suite 2000</td>
</tr>
<tr>
<td>Kaunakakai, HI 96748</td>
<td>Honolulu, HI 96813</td>
</tr>
</tbody>
</table>

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Molokai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Southeast</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Kamiloloa</td>
</tr>
<tr>
<td>Aquifer System</td>
<td></td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>3</td>
</tr>
<tr>
<td>Well Name</td>
<td>Oloolo Kaunakakai</td>
</tr>
<tr>
<td>State Well No.</td>
<td>0601-01</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Agricultural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.075 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>5-3-5:3</td>
</tr>
<tr>
<td>Address</td>
<td>Kaunakakai</td>
</tr>
<tr>
<td>State land use classification</td>
<td>Agriculture</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>Agriculture</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
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 September 15, 1993 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.

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

12. This permit shall be subject to the Commission's periodic review of the Kamiloloa 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 Kamiloloa Aquifer System, or relevant modified aquifer(s), is reduced.

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

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

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, 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 of forfeiture.

17. 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 Kamiloloa Ground-Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. 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.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. 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.

TIMOTHY E. JOHNS, Chairperson
Commission on Water Resource Management

Attachment
cc: Molokai Ranch, Ltd.
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
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

The following were in attendance:

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

EXCUSED: Mr. J. Douglas Ing

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

COUNSEL: Mr. William Tam

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

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

ITEM 1  MINUTES OF THE SEPTEMBER 1, 1993 MEETING
Unanimously approved (Cox/Nakata).
ITEM 2  OLD BUSINESS/ANNOUNCEMENTS
Ms. Loui announced the public meeting which would be held that evening at Molokai High School to hear testimony for proposed reservations of water for the Department of Hawaiian Home Lands (DHHL).

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

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

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

Unanimously approved as submitted (Lewin/Cox).

ITEM 4  APPOINTMENT OF HEARINGS MASTERS
Unanimously approved (Lewin/Nakata).

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

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

Unanimously approved (Nakata/Cox).

ITEM 7  HAWAIIAN RESEARCH LTD. APPLICATION FOR A WATER USE PERMIT, KAMILLOLOA 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 (1939-01, 02, 1940-02, 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), focussing 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  \$440-01

Well Location

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

Analysis:

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

Water Availability.

What is existing use from the Honokowai System?

RECOMMENDATION:

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

ITEM 6  Kalaeloa Wells  \$05-10-12

Analysis:

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

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

Analysis & Issues

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

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

RECOMMENDATION

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

WATER USE PERMIT DETAILED INFORMATION

Nearby Surrounding Wells and Other Registered Ground Water Use

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

ITEM 8 Kawela Ground Water Management Area

1. David W. Curtis

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

3. Kawela Plantation

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

ITEM 9  Kualapuu Water Management Area 0801-01, 059-01

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 0603-07, 0465-01 003 0703-02

Oral testimony may be presented.

ITEM 11  Ualapue Ground Water Management Area 0352-72, 0444-01 0444-01

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 0555-01 04 06

Analysis & Issues

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

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager

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

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 Mitchell Pauoli Center and at 6:00 at Molokai High School

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

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

II. Specific Objections to Applications:

0352-10, 0492-19, 0492-04, ..., 0492-16, 0492-01

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

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

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

b. Item 9A-120101-01

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 subordinated 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 contests 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
The Hawaiian Homes Commission Act of 1920 is still federal law.

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

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

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

Item 14: Objector, Kalamaula Homestead Association, opposes the staff recommendation on the grounds that the permit should be issued only after all needs of the native Hawaiian beneficiaries have been met. Moreover, it does not make any sense to grant such a permit prior to the full hearing and final determination of the rule to be heard on the reservation of homestead waters.
In conclusion, Objector seeks a consolidation of the 1:30 agenda with the 6:00 rule making agenda and finds that the attempt to proceed with permitting without a final rule as to reserved waters violates the intent of the state legislature. Objector thus reserves its right to seek judicial review, by way of a contested case proceeding, or otherwise as to all permits issued prior to finalizing the issues as to the rule reserving waters for Homesteaders.

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

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

Dear Chairperson Ahue:  

SUBJECT: WATER PERMIT APPLICATIONS  

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

I received your request on August 31, 1993. The Council's procedures did not allow enough time to refer the matter to the Council's Human Services, Housing, Water and Agricultural Committee. Therefore, I transmitted a copy of the application to the Committee Chair and to the Council member from Molokai. I have received the attached comments.  

If you have any questions, please contact me.  

Yours truly,  

GORO HOKAMA  
Council Chair

Attachments
September 7, 1993

MEMO TO: Goro Hokama, Chair

F R O M: Councilmember Patrick S. Kawan~

SUBJECT: Water Use Permit Applications

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

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

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

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

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 Maolka'i'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 then 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
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

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

Applicant:
(Well Nos. 0501-04 & 0601-01)
Hawaiian Research Ltd.
P.O. Box 40
Kaunakakai, HI 96748

Landowner:
Molokai Ranch Ltd.
500 Ala Moana Blvd.
Honolulu, HI 96813

Background

The applicant submitted completed water use permit applications to the Commission on July 13, 1993. Specific information regarding the sources, uses, notifications, objections, and field investigations are described in Attachment A and the attached exhibits.

