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- Is the WUP issued to Children's Foundation Seeds?
- Local entity wholly owned by and Don Montanto.
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. 843, Well NO. 0603-01

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 Manawainui 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
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. 216 to WUP No. 843) for Well No. 0603-01  
Manawainui 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 Umipaa Dug Well (Well No.0603-01) for use of 0.046 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 November 17, 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 Manawainui 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
GROUND-WATER USE PERMIT
WUP NO. 843

PERMITTEE

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PERMITTED SOURCE INFORMATION

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PERMITTED USE INFORMATION

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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 November 17, 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 Manawainui 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 Manawainui 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 Manawainui 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.

Attachment

c: Monsanto Hawaii
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**FROM:** ROY  
**DATE:** JUN 26 2008  
**SUSPENSE DATE:**

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Hey, looks like we got something awhile back - does this help? (at least for 216 to 843) ... and looks like a different transference makes sense except for earlier statement (“internal decision”)

WwW
CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
   Firm/Name: Hawaiian Research Ltd
   Contact Person: Ray Foster
   Address: P.O. Box 40, Kaunakakai, Hi 96748
   Phone: 808-553-5070
   Fax: 808-553-5436
   E-mail: 

   (b) LANDOWNER OF SOURCE
   Firm/Name: Holden's Foundation Seeds LLC (owned by Monsanto)
   Contact Person: Ken Rinkenberger
   Address: P.O. Box 40, Kaunakakai, HI 96748
   Phone: 808-553-5070
   Fax: 808-553-5436
   E-mail: 

   Signing below indicates the signatories understand and have no objection to this water use permit transfer request.

   Signature: 
   Date: 02/3/08
   
   Signature: 
   Date: 01/12/08

PERMIT TO BE TRANSFERRED TO:

2. (a) PERMITTEE
   Firm/Name: Holden's Foundation Seeds LLC (owned by Monsanto)
   Contact Person: Ken Rinkenberger
   Address: P.O. Box 40, Kaunakakai, HI 96748
   Phone: 808-553-5070
   Fax: 808-553-5436
   E-mail: 

   (b) LANDOWNER OF SOURCE
   Firm/Name: Holden's Foundation Seeds LLC (owned by Monsanto)
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   Address: P.O. Box 40, Kaunakakai, HI 96748
   Phone: 808-553-5070
   Fax: 808-553-5436
   E-mail: 

   Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same. I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and superseded.

   Signature: 
   Date: 01/12/08
   
   Signature: 
   Date: 01/12/08

WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: 216  EFFECTIVE DATE OF TRANSFER: 12/11/00
4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Umipaa 0603-01
5. T.M.K. AT SOURCE 5-2-011: 028

WUP TRANSFER FORM (02/09/2007)
**State of Hawaii**

**COMMISSION ON WATER RESOURCE MANAGEMENT**

**Department of Land and Natural Resources**

**REQUEST TO TRANSFER WATER USE PERMIT**

- **Groundwater** or  - **Surface Water**

**Instructions:** Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225. For further information and updates to this application form, visit [http://www.hawaiigov/dlnr/cwrm](http://www.hawaiigov/dlnr/cwrm).

### CURRENT PERMIT HOLDER:

1. **(a) PERMITTEE**
   - Firm/Name: Hawaiian Research Ltd.
   - Contact Person: Ray Foster
   - Address: P.O. Box 40, Kaunakakai, HI 96748
   - Phone: 808-553-5070
   - Fax: 808-553-5436
   - E-mail: __________________

   **(b) LANDOWNER OF SOURCE**
   - Firm/Name: Molokai Ranch Ltd.
   - Contact Person: Dan Orodenker
   - Address: 745 Fort Street Mall, #600, Honolulu, HI 96813
   - Phone: 808-534-9509
   - Fax: __________________
   - E-mail: __________________

   Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

   **Signature** __________________
   **Date** 6/23/08

### PERMIT TO BE TRANSFERRED TO:

2. **(a) PERMITTEE**
   - Firm/Name: Holden’s Foundation Seeds LLC (owned by Monsanto)
   - Contact Person: Ken Rinkenberger
   - Address: P.O. Box 40, Kaunakakai, HI 96748
   - Phone: 808-553-5070
   - Fax: 808-553-5436
   - E-mail: __________________

   **(b) LANDOWNER OF SOURCE**
   - Firm/Name: Molokai Ranch Ltd.
   - Contact Person: Dan Orodenker
   - Address: 745 Fort Street Mall, #600, Honolulu, HI 96813
   - Phone: 808-534-9509
   - Fax: __________________
   - E-mail: __________________

   Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same. I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and superseded.

   **Signature** __________________
   **Date** 6/10/08

### WATER USE PERMIT TRANSFER INFORMATION

3. **WATER USE PERMIT NO.:** 274  
   **EFFECTIVE DATE OF TRANSFER:** 12/11/00

4. **WELL/STREAM DIVERSION NAME AND STATE NUMBER:** Oloolo Kaunakakai 0601-01

5. **T.M.K. AT SOURCE**  
   - 5-3-005: 003

---

**WUP TRANSFER FORM (02/09/2007)**
CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
   Firm/Name: Hawaiian Research Ltd.
   Contact Person: Ray Foster
   Address: P.O. Box 40, Kaunakakai, HI 96748
   Phone: 808-553-5070, Fax: 808-553-5436
   E-mail: 

   (b) LANDOWNER OF SOURCE
   Firm/Name: Molokai Ranch Ltd.
   Contact Person: Dan Orodenerker
   Address: 55 Merchant Street, Suite 2000, Honolulu, HI 96813
   Phone: 808-531-0158, Fax: 
   E-mail: 

   Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

   Signature: ____________________________  Date: 12/25/08

PERMIT TO BE TRANSFERRED TO:

2. (a) PERMITTEE
   Firm/Name: Holden’s Foundation Seeds LLC (owned by Monsanto)
   Contact Person: Ken Rinkenberger
   Address: P.O. Box 40, Kaunakakai, HI 96748
   Phone: 808-553-5070, Fax: 808-553-5436
   E-mail: 

   (b) LANDOWNER OF SOURCE
   Firm/Name: Molokai Ranch Ltd.
   Contact Person: Dan Orodenerker
   Address: 745 Fort Street Mall, #600, Honolulu, HI 96813
   Phone: 808-534-9509, Fax: 
   E-mail: 

   Signing below indicates that the signatories understand that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same. I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and superseded.

   Signature: ____________________________  Date: 1/14/08
   Signature: ____________________________  Date: 6/10/08

WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: 273  EFFECTIVE DATE OF TRANSFER: 12/11/00

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Kupa 0501-04

5. T.M.K. AT SOURCE  5-3-003: 001

WUP TRANSFER FORM (02/09/2007)
Assessed Values reflect tax year 2008.

Search criteria: TMK Taxkey 2-5-2-11-28

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

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0603-01
Unipoa dug well "Yoshida"
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|        | 40202  | 210638 | 1570326| 210827 | 1570316| 03     | No     | Yes    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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| AGRC   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|        | 1/1/1976| 76     | 1.1    | 639    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|        | 1/1/1987| 76     | 1.1    |        | 40202  |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
REGISTRATION OF WELL
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not readable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, 1380 Bishop St., Suite 126, Honolulu, Hawaii 96813.

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

STATE WELL NO.: 6662-O1
WELL NAME OR DESIGNATION: (Yoshida) UmiPaa
SOURCE OR STATION NAME (For a battery of wells):

A. WELL OPERATOR
Firm name: Haw Research
Contact person: Peter N Eischow
Address: P.O. Box 49
Kawailoa, Hawaii
Zip: 96788 Phone: 513.5000

B. OWNER OF WELL SITE
Firm name: Roland Holder
Contact person:
Address: P.O. Box 829
Williamsburg, IA
Zip: 50561 Phone: (319) 688-1100

C. WELL LOCATION
Tax Map Key: S-2-11-28 Town, Place, District:
Attach USGS "Quad map (scale 1:24,000), tax map, or other map showing the well location.

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

| Ground elevation (Mean sea level): | 15 ft. |
| Reference point (Used to measure depth to water): |
| Elevation: | 80 ft. |
| Description: | Base of Pump discharge head |
| Depth to water (Below reference point): | 6 ft. |
| Maximum recorded chloride: | 860 ppm |
| Minimum recorded chloride: | 840 ppm |
| Maximum chloride in 1987: | 840 ppm |
| Year drilled or constructed: | Unknown |
| Well contractor: |
| Casing diameter: | 12' x 90' in. |
| Solid casing depth (Below ground): | 10' ft. |
| Perforated casing depth (Below ground): |
| Total depth of well: | 10' ft. |
| Minimum chloride in 1987: | 840 ppm |

E. INSTALLED PUMP DATA
Pump type: [ ] Vertical shaft [ ] Submersible [ ] Centrifugal [ ] Other (specify):
Power: [ ] Diesel, ___ HP [ ] Gas, ___ HP [ ] Electric, 100 HP [ ] Other (specify):
Pump capacity: ___ gallons per minute
Pump installation contractor: Pacific Electro-Mechanical
### PUBLIC RECORD DATA

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

---

**Request:** TMK Taxkey 2-5-2-11-28

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0603-01

Umipoa dug well "Yoshida"
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,

Raymond J. Foster
Business Services Manager

RJF:jfl
To: Susan Swanson  
From: R. Foster  
Fax No: 808 587 0219  
Phone No: 808 587 0243  
Date: 12/28/07  
Pages: 1  
CC: J. Lasua  

Re: Water Use Permit Name Change

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.
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<td>YODA, K.</td>
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Ms. Rae Loui, Deputy Director  
Commission on Resource Management  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Ms. Loui:

Subject: Wetting Agent/Dust Control

I am responding to the letter dated January 24, 1996, from the Commission on Water Resource Management, signed by Mr. Michael D. Wilson. This letter dealt with the approval of a water use permit for well No. 0603-01 in the Manawainui Ground Water Management Area on Molokai. Some of the water is being used for dust control purposes, and a wetting agent was to be added to the water to increase the dust control effect of the water spray. Mr. Wilson stated that the Commission's allowance for dust control usage is contingent on the Department of Health's approval of the wetting agent.

As we needed the name of the wetting agent and its chemical formula, we contacted the contractor, Rojac Construction, Inc, and they in turn contacted the chemical company in Oregon that manufactured the wetting agent.

After receiving the above information from Rojac Construction, our Hazard Evaluation staff was able to issue an "advisory opinion" as to the effect of the wetting agent, "Wet Water," on human health and the environment (we do not issue approvals of commercial products). Our "advisory opinion" is that Wet Water will not be harmful to human health or the environment.

If you should have any questions on this matter, please contact Mr. Leslie Au of our Hazard Evaluation Office at 586-4249.

Sincerely,

BRUCE S. ANDERSON, Ph.D.  
Deputy Director for  
Environmental Health  
c: HEER
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
Mr. Peter H. Eichhorn
Hawaiian Research, Ltd.
P.O. Box 40
Kaunakakai, HI 96748

Dear Mr. Eichhorn:

Approval of Water Use Permit for Well No. 0603-01
MANAWAINUI Ground Water Management Area, MOLOKAI

Thank you for your letter, dated November 28, 1995, informing us of the ground-water use from Well No. 0603-01 for temporary dust control on an adjacent property.

Because the island of Molokai has been designated a groundwater management area, a water use permit is required prior to any new use of groundwater. The Commission's role is to facilitate reasonable beneficial uses and can appreciate your position. A landowner should anticipate the need for water for dust control and apply for a water use permit. We understand that this after-the-fact request for dust control will cease in mid-February 1996. Please be advised that new uses of Well No. 0603-01 after February 1996 could be considered a willful violation of your water use permit.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be aware that 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 Manawainui 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.
Mr. Peter H. Eichhorn

Page 2

Our primary concern is protection of the groundwater resource. It is difficult for us to assess the potential impacts of an additional 30,000 gallons per day withdrawal at the well site because no chloride or water level data have been reported to date. Accordingly, Mr. Roland Holden, the landowner at the well site, and yourself would be held responsible for any complaints of well interference as a result of your over-pumpage during this interim period. Therefore, we request that you begin reporting chloride and water temperature, and water level data on a regular monthly basis immediately, as failure to do so would be a violation of Condition 11 of your permit.

We appreciate your informing us that the latest twelve-month moving average withdrawals for your agricultural water supply have exceeded the allocation for the well due to underestimated water needs and the very dry and windy weather of late. I will recommend that the Commission stay enforcement of your approved water use permit due to the extreme dry conditions that are beyond your control. Also, your existing water use permit is interim, and the Commission will consider a permanent water use permit within the next few years in light of the metered pumpage data.

Lastly, your letter indicates that a wetting agent will be used to increase the effect of the water spray. Please contact Russell Kumabe at 586-7550, Department of Health (DOH), Environmental Planning Office, for DOH approval for use of the wetting agent. DOH has jurisdiction over all matters related to water quality. The Commission’s allowance for dust control usage is contingent on DOH’s approval of the wetting agent.

If you have any questions, please contact my deputy director, Rae M. Loui, at 587-0214.

Aloha,

[Signature]

MICHAEL D. WILSON

Attachments

c: Roland Holden
GROUND WATER USE PERMIT
WUP NO. 216

PERMITTEE

Applicant/Water User
HAWAIIAN RESEARCH LTD.
Address P.O. BOX 40
KAUNAKAKAI, HI 96748

Landowner of Source
ROLAND HOLDEN
Address P.O. BOX 839
WILLIAMSBURG, IOWA 52361

PERMITTED SOURCE INFORMATION

Island MOLOKAI
Water Management Area MANAWAINUI
Aquifer Sector CENTRAL
Aquifer System MANAWAINUI
System Sustainable Yield 2 mgd
Well Name UMIPAA
State Well No. 0603-01

PERMITTED USE INFORMATION

Reasonable beneficial use AGRICULTURE
Withdrawal (12 month moving ave.) 0.046 mgd (based on irrigation requirement for 25 acres of corn & sorghum)
Location of water use

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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 applicant 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 174C-101(a), HRS.