Analysis & Issues

To date, four (4) applications for water use permits have been submitted to the Commission requesting a total of 1.005 million gallons per day (mgd) of water from the Kamiloloa Aquifer System (about 33.5% of the aquifer system's estimated sustainable yield; see Exhibit 2). One of the requests was for an allocation of 0.075 mgd for an existing use, and this was approved by the Commission at its August 18, 1993 meeting on Molokai (County of Maui Parks & Recreation, Well No. 0501-07). Of the three pending applications for water use permits in the Kamiloloa Aquifer System, one is incomplete, and the remaining two have been submitted by Hawaiian Research, Ltd.

These two existing dug wells use brackish water from the Kamiloloa Aquifer System for irrigation of about sixty (60) acres of corn and sorghum. Because the applicant is requesting authorization to continue a use of water that has been in existence for at least the last six (6) years, additional adverse impacts on other local wells, streams, and the Kamiloloa Aquifer System are not anticipated. [No specific objections to these applications have been submitted to the Commission.]

The applicant is requesting an allocation of a total of 0.91 mgd of brackish water from the two existing sources. Based on the field investigation of the water source and use sites, irrigation water requirements were estimated to be about 0.24 mgd (0.08 mgd for Well No. 0501-04 and 0.16 mgd from Well No. 0501-01). This number is in agreement with the estimate provided in the Final Report of the Molokai Working Group which indicates that existing ground water use by the applicant in the Kamiloloa Aquifer System is 0.26 mgd. However, the reports of monthly water usage provided by the applicant indicate that actual withdrawals are considerably less. On the basis of the seven (7) months of available water use data for the two wells, the moving average withdrawal from Well No. 0501-04 is 0.04 mgd and 0.06 mgd from Well No. 0601-01. It should be noted that data were only provided for the seven-month period from November 30, 1991 through June 30, 1992. Since analysis over a longer period of use was not possible, computed moving average withdrawals from the two sources may not be representative of the applicants actual water needs. Based on verbal communication with the applicant, a reasonable estimate of water requirements for a normal growing year are .056 mgd from Well No. 0501-04 and .075 mgd for Well No. 0601-01.
There is no clear reservation recommendation from the Molokai Working Group for the Dept. of Hawaiian Home Lands (DHHL) for the Kamiloloa Aquifer System. The Final Report of the Molokai Working Group indicates that there are no existing or major projected increases for DHHL potable needs in the area (see Exhibit 3). However, the non-potable water needs projected to total buildout for homestead lands in the Central Aquifer Sector and small portions of the West and Southeast Aquifer Sectors total 23.5 mgd (see Exhibits 4 and 5). Of this total demand, 5.42 mgd is projected for the next five to ten (10) years, 5.0 mgd of which can be met through the existing Molokai Irrigation System (MIS). Current usage by DHHL from MIS is about 2.3 mgd. Staff feels that since the applicant’s use has been in existence and is of beneficial use to the community, potential DHHL reservation should not prohibit action on this application.

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

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

Staff finds that there is no reason to believe that this use will violate these recommendations made by the Molokai Working Group.

The objection deadline for these applications is September 14, 1993. Objections will be brought to the attention of the Commission, if any are submitted, to allow the Commission to defer action on these applications if necessary. Objections from Kalawao Homestead Lands users (i) will not be heard until (ii) the needs of all users are met and (ii) (ii) and (ii) need a Midwest of determination of the reservation issue.

RECOMMENDATION

That the Commission approve the issuance of an interim water use permit to Hawaiian Research Ltd. to use 56,000 gallons per day of brackish water for agricultural irrigation from the Kupa Well (Well No. 0501-04) and 75,000 gallons per day of brackish water for agricultural irrigation from the Kaunakakai Well (Well No. 0601-01), subject to the standard water use permit conditions listed in Attachment B and the following special condition:

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

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:

Kamiloloa System, Southeast Sector, Molokai
Sustainable Yield: 3 mgd
Existing Water Use Permits: 0.075 mgd
Available Allocation: 2.925 mgd
Total of other pending allocations: 0.020 mgd

WELL:

Kupa Well (Well No. 0501-04)
Location: Kaunakakai, Molokai, TMK:5-3-8:23
Year Drilled: NA
Casing Diameter: NA
Elevations (msl= 0 ft.)
Water Level: NA
Ground: NA
Bottom of Solid Casing: NA
Bottom of Perforated: NA
Bottom of Open Hole: NA
Total Depth: 28 ft.
Grouted Annulus Depth: NA

WELL:

Kaunakakai Well (Well No. 0601-01)
Location: Kaunakakai, Molokai, TMK:5-3-8:23
Year Drilled: 1954
Casing Diameter: 12 in.
Elevations (msl= 0 ft.)
Water Level: NA
Ground: 52 ft.
Bottom of Solid Casing: 32 ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -7 ft.
Total Depth: 59 ft.
Grouted Annulus Depth: NA

ATTACHMENT A
Use Information

Kupa Well (Well No. 0501-04)
Quantity Requested: 430,000 gallons per day.
Existing Type of Water Use: Irrigation of 20 acres of corn and sorghum
Place of Water Use: Kaunakakai at TMK: 5-3-3:1 and 5-3-4:12
Reported Water Usage: 0.04 gpd
Nearby Similar Water Usage: NA gpd

Kaunakakai Well (Well No. 0601-01)
Quantity Requested: 480,000 gallons per day.
Existing Type of Water Use: Irrigation of 40 acres of corn and sorghum
Place of Water Use: Kaunakakai at TMK: 5-3-3:1 and 5-3-5:03
Reported Water Usage: 0.06 gpd
Nearby Similar Water Usage: NA gpd

Total Requested Allocation: 910,000 gallons per day

Kamiloloa Aquifer System
Current 12-Month Moving Average Withdrawal: 0.150 gpd
(0.77% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are eleven (11) other wells within a mile of the wells (see Exhibit 1). Three (3), possibly four (4), of these wells are currently in use. Information from the registration program indicates there are possibly fifty (50) existing wells in the Kamiloloa Aquifer System. Several of these wells have been initially field checked, but many of the declarants, including possibly large users, have not been completely field verified. Several are not in use or are rights claims. No reliable estimate is available in the Maui Water Use and Development Plan, Island of Molokai, for existing withdrawals from the Kamiloloa Aquifer System as of 1990. However, the Final Report of the Molokai Working Group indicates that Hawaiian Research Ltd. is the most significant user of water in the Kamiloloa Aquifer System and that the existing withdrawal is 0.26 mgd as of July 1993 (see Exhibit 6).