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 November 17, 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 a monthly basis.
12. This permit shall be subject to the Commission's periodic review of the MANAWAINUI 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 MANAWAINUI Aquifer System, or relevant modified aquifer(s), is reduced.

13. 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.

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 MANAWAINUI Ground Water Management Area.

18. 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 years of the filing of the application to continue the existing use.

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

20. This permit is subject to the special conditions attached as Exhibit A which 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.
22. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on **November 17, 1993**.

Michael D. Wilson, Chairperson
Commission on Water Resource Management

Date of Permit Issuance: **JAN 24 1996**

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

Applicant’s Signature: ___________________________ Date: ____________

Printed Name: ________________________________

Firm or Title: ________________________________

PLEASE SIGN AND RETURN ONE COPY OF THIS PERMIT TO THE COMMISSION AND RETAIN A COPY FOR YOUR RECORD.
A. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.
TO: Charley
DATE: 2/14/96

TIME: 9:52am
WHILE YOU WERE OUT

M. Harry Watanabe
of Rojac Construction
Phone: 871-7079 (Maui)

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RETURNED YOUR CALL

Message: Re: Peter Ackerman
WILL AT MM
MM#6 03-01. Received a letter - wants an extension.

Operator
RNC will send letter to Eichorn indicating need for continuing use (at reduced level) for a projected period. Eichorn would then request continued use at this level, perhaps a request for an amended permit if he believes his 12-MAY should be different.

Q: I mentioned that Eichorn's pumpage reporting is in his own interest, to protect against degrading the aquifer.
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii  96809

Attention:  Mr. Roy Hardy

Subject:  Umipaa Well No. 0603-01  
Palaau, Molokai, Hawaii

Ladies and Gentlemen:

In accordance with your telecon with Gary Watanabe of Rojac Construction, Inc. on November 21, 1995 we are submitting to you our notification of a variation in water usage at the subject well.

Rojac Construction, Inc. is currently constructing the Molokai Industrial Park - Phase I for Molokai Ranch Limited on adjacent property, and they need to use water from the Umipaa well for dust control. Neighboring occupants include the Maui Electric Plant, the Seventh Day Adventist Church, and our facilities here at Hawaiian Research. Rojac is using approximately 30,000 gallons per work day for an anticipated four (4) month duration from November 13, 1995 to mid-February 1996. The well is the only adequate water source available within the area, and they will be using a wetting agent to increase the effect of the water spray.

Please be advised that for the period of September 1994 through September 1995, Hawaiian Research did use more water than allocated. The excessive usage was the result of three factors. The first being an underestimation of water needs prior to accurate data being available from the recently installed water meters. The second problem was Molokai's extended drought which required us to irrigate for the whole crop cycle without the benefit of rainfall. The third problem was a long period of extremely windy weather which because of plant desiccation and poor irrigation patterns, required substantially longer irrigation sets than normally required.
If you need any further information please contact Peter Eichhorn at Hawaiian Research or Gary Watanabe at Rojac Construction, Inc. at phone number (808)871-7079 or fax number (808)871-4073.

Thank you very much for your kokua in this matter.

Sincerely,

[Signature]

Peter H. Eichhorn
General Manager

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

The following were in attendance:

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

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

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

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

**ITEM 1**  
MINUTES OF THE OCTOBER 13 AND 27, 1993 MEETINGS  
Unanimously accepted with the correction of the dates on the header pages for the minutes of October 13, 1993 (Cox/Nakata).

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

Ms. Loui explained that the proposed rule was amended to address concerns raised at the public hearing held on October 13, 1993. Therefore, the rule reads more directly that the Commission hereby reserves .905 mgd from the Kualapuu Aquifer for use on Hawaiian Home Lands on Molokai.
Mr. Dave Martin of the Native Hawaiian Advisory Council submitted concerns (see Commission files) but stated they would not contest the issue.

Unanimously approved (Cox/Nakata).

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

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

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

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

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

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

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

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

ITEM 4 HALE MAHAOLU APPLICATION FOR A WATER USE PERMIT, HOME PUHEHANA WELL (WELL NO. 0501-06), KAMIILOLOA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Nakata/Cox).
ITEM 5

WATER USE APPLICATIONS, MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI

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

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

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

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

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

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

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

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

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

ITEM 7

HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR PUMP INSTALLATION PERMITS, MULIANI WELLS 9 & 10 (WELL NOS. 2859-01 & 02), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

ITEM 8

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

Unanimously approved (Cox/Nakata).
ITEM 9  HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIAWA 575-FT, WELLS 1 & 2 (WELL NOS. 2658-03 & 2659-04), PEARL HARBOR, OAHU

Unanimously approved (Cox/Nakata).

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

Unanimously approved (Cox/Nakata).

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

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

ITEM 11  OTHER BUSINESS

24-Inch pipeline being installed by Kukui-Molokai

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

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

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

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

Respectfully submitted,

SHARON S. KOKUBUN, Secretary

APPROVED AS SUBMITTED:

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

November 17, 1993

Gentlemen:

Water Use Permit Applications
Manawainui Ground Water Management Area, Molokai

Applicant:                                      Landowner:
1. (Well No. 0603-01) Hawaiian Research Ltd. Roland Holden
   P.O. Box 40                                               P.O. Box 839
   Kaunakakai, HI 96748                                       Williamsburg, IA 52361

2. (Well No. 0603-07) Maui Electric Co., Ltd., Molokai Division Molokai Ranch
   P.O. Box 378                                               P.O. Box 8
   Kaunakakai, HI 96748                                         Maunaloa, HI 96770

3. (Well Nos. 0603-06, 0604-03 to 05) Maui Electric Co., Ltd., Same
   Molokai Division                                             Same
   P.O. Box 378                                               P.O. Box 378
   Kaunakakai, HI 96748                                         Kaunakakai, HI 96748

4. (Well No. 0706-02) Molokai Ranch, Ltd.
   Four Waterfront Plaza, Ste. 400
   500 Ala Moana Blvd.                                          Same
   Honolulu, HI 96813

Background

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

Analysis & Issues

Overall Manawainui Ground Water Management Area Conditions

Authorized uses of water in the Manawainui Aquifer System account for 0.645 million gallons per day (mgd), or about 32%, of the aquifer's sustainable yield estimate of 2 mgd. Actual metered withdrawals for these uses have not been established as yet but should be within the next five (5) years.

The un-allocated portion of the system's sustainable yield (1.355 mgd) is insufficient to fully accommodate all pending permit applications, which show a total request of 1.849 mgd (see Exhibit 1). However, of this total, existing uses account for only about 0.046 mgd, and these can be satisfied within the limit of available water. By far, the major portion of the total pending request is for future uses; these account for the remaining 1.802 mgd. Table 1 summarizes the current ground water allocation situation.
for the Manawainui Aquifer System and provides a breakdown of each pending applications' current use status. Table 1 is also meant to provide some indication of amount of flexibility available to the Commission, in light of any verbal or written testimony presented by the individual applicants during these proceedings, with regard to final allocation amounts for future uses.

**TABLE 1**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>MANAWAINUI SYSTEM (mgd)</th>
<th>PENDING APPLICATIONS EXISTING USE (mgd)</th>
<th>PENDING APPLICATIONS FUTURE USE (mgd)</th>
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<tr>
<td>Sustainable Yield</td>
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<tr>
<td>Existing Allocations</td>
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<tr>
<td>Available Allocations</td>
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<tr>
<td>Hawaiian Research Ltd.</td>
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<td>0.046</td>
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<tr>
<td>Gerald I. Ne</td>
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<td>0.006</td>
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<td>Maui Electric Co. (Naiwa Meco Irr # 2)</td>
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<td>0.003</td>
<td></td>
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<tr>
<td>Maui Electric Co. (Naiwa Dug)</td>
<td></td>
<td>+0.000</td>
<td></td>
</tr>
<tr>
<td>Maui Electric Co. (Naiwa Meco Open Pit)</td>
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<td>+0.000</td>
<td></td>
</tr>
<tr>
<td>Maui Electric Co. (Naiwa Meco # 1)</td>
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<td>Maui Electric Co. (Naiwa Meco Cooling)</td>
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<td>Molokai Ranch (Palaau Aquaculture)</td>
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<td><strong>1.440</strong></td>
<td></td>
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<tr>
<td>TOTALS</td>
<td></td>
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<td>1.802</td>
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<tr>
<td>TOTAL RECOMMENDED ALLOCATIONS</td>
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<td>REMAINING AVAILABLE ALLOCATION</td>
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</table>

+ Includes fire protection testing and use for actual fires only
* Phase 1 of Palaau Aquaculture only.
** Phase 1 and 2 of Palaau Aquaculture. Remaining Phase 3 will require an additional 0.576 mgd.

With respect to future water uses, the Final Report of the Molokai Working Group includes a general recommendation for the Central Sector, which encompasses the Manawainui Aquifer System, that "bulk ground water allocations should generally coincide with 2010 Potable Water Use Projections, subject to ongoing studies of the aquifer's capacity." No increase in potable water needs is projected in the year 2010 for the Manawainui Aquifer System (see Exhibits 2 and 3). The Final Report also includes projections for non-potable water needs (see Exhibit 4). None of the future uses described in these permit applications, all of which request use of non-potable water, are included in the projection.

With the exception of one application requesting future use of 0.006 mgd that has only recently been accepted as completed (Well No. 0603-05), all pending applications for water use permits (both existing and future uses) are presented in this submittal for Commission action. These are summarized as follows:

1. **Hawaiian Research, Ltd.** - This application is for an existing use of brackish water for irrigation of twenty-five (25) acres of corn and sorghum. The applicant estimates that an allocation of 46,000 gpd should be sufficient to meet the current irrigation requirement. Based on monthly water use reported for January 1988 to June 1992, this estimate appears reasonable (see Exhibit 5). Although the data indicate a relative decline in 12-month moving average withdrawals during this period, it is reasonable to assume that...
The well, which is located about 1/4-mile inland at an altitude of 15 feet, has been used for irrigation water supply for over twenty (20) years. There is one other active well located in an adjacent parcel at about the same altitude; however, impacts to this well and other local wells, streams, and the Manawainui Aquifer System should not be any different than it has been for the past twenty (20) years. Unacceptable adverse impacts are not anticipated from continuation of this long-standing water use. No specific objections to this application have been submitted to the Commission.

The applicant’s estimate of existing water use is slightly less than that provided by the Molokai Working Group, which reported an existing use of 56,000 gpd from this source (see Exhibit 2), and considerably less than the estimate of 95,000 gpd that was determined from a field investigation of the site. Discrepancies in existing use estimates may be related to seasonal variations in irrigation demand. Much of the water use occurs during the growing season from November through March, although some water is needed for preparation of the fields. Averaged for just these months, water use reported for the 1991-92 growing season was 56,000 gpd, which is in agreement with the estimate from the Molokai Working Group.

NHAC has commented that the water use permit should be constructed to reflect the seasonal variation in water use. Evaluation of water use based on a 12-month moving average provides a means by which to account for seasonality without putting undue restrictions on the time of year during which water may be used. Other concerns regarding reservations of water for future DHHL needs have been addressed, and it is assumed that this is no longer an issue (see Attachment C). Comments regarding potential impacts of existing and future withdrawals from this source on fishponds and nearshore ecosystems is a valid concern; however, this is difficult to address at present because information necessary to determine the extent and nature of resultant impacts, if any, on the productivity of these ecosystems is not available.

It has been determined that no designated marine conservation areas exist in the immediate vicinity. Also, because this use has been in existence for a number of years, no further impacts are anticipated.

Review comments submitted by the Maui County Council included a request for deferral of this application pending justification of demonstrable need due to non-existing use of the source. This is contrary to the findings of the field investigation conducted by Commission staff, which reported use to be in existence. Staff was unable to contact the reviewer for the Maui County Council prior to this Commission meeting, but efforts to resolve this discrepancy will continue.

2. Maui Electric Co., Ltd. - Molokai Division - This application involves an existing use of brackish water for fire protection system testing and actual fire protection as required for the Palaau Power Plant. System testing is conducted on a weekly basis and consists of opening the hydrant system and testing each hydrant one at a time. Water use, as measured by the in-line flowmeter installed on the outlet line, is about 1,000 gallons per week, which is about 142 gpd on an average annual basis. Water is discharged at the surface in the immediate vicinity. In the event of an actual fire, the pump will operate at full capacity (1,000 gallons per minute, or 1,440,000 gpd), assuming maximum efficiency. These estimates of water use are based on verbal communication with the applicant, as monthly reports of water use have not been submitted to date. However, a standard condition of a water use permit for this amount is that the applicant submit monthly water use reports to the Commission on a yearly basis.

There are no other wells located downgradient. Authorization to continue this reasonable and beneficial use of water for fire protection should not result in unacceptable adverse impacts to other local wells, streams, and the Manawainui Aquifer System.

Water from this dug well may be withdrawn from what may be an overgrown portion of the Kulaapahi Fishpond. The Historic Preservation Division has commented that the site is in excellent condition and that continuation of the existing use of water will have "no effect" on the Kulaapahi Fishpond (site 104), but suggests that the Commission examine the impact of water withdrawal from the well if at some time in the future the
site is returned to operation. Since the site is in excellent condition at this time, under the present conditions, staff see no reason to study the impact unless withdrawals from the well is significantly increased on a sustained basis.

The Maui County Council has determined water use from this source to be non-existent and has requested that this application be deferred pending justification of demonstrable need. However, use of water for the purposes described in the application was verified to be in existence at the time of the field investigation. Staff was unable to contact the reviewer for the Maui County Council prior to this Commission meeting, but efforts to resolve this discrepancy will continue.

Water required for operation of the power plant is supplied by the DHHL water system via pipelines that connect to storage tanks on the property. Molokai Electric is also able to receive water from Molokai Ranch via pipelines that connect to 5,000 gallon and 25,000 gallon storage tanks on the mauka side of the property. At this time, only the DHHL system is used for regular augmentation of Molokai Electric’s operational water needs. This use has been included in the water use permit for the DHHL wells (Well Nos. 0801-01 & 02) which has been approved.

3. Maui Electric Co., Ltd. - Molokai Division - The applicant submitted four applications for proposed uses of brackish water from existing sources located on lands owned by the applicant. The current status of the wells, as determined from a December 21, 1992 field investigation, and their proposed uses are summarized as follows:

a. (Well No. 0603-06) Naiwa-MECO Irr #2. This source was not in use at the time of the field investigation. A pump has never been installed in the well after it was drilled. An allocation of 2,500 gpd is requested for future landscape irrigation use.

b. (Well No. 0604-03) Naiwa-MECO Open Pit. This dug well had been used for fire protection in the past. At the time of the field investigation, the well was not in use and not equipped with a pump or motor. An allocation of 150 gpd is requested for future fire protection use.

c. (Well No. 0604-04) Naiwa-MECO Irr #1. This drilled well is equipped with a pump and motor; however, the pump has been broken for two years. An allocation of 2,500 gpd is requested for future landscape irrigation use.

d. (Well No. 0604-05) Naiwa-MECO Cooling Tower. This dug well was last used in June 1990. Two pumps with electric motors are installed in the well. An allocation of 350,000 gpd is requested for future industrial cooling and fire protection use.

Additional information has been requested by staff for the proposed landscape irrigation and industrial cooling uses from Well Nos. 0603-06 and 0604-04 & 05. The applicant has indicated that written documentation outlining project plans will be submitted by a representative in attendance. Future use of water from Well No. 0603-03 for fire protection is considered reasonable and beneficial and requires no further justification.

4. Molokai Ranch, Ltd. - This application is for future use of 1,440,000 gpd of brackish water for irrigation of 36 acres of coco palms and fish and shrimp aquaculture. On September 15, 1993, the Commission deferred action on this permit application and requested that additional information regarding the future water use be provided by the lessees of the property. On November 5, 1993, the applicant complied with this request and submitted a scheduling and development plan for the lessee’s aquacultural operation (Attachment D).

The development plan describes a three-phase implementation plan for a prawn and shrimp aquacultural operation. The operator and lessee has indicated that the first two increments of construction will take place by the summer of 1996 and will require 1,000 gpm, or 1,440,000 gpd of brackish water. The applicant requests an allocation sufficient to cover these first two phases, as it is fairly certain that these first two increments of construction will occur as scheduled. The third increment of construction
is less certain and depends largely on the results of a land survey.

It is uncertain whether pumping at the proposed rate can be sustained without compromise to the water quality. The previous operator of the well, Hawaiian Research Co., Ltd., had installed a 75 Hp pump with a capacity of 1100 gpm. It is not certain whether the pump was operated at full capacity; however, it is known that pumpage was not sustained throughout the year. Because of the seasonal irrigation requirement of the type of crop grown (corn), heavy use was experienced for only a few months of each year. Because the effects of continuous pumping have not been tested, staff feels it would be prudent to allow the applicant to test the well at a lower pumping rate initially.

According to the development plan, the first stage of construction will require a total pumping rate of 600 gpm (about 864,000 gallons per day) and is tentatively planned to begin at the end of the 1993 calendar year. The next increment of construction is not scheduled to occur until the summer of 1996. During the first stage, pumping at a rate of 864,000 gpd can be monitored. Based on these results of pumping, the Commission will be in a better position to evaluate the potential of the well to sustain higher rates of pumping for stages 2 and 3.

The well is located near the shoreline, and there are no fishponds or other wells in the immediate vicinity. If the underlying saltwater is drawn upward, it will likely affect only the subject well. Impacts to surface waters and surface water biota are not anticipated. However, it is unclear what effects long-term pumping will have on the ground-water flow patterns in the immediate vicinity of the source.

It is uncertain why the Molokai Working Group did not include this future non-potable water use in their projection (Exhibit 3). It may be that this operation has only recently been proposed. The well had been used as recently as 1992 by the Hawaiian Research Company, Ltd.

**RECOMMENDATION**

1. That the Commission approve the issuance of an interim water use permit to the Hawaiian Research Ltd. for the reasonable and beneficial use of 46,000 gallons per day of brackish water for agricultural irrigation for use from the Umipaa Well (Well No. 0603-01), subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

2. That the Commission approve the issuance of an interim water use permit to the Maui Electric Company, Ltd. - Molokai Division for the reasonable and beneficial use of 150 gpd of brackish water from the Naiwa Dug Well (Well No. 0603-07) for weekly fire protection system testing and water quantities for actual fire protection as required, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

3. That the Commission approve the issuance of an interim water use permit to the Maui Electric Company, Ltd. - Molokai Division to use brackish water from the Naiwa-MECO Open Pit Well (Well No. 0604-03) for the reasonable and beneficial use of water quantities for actual fire protection as required, subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission deny without prejudice the issuance of water use permits to the Maui Electric Company, Ltd. - Molokai Division for future landscape irrigation use of 2,500 gpd of brackish water from the Naiwa-MECO Irr #2 Well (Well No. 0603-06) and 2,500 gpd of brackish water from the Naiwa-MECO Irr #1 Well (Well No. 0604-04),
and future industrial cooling use of 350,000 gpd of brackish water from the Naiwameco Cooling Tower Well (Well No. 0604-05), unless the applicant can show definite plans to use these requested amounts within the next four (4) years. If and when granted, the interim water use permit should be subject to the standard conditions listed in Attachment B and the following special condition:

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

5. That the Commission approve the issuance of a water use permit to the Molokai Ranch, Ltd. for the reasonable and beneficial use of 864,000 gallons per day of brackish water from the South Hoolehua Well (Well No. 0706-02) for irrigation and aquaculture, subject to the standard conditions listed in Attachment B and the following special conditions:

a. The interim water use permit shall be subject to the five-year verification period afforded to existing uses.

b. The applicant must monitor chloride concentrations on a monthly basis and submit monthly reports of water use and chloride concentrations to the Commission.

Respectfully submitted,

Eith W. Ahue, Chairperson

RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
**WATER USE PERMIT DETAILED INFORMATION**

### Source Information

**AQUIFER:** Manawainui System, Central Sector, Molokai
- **Sustainable Yield:** 2 mgd
- **Existing Water Use Permits:** 0.645 mgd
- **Available Allocation:** 1.355 mgd
- **Total of other pending allocations:** 0.006 mgd

### WELL:

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<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevations (msl= 0 ft.)</th>
<th>Water Level</th>
<th>Ground</th>
<th>Bottom of Solid Casing</th>
<th>Bottom of Perforated</th>
<th>Bottom of Open Hole</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
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2. WELL:

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<th>Water Level</th>
<th>Ground</th>
<th>Bottom of Solid Casing</th>
<th>Bottom of Perforated</th>
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<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
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3a. WELL:

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<th>Ground</th>
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<td>1.9 ft.</td>
<td>84 ft.</td>
<td>6 ft.</td>
<td>-2 ft.</td>
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3b. WELL:

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<th>Bottom of Open Hole</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
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</thead>
</table>

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

Elevations (msl = 0 ft.)

Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

WELL:
Location:
Year Drilled:
Casing Diameter:

Elevations (msl = 0 ft.)

Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

3c. WELL:

Naiwa-MECO Irr #1 Well (Well No. 0604-04)
MECO Palaau Power Plant, Molokai, TMK:5-2-11:31
Dug in 1980

Elevations (msl = 0 ft.)

Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

3d. WELL:

Naiwa-MECO Cooling Tower (Well No. 0604-05)
MECO Palaau Power Plant, Molokai, TMK:5-2-11:31
Dug in 1980

Elevations (msl = 0 ft.)

Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

4. WELL:

South Hoolehua Well (Well No. 0706-02)
Palaau Government Road, Molokai, TMK:5-1-2:18
Dug in 1947

Elevations (msl = 0 ft.)

Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:
Use Information

1. Quantity Requested: 46,000 gallons per day.
   Existing Type of Water Use: Irrigation of 25 acres of corn and sorghum.
   Place of Water Use: Kalamaula, Molokai at TMK: 5-2-11:0

   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: 

   Reported Water Usage: 
   Nearby Similar Water Usage: 

2. Quantity Requested: 1,440,000 gallons per day.
   Existing Type of Water Use: Weekly testing and actual fire protection as required.
   Place of Water Use: Kaluaapuhi Fishpond, Molokai at TMK: 5-2-11:31

   Reported Water Usage: 
   Nearby Similar Water Usage: 

3a. Quantity Requested: 2,500 gallons per day.
   Proposed Type of Water Use: Irrigation of 10 acres of landscape.
   Place of Water Use: MECO Palaau Power Plant, Molokai at TMK: 5-2-11:31

   Reported Water Usage: 
   Nearby Similar Water Usage: 

3b. Quantity Requested: 150 gallons per day.
   Proposed Type of Water Use: Fire protection.
   Place of Water Use: MECO Palaau Power Plant, Molokai at TMK: 5-2-11:36

   Reported Water Usage: 
   Nearby Similar Water Usage: 

3c. Quantity Requested: 2,500 gallons per day.
   Proposed Type of Water Use: Irrigation of 10 acres of landscape.
   Place of Water Use: MECO Palaau Power Plant, Molokai at TMK: 5-2-11:31

   Reported Water Usage: 
   Nearby Similar Water Usage: 

3d. Quantity Requested: 350,000 gallons per day.
   Proposed Type of Water Use: Industrial cooling and fire protection.
   Place of Water Use: MECO Palaau Power Plant, Molokai at TMK: 5-2-11:31

   Reported Water Usage: 
   Nearby Similar Water Usage: 

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

4. Quantity Requested: 500,000 gallons per day.
Existing Type of Water Use: Irrigation of 36 acres of coco palms; fish and shrimp aquaculture.
Place of Water Use: Palaau Government Road, Molokai at TMK: 5-1-2:18

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

Manawainui Aquifer System
Current 12-Month Moving Average Withdrawal: 0.037 mgd*
(2% of SY)

* Based on available water use data for Well No. 0603-01.
Water use information not available for other sources.

Nearby Surrounding Wells and Other Registered Ground Water Use

There are fifteen (15) other wells within a mile of Well No. 0603-01 (see Exhibit 6A). Four (4) or possibly five (5) of these wells are currently in use. There are eight (8) other wells within a mile of the Maui Electric Co., Ltd. - Molokai Division wells (Well Nos. 0603-06 & 07 and 0604-03 to 05; see Exhibit 6B). Two (2), possibly three (3) of these wells are currently in use. There are five (5) other wells within a mile of Well No. 0706-02, three (3) of which have possible existing use (See Exhibit 6C).

Information from the registration program indicates there are possibly thirty-four (34) existing wells in the Manawainui Aquifer System. Total water use reported for this system is 0.37 mgd; however, not all existing users have been established and some recently permitted uses have not submitted reports as yet. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai does not provide an estimate for existing withdrawals from the Manawainui Aquifer System. However, the Final Report of the Molokai Working Group estimated the actual use from the Manawainui Aquifer System to be 0.056 mgd.

Public Notice

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

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 the dates indicated in Exhibit 1.

ATTACHMENT A
To the best of staff's knowledge there are no objectors who have property interest within the Manawainui 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>Objection/Commentator</th>
<th>Objection/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHAC</td>
<td>General process of water use permit applications. Permit should reflect seasonal variation in water use. Defer action pending reservation for DHHL lands. Restrict use to avoid affecting subsurface flows to fishponds and nearshore ecosystems and to honor native Hawaiian rights.</td>
</tr>
<tr>
<td>Maui County Council</td>
<td>Appears to have non-existing use; request to defer pending explanation of demonstrable need.</td>
</tr>
<tr>
<td>HPD</td>
<td>Examine impact of withdrawal on necessary level of water in the pond should the site be returned into operation.</td>
</tr>
<tr>
<td>Maui County Council</td>
<td>Appears to have non-existing use; request to defer pending explanation of demonstrable need.</td>
</tr>
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</tr>
</tbody>
</table>

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

November 17, 1993

Briefs in Support

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

Field Investigation

1. The water source and existing use was investigated on October 5, 1992. The investigation verified the applicants request for water use permit.

2. The water source and existing use was investigated on December 21, 1992. The investigation verified the applicants request for water use permit.

3.a to d.

The water sources and proposed uses were investigated on December 21, 1992. The investigation verified the uses to be non-existent use.

4. The water source and proposed use was investigated on October 5, 1992. The investigation verified use to be non-existent.
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

7. The water use permit application and staff submittal approved by the Commission at its November 17, 1993 meeting are incorporated into the permit by reference.

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

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

ATTACHMENT B
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 withdrawals and a monthly record
of withdrawals, water-levels, salinity, and temperature must be kept and reported to the
Commission on a yearly basis in accordance the Commission’s September 16, 1992
action on reporting requirements;

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

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

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

15. The permittee shall comply with all applicable laws, rules, ordinances, and other
agencies’ permits and conditions pertaining to water use or the water resource.

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

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

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

19. The water use permit shall be subject to the CWRM’s establishment of instream standards
and policies related to stream protection and management, as well as legislative mandates
to protect stream resources.

ATTACHMENT B
October 14, 1993

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

Dear Mr. Ahue:

Withdrawal of Objections

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

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

Warmest aloha,

Hoaliiku L. Drake, Chairman
Hawaiian Homes Commission

HLD: BH: ci/1608L.77

ATTACHMENT C
PALAAU PRAWN AND SHRIMP COMPANY DEVELOPMENT PLAN

It is our intention to build 16.78 acres of Macrobrachium rosenbergii ponds in the first increment. The ponds will be built and managed in the traditional manner. Tilapia spp. will be cultured in the drainage canals.

This means that the water delivery system will be designed to provide 10% water exchange per day to manage crisis situations, but standard water delivery (pumping) will be at 5% exchange/day. This is a total of 49,576 gpd/acre of culture area, or 34.5 gpm/acre of pond surface. The total is 580 gpm or about 1/2 of the pumping rate employed by The Hawaiian Research Company.