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on August 23, 1993 and August 30, 1993 and copies of the notice were sent to the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to the County Council and Department of Water Supply. Copies of the completed application were sent to the Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aquatic Resources, Historic Preservation and other divisions of the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permits were to be submitted to the Commission by September 13, 1993.

ATTACHMENT A
Objections/Comments

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by September 13, 1993.

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

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

Briefs in Support

Responses to objections, or briefs in support, regarding the applications are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. No briefs in support were filed with the Commission.

Field Investigation

Both water sources and existing uses were investigated on October 5, 1992. The investigation(s) verified the applicants request for water use permit.
Chairperson and Members
Commission on Water Resource Management

STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

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

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

9. The water use permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect water sources in quantity, quality, or both;
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June 1987, shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Homes, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the 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 is not existing, the development of the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

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

12. The water use permit shall be subject to the Commission’s periodic review of the applicable aquifer’s sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the Kamiloloa 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 Kamiloloa Ground Water Management Area.

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

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

ATTACHMENT B
**WATER USE PERMIT APPLICATION NOTICE STATUS REPORT 09/04/93**

<table>
<thead>
<tr>
<th>MAPA NO</th>
<th>APPLICANT</th>
<th>WELL NO</th>
<th>WELL NAME</th>
<th>EXIST</th>
<th>PROPOSED</th>
<th>RECEIVED</th>
<th>ACKNOWGD</th>
<th>ACCEPTED</th>
<th>PUBLIC 1 NOTICE</th>
<th>PUBLIC 2 NOTICE</th>
<th>OBJECTION DEADLINE</th>
<th>SUSPENSE</th>
<th>DAYS LEFT</th>
<th>AGENDA</th>
<th>WAPA mgd</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>ISO</td>
<td>NAME</td>
<td>SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
<td>-----------</td>
<td>-------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------</td>
<td>------------</td>
<td>-------</td>
<td>---------</td>
</tr>
</tbody>
</table>
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

<table>
<thead>
<tr>
<th>CENTRAL SECTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manawaiui System</td>
<td></td>
</tr>
<tr>
<td>1. Hawaiian Research</td>
<td>0.56</td>
</tr>
<tr>
<td>Kualapuu System</td>
<td></td>
</tr>
<tr>
<td>1. County DWS</td>
<td>0.94</td>
</tr>
<tr>
<td>2. DHHL</td>
<td>0.84</td>
</tr>
<tr>
<td>3. Kaluakoi Resort</td>
<td>2.14</td>
</tr>
<tr>
<td>4. Other State Projects</td>
<td>0.11</td>
</tr>
<tr>
<td>5. Palaau Industrial Park</td>
<td>0.20</td>
</tr>
<tr>
<td>6. Others (Kualapuu, Kalae, Kipu)</td>
<td>0.20</td>
</tr>
<tr>
<td>Subtotal</td>
<td>4.43</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NORTHEAST SECTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahanui System</td>
<td></td>
</tr>
<tr>
<td>1. National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td>Waikolo System</td>
<td></td>
</tr>
<tr>
<td>1. DOA MIS</td>
<td>2.70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SOUTHEAST SECTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamiloloa System</td>
<td></td>
</tr>
<tr>
<td>1. Hawaiian Research</td>
<td>0.26</td>
</tr>
<tr>
<td>Kawela System</td>
<td></td>
</tr>
<tr>
<td>1. County DWS</td>
<td>0.32</td>
</tr>
<tr>
<td>2. Kawela Plantation</td>
<td>0.40</td>
</tr>
<tr>
<td>3. Kamalo Ranch</td>
<td>0.04</td>
</tr>
<tr>
<td>Subtotal</td>
<td>0.76</td>
</tr>
<tr>
<td>Ualapue System</td>
<td></td>
</tr>
<tr>
<td>1. County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td>2. Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td>3. Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td>Subtotal</td>
<td>0.62</td>
</tr>
<tr>
<td>Alpha USA</td>
<td>2.01</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEST SECTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>11.55</td>
</tr>
</tbody>
</table>

1 Water development source unidentified.

EXHIBIT 3
Molokai Working Group

NON-POTABLE WATER USE PROJECTIONS IN MGD*

<table>
<thead>
<tr>
<th></th>
<th>5 to 10 years</th>
<th>Total</th>
<th>2010 to Build out</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoolehua</td>
<td>4.00</td>
<td></td>
<td>16.0</td>
<td></td>
</tr>
<tr>
<td>Kalamaula</td>
<td>1.42</td>
<td></td>
<td>7.5</td>
<td></td>
</tr>
<tr>
<td>Subtotal DHHL</td>
<td>5.42</td>
<td></td>
<td>23.5</td>
<td>23.5</td>
</tr>
<tr>
<td>Other MIS users</td>
<td>2.50</td>
<td></td>
<td></td>
<td>2.5</td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, Dairy, Pastures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Coffee - 800 acres</td>
<td>1.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dairy - 4,000 head</td>
<td>0.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Palm Nursery - brackish</td>
<td>0.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Feedlot</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pastures</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Agriculture</td>
<td>10.6</td>
<td></td>
<td>10.6</td>
<td></td>
</tr>
<tr>
<td>Recreation:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Maunaioa Links</td>
<td>0.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Ironwoods</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Network</td>
<td>0.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Recreation</td>
<td>0.50</td>
<td></td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Kaluakoi Resort</td>
<td>Recreation: Golf Course Addition</td>
<td>(two 36-hole courses)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpha USA</td>
<td>1.50</td>
<td></td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>20.52</td>
<td></td>
<td>42.9</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