The first stage of increment one, two maturation ponds whose purpose is to provide broodstock for the growout system should be ready to receive water at the end of 1993. The total amount of water required by these two small ponds is 88 gpm. The second stage of the first increment should be ready to receive water by April or May of 1994. This would bring the total pumping rate to 600 gpm.

The second increment of construction is tentatively planned for the summer of 1996, and will be approximately 12 acres of ponds. This acreage will require an additional 400 gpm pumping capacity. This would bring the total farm usage to about 1000 gpm.

The third increment of pond construction will probably be about 12 acres. The land has not yet been surveyed to determine if it is of sufficient elevation to drain. Until this is done we cannot be more specific regarding the total acreage involved. The projection of an additional 400 gpm is therefore also somewhat tentative. It is planned that construction of this area (Lot #1683) will follow immediately after the completion of increment two.

The water usage numbers provided in this letter are based on proven technology of design and management and are not expected to vary significantly from the projections.

We believe from the information passed on by The Hawaiian Research Co. that the overall impact to the aquifer and adjacent lands and tenants will be minimal.

We therefore request a water use guarantee of 1400 gpm from the Palau (So. Hoolehua) brackish water well previously utilized by Hawaiian Research and owned by the Molokai Ranch.

Sincerely,

Rébecca Bishop-Yuen
Palau Prawn and Shrimp Co.

ATTACHMENT D
| WUPA NO | APPLICANT | WELL NO | WELL NAME | EXIST | PROPOSED | RECEIVED | ACKNOWGD | ACCEPTED | PUBLIC 1 NOTICE | PUBLIC 2 NOTICE | OBJECTION | SUSPENSE | DAYS LEFT | AGENDA | MUPA | mgd |
|---------|-----------|---------|-----------|-------|----------|----------|----------|----------|----------------|----------------|------------|----------|-----------|--------|------|
| 0603-01| HAWAIIAN RESEARCH LTD. | UNIPAA | Y | 06/16/93 | 08/30/93 | 05/11/93 | 09/15/93 | 09/22/93 | 10/06/93 | 08/09/93 | -92 | 11/17/93 | 0.046 |
| 0603-02| GERALD I. NE | 0603-05 | IOPA'S WELL | Y | 07/16/93 | 08/30/93 | 10/18/93 | 11/26/93 | 12/03/93 | 12/17/93 | 01/16/94 | 01/12/94 | 0.006 |
| 0603-06| MAUI ELECTRIC | 0603-06 | MAIWA MECO IRR #2 | Y | 07/16/93 | 08/30/93 | 07/16/93 | 09/15/93 | 09/22/93 | 10/06/93 | 10/14/93 | -18 | 11/17/93 | 0.003 |
| 0603-07| MAUI ELECTRIC | 0603-07 | MAIWA DUG | Y | 07/16/93 | 08/30/93 | 07/16/93 | 09/15/93 | 09/22/93 | 10/06/93 | 10/14/93 | -26 | 11/17/93 | **.*** |
| 0604-03| MAUI ELECTRIC | 0604-03 | MAIWA MECO OPENPIT | Y | 07/16/93 | 08/30/93 | 07/16/93 | 09/15/93 | 09/22/93 | 10/06/93 | 10/14/93 | -20 | 11/17/93 | **.*** |
| 0604-04| MAUI ELECTRIC | 0604-04 | MAIWA-MECO IRR #1 | Y | 07/16/93 | 08/30/93 | 07/16/93 | 09/15/93 | 09/22/93 | 10/06/93 | 10/14/93 | -18 | 11/17/93 | 0.003 |
| 0604-05| MAUI ELECTRIC | 0604-05 | MAIWA MECO COOLING | Y | 07/16/93 | 08/30/93 | 07/16/93 | 09/15/93 | 09/22/93 | 10/06/93 | 10/14/93 | -20 | 11/17/93 | 0.330 |
| 0706-02| MOLOKAI RANCH, LTD. | 0706-02 | SOUTH HOLEHUA | Y | 07/13/93 | 09/29/93 | 07/13/93 | 09/23/93 | 08/30/93 | 09/13/93 | 10/11/93 | -29 | 11/17/93 | 1.440 |

8 Applications Totaling 1.848

** MOLOKAI HAS 8 Applications Totaling 1.848
Molokai Working Group

**BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD**

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

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

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

Waikolu System
- 1. DOA MIS 1.13

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

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

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

**WEST SECTOR**

TOTAL 0.00

TOTAL 5.10

EXHIBIT 2
# Molokai Working Group

## BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

### CENTRAL SECTOR
- **Manawainui System**
  - Hawaiian Research: 0.56

- **Kualapuu System**
  - County DWS: 0.94
  - DHHL: 0.84
  - Kaluakoi Resort: 2.14
  - Other State Projects: 0.11
  - Palaau Industrial Park: 0.20
  - Others (Kualapuu, Kalae, Kipu): 0.20
  - Subtotal: 4.43

### NORTHEAST SECTOR
- **Kahanui System**
  - National Park Service: 0.22

- **Waikolu System**
  - DOA MIS: 2.70

### SOUTHEAST SECTOR
- **Kamiloloa System**
  - Hawaiian Research: 0.26

- **Kawela System**
  - County DWS: 0.32
  - Kawela Plantation: 0.40
  - Kamalo Ranch: 0.04
  - Subtotal: 0.76

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

- **Alpha USA**
  - 2.01

### WEST SECTOR
- **TOTAL**: 11.55

---

1 Water development source unidentified.
# Molokai Working Group

## NON-POTABLE WATER USE PROJECTIONS IN MGD*

<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>DIHIL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoolehua</td>
<td>4.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalamaula</td>
<td>1.42</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal DIHIL</strong></td>
<td><strong>5.42</strong></td>
<td><strong>6.0</strong></td>
<td><strong>7.5</strong></td>
<td><strong>23.5</strong></td>
</tr>
<tr>
<td>Other MIS users</td>
<td>2.50</td>
<td><strong>6.0</strong></td>
<td><strong>2.5</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Molokai Ranch          |               |       |                   |       |
| Agriculture, Dairy, Pastures: |       |       |                   |       |
| 1. Ag. Park - Kualapuu  | 7.70          |       |                   |       |
| 2. Coffee - 800 acres  | 1.50          |       |                   |       |
| 3. Dairy - 4,000 head  | 0.70          |       |                   |       |
| 4. Palm Nursery - brackish | 0.30   |       |                   |       |
| 5. Feedlot              | 0.20          |       |                   |       |
| 6. Pastures             | 0.20          |       |                   |       |
| 7. Hay - assume all irrigated on Homesteads | 0.00 |       |                   |       |
| **Subtotal Agriculture** | **10.6** |       | **10.6**          |       |

| Recreation:            |               |       |                   |       |
| 1. Maunaloa Links      | 0.25          |       |                   |       |
| 2. Ironwoods           | 0.20          |       |                   |       |
| 3. Network             | 0.05          |       |                   |       |
| **Subtotal Recreation** | **0.50** |       | **0.5**           |       |

| Kaluakoi Resort        |               |       |                   |       |
| Recreation: Golf Course Addition |       |       |                   |       |
| (two 36-hole courses)  |               |       |                   |       |
| Alpha USA              | 1.50          |       |                   |       |

| TOTAL                  | **20.52**     | **42.9** |                   |       |

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

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

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

3Water development source unidentified

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

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

EXHIBIT 4
HAWAIIAN RESEARCH PUMPAGE
UMIPAA WELL (Well No. 0603-01)

MONTHLY PUMPAGE  12-MAV  REQUESTED AMOUNT
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
    Maui County Council

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

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

SUBJECT: Water Use Permit Application
         Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

Attachment(s)
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. Goro Hokama
Mr. Byron S. Walters

Page 2

RE: WELL NO. 0603-01

Response: Contact person: ELLEN KRAFTSOW
(SR. PLANNER)

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

Signed: DAVID R. CRADDICK, DIRECTOR
DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI

SEP 20 1993
Phone: 243-7835

Date: 9/25/93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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LN:ko
Attachment(s)

Response: Contact person: ELLEN KRAFTSOW, SR. PLANNER Phone: 243-7835

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

Signed: DAVID R. CRADDICK, DIRECTOR
DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI

Date: 9/13/93
MEMORANDUM

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit for Hawaiian Research Ltd. for Well No. 0603-01
Kalamaula, Molokai
TMK: 5-2-11: 28

A review of our records indicates the absence of known historic sites in this property. A previous archaeological survey of an adjacent parcel identified no significant historic sites and also noted ground disturbance from agriculture. The Hawaiian Research Ltd. property has been altered from the construction of existing facilities and cultivation of corn and sorghum. It is highly unlikely that historic sites exist on the property. Therefore, we believe that water use from this existing well will have "no effect" on historic sites.

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

AG:111
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
          Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: Steve Toyauna       Phone: 70385

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

Signed:                                    Date: 10/25/93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

Response: Contact person: ___________________________ Phone: ___________________________

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

Signed: ___________________________ Date: 10/12/93

WANABIL TAGOMORI
Mr. Keith W. Ahue, Chair  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809  

Dear Chair Ahue:  

SUBJECT: WATER PERMIT APPLICATIONS  

This letter responds to your request for comments on the water permit applications transmitted to me by your letters dated September 20 and 21, 1993. I received your request on September 22, 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 applications 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  

GH:235:ml4  
Attachments
MEMORANDUM

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

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

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

Mr. Goro Hokama, Chair
Maui County Council

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

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

SUBJECT: Water Use Permit Application
Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

Attachment(s)
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. Goro Hokama
Mr. Byron S. Walters

Page 2

Response: Contact person: __________________________ Phone: __________

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

Signed: ____________________________ Date: __________
MEMO TO: Goro Hokama, Chair

FROM: Councilmember Patrick S. Kawano

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, who is a member of the Molokai Working Group which is a Commission on Water Resource Management, Department of Land and Natural Resources, State of Hawaii.

The following applications appears to have non-existing use where applicant doesn't meet demonstrable needs as specified by the new Molokai Water Management Area Guidelines.

- 0603-01 Hawaiian Research Ltd.
- 0603-07 Maui Electric
- 0604-05 Maui Electric
- 0352-17 Wilma Kamakana Grambusch
- 0456-01 Wilma Kamakana Grambusch
- 0456-17/16 Wilma Kamakana Grambusch
- 0456-18/19 Wilma Kamakana Grambusch
- 0456-19/20 Wilma Kamakana Grambusch

May I request that the applications be deferred and ask applicant to appear and explain the demonstrable need of their location.

Thank you for allowing me the time to review the applications. If any questions, feel free to contact me.

cht
1993 October 6

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

OBJECTIONS AND COMMENTS ON APPLICATIONS FOR WATER USE PERMITS
Public Notice dated September 8, 1993
Send written objections by October 6, 1993

NHAC represents water source registrants, water use declarants, water use permit applicants, and others with property interest in land within the hydrologic unit of the source of water supply, as well as persons with non-property interests, all of who would be directly and immediately affected by the proposed water use.

GENERAL OBJECTIONS/COMMENTS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, 6/22/93, 7/8/93, & 9/3/93).

SPECIFIC OBJECTIONS/COMMENTS

WELL 0603-01

8. QUANTITY OF WATER REQUESTED

While the public notice indicates requested use of 11,000 gallons per day, the application indicates that maximum daily usage will reach 200,000 gallons and that 11,000 gallons per day is an annual average. The application further indicates that most of this use is from November through March, with very little water used from April to October. Thus it seems that any water use permit should be constructed to better reflect this seasonal variation in water use.

14.(c) Hawaiian Home Lands uses af dated July 1993, the Molokai Working
DHHL's demonstrable needs which are currently tied to lands at Hoolehua and Kalamaula through 2010, be reserved first."

Since reservations of water to Hawaiian Home Lands have not yet been accomplished, this application should be deferred until that time. Additionally, mechanisms for bulk allocation of water to the Maui Department of Water Supply, similar to those being developed for O'ahu, should be also be implemented prior to allocation to private users.

14.(d) The Molokai Working Group recommends that "Other rights which may exist pertaining to Hawaiians not residing on DHHL lands must also be honored" (Final Report page 6).

The proximity of the well to shoreline fishponds raises questions of extraction impacts upon groundwater flows which nourish these resources. Permitted use of this well should be restricted to avoid affecting subsurface flows required to maintain the productivity of nearby fishponds and nearshore ecosystems, and to honor the rights of Native Hawaiians to utilize these resources for traditional and customary practices.

Well 4258-09

While we have no specific objections to the extraction of salt water for aquacultural use, we are concerned about the potential impacts of wastewater effluent discharge upon water sources and water uses in the area. These water quality concerns should be listed in the applications as potential restrictions on use.

Wells 0603-07 & 0604-03 to -06

14.(c) Hawaiian Home Lands uses affected. In its final report dated July 1993, the Molokai Working Group recommends that "...DHHL's demonstrable needs which are currently tied to lands at Hoolehua and Kalamaula through 2010, be reserved first."

Since reservations of water to Hawaiian Home Lands have not yet been accomplished, this application should be deferred until that time. Additionally, mechanisms for bulk allocation of water to the Maui Department of Water Supply, similar to those being developed for O'ahu, should be also be implemented prior to allocation to private users.

14.(d) The Molokai Working Group recommends that "Other rights which may exist pertaining to Hawaiians not residing on DHHL lands must also be honored" (Final Report page 6).

The proximity of the wells to shoreline fishponds raises questions of extraction impacts upon groundwater flows which nourish these
resources. Permitted use of these wells should be restricted to avoid affecting subsurface flows required to maintain the productivity of nearby fishponds and nearshore ecosystems, and to honor the rights of Native Hawaiians to utilize these resources for traditional and customary practices.

Wells 3309-01 & -02

The proposed exploratory well locations appear dangerously close to springs and seeps which irrigate traditional taro lo‘i in gulches along the base of the cliffs shown on the maps. These appear to be inappropriate well sites for municipal supply as well as for other water resource management purposes. At the very least, the water use permit application process should be halted until environmental review of the projects under HRS 343 is completed. We also question whether development of these well sites is included in the BWS five-year CIP budget and what water commitments, if any, have been granted for water from the aquifer.