3Water development source unidentified

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

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

EXHIBIT 4
Molokai Working Group

BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>SYSTEM</th>
<th>USERS</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CENTRAL</td>
<td>Manawainui System</td>
<td>1. Hawaiian Research</td>
<td>0.56</td>
</tr>
<tr>
<td></td>
<td>Kualapuu System</td>
<td>1. County DWS</td>
<td>0.59</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. DHHL</td>
<td>0.38</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Kajuakoi Resort</td>
<td>0.82</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>1.79</td>
</tr>
<tr>
<td>NORTHEAST</td>
<td>Kahanui System</td>
<td>1. National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Waikolu System</td>
<td>1. DOA MIS</td>
<td>1.13</td>
</tr>
<tr>
<td>SOUTHEAST</td>
<td>Kamiololoa System</td>
<td>1. Hawaiian Research</td>
<td>0.26</td>
</tr>
<tr>
<td></td>
<td>Kawela System</td>
<td>1. County DWS</td>
<td>0.32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Kawela Plantation</td>
<td>0.16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Kamalo Ranch</td>
<td>0.04</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>0.52</td>
</tr>
<tr>
<td></td>
<td>Ualapue System</td>
<td>1. County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>0.62</td>
</tr>
<tr>
<td>WEST</td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>5.10</td>
</tr>
</tbody>
</table>

EXHIBIT 6
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
          Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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 Hard at 587-0274 or Lenore Nakama at 587-0218.

Attachments

Response: Contact person: ELEEN HAFSTON
Phone: 587-7825

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

Signed: Date: SEPT 14, 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
Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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: _______________
September 20, 1993

MEMORANDUM

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of Water Use Permit
Application for Hawaiian Research Ltd. for Well Nos. 0501-04 and 0601-01
    Kaunakakai, Molokai
    TMK: 5-3-08:23, 5-3-03:1

These are permit applications for existing well facilities. We believe that historic sites are unlikely to be present in these locations. Therefore, we have determined that these applications will have "no effect" on historic sites.

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

AG:III
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
          Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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: 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
Mr. Pete Eichorn  
Hawaiian Research Ltd.  
P.O. Box 40  
Kaunakakai, HI  96748

Dear Mr. Eichorn:

Commission Submittal for your Water Use Permits  
Kamilola Ground Water Management Area, Molokai

The Commission on Water Resource Management will be acting on your water use permit applications for the KUPA Well (Well No. 0501-04) and Kaunakakai Well (Well No. 0601-01) at its September 15, 1993 meeting at 9:00 a.m. at the Mitchell Pauole Center, Conference Room.

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

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

Sincerely,

RAE M. LOUI  
Deputy Director
Dear Mr. Eichorn:

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

We acknowledge receipt, on July 13, 1993, of your completed water use permit application for the Kaunakakai Well (Well No. 0601-01) requesting an allocation of 480,000 gallons per day of water for irrigation of forty (40) acres of corn and sorghum. Based on the field investigation of your source and use sites conducted by Sterling Chow on October 5, 1992, the estimated quantity of water used for the purpose stated above was 480,000 gallons per month, rather than per day. Would you please contact us at your earliest convenience to clarify this daily use estimate?

In the interim, we will continue to process your application and will be sending you a copy of the public notice for your application and any further information regarding the status of your application.

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

Sincerely,

RAE M. LOUI
Deputy Director

LN:fc
Mr. Pete Eichorn  
Hawaiian Research Ltd.  
P.O. Box 40  
Kaunakakai, HI 96748  

Dear Mr. Eichorn:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 0501-04 & 0601-01 which will be published in the Honolulu Star Bulletin issues of August 23 & 30, 1993.

Please be aware that there may be objections to your application. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.

You, or any other party, may respond to objections by filing a brief in support of your application with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

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

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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: [Signature]  Date: 7/7/93
State of Hawaii  
Department of Land and Natural Resources  
DIVISION OF AQUATIC RESOURCES  

September 7, 1993  

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 Hawaiian Research Limited for Well No. 0601-01 in the Kamiloloa Ground Water Management Area, Molokai  

The application is for an existing well near sea level above Kaunakakai to supply approximately 480,000 gallons per day of brackish water for irrigation of corn and sorghum. There is no potential for any impact on surface water habitat. We have no objections from the aquatic biological resources standpoint.
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments

Water Use Permit Application
Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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.