Wells 3856-04, 3554-01 & -02, 3856-07, 3956-05, & 3755-06

NHAC supports the previously-stated objections of Hawai‘i-La‘ieikawai Association and Hui Malama ‘Aina 0 La‘ie to any and all water use permitting for Zion Securities prior to the resolution of pre-existing complaints and disputes in the area.

Applicant has not definitely established within the application that the proposed use of water meets the requirements of HRS 174C-49, particularly conditions 3 and 4. Applicant's proposed uses as requested within this set of permits total 1,146,000. We are presently unable to determine what percentage of total aquifer capacity this request represents when combined with applicant's previous requests.

Well 3856-07 is a source of water for aquacultural operations occurring on properties owned by Albertina K. Roberts, an NHAC client who has also applied for a water use permit for water from this well. COWRM policy appears to be unclear or non-existent concerning issuance of water use permits among source-site owners, source-site operators, on-site users, off-site users of these sources, and associated off-site landowners. Because of this confusion, Ms. Roberts' filed her application in order to seek protection for existing and continuing use of groundwater on her properties and to preserve her standing in all water matters pertaining to these properties.

The subject wells may also influence the discharge of groundwater from natural springs throughout this area, as well as the extraction of groundwater by artesian and pumped wells on
privately-owned kuleana lands. Any permitted use of water from the subject sources should be subject to restoration of pre-development natural flows and subsidiary to extractions by Native Hawaiians on kuleana lands.

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager

pc: Hawaiian Research Ltd.
    Campbell Estate
    DLNR DOWALD
    Zions Securities
    Maui Electric
1992 October 12

Native Hawaiian Advisory Council, Inc. (NHAC) represents persons with property interests in lands within the hydrologic units of the sources of water supply and/or who will be directly and immediately affected by the proposed water use. Furthermore, NHAC advocates the enforcement of constitutional, statutory, and common laws which require consideration and accommodation of various appurtenant, riparian, correlative, and Hawaiian water rights, as well as other Hawaiian rights, in the Water Commission's (COWRM) allocation process.

NHAC strongly objects to the wording of the legal notices you have published with respect to who may file written objections or comments. One does not have to prove they will be "immediately affected" by a potentially adverse action in order to meet standing requirements. Therefore, the language of the legal notices is misleading and will have an unwarranted chilling effect on public response and participation in the water use permitting proceedings.

Neither the Water Code nor its rules specifically address the question of standing for filing written objections or comments on applications for water use. Under the Administrative Procedure Act (HAPA) standing has been interpreted very broadly. Furthermore, COWRM has not yet finalized its procedures for processing water use permits in newly designated water management areas. NHAC is quite concerned that COWRM appears to be establishing narrow parameters for standing, as evidenced by these legal notices. This arguably constitutes rulemaking which has not been duly undertaken according to procedures required under HRS 91.

Because water resources have been defined as being owned by the people of the State of Hawai'i in McBryde and Reppun all people have property interests in the water supply and may be admitted to any and all proceedings involving its disposition, regulation, and management. NHAC requests that you modify all future legal notices.
on water use permit applications to reflect this concern.

NHAC objects to COWRM's apparent plan to process water use permits applications on a first-come, first-serve basis. In order to fulfill the legislative intent of water management area designation, a comprehensive view of existing, planned, and proposed water uses and water rights in each hydrologic unit is required. COWRM should merely collect applications during the one-year post-designation application period. Then after the application period is closed, and surveys of water rights and reserved water uses are completed, COWRM can assess and evaluate each application with regard to competing applications, reserved water uses, water rights, and the overall water situation in each hydrologic unit. Without such a process, COWRM will not be able to meet Water Code requirements for evaluating competing uses within the framework of the "reasonable and beneficial" standard and other legally-imposed constraints.

In the case of Pearl Harbor Water Management Area, COWRM has identified a new cushion of water which can be allocated. Staff has received over 80 applications for these approximately 10 mgd of allocations. There is no way that the current first-come, first-serve processing of applications can equitable resolve this situation. A finite application period for these allocations should be established, after which all applications received can be comprehensively processed.

We, therefore, state our overall objection to current COWRM procedures and policies regarding water use permit application processing, in a large part because they do not yet exist. We reserve the right to submit specific objections to proposed permits at later dates, since at present there is insufficient information about the overall context of such permits to allow a fair and informed assessment.

NHAC requests that COWRM postpone decision-making on all water use permit applications for the above-discussed Water Management Areas until after the application period has closed and the necessary assessments of water rights and reserved water uses have been completed.

Mahalo,

[Signature]

David L. Martin, Vice-President
1992 October 21

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

COMMENTS ON APPLICATIONS FOR WATER USE—WAHIAWA WATER MANAGEMENT AREA

1. DPW, USASCH Well Nos. 2901-02 and/or 04
2. All (Future/Subsequent) Applications for Wahiawa GWMA

Dear Commissioners:

Native Hawaiian Advisory Council, Inc. (NHAC) represents persons with property interests in lands within the hydrologic units of the sources of water supply and/or who will be directly and immediately affected by the proposed water use. Furthermore, NHAC advocates the enforcement of constitutional, statutory, and common laws which require consideration and accommodation of various appurtenant, riparian, correlative, and Hawaiian water rights, as well as other Hawaiian rights, in the Water Commission's (COWRM) allocation process.

NHAC requests clarification of COWRM's referencing the applications listed above as being within the Wahiawa Ground Water Management Area, Oahu. This is the first time we have seen such a reference. Has there been a decision to break the Pearl Harbor Water Management area into sectors? This will have broad implications which merit public discussion and which must meet other rule-making requirements.

NHAC objects to COWRM's apparent plan to process water use permits applications on a first-come, first-served basis. In order to fulfill the legislative intent of water management area designation, a comprehensive view of existing, planned, and proposed water uses and water rights in each hydrologic unit is required. COWRM should merely collect applications during finite application periods. Then after each application period is closed, and surveys of water rights and reserved water uses are completed, COWRM can assess and evaluate each application with regard to competing applications, reserved water uses, water rights, and the overall water situation in each hydrologic unit. Without such a
process, COWRM will not be able to meet Water Code requirements for evaluating competing uses within the framework of the "reasonable and beneficial" standard and other legally-imposed constraints.

In the case of Pearl Harbor Water Management Area, COWRM has identified a new cushion of water which can be allocated. Staff has received over 80 applications for these approximately 10 mgd of allocations. There is no way that the current first-come, first-served processing of applications can equitably resolve this situation. A finite application period for these allocations should be established, after which all applications received can be comprehensively processed.

We, therefore, state our overall objection to current COWRM procedures and policies regarding water use permit application processing, in a large part, because they do not yet exist. We reserve the right to submit specific objections to proposed permits at later dates, since at present there is insufficient information about the overall context of such permits to allow a fair and informed assessment.

NHAC requests that COWRM postpone decision making on all water use permit applications for the above-discussed Water Management Areas until after the application period has closed: and the necessary assessments of water rights and reserved water uses have been completed.

Mahalo,

David L. Martin, Vice-President

DLM/DCP:tr
1993 November 17

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

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

ITEM 5 POAMOHO A WELL & NHAC WELL

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

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

ITEM 2. Molokai HHL Reservation

Public Hearing:

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

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

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

Attachment: DRAFT HAR 13-171-63

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

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

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

**ITEM 3. Deferral of Water Use Permit Applications**

**Background**

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

Issues

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

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

RECOMMENDATION

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

ITEM 5 Manawainui Ground Water management Area

Analysis & Issues

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

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

1. Bulk allocation of water to Maui County for municipal use.

2. Reservation for Hawaiian Home Lands.

1. **Hawaiian Research, Ltd.**

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

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

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

4. **Molokai Ranch, Ltd.**

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

ITEM 6  Ualapue Ground Water Management Area

Analysis & Issues

2. Ellen M. Osborne

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

ATTACHMENT E

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

Mahalo

David L. Martin, Water Claims Manager

pc: W. Grambusch
Z. Duvauchelle
Molokai homestead associations
Molokai Working Group
Maui Mayor and County Council
BLNR and board members
HHC and Commissioners
OHA and Trustees
Ka Lahui Hawai'i Molokai
NHLC
Water Code Review Commission and Commissioners
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: Ms. Rae Loui, 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>Water Mgt. Area</th>
<th>Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.I. Kaio</td>
<td>Koolauloa</td>
<td>20,000</td>
<td>5-5-08:40</td>
<td>3956-07</td>
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<tr>
<td>R. Caldeira</td>
<td>Koolauloa</td>
<td>58,000</td>
<td>5-5-01:60</td>
<td>3855-11</td>
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<tr>
<td>Campbell Estate</td>
<td>Koolauloa</td>
<td>2,000,000</td>
<td>5-6-03:161</td>
<td>4258-09</td>
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<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>2,500</td>
<td>5-2-11:31</td>
<td>0604-04</td>
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<td>Maui Electric</td>
<td>Maunawainui</td>
<td>350,000</td>
<td>5-2-11:36</td>
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<td>Maui Electric</td>
<td>Maunawainui</td>
<td>150</td>
<td>5-2-11:36</td>
<td>0604-03</td>
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<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>2,500</td>
<td>5-2-11:31</td>
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<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>1,440,000</td>
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<td>0603-07</td>
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<tr>
<td>Hawaii Res.</td>
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<td>200,000</td>
<td>5-2-11:28</td>
<td>0603-01</td>
</tr>
<tr>
<td>W. Kamakana</td>
<td>Ualapue</td>
<td>8,800</td>
<td>5-6-6:14</td>
<td>0352-17</td>
</tr>
<tr>
<td>DLNR</td>
<td>Mokuleia</td>
<td>--</td>
<td>6-8-07:01</td>
<td>3309-01</td>
</tr>
<tr>
<td>DLNR</td>
<td>Mokuleia</td>
<td>--</td>
<td>6-8-07:01</td>
<td>3309-02</td>
</tr>
</tbody>
</table>
We have no specific concerns with the above water permit applications.

Sincerely yours,

Clayton H.W. Hee
Chairperson
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
October 11, 1993

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

Dear Mr. Ahue:

Water Use Permits

Thank you for the opportunity to respond to the following applications for water use within these Moloka'i groundwater management areas:

Manawainui:
- Hawaii Research (0603-01)
- Maui Electric (0604-03, 04, 05, 06, 07)

Kawela:
- Grambusch (0352-17, 0456-01, 07, 18, 19)

While the Manawainui wells might conceivably impact future groundwater use on Hawaiian home lands, there are no plans for development at this time. We note that the Maui Electric wells are being proposed for expanded application to anticipated industrial, agricultural, and fire protection uses. The Department has no objections at this time.

The Kawela applications are not expected to affect Hawaiian home lands, and we have no objections.

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission
1992 December 1

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

Attn: Rae M. Loui
Deputy Director

Re: OBJECTIONS TO WATER USE PERMIT APPLICATIONS ALL GROUND WATER MANAGEMENT AREAS STATEWIDE AND RESPONSE TO PUBLIC NOTICES AND TO COWRM LETTER OF NOVEMBER 17, 1992

Dear Ms. Loui:

In studying Hawaii Administrative Rules (HAR) Title 13, Chapter 171, we find no explicit or implicit language supporting your contention that processing water use permits as NHAC previously suggested is inconsistent with these rules or would require rulemaking. We would appreciate some clarification on this point as it seems inconsistent with the fact the Pearl Harbor WMA is now being handled in a manner similar to our suggestions.

Two distinct classes of WMAs will emerge if you proceed on a first-come, first-served basis in some WMAs and with a comprehensive management review of all uses and applications in other WMAs. Then the determination of whether competing WUPAs exceed the available supply becomes a second tier of the designation process. NHAC believes such a management regime requires rulemaking. Granting WUPAs on a first-come, first-served basis will circumvent a number of the conditions for a Water Use Permit particularly if specific reservations for Hawaiian Homelands beneficiaries are not previously implemented and allocations to county boards of water supply for municipal purposes are not established.

COWRM appears not to be in compliance with HAR 171-11(b), which implies that COWRM will determine water supply allocated to the county boards of water supply in each water management area. These gross allocations to the counties, as well as gross reservations to Hawaiian Home Lands (required under Act 325), must be defined prior to any new water use permitting to other parties.

While NHAC recognizes there is a rule that COWRM act upon permit applications within 90 or 180 days (HAR 171-19(c)) we do not see this as a constraint to the approach we are suggesting. COWRM
records over the last 5.5 years shows that "action" includes deferral of decision making until information needs are met, as well as categorization of applications to facilitate future decision making.

While COWRM, staff, and the public have participated in discussions about water use permit application processing, there have been no formal declarations of COWRM permit application processing policy. It appears that COWRM staff and NHAC are advocating different interpretations of the Administrative Rules governing the water use permitting process, and that perhaps public hearings are needed to help the Commissioners decide what kind of interpretation best serves the purposes of the Water Code and the public interest.

Native Hawaiian Advisory Council (NHAC) requests COWRM defer decision making on water use permit applications until the following issues are resolved:

1. Allocation of water to Hawaiian Homelands.

2. Allocation of water to county municipal purposes.

3. Implementation of water use permit application processing methodologies that avoid the continuation of first-come, first-serve permitting. First-come, first-serve water use permit processing contradicts the very heart of the intent of water management area designation. We cannot have comprehensive water resource management without comprehensive evaluation of water use scenarios.

Sincerely,

/51/

David L. Martin

DLM:cln
pc: Water Commissioners
   Department of Hawaiian Home Lands
   County Boards of Water Supply
   Office of Hawaiian Affairs
   Ka Lahui Hawai‘i
   Native Hawaiian Legal Corp.
1993 June 22

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

OBJECTIONS TO AND COMMENTS ON WATER USE PERMIT APPLICATIONS
RESPONSE TO PUBLIC NOTICES DATED MAY 24 AND JUNE 27, 1993

These objections incorporate our previously submitted general objections to water use permit application processing (letters of October 12 & 21 and December 1, 1992).

We would like to ask if all water use declarants, water source registrants, and water use permit applicants in the affected areas have been served direct notice of the pending applications and the deadline for filing objections? Without such notice, these persons cannot be expected to have timely knowledge of pending applications, much less file timely objections. The Water Commission, through its Nakata Subcommittee, has acknowledged this reality and recommended implementation of a process for direct notification of affected parties.

NHAC specifically objects to the permit application filed by Grace Pacific Corp. We contend that use of 170,000 gpd of potable water for industrial washing and dust control is not a reasonable and beneficial use of water, and expect that the applicant will provide further information about the availability or nonavailability of nonpotable water and/or further details about the necessity of potable water use. We further request that this available water resource be placed in reserve for Hawaiian Home Lands since no water from this aquifer was allocated to DHHL in the Water Commission's June 2 reservation decision.

Mahalo,

David L. Martin, Water Claims Manager
State of Hawaii
Commission on Water Resource Management
1993 June 22
Page 2

pc w/enc: Mahealani Ranch
Ellen M. Osborne
Thomas N. Matayoshi
Honolulu Board of Water Supply
The Oceanic Institute
Kamehameha Schools
Grace-Pacific, Inc.
Chairperson Hoaliku Drake, DHHL

enc: Letters of October 12 & 21 and December 1, 1992 from NHAC to COWRM
TO: State of Hawaii Commission on Water Resource Management

SUBJECT: Comments on Water Use Permit Applications

Kawela Plantation Wells (various numbers)
Honolulu Board of Water Supply Kuou III Well No. 2348-06
DLNR DOWALD Waiawa 1-6 Wells (various numbers)

and any other water use permit applications with comments due July 8 and 9, 1993.

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, & 6/22/93).

In addition, we are increasingly concerned about the lack of clear guidelines for timing, sequencing, and coordinating COWRM permitting processes with environmental review processes conducted under other authorities (including HRS 343, BLNR Conservation District Use permitting, DOH 401 and NPDES, and County grading and drainage ordinances). This is discussed more fully within the context of specific objections to the Kuou Well III application below.

SPECIFIC OBJECTIONS

1. Kawela Plantation Wells (All)

The permit application information distributed by COWRM for comment should also include the results of COWRM's field verification of declared water uses and should summarize the monthly water use reports submitted over the last six years for comparison of existing uses with quantities of water requested.

2. Kawela Plantation Breadfruit Well No. 0456-04
   Kawela Plantation Ag Well No. 0457-04

NHAC objects to the proposed use of potable water for landscape irrigation. Applicant should provide assessments of alternative water source availability and plans for minimizing landscape irrigation requirements before permit application processing proceeds. The "reasonable and beneficial" nature of the proposed
water uses is suspect until these assessments and plans are reviewed and until the proposed water uses are evaluated within the context of all other existing, planned, proposed, and reserved water uses.

The Ag Well (No. 0457-04) is not listed in the July 14, 1992 COWRM Ground Water Index and Summary, but does appear to be a declared use in COWRM Circular C-123 of September 1992 (listing 5 wells for Kawela Plantation).

When was the declaration of water use filed for Well No. 0457-04? If the declared use began after the implementation of the State Water Code, when were well construction and pump installation permits issued?

3. Honolulu Board of Water Supply Kuou Well 3 No. 2348-06

NHAC objects to further processing of this permit application until the Environmental Assessment (EA) process for the proposed project is completed. Today is the deadline for submitting comments on the Draft EA (DEA) for the exploratory well, after which the Final EA must be published with a subsequent waiting period of thirty days during which the Final EA may be contested.

BWS states in that DEA that "Production well development will be subject to the environmental review process as stipulated in Chapter 343, Hawaii Revised Statutes, and Chapter 200 of the State Department of Health Regulations." In response to this, we wrote:

Does BWS intend to prepare another EA for its Production Well at Kuou Well Site III? Will this EA address a broad range of environmental impacts stemming from both the general allocation of water to BWS from the Koolaupoko Ground Water Management Area and the specifics of extracting that allocation from the aquifer at the proposed site? Since BWS already applied to the Commission on Water Resource Management (COWRM) for a Water Use Permit, we objected to that application on the grounds that the environmental review process for the allocation has not been completed. We object to this DEA because it fails to address the allocation and extraction impacts in the comprehensive manner required to inform COWRM water use permit decisionmaking. Also note that COWRM has recently taken a position that permit applications are not complete and cannot be taken up for decisionmaking until environmental review processes are completed.

There is huge confusion and problems with the current timing, sequence, and coordination of environmental review processes for both exploratory and production wells (including HRS 343 processes, Conservation district use permitting, and DOH processes) and COWRM permitting processes (water use, well construction, and pump installation). The DEA should explain the BWS view and those of other agencies concerning the timing, sequence, and coordination of these processes. This
would provide a starting point for working with all parties to integrate the processes for the greatest mutual benefit.

Similarly, we now ask COWRM to explain its view and how it perceives that of other agencies with regard to these same issues.

NHAC also objects to further processing of this application until water reservations to Hawaiian Home Lands from the designated windward aquifers are completed. We recommend that this application be consolidated with other BWS applications so that the bulk allocation requested by BWS from Koolaupoko and BWS plans for distributing that allocation are more clearly understood.

4. DLNR DOWALD Waiawa Wells 1-6 (All)

NHAC requests additional information and extended review for these proposed uses. We have not yet received the permit applications and other supporting documentation needed to sort out the following issues:

   a. COWRM minutes of June 2, 1993 meeting are confusing, and the presently remaining available allocation in the Waipahu-Waiawa system is unclear. Allocation of 2.0127 mgd to BWS on behalf of HFDC was approved (page 9). Was the 5.093 mgd allocation to BWS recommended in the staff submittal (page 4 number 4.) also approved? If so, does the 5.093 mgd allocation include the 2.0127 for HFDC?

   b. We need more information and more time to research the land ownership and water rights issues raised by the Federal transfer to the State of the Waiawa lands where the proposed sources are located.

   c. We need assurances that DLNR Plans to operate these systems as State water systems and does not plan to dedicate them to BWS.

   d. We need to know how DOWALD has responded to COWRM concerns about the specifications for the proposed wells and their potential impact upon aquifer dynamics and existing groundwater uses.

   e. We need to know how COWRM plans to integrate environmental review processes under other authorities with its own permitting processes (see above discussion of Kuou Well III application).

Based on the information now available, NHAC raises the following specific objections to the applications, and reserves the right to file additional specific objections as information becomes available:

   a. Many of the State projects listed (Exhibit 6 of COWRM submittal of 6/2/92) propose using potable water for landscape irrigation of public facilities. Applicant should provide assessments of alternative water source availability and plans for
minimizing landscape irrigation requirements before permit application processing proceeds. The "reasonable and beneficial" nature of the proposed water uses is suspect until these assessments and plans are reviewed and until the proposed water uses are evaluated within the context of all other existing, planned, proposed, and reserved water uses.

b. There may be insufficient available allocation to meet DOWALD's quantity of use requested.

c. DOWALD's requested uses compete with other requested uses, thus it seems that public hearings are required.

d. Most of the state projects listed in the previous COWRM submittal are not listed in the current version of the State Water Projects Plan.

ADDITIONAL INFORMATION/EXTENDED REVIEW REQUESTED

NHAC has not yet received copies of the permit applications filed for DLNR DOWALD Waiawa 1-6 Wells. We request that this information be sent and the review period extended so that we can more closely analyze these extremely significant applications.

In our review of the Star-Bulletin for June 18, 1993, we did not find public notice of the Honolulu Board of Water Supply water use permit application for Kuou III in the legal notice section or elsewhere. Thus we are unable to ascertain whether or not any other water use permit applications were publicly noticed at that time. If so, we request that you transmit copies of these applications and extend the associated review period.
Mahalo

David L. Martin, Water Claims Manager

pc: Kawela Plantation Homeowner's Association
    Molokai Working Group for COWRM
    Honolulu Board of Water Supply
    DLNR DOWALD
    Water Commissioners
    Water Code Review Commission and Commissioners
    Ka Lahui Hawai'i
    Hawaiian Homes Commission
    Office of Hawaiian Affairs
    Native Hawaiian Legal Corp.
1993 September 3

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

OBJECTIONS TO AND COMMENTS ON WATER USE PERMIT APPLICATIONS
(Public notice of July 27, 1993/Comments due September 3, 1993)

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, 6/22/93, & 7/8/93).

SPECIFIC OBJECTIONS

NHAC represents water source registrants, water use declarants, water use permit applicants, and others with property interest in land within the hydrologic units of the sources of water supply who would be directly and immediately affected by the proposed water uses.

1. Waiahole Irrigation Co, Ltd.

14. POTENTIAL RESTRICTIONS ON WATER USE

The fact that these water uses are "... of long standing diversion and use" is irrelevant to the question of water use permitting under designation and to questions of potential restrictions on water use. We have been repeatedly told by the Attorney General that water management area designation creates a "clean slate." As such, from the moment of designation we cannot consider any existing water use to be reasonable and beneficial or in the public interest until such determinations are formally made by the Water Commission.

(a) Sustainable yield

Using the "clean slate" concept, it cannot be stated that "There should be no additional impact of this water use permit on the sustainable yield ..." The existing use impacts the sustainable yield of both windward and leeward aquifers. While the hydrogeological boundary conditions of water management area may have
been somewhat established and defined by the diversion of water from these tunnels, this does not preclude diversion operations and boundary conditions from being changed to better serve the public interest.

(b) Instream Flow Standards

Using the "clean slate" concept, it cannot be stated that "There should be no additional impact of this water use permit on the Instream flow standards..." The existing use impacts the flow of both windward and leeward streams. While these diversions and uses may have been considered upon establishment of instream flow standards for the area, this does not preclude diversion operations from being changed to restore streamflows.

(c) Hawaiian Home Lands uses

Because reservations of water to Hawaiian Home Lands from windward aquifers are still pending, the proposed water uses could affect Hawaiian Home Lands use. Permitted use should be restricted to avoid any such effects.

Hawaiian Home Lands also has existing, projected, and potential water needs in leeward O'ahu which could be serviced by the same sources as those supplying applicant's proposed uses. Permitted use should be restricted to avoid any effects upon Hawaiian Home Lands' ability to access these sources as needed.

(d) Other existing legal uses

The sources of applicant's water uses also supply uses of windward stream water which are protected by the appurtenant and riparian rights of windward lands and by the constitutional rights of Native Hawaiians. Applicant's water uses already affect these existing legal uses. Permitted use should be restricted to end these existing effects and to avoid any such future effects.

(e) Other:

Applicant's water uses are part of a larger system which also uses water sources and transmission facilities on State Lands. When applicant's water licenses for use of these sources and facilities expire, its uses of water under the subject permit applications should be re-examined. Thus any permits issued under these applications should be of limited duration, corresponding to the expiration of affiliated State water licenses.

15. REMARKS, EXPLANATIONS

Applicant's Concluding remarks:

Applicant's statement that "Continued use of this high level water is vital to the economic continuance of Oahu Sugar Company--" must be reevaluated in light of the company's recent announcement of the
closing of its sugarcane operations. Any water use permit issued under these applications must specify that the permit will expire when plantation operations close.

While the continued diversion of this water may be "... essential to the continued beneficial use ... in Central and Leeward Oahu," the necessity of its use for "... potential development in Central and Leeward Oahu" does not appear to be the subject of these applications for existing water uses, and any such arguments in favor of these applications must be rejected. Any changes in use under water use permits (such as from agricultural use to other "potential development") requires issuance of new water use permits covering the new uses.

2. Kahala Hilton Wells 1646-05 & 06

8. QUANTITY OF WATER REQUESTED

Since one of the wells is for stand-by use only, it seems appropriate that these two applications be covered by a single water use permit for 2.88 mgd.

15.(d) Other existing legal uses affected

Because of their proximity to the shoreline, the operation of these wells may interrupt and otherwise disturb submarine discharges of brackish water which nourish shoreline ecosystems. Any such interruption and disruption affects the receiving waters' use of the source and Native Hawaiian use of the source, receiving waters, and affiliated ecosystems. Permitted use should be restricted to avoid any such effects.

3. Sea Life Park Wells 1939-01 & 02, 1940-02 & 11

1.(b) LANDOWNER

Ownership of the Sea Life Park site remains questionable. If the site is indeed privately owned or part of the Hawaiian Home Lands trust, the applications are invalid until signed by the rightful landowner.

8. QUANTITY OF WATER REQUESTED

Because Well 1940-02 is "regulated to standby basis," it seems appropriate that its use be attached to each of the other three permit applications for 4.32 mgd, rather than being the subject of a separate allocation and permit.

15.(c) Hawaiian Home Land Uses affected

Total extraction from these wells is almost 13 mgd. This implies a correlative wastewater discharge of close to the same amount. It
is this wastewater discharge which may affect water sources and water uses on adjacent Hawaiian Home Lands and in affiliated nearshore ecosystems. Permitted use should be restricted to avoid any such effects, particularly ecosystem effects which limit the availability of resources critical to traditional and customary Native Hawaiian practices.

15.(3) Other:

Other restrictions on use include the need for applicant to obtain water licenses from the Board of Land and Natural Resources. The use of 13 mgd of State seawater has great economic benefit to Sea Life Park, and it must pay the State for the privilege of extracting this economically-valued resource.

4. Honouliuli Unit Well 2101-14

1.(b) LANDOWNER

Land ownership in the West Loch area is disputed.

15.(d) Other existing legal uses affected

Operation of the well may affect the ability of Native Hawaiians to use the area for traditional and customary purposes. Permitted use should be restricted to avoid any such effects.