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: __________
September 2, 1993

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

Dear Mr. Ahue:

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

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Area</th>
<th>Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>500,000</td>
<td>5-2-11:22</td>
<td>0605-01</td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>100,000</td>
<td>5-2-11:22</td>
<td>0605-02</td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>150,000</td>
<td>5-2-11:29</td>
<td>0604-01</td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>40,000</td>
<td>5-2-11:22</td>
<td>0605-03</td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td>Manawainui</td>
<td>500,000</td>
<td>5-1-02:18</td>
<td>0706-02</td>
</tr>
<tr>
<td>Hawaiian Res.</td>
<td>Kamiloloa</td>
<td>430,000</td>
<td>5-3-03:1</td>
<td>0501-04</td>
</tr>
<tr>
<td>Hawaiian Res.</td>
<td>Kamilola</td>
<td>480,000</td>
<td>5-3-05:3</td>
<td>0601-01</td>
</tr>
<tr>
<td>Maui Dept.</td>
<td>--</td>
<td>864,000</td>
<td>Various</td>
<td>1059-01</td>
</tr>
<tr>
<td>Maui Dept.</td>
<td>--</td>
<td>432,000</td>
<td>Various</td>
<td>0457-01</td>
</tr>
<tr>
<td>DHHI</td>
<td>--</td>
<td>500,000</td>
<td>Various</td>
<td>0801-01</td>
</tr>
<tr>
<td>Clara Brito</td>
<td>Ualapue</td>
<td>50,000</td>
<td>5-7-08:7</td>
<td>0448-07</td>
</tr>
<tr>
<td>R.M. Granger</td>
<td>Kawela</td>
<td>25,000</td>
<td>5-4-01:01</td>
<td>0456-01</td>
</tr>
<tr>
<td>John W. Iaea</td>
<td>Kawela</td>
<td>1,000</td>
<td>5-4-01:52</td>
<td>0456-16</td>
</tr>
<tr>
<td>J.N. Urauchi</td>
<td>Kapualei</td>
<td>1,000</td>
<td>5-6-01:16</td>
<td>0352-12</td>
</tr>
</tbody>
</table>

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  
Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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
Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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: __________

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
Kamiloloa 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 Hawaiian Research Ltd. for Well No. 0601-01, which will be published in the Honolulu Star Bulletin.

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

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

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

Very truly yours,

[Signature]

KEITH W. AHUE
CHAIRPERSON

Enc.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

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

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

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

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

Date Completed Application Received: July 1, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-iaea #3 Well, Well No. 0456-16, Kawela, Molokai, at Tax Map Key: 5-4-1:52
Quantity Requested: 1,000 gallons per day
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela, Molokai at Tax Map Key: 5-4-1:52

Kawela Shaft (Well No. 0457-01)

Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793

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

DHHL 1 (Well No. 0801-01)
DHHL 2 (Well No. 0801-02)

Applicant: Dept. of Hawaiian Home Lands
P.O. Box 198
Hoolehua, HI 96729

Date Completed Applications Received: July 6, 1993
Aquifer: Kualapuu System, Central Sector, Molokai
Well Sources: DHHL 1 & 2 Wells, Well Nos. 0801-01 and 02, north of Puu Luahine Crater, Molokai at Tax Map Key: 5-2-10:3
Quantity Requested: 500,000 gallons per day
Existing/New Water Use: Current and foreseeable domestic DHHL needs
Place of Water Use: Hoolehua, Kalamaula, and Kalae at various Tax Map Keys

Waikalae Tunnel (Well No. 1059-01)

Applicant: Maui Dept. of Water Supply
P.O. Box 1109
Wailuku, Maui, HI 96793

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

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

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

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

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

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

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

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

PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
KEITH W. AHUE
Chairperson

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
    Kamiloloa Ground Water Management Area, Molokai

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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.

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.

Contact person: ___________________ Phone: ____________

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

Signed: _________________________ Date: ____________
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Hawaiian Research Ltd. for Well No. 0601-01. 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: 587-0290
( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: 8/31/93 Date:
<table>
<thead>
<tr>
<th>DATE</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
<th>DEDUCTION</th>
<th>NET AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>0005591</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Gave to Kay 7/29/93
July 14, 1993

State of Hawaii
Commission on Water Resource Management
Dept of Land and Natural Resources
P.O.Box 621
Honolulu, Hawaii 96809

Attn: Rae M. Loui, Deputy Director

Subject: Application for Water Use Permit, Ground Water, Molokai

Dear Ms. Loui:

In accordance with the State Water Code and your directive of July 24, 1992, Molokai Ranch has enclosed eight Applications for Water Use Permits and checks for the accompanying fees.

If you have any questions regarding these applications, please contact Mr Stephen J Herbert at 531-0158.

Yours truly,

Jim Mozley
Executive Director

encl. Well Numbers: 0801-03
0501-04
0601-01
0604-01
0706-02
0605-01
0605-02
0605-03
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Hawaiian Research Ltd
   Contact Person: Pete Eichorn
   Address: P.O. Box 40, Kaunakakai, HI 96748

   (b) LANDOWNER OF SOURCE
   Molokai Ranch Ltd
   Contact Person: Jim Mazley
   Address: Four Waterfront Plaza, St 400, Kona, HI 96733

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Kamilolca
   ISLAND: Molokai

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER:
   Name: A
   Number: B

   (b) PROPOSED (NEW) WELL/DIVERSION NAME:
   Name: C
   Number: D

(c) LOCATION: Address: E
   Tax Map Key: F
   (Attach USGS map, scale 1" = 2000', and a property tax map showing source location reference to established property boundaries.)