Mahalo

David L. Martin, Water Claims Manager

pc: Waiahole Irrigation Co., Ltd.
    Kahala Hilton
    Sea Life Park Hawaii
    U.S. Fish & Wildlife Service
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management, Maui Unit
    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
         Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: Phone: 243-5352

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

Signed: Date: 10/1/93
September 24, 1993

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

Dear Mr. Ahue:

RE: Notices of Application for Water Use Permits

We have reviewed the following existing uses and have no objections:

1. Maui Electric for Well No. 0603-06;
2. Maui Electric for Well No. 0603-07;
3. Maui Electric for Well No. 0604-03;
4. Maui Electric for Well No. 0604-04;
5. Wilma Kamakana Grambusch for Well No. 0352-17;
6. Wilma Kamakana Grambusch for Well Nos. 0352-17, 0456-01 & 17, 18 and 19; and

Sincerely,

[Signature]

LINDA CROCKETT LINGLE
Mayor, County of Maui

NP:jsa
c:\letter\759
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  
          Manawainui Ground Water Management Area, Molokai

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We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN: ko
Attachment(s)

Response: Contact person:  
            Phone:  

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

Signed:  
Date:  

9/29/93
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
Honolulu, Hawaii

SEP 20 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
Manawainui Ground Water Management Area, Molokai

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We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: Phone: 587-0274

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

Signed: Date: 9/2/1993
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
          Manawainui Ground Water Management Area, Molokai

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We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: ___________________________ Phone: ___________________________

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

Signed: ___________________________ Date: __________/12/93
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: ____________________________ Phone: ____________________________

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

Signed: ____________________________ Date: 9-22-93

Act. Administrator
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
          Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person:  ____________________________  Phone:  ____________________________

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

Signed:  ____________________________  Date:  9.22.93
Mr. Peter H. Eichhorn
Hawaiian Research Ltd.
P.O. Box 40
Kaunakakai, HI 96748

Dear Mr. Eichhorn:

Enclosed is a copy of the public notice for your water use permit application for Well No. 0603-01 which will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 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:ko
Encl.
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Manawainui 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. 0603-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 15, 1993 and September 22, 1993.

We would appreciate your review of the attached application and please return this form by October 6, 1993.

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

LN:ko
Attachment(s)

Response: Contact person: ___________________ Phone: ______________

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

Signed: ___________________ Date: ______________
ADDITIONAL STANDARD CORRESPONDENCE

Mr. David Martin  
Native Hawaiian Advisory Council  
1088 Bishop St., Suite 1204  
Honolulu, Hawaii 96813

IF NOT APPLICANT  
Mr. David Craddick, Director  
Maul Department of Water Supply  
200 South High St.  
Wailuku, HI 96793

Mr. Brian Miskae  
County of Maui  
Department of Planning  
200 South High Street  
Wailuku, Hawaii 96793
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
Manawainui 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. 0603-01, which will be

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

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

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

Very truly yours,

KEITH W. AHUE

Enc.
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
                     Maui County Council

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

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

SUBJECT: Water Use Permit Application
         Manawainui 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. 0603-01. Public notice of this
application will be published in the Honolulu Star Bulletin issues of September 15, 1993
and September 22, 1993.

We would appreciate your review of the attached application and please return this
form by October 6, 1993.

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

Attachment(s)
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. Goro Hokama
Mr. Byron S. Walters

Page 2

Response: Contact person: ___________________________ Phone: ____________

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

Signed: ___________________________ Date: ____________
Mr. Peter H. Eichhorn  
Hawaiian Research Ltd.  
P.O. Box 40  
Kaunakakai, HI 96748

Dear Mr. Eichhorn:

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

We acknowledge receipt of your water use permit application for the Umipaa Well (Well No. 0603-01). Your application was completed by phone on May 11, 1993. We will be sending you a copy of the public notice for your application and any further information regarding the status of your application.

On the basis of our October 5, 1992 field investigation of your source and use sites, the information furnished in your application has been revised to reflect irrigation water requirements for 25 rather than 30 acres of corn and sorghum located on TMK 5-2-11 portions of 10, 28, and 33. Also, because water use is analyzed on the basis of 12-month moving average withdrawals, your requested allocation of 200,000 gallons per day (maximum day usage) is high. Based on guidelines established in the Hawaii Water Plan, your 12-month moving average request should be about 11,000 gallons per day.

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

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ko
water use permit

(6050)

Dated: 5/7/93
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: ___________________________ DATE: 4/14/97 FILE IN: ___________________________

TO: INIT: ___________________________

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

PLEASE:

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

FOR YOUR:

☐ Approval
☐ Signature
☐ Information

Please call Peter Fichbom
and have him initially
fill in yellow areas. Please
date phone call here 5/11/93.

☑ Make our submitted maps
☑ Check the map (ask me how)
☐ Make folder
APPLICATION FOR WATER USE PERMIT

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

APPLICATION FOR WATER USE PERMIT

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0026.

1. (a) APPLICANT
Firm/Name: Hawaiian Research Ltd
Contact Person: Terri M. Buchanan
Address: P.O. Box 40

(b) LANDOWNER
Firm/Name: Roland W. Holden
Contact Person:
Address: Box 839, Williamsburg, Pocono 53361

2. WATER MANAGEMENT AREA: Maui, Hawaii

3. (a) EXISTING SOURCE NAME AND STATE NUMBER: Unipoo 0603-0409
(b) PROPOSED (NEW) SOURCE NAME: ____________________________

4. SOURCE LOCATION: Address: Kalaheo, Molokai
(Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

5. SOURCE TYPE (check one): □ Stream □ Bore □ Dike-confined □ Perched Water □ Other (explain)

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
(a) Address: Kalaheo, Molokai
Tax Map Key: S-1-1128
(b) Land Use District (check one): □ Urban □ Agriculture □ Conservation □ Rural
(c) County Zoning (describe): Agricultural - 15, Rural - 5
(d) Designated or Protected Recreation Area: Yes, No
(e) Source Location referenced on Map: ____________________________

8. QUANTITY OF WATER REQUESTED: 300,000 GALLONS PER DAY (or Yearly Rate 110,000 G/D)

9. METHOD OF MEASUREMENT: □ Flowmeter □ Open-pipe □ Well □ Other (explain) (See Explanation On Back)

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

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

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

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: 36.25 Corn, Sorghum

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 7 A.M. to 11 P.M.

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
(a) Impact on Sustainable yield (?): None, to our knowledge
(b) Permanently or Interim
Instream Flow Standards affected (?): None
(c) Hawaiian Home Land use affected (?): None
(d) Other existing legal uses affected (?): None, to our knowledge
(e) Other: ____________________________

16. REMARKS, EXPLANATIONS: Water needs are based on measurement estimates determined by the

Applicant (print) Hawaiian Research Ltd
Landowner (print) Roland W. Holden
Signature by freeholder, tenant, owner
Date 3/12/93

For Official Use Only: ☑ contracted long phone 5/4/93
Date Received
Hydraulics Unit No.
Date Accepted
Division Works No.
State Well No.
Public Hearing
Notice Dates: Mayor BWS Mail List Bulletin

NOTE: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, it is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicants understand that, upon permit approval, a water shortage plan must be submitted should the Commission require one.
The usage of this water will be during our growing season from November through March. Very little water will be used during the months of April to October.
WATER USE PERMIT NO. 216

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><strong>Water User:</strong></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><strong>Landowner of Source:</strong></td>
<td>Roland Holden</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 839</td>
</tr>
<tr>
<td></td>
<td>Williamsburg, Iowa 52361</td>
</tr>
<tr>
<td><strong>Permitted Withdrawal Rate:</strong></td>
<td>0.046 mgd (Based upon a 12-month moving average)</td>
</tr>
<tr>
<td><strong>Water Management Area:</strong></td>
<td>Manawainui</td>
</tr>
<tr>
<td><strong>Island:</strong></td>
<td>Molokai</td>
</tr>
<tr>
<td><strong>Aquifer Sector/System:</strong></td>
<td>Central/Manawainui</td>
</tr>
<tr>
<td><strong>System Sustainable Yield:</strong></td>
<td>2 mgd</td>
</tr>
<tr>
<td><strong>Water Type:</strong></td>
<td>Brackish</td>
</tr>
<tr>
<td><strong>Original CWRM Date:</strong></td>
<td>November 17th, 1993</td>
</tr>
<tr>
<td><strong>Standard Conditions:</strong></td>
<td>1-11, 13-22</td>
</tr>
<tr>
<td><strong>Special Conditions:</strong></td>
<td>5</td>
</tr>
</tbody>
</table>

### Water Source

| **State Well Number(s):** | 0603-01 |
| **Well Name:** | Umipaa |
| **Water Source TMK Number(s):** | 2nd Division, 5-2-011:028 |
| **State Land Use Classification(s):** | Agriculture |
| **County Zoning Classification(s):** | AG-5 |
| **Geographical Coordinates:** | Latitude 21° 06' 25.50" North |
| | Longitude 157° 03' 20.10" West |

### End Use

| **End Use TMK Number(s):** | 2nd Division, 5-2-011:010, 5-2-011:028, 5-2-011:033 |
| **State Land Use Classification(s):** | Agriculture |
| **County Zoning Classification(s):** | AG-5 |
| **Beneficial Use Explanation:** | Use for irrigation of 25 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 has not exceeded the permitted amount of 0.046 mgd during this time. Reference the permit file for additional information on reporting history.

Water Use Permit 216 was approved during the November 17th, 1993 Commission on Water Resource Management meeting. Standard conditions 1-11 & 13-22 and special condition 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: 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. 216

State Well No. 0603-01 is located on TMK parcel (2) 5-2-011:028 at 21° 06’ 25.5” N, 157° 03’ 20.1” W, with a real time accuracy of ±15 feet. Water from this artesian well fills a small pond adjacent to Kaunakakai Road. From the pond, water is drawn via a generator powered pump and is metered at the well site. Underground piping directs the water into the several fields that are located on TMK parcels (2) 5-2-011:010, 5-2-011:028, and 5-2-011:033. The entire system is run manually by the Monsanto field operators when watering of the crops is needed. Reference the Appendix for photographs of the previously described system components.
The permittee has indicated on the water use permit survey form that water from State Well No. 0603-01 is used on a total end use area of 80 acres. However, visual investigation of the end use area has revealed that the original 25 acre end use area is a more accurate approximation.

Based upon visual inspection of the system, all components appear to be in full working order. The permittee demonstrated functionality of an installed flowmeter and provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries. Water use is currently being reporting on a monthly basis with no recent evidence of overpumpage violations.

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

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

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

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permittee contact to Ray Foster at (808) 553-5070
    (ray.foster@monsanto.com)
- 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. 216

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0603-01

Figure 2 – Generator pump
Figure 3 – System flowmeter

Figure 4 – Distribution piping to corn fields
Water Use Permit Survey

(Please complete one survey form for each WUP)

WUP Number: 216
Well Number(s): 0603-01

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: 2:00 pm

Property Information (of the water use/well location):
Address: Kalamaula, Molokai
City: ____________________________ Zip: ______________
Well Location TMK (list all if multiple wells present): 5-2-11:28, 10, 33
Water Use TMK (list all if used on multiple lots): N/A

Water Use/Well Information:
Is the water source currently in use? Yes X No □
If no, please explain: ________________________________________________________________

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): 80 Acres of crop irrigation

Is a flow meter installed and working properly? Yes X No □
If no, please explain: ________________________________________________________________

Do you submit monthly water use reports to the State? Yes X 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 X
Option #2 Date (M-F): Wednesday Time: 9:00 am □ 12:00 pm □ 3:00 pm X
Option #3 Date (M-F): Friday Time: 9:00 am □ 12:00 pm □ 3:00 pm X

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@browncald.com

For Official Use Only
Received: 12/10/07  Information Updated: 12/11/07  Phone Interview Complete: 1/3/08
## Phone Interview

<table>
<thead>
<tr>
<th>WUP Number:</th>
<th>216</th>
<th>Well Number(s):</th>
<th>0603-01</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Ray Foster</td>
<td>Phone Number:</td>
<td>(408) 553-5070</td>
</tr>
<tr>
<td>Attempt #1: Date/Time:</td>
<td>4/3/06 (2:03)</td>
<td>Result:</td>
<td>Reached</td>
</tr>
<tr>
<td>Attempt #2: Date/Time:</td>
<td>N/A</td>
<td>Result:</td>
<td>N/A</td>
</tr>
<tr>
<td>Well Location TMK(s):</td>
<td>2.5-2-011.025</td>
<td>Water Use TMK(s):</td>
<td>N/A</td>
</tr>
<tr>
<td>Water Source Address:</td>
<td>N/A</td>
<td>City:</td>
<td>Kalamaula / Kaumakai</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>96718</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Currently using water source? Yes ☒ No ☐

Notes/Comments: Use for to access of crop irrigation

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

Notes/Comments: ________________________________

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 ☒

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

If no, explain: ________________________________

Scheduled field investigation day/time: 4/6/06 @ 8:00 a.m.

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

- Across the street from planerta form large steel buildings cross street in Ha'ena

## 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.S. Date: 4/6/06 Time: 2:30 p.m.
# Field Investigation Checklist

**WUP Number:** 216  
**Well Number(s):** 0603-01

## Water Source

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Location TMK(s):</td>
<td></td>
<td>(2) 5-2-011:029</td>
</tr>
<tr>
<td>Well Head GPS Coordinates:</td>
<td>Latitude:</td>
<td>21° 06' 25.5&quot; N</td>
</tr>
<tr>
<td></td>
<td>Longitude:</td>
<td>157° 03' 20.1&quot; W</td>
</tr>
<tr>
<td>Well Type:</td>
<td></td>
<td>Generator powered pump</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Currently using water source?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Notes/Comments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a flow meter installed?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Is the flow meter operational</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Notes/Comments:</td>
<td></td>
<td></td>
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## Water Use

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>Water Use TMK(s):</td>
<td></td>
<td>(2) 5-2-011:028, 5-2-011:033, 5-2-011:010</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the water being used for?</td>
<td></td>
<td>Use for irrigation of 30 acres of corn</td>
</tr>
<tr>
<td>Is the water being used within the permitted boundaries?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>If no, explain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there any observed wasting of water or water loss?</td>
<td>No</td>
<td>X</td>
</tr>
<tr>
<td>If no, explain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the permit conditions being complied with?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>If no, explain</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Other

<table>
<thead>
<tr>
<th>Photographs of:</th>
<th>Water Source</th>
<th>Usage Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Meter</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pump/Motor</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Notes/Comments:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>* Metered at the well site</td>
<td></td>
</tr>
<tr>
<td>* Use only for corn during drytimes of the year</td>
<td></td>
</tr>
</tbody>
</table>

**Investigated By:** Ms.  
**Date:** 1/9/03  
**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 in form the Commission as to the nature of the emergency and the expected duration of the emergency. A water...
use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.