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

5. METHOD OF TAKING WATER (check one):
   [ ] Artesian
   [ ] Wells & 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 uses
   (b) Tax Map Key: G
   (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (c) Address:
   (d) Current Land Use District:
   [ ] Urban
   [ ] Agriculture
   [ ] Conservation
   [ ] Rural
   (e) Current County Zoning Code:

7. QUANTITY OF WATER REQUESTED:
   480,000 gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT:
   [ ] Flowmeter
   [ ] Open-pipe
   [ ] Weir
   [ ] Orifice
   [ ] 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:
    N/A

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:
    40 acres
    Corn / Sorghum

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
    7 am thru 1 am (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 (i)?: None to our knowledge
    (b) Instream Flow Standards affected (?): None
    (c) Hawaiian Home Lands use affected (?): None
    (d) Other existing legal uses affected (?): None to our knowledge
    (e) Other (pending permits, EIS, etc.)(?): None

15. REMARKS, EXPLANATIONS: Water needs based on estimates determined by the
    hours of pumping times # of sprinklers times GPM per sprinkler, cont.

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

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

5/19/93 WUPA Form

Applicant (print): Pete Eichorn
Signature: [Signature]
Date: 3/13/93

Landowner (print): Jim Mazley
Signature: [Signature]
Date: 7/12/93
Normal water demand occurs during the period from November thru June. During the period from July through October there is little demand.

### TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>TMK</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS OF NET ACRES</th>
<th>GPD/UNIT OR GPD/ACRE</th>
<th>TOTAL GPD</th>
<th>% OF TOTAL TO BE USED OVER NEXT 4 YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FIELD MEMORANDUM

DECLARANT (File Reference): HAWN RESEARCH

SITE VISIT DATE: October 5, 1992

PRESENT: Mr. Pete Eichhorn
Sterling Chow

STATUS: (1) Well 0501-04 (Kupa Shaft) currently in use for irrigation of 20 acres of corn and sorghum.

(2) Well 0601-01 (Kaunakakai) currently in use for irrigation of 40 acres of corn and sorghum.

(3) Well 0603-01 (Umipaa dug Well) currently in use for irrigation of 25 acres of corn and sorghum.

(4) Well 0706-02 (So Hoolehua Dug) no longer in use by Hawaiian Research as of the 1990-91 growing season.

SOURCE(S):

NOTE: All wells registered by Hawaiian Research were also registered by Molokai Ranch, Ltd.

(1) Well 0501-04 (Kupa Shaft). TMK: 5-3-8:23. USGS Kaunakakai quad (Mo-3). Kamiloloa aquifer.

(2) Well 0601-01 (Kaunakakai). Also known as "Oloolo Well". TMK: 5-3-3:01. USGS Kaunakakai quad (Mo-3). Kamiloloa aquifer.


(4) Well 0706-02 (So Hoolehua Dug). Also known as "Palauu Well". TMK: 5-1-2:04. USGS Molokai Airport quad (Mo-2). Maunawainui aquifer.

USE(S):

(1) TMK: 5-3-3:01 (13.4 acres leased from Molokai Ranch) and TMK: 5-4-3:12 (7 acres leased from DHHL). USGS Kaunakakai quad (Mo-3). Irrigation of corn and sorghum.

(2) TMK: 5-3-3:01 and 5-3-5:03 leased from Molokai Ranch. USGS Kaunakakai quad (Mo-3). Irrigation of corn and sorghum.
(2) Well 0601-01 (Kaunakakai)

1. Source: Concrete lined dug well 7 feet in diameter, total depth 26-1/2 feet, and 4 feet of water. Water withdrawn using 40 hp electric motor and 400 gpm pump.

2. Use: Water used to irrigate approximately 40 acres of corn and sorghum on land leased from Molokai Ranch, Ltd.

3. Quantity: Corn is the primary crop grown. According to Pete Eichhorn, during the summer a total of approximately 6 acre-inches are applied to the fields to germinate any seeds left in the fields (volunteer corn) from the previous season. These seedlings are disked under and the irrigation/disking process repeated as necessary to get rid of the old seeds. The corn growing season is November to March where approximately 1-2/3 acre-inches of water are applied per week for 4 weeks, and 1 acre-inch per week applied to each field for the remainder of the growing season. Using an estimator of 1 acre-inch per week for a 40 acre parcel yields a monthly use of 4.8 mg.

4. Location: Source, TMK: 5-3-3:01.
   Use, TMK: 5-3-3:01 and 5-3-5:03.
   From well index: latitude = 21 deg 06 min 01 sec N
   longitude = 157 deg 01 min 11 sec W

5. Ownership: Land at well site leased from Molokai Ranch, Ltd.

6. Well also registered by Molokai Ranch.
March 15, 1996

Rae M. Loui  
Deputy Director  
State of Hawaii  
CWRM  
P.O. Box 821  
Honolulu, HI 96809

Dear Ms. Loui,

In the event the Commission on Water Resource Management should declare a water shortage situation in the Manawainui ground water management area, Hawaiian Research (HRL) might have several options to reduce or delay normal water consumption.

If the water shortage should occur within the period of March through September, HRL could reduce pumping almost entirely. No crops are generally planted during this period and our only irrigation requirements would be for preirrigation. This irrigation is necessary to germinate seed remaining in the fields after harvesting. If this seed is not watered, germinated, and subsequently destroyed, it can cause serious contamination in the subsequent crop. This watering can be done anytime during this period and a delay due to a water shortage would not be a serious problem.

If the water shortage occurs during our normal growing season of October through February the situation might be critical. We would, as an initial response, try to irrigate only during low wind periods and try to do as much irrigation at night as possible. This would increase the effectiveness of the irrigations and minimize evaporation caused by the wind and sun.