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

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

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

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

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

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

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

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or 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 I.M.

143. Proposed other uses will be considered at a later date.
Dear Mr. Eichhorn:

Approval of Water Use Permit for Well No. 0603-01
MANAWAINUI Ground Water Management Area, MOLOKAI

Thank you for your letter, dated November 28, 1995, informing us of the ground-water use from Well No. 0603-01 for temporary dust control on an adjacent property.

Because the island of Molokai has been designated a groundwater management area, a water use permit is required prior to any new use of groundwater. The Commission's role is to facilitate reasonable beneficial uses and can appreciate your position. A landowner should anticipate the need for water for dust control and apply for a water use permit. We understand that this after-the-fact request for dust control will cease in mid-February 1996. Please be advised that new uses of Well No. 0603-01 after February 1996 could be considered a willful violation of your water use permit.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be aware that 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 Manawainui 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.
Our primary concern is protection of the groundwater resource. It is difficult for us to assess the potential impacts of an additional 30,000 gallons per day withdrawal at the well site because no chloride or water level data have been reported to date. Accordingly, Mr. Roland Holden, the landowner at the well site, and yourself would be held responsible for any complaints of well interference as a result of your over-pumpage during this interim period. Therefore, we request that you begin reporting chloride and water temperature, and water level data on a regular monthly basis immediately, as failure to do so would be a violation of Condition 11 of your permit.

We appreciate your informing us that the latest twelve-month moving average withdrawals for your agricultural water supply have exceeded the allocation for the well due to underestimated water needs and the very dry and windy weather of late. I will recommend that the Commission stay enforcement of your approved water use permit due to the extreme dry conditions that are beyond your control. Also, your existing water use permit is interim, and the Commission will consider a permanent water use permit within the next few years in light of the metered pumpage data.

Lastly, your letter indicates that a wetting agent will be used to increase the effect of the water spray. Please contact Russell Kumabe at 586-7550, Department of Health (DOH), Environmental Planning Office, for DOH approval for use of the wetting agent. DOH has jurisdiction over all matters related to water quality. The Commission's allowance for dust control usage is contingent on DOH's approval of the wetting agent.

If you have any questions, please contact my deputy director, Rae M. Loui, at 587-0214.

Aloha,

[Signature]

MICHAEL D. WILSON

Attachments

c: Roland Holden
## GROUND WATER USE PERMIT

**WUP NO. 216**

### PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>HAWAIIAN RESEARCH LTD.</td>
<td>ROLAND HOLDEN</td>
</tr>
<tr>
<td>P.O. BOX 40</td>
<td>P.O. BOX 839</td>
</tr>
<tr>
<td>KAUNAKAKAI, HI 96748</td>
<td>WILLIAMSBURG, IOWA 52361</td>
</tr>
</tbody>
</table>

### PERMITTED SOURCE INFORMATION

| Island                      | MOLOKAI                      |
| Water Management Area       | MANAWAINUI                   |
| Aquifer Sector              | CENTRAL                      |
| Aquifer System              | MANAWAINUI                   |
| System Sustainable Yield    | 2 mgd                        |
| Well Name                   | UIMPAA                       |
| State Well No.              | 0603-01                      |

### PERMITTED USE INFORMATION

| Reasonable beneficial use   | AGRICULTURE                  |

| Withdrawal (12 month moving ave.) | 0.046 mgd (based on irrigation requirement for 25 acres of corn & sorghum) |

| Location of water use         |                           |
| TMK #                         | 5-2-11:28:10,33            |
| Address                       | KALAMAULA, MOLOKAI         |
| State land use classification | AGRICULTURE                |
| County zoning classification  | AG-5                       |

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 applicant 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 174C-101(a), HRS.

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 November 17, 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 a monthly basis.
12. This permit shall be subject to the Commission's periodic review of the MANAWAINUI 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 MANAWAINUI Aquifer System, or relevant modified aquifer(s), is reduced.

13. 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.

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 of 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 MANAWAINUI Ground Water Management Area.

18. 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 years of the filing of the application to continue the existing use.

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

20. This permit is subject to the special conditions attached as Exhibit A which 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.
22. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on November 17, 1993.

[Signature]

MICHAEL D. WILSON, Chairperson
Commission on Water Resource Management

Date of Permit Issuance: JAN 24 1996

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

Applicant's Signature: _____________________ Date: _____________

Printed Name: ________________________________

Firm or Title: ____________________________________

PLEASE SIGN AND RETURN ONE COPY OF THIS PERMIT TO THE COMMISSION AND RETAIN A COPY FOR YOUR RECORD.
A. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.
Commission of Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Charley Ice

Subject: Umipaa Well No. 0603-01
Palaau, Molokai, Hawaii

Re: Your letter dated January 24, 1996, ref:CWRM-SS

Ladies and Gentlemen:

In response to the referenced letter from your office, Gary Watanabe of Rojac Construction, Inc. called Mr. Charley Ice on February 14, 1996 to request an extension of the use of the subject well for dust control purposes through July, 1996. The current consumption rate for their dust control is estimated at 8,000 to 16,000 gallons per day.

Originally the mass earthwork for the Palaau Industrial Park was scheduled to be completed by mid February, but due to the aggregate supplier’s inability to maintain a reasonable delivery schedule, the work has been delayed several months.

A new water source, transmission main, and storage reservoir are included in the construction of the Industrial Park, but until completion, the only adequate water source available to Rojac is the Umipaa well.

In accordance with the referenced letter, Mr. Watanabe also contacted Mr. Art Bauckham at the Environmental Planning Office of the Department of Health. They are currently analyzing the wetting agent, and will be responding in the near future. We will forward their response as soon as we receive it.

Please consider Mr. Watanabe’s request to extend his use of the Umipaa Well.

If you need any further information please contact the undersigned at Hawaiian Research or Gary Watanabe at Rojac Construction, Inc. at phone number (808) 871-7079 or fax number (808) 871-4073.

Thank you very much for your kokua in this matter.

Sincerely,

[Signature]
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 "Palaau 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.
(3) TMK: 5-2-11:10, 28 & 33. Land owned by Waldorf Horace Trust (parcel 10), Roland Holden (parcel 28), and DHHL (parcel 33). USGS Kaunakakai quad (Mo-3). Irrigation of corn and sorghum.

(4) Not in use by Hawaiian Research. In past, water had been used for irrigation of corn, sorghum, and sesame at TMK: 5-2-11:16. USGS Molokai Airport quad (Mo-3).
(3) Well 0603-01 (Umipaa Dug Well)

1. Source: A large open pit 10 feet wide and 125 feet long. At the pump, the well has a total depth of 10 feet with 4 feet of water. Water is withdrawn using 100 hp electric motor and a 700 gpm pump with an 8-inch diameter steel outlet pipe suspended over the well by a wooden bridge.

2. Use: Water used to irrigate a total of 25 acres (23 acres corn and 2 acres sorghum) on land owned by Waldorf Horace Trust (parcel 10), Roland Holden (parcel 28), and DHHL (parcel 33).

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 25 acre parcel yields a monthly use of 2.9 mg.


6. Well also registered by Molokai Ranch.
PART I: USE OF WATER

Declarant's File Reference: [Redacted]

1. Tax Map Key where the water is used: 5 - 2 - 11 : 28. Does the declarant own this land? No. If not, who does?

2. What is the water used for? Crop: [Redacted] (25 acres) If for irrigation, how many acres are being irrigated by crop type? 23 acres corn.

3. Is the quantity of water use being measured? No. If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously. PUMPING TIME x # SPRINKLERS x SPRINKLER OUTPUT = ESTIMATED

4. If this person takes from a multi-user pipe or ditch system: __________

PART II: WATER SOURCE

Source #: 0603-01 Name: [Redacted] (K.B. Yoshida well)

1. Where does the water come from/what kind of source is this? Dug well. LARGE OPEN PIT 18 FT WIDE, 125 FEET LONG, 6 FT TO WATER SURFACE, 4 1/2 FT OF WATER.

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

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

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

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? FROM WELL INDEX: LAT 21° 06' 38" N, LON 157° 03' 26" W

What is the capacity for taking (gpm)? 1/2 HP ELECTRIC MOTOR, 700 GPM PUMP, 8" DIAMETER, 8" DIAMETER CI

How often is it taken (used)? CORN PRIMING CROP NOW TO MARCH. APPLIES LEAVES 1/4 ACRE-1/2 INCH PER WEEK.

3. Tax Map Key at the source: 5 - 2 - 11 : 28. Determine declarant's relation to source. Does the declarant:

1) Operate and maintain the source? Yes. If not, who does?

2) Own the land at the source? No. If not, who does?

3) Use the water from this source? Yes. If not, who does?

4) Own the land where the water is being used? No.

5) None of the above? If so, why did they file?

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

VERIFIED BY: STERLING CHANG DATE: 2-8-93

* DUO REQUESTED BY MOLOAIPRANCH.
STATE WELL NO.: 0662-01
WELL NAME OR DESIGNATION: (Paloa) UMI PAA
SOURCE OR STATION NAME (For a battery of wells): HAW RESEARCH

A. WELL OPERATOR
Firm name: Hawai'i Research Ltd
Contact person: Jeff H. Eichler
Address: ①4, Kay Avenue
Kaimuki, Honolulu, Hawaii 96819
Zip: 96818 Phone: 553-1502

B. OWNER OF WELL SITE
Firm name: Hollett & Hollett
Address: P.O. Box 809
WILLIAMSBURG, VA 23185
Zip: 23101 Phone: (804) 548-3148

C. WELL LOCATION
Tax Map Key: S-2-11-28
Town, Place, District: _____________
Address: _____________

D. WELL DATA
For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete Items below.
For Tunnels and Shafs, submit construction drawings, plan, or sketch map.

Ground elevation (Mean sea level): 15 ft.
Reference point (Used to measure depth to water):
Elevation: 120 ft. 
Description: Base of Pump discharge
Depth to water (Below reference point): 6 ft.
Maximum recorded chloride: 860 ppm
Minimum recorded chloride: 840 ppm
Maximum chloride in 1987: 840 ppm

Year drilled or constructed: Unknown
Well contractor: _____________
Casing diameter: 12' x 90' in.
Solid casing depth (below ground): 10' ft.
Perforated casing depth (below ground): 10' ft.
Total depth of well: 10' ft.
Minimum chloride in 1987: 840 ppm

E. INSTALLED PUMP DATA
Pump type: Vertical shaft
Power: Electric, 100 HP
Pump capacity: 9000 gallons per minute
Pump installation contractor: _____________

For Official Use Only:
Date received: 2-12-69  Date accepted: _____________
Field checked by: _____________  Date: _____________
Comments: _____________

Latitude: 21° 06' 28" Hydrologic Unit: _____________
Longitude: 157° 03' 56" State Well No.: 0662-01

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

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

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

Method of measurement: □ Flow Meter □ Orifice

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

<table>
<thead>
<tr>
<th>Year</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>ANNUAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>9,848</td>
<td>3,947</td>
<td>2,168</td>
<td>1,946</td>
<td>1,188</td>
<td>1,146</td>
<td>767</td>
<td>394</td>
<td>1,017</td>
<td>1,746</td>
<td>10,049</td>
<td>9,072</td>
<td>39,750</td>
</tr>
<tr>
<td>1984</td>
<td>10,092</td>
<td>2,244</td>
<td>2,144</td>
<td>1,322</td>
<td>1,757</td>
<td>1,767</td>
<td>727</td>
<td>247</td>
<td>859</td>
<td>2,010</td>
<td>11,494</td>
<td>10,370</td>
<td>43,206</td>
</tr>
<tr>
<td>1985</td>
<td>2,761</td>
<td>2,752</td>
<td>1,710</td>
<td>1,500</td>
<td>1,560</td>
<td>1,538</td>
<td>777</td>
<td>224</td>
<td>1,796</td>
<td>2,449</td>
<td>1,050</td>
<td>1,110</td>
<td>3,776</td>
</tr>
<tr>
<td>1986</td>
<td>1,240</td>
<td>840</td>
<td>777</td>
<td>714</td>
<td>727</td>
<td>727</td>
<td>549</td>
<td>433</td>
<td>1,017</td>
<td>1,070</td>
<td>1,000</td>
<td>1,000</td>
<td>3,000</td>
</tr>
<tr>
<td>1987</td>
<td>1,240</td>
<td>840</td>
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<td>714</td>
<td>727</td>
<td>727</td>
<td>549</td>
<td>433</td>
<td>1,017</td>
<td>1,070</td>
<td>1,000</td>
<td>1,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

Minimum day's use: __0__ gallons

Maximum day's use: __6,500,000__ gallons

Typical times of usage: __10 AM to 2:00 PM__

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

- **Category**
  - □ Municipal (including resorts, hotels, businesses)
  - □ Domestic (systems serving 25 people or less)
  - □ Irrigation
  - □ Industrial
  - □ Military
  - □ Other

- **Additional Information**
  - Number of service connections: ____________
  - Acres Irrigated: __30__
  - Crop(s): □ Sugar □ Pineapple □ Other (specify): __Seed Corn__
  - Non-Crop: □ Landscape □ Golf Course □ Other (specify): ____________
  - Method: □ Drip □ Furrow □ Sprinkler
  - □ Cooling □ Manufacturing □ Mill □ Other (specify): ____________
  - Specifying livestock, aquaculture, etc.: ____________

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

Water User's Signature: __Peter A. Eckblaw__

Date: __3-18-99__

Printed Name: __Peter A. Eckblaw__

Firm or Title (Well Operator, etc.): __Hawaiian Research Ltd__