One other option would be to retrofit our system to accommodate drip irrigation. This would conserve water but would be an expensive alternative to our existing sprinkler system. Additional costs of the drip lines, submainlines, and changing the pumps from high PSI pumps to low PSI pumps to match the pressure requirements of a drip system would make this an expensive option.
The last option, and most undesirable, would be to reduce the number of acres we plant in this area. I would need to know prior to planting the crop if a water shortage was eminent. Much of the seed we plant is extremely limited and having to abandon the crop after planting would be disastrous.

Hawaiian Research Ltd. will do everything in its power to comply with any restrictions CWRM might request in case of a critical water shortage in our area. I would appreciate as much forewarning as possible any impending decision by CWRM to impose mandatory cutbacks on current water usage. Hopeful we will never have the conditions present to require the implementation of the water shortage.

Sincerely,

Peter H. Eichhorn
General Manager

PHE/vdc
WATER USE PERMIT NO. 274

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

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Hawaiian Research, Ltd.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P.O. Box 40</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Landowner of Source:</td>
<td>Molokai Ranch, Ltd.</td>
</tr>
<tr>
<td></td>
<td>55 Merchant St., Suite 2000</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.075 mgd (Based upon a 12-month moving average)</td>
</tr>
<tr>
<td>Water Management Area:</td>
<td>Kamiloloa</td>
</tr>
<tr>
<td>Island:</td>
<td>Molokai</td>
</tr>
<tr>
<td>Aquifer Sector/System:</td>
<td>Southeast/Kamiloloa</td>
</tr>
<tr>
<td>System Sustainable Yield:</td>
<td>3 mgd</td>
</tr>
<tr>
<td>Water Type:</td>
<td>Brackish</td>
</tr>
<tr>
<td>Original CWRM Date:</td>
<td>September 15th, 1993</td>
</tr>
<tr>
<td>Standard Conditions:</td>
<td>1-20, 22</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>1-2, 6, 30</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 0601-01 |
| Well Name: | Ooolo Kaunakakai |
| Water Source TMK Number(s): | 2nd Division, 5-3-003:015 |
| State Land Use Classification(s): | N/A |
| County Zoning Classification(s): | N/A |
| Geographical Coordinates: | Latitude 21° 05' 39.7" North |
|                         | Longitude 157° 01' 09.3" West |

End Use

| End Use TMK Number(s): | 2nd Division, 5-3-003:015, 5-3-005:003 |
| State Land Use Classification(s): | N/A |
| County Zoning Classification(s): | N/A |
| Beneficial Use Explanation: | Use for irrigation of 40 acres of corn |
Background Information

Consistent water use reporting records are available for at least the past four years. The permittee’s 12-month moving average was in excess of the permitted allocation of 0.075 mgd up until as recently as July of 2004. However, the permittee has since brought water use within permitted levels. Reference the permit file for additional information on reporting history.

Water Use Permit 274 was approved during the September 15th, 1993 Commission on Water Resource Management meeting. Standard conditions 1-20 & 22 and special conditions 1-2, 6, & 30 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: Ray Foster
Site Address: Kaunakakai, HI 96748

Brown and Caldwell conducted field investigations of Water Use Permits 216, 273, and 274, all of which are issued to Hawaiian Research, Ltd., on April 9th, 2008 from 8:00 a.m. until 9:30 a.m. with an associate of Mr. Ray Foster. 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. 274

State Well No. 0601-01 is located on TMK parcel (2) 5-3-003:015 at 21° 05’ 39.7” N, 157° 01’ 09.3” W, with a real time accuracy of ±15 feet. Water is drawn from the drilled well via a large mounted motor pump. Underground piping sends the water beneath a field adjacent to the well house. The system flowmeter is located across this field, adjacent to a small stream at 21° 05’ 40.9” N, 157° 01’ 12.7” W. Downstream of the flowmeter, the distribution pipe splits and sends water to two different end use locations. The fields are located immediately adjacent to the well house on TMK parcel (2) 5-3-003:015 and approximately ¼-mile west of the well house on TMK parcel (2) 5-3-005:003. Both parcels are used for corn research crops. There are no intermediate
water tanks or booster pumps present in the system. Reference the Appendix for photographs of
the previously described system components.

The field on TMK parcel (2) 5-3-003:015 located immediately adjacent to State Well No. 0601-01
is not listed in the Commission’s database as a permitted end use location. TMK parcel (2) 5-3-
005:003 is the sole end use location given. This matter should be looked into further by the
Commission to determine whether or not water should be used on TMK parcel (2) 5-3-003:015.

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. Water use is currently being
reporting on a monthly basis with no recent evidence of overpumpage violations.

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

(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).

Since water is being used on TMKs not included in the WUP for Well 0601-01, the
permittee is found to be in violation of Standard Condition (1).

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

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 Ray Foster at (808) 553-5070
    (ray.foster@monsanto.com)
  - End use TMK parcel numbers
  - Create memo field entry noting field investigation on 1/14/08
• Address violation of Standard Condition (1) regarding water use on non-permitted TMK parcel (2) 5-3-003:015

• Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels.
20-Year Water Use Permit Review
Water Use Permit No. 274

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0601-01

Figure 2 – Well site
Figure 3 - Main distribution pipe
Summary Report for Water Use Permit No. 274

Figure 4 - System flowmeter

Figure 5 - Typical end use location
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 274 Well Number(s): 0601-01

Contact Information (of the person who will be present at site visit):
Name: Ray Foster
Phone (for phone interview): (808) 553-5070 Fax: (808) 553-5436
Email: ray.foster@monsanto.com
Best time to reach for phone interview: 2:00pm

Property Information (of the water use/well location): Address: Kaunakakai, Molokai
City: ______________________ Zip: __________
Well Location TMK (list all if multiple wells present): 5-3-5:3
Water Use TMK (list all if used on multiple lots): N/A

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"): ________________________________________________________

42 Acres of crop irrigation

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

Option #1 Date (M-F): Monday Time: 9:00 am ☐ 12:00 pm ☐ 3:00 pm ☑
Option #2 Date (M-F): Wednesday Time: 9:00 am ☐ 12:00 pm ☐ 3:00 pm ☑
Option #3 Date (M-F): Friday Time: 9:00 am ☐ 12:00 pm ☐ 3:00 pm ☐

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
mcsmith@brwncald.com

For Official Use Only
Received: 12/11/07 Information Updated: 12/11/07 Phone Interview Complete: 1/3/08
Notes/Comments: ________________________________________________________
# Phone Interview

<table>
<thead>
<tr>
<th>WUP Number:</th>
<th>274</th>
<th>Well Number(s):</th>
<th>0601-01</th>
</tr>
</thead>
</table>

**Contact Name:** Ray Foster  
**Phone Number:** (608) 553-5570

<table>
<thead>
<tr>
<th>Attempt #1:</th>
<th>Date/Time:</th>
<th>4/3/08 (2:03)</th>
<th>Result: Reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempt #2:</td>
<td>Date/Time:</td>
<td>N/A</td>
<td>Result: N/A</td>
</tr>
</tbody>
</table>

**Well Location TMK(s):** (2) 5-3-005-203  
**Water Use TMK(s):** N/A

**Water Source Address:** N/A  
**City:** Kahoolaua  
**Zip Code:** 96748

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

How often is the water source being used?  
Daily [x]  Weekly [ ]  Monthly [ ]

How long have you been using this water source?: N/A  
Has there been any rezoning of the water source/water use properties?  
Yes [ ]  No [x]  
Have you reported the rezoning to the State?  
Yes [ ]  No [x]  N/A [x]

If no, explain: ________________________________

Scheduled field investigation day/time: 4/3/08 @ 2:00 p.m.  
Notes (Special directions, site conditions, potential hazards, general notes, etc.):  
Meet at Monsanto Building across from_plumerta farm on Kam. Hwy.

**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: M.J.  
Date: 4/3/08  
Time: 2:00 p.m.
Field Investigation Checklist

WUP Number: 274
Well Number(s): 0601-01

Water Source
Well Location TMK(s): (2) 5-3-003-015
Well Head GPS Coordinates: Latitude: 21°05'30.7'' N Longitude: 157°01'09.2'' W
Well Type: Drilled, Mounted Meter Pump

Currently using water source? Yes ☑ No ☐
Notes/Comments: __________________________________________________________________________

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

Water Use
Water Use TMK(s): (2) 5-3-003-015, 5-3-005-003

What is the water being used for? ______________________________________________________________

Is the water being used within the permitted boundaries? 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: ____________________________________________________________________

Meter not located at well site; located across the field.

GPS: 21°05'40.0'' N, 157°01'12.7'' W

Investigated By: M.S. ___________________________ Date: 11/6/06 Time: 8:02 a.m.
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

**Variations of Standard Condition (10) are as follows:**

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

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

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

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

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

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

vii. An approved flowmeter(s) **must be** installed to measure withdrawals; and a record of the withdrawals **must be** kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a monthly basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:
   i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to 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.
12 Month Moving Average


Compute 12-Month Moving Average


Compute 12-Month Moving Average
Mr. Pete Eichhorn  
Hawaiian Research, Ltd.  
P.O. Box 40  
Kaunakakai, HI 96748  

Dear Mr. Eichhorn:

Approval of Water Use Permit for Well No. 0601-01  
Kamiloloa Ground-Water Management Area, Molokai

This letter transmits your water use permit for Ooolo Oualakakai (Well No.0601-01) for use of 0.075 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on September 15, 1993. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

Special Conditions

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 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. This interim water use permit shall cease to become interim and shall be subject to Haw. Rev. Stat. §174C-55 upon administrative review of the quantity within 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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit.

We draw your attention to two key conditions of your permit that require your response. First, you are required 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. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Kamiloloa Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251.

Aloha,

TIMOTHY E. JOHNS
Chairperson

Attachments

c: Molokai Ranch, Ltd.
GROUND-WATER USE PERMIT
WUP NO. 274

PERMITTEE
Permittee/Water User
Address Hawaiian Research, Ltd.
P.O. Box 40
Kaunakakai, HI 96748

Landowner of Source
Address Molokai Ranch, Ltd.
55 Merchant Street, Suite 2000
Honolulu, HI 96813

PERMITTED SOURCE INFORMATION
Island
Molokai

Water Management Area
Southeast

Aquifer Sector
Kamiloloa

Aquifer System

System Sustainable Yield
3

Well Name
Ololo Kaunakakai

State Well No.
0601-01

PERMITTED USE INFORMATION
Reasonable beneficial use
Agricultural

Withdrawal (12 month moving ave.)
0.075 mgd

Location of water use
TMK # 5-3-5-3
Address
Kaunakakai
State land use classification
Agriculture
County zoning classification
Agriculture

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
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 September 15, 1993 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.

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

12. This permit shall be subject to the Commission's periodic review of the Kamiloloa 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 Kamiloloa Aquifer System, or relevant modified aquifier(s), is reduced.

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

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

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, 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 of forfeiture.

17. 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 Kamiloloa Ground-Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. 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.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. 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.

TIMOTHY E. JOHNNS, Chairperson
Commission on Water Resource Management

Attachment

cc: Molokai Ranch, Ltd.