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

Gentlemen:

Water Use Permit Applications  
Manawainui Ground Water Management Area, Molokai

**Applicant:**

1. (Well No. 0603-01)  
Hawaiian Research Ltd.  
P.O. Box 40  
Kaunakakai, HI 96748

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

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

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

**Landowner:**

Roland Holden  
P.O. Box 839  
Williamsburg, IA 52361

Molokai Ranch  
P.O. Box 8  
Maunaloa, HI 96770

Same

*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>
<td>2</td>
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<td>Existing Allocations</td>
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<td>Available Allocations</td>
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<td>Hawaiian Research Ltd.</td>
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<td>0.046</td>
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<td>Gerald I. Ne</td>
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<td>Maui Electric Co. (Naiea Meco Irr # 2)</td>
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<td>Maui Electric Co. (Naiea Dug)</td>
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<td>+0.000</td>
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<tr>
<td>Maui Electric Co. (Naiea Meco Open Pit)</td>
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<td>Maui Electric Co. (Naiea Meco Cooling)</td>
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<td>Molokai Ranch (Palaau Aquaculture)</td>
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<td>**1.440</td>
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<tr>
<td>TOTALS</td>
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<td>TOTAL RECOMMENDED ALLOCATIONS</td>
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<td>REMAINING AVAILABLE ALLOCATION</td>
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+ 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
water use will fluctuate in response to climatic conditions. Per unit area, the requested amount is in line with allocations granted to the applicant in prior Commission action for two nearby similar water uses (about 1,850 gallons per acre per day).

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 Palaua 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 downstream. 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 Kaluaapuhi 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 Kaluaapuhi 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 nonexistent 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 pumping 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 Naiwa-MECO 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,

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson

Chairperson and Members
Commission on Water Resource Management
November 17, 1993
**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: Umipaa Well (Well No. 0603-01)

- **Location:** Kalamaula, Molokai, TMK:5-2-11:28
- **Year Drilled:** Dug in 1972
- **Casing Diameter:** 72 in.

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<th>Elevations (msl = 0 ft.)</th>
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<th>Bottom of Solid Casing:</th>
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<th>Bottom of Open Hole:</th>
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| Total Depth: | 16 ft. |
| Grouted Annulus Depth: | NA ft. |

### WELL: Naiwa Dug Well (Well No. 0603-07)

- **Location:** Kaluaapuhi Fishpond, Molokai, TMK:5-2-11:23
- **Year Drilled:** Dug in 1950's
- **Casing Diameter:** NA in.

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| Total Depth: | 15 ft. |
| Grouted Annulus Depth: | NA ft. |

### WELL: Naiwa-MECO Irr #2 Well (Well No. 0603-06)

- **Location:** MECO Palaau Power Plant, Molokai, TMK:5-2-11:31
- **Year Drilled:** 1980
- **Casing Diameter:** 4 in.

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| Total Depth: | 86 ft. |
| Grouted Annulus Depth: | NA ft. |

### WELL: Naiwa-MECO Open Pit (Well No. 0604-03)

- **Location:** MECO Palaau Power Plant, Molokai, TMK:5-2-11:36
- **Year Drilled:** Dug in 1981
- **Casing Diameter:** NA in.
### Elevations (msl = 0 ft.)

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<th>WELL</th>
<th>Location</th>
<th>Year Drilled</th>
<th>Casing Diameter</th>
<th>Elevations (msl = 0 ft.)</th>
<th>Total Depth</th>
<th>Grouted Annulus Depth</th>
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<td>(Well No. 0604-04)</td>
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<td>(Well No. 0604-05)</td>
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<td>Ground: 34 ft.</td>
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<td>Bottom of Open Hole: -2 ft.</td>
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**ATTACHMENT A**
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: 1,480 gpd/acre
   Nearby Similar Water Usage: 1,850 gpd/acre

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: Kaleuaupuhi Fishpond, Molokai at TMK: 5-2-11:31
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd
Chairperson and Members
Commission on Water Resource Management

November 17, 1993

Reported Water Usage:
Nearby Similar Water Usage:

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:
Nearby Similar Water Usage:

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.
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><strong>1.</strong> 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><strong>2.</strong> 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>
<tr>
<td><strong>3.a. to c.</strong> NHAC</td>
<td>General process of water use permit applications. Defer pending reservation for DHHL lands and pending bulk allocation to Maui DWS. Restrict use to avoid affecting subsurface flows to fishponds and nearshore ecosystems and to honor native Hawaiian rights.</td>
</tr>
<tr>
<td><strong>3d.</strong> NHAC</td>
<td>General process of water use permit applications. Defer pending reservation for DHHL lands and pending bulk allocation to Maui DWS. 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>
</tbody>
</table>

ATTACHMENT A
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 Commissions’s police powers under law as may be required.

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

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

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

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

[Signature]

Hoaliku L. Drake, Chairman  
Hawaiian Homes Commission

HLD: BH: ci/1608L.77
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 Palaau (So. Hoolehua) brackish water well previously utilized by Hawaiian Research and owned by the Molokai Ranch.

Sincerely,

Rebecca Bishop-Yuen
Palaau Prawn and Shrimp Co.

ATTACHMENT D
<table>
<thead>
<tr>
<th>UWSA NO.</th>
<th>APPLICANT</th>
<th>WELL NO.</th>
<th>WELL NAME</th>
<th>EXIST</th>
<th>PROPOSED</th>
<th>RECEIVED</th>
<th>ACKNOWGD</th>
<th>ACCEPTED</th>
<th>PUBLIC 1 NOTICE</th>
<th>PUBLIC 2 NOTICE</th>
<th>OBJECTION</th>
<th>DAYS LEFT</th>
<th>SUSPENSE</th>
<th>AGENDA</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>ISLAND OF MOLOKAI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Aquifer System: MANAWAINUI**

- **HAWAIIAN RESEARCH LTD.**
  - 0603-01 UMIPAA
  - 0603-05 IOPA'S WELL

- **GAERALD I. NE**
  - 0603-06 MAUI MECO DUG #2

- **MAUI ELECTRIC**
  - 0603-07 MAUI DUG
  - 0604-03 MAUI MECO OPENFIT
  - 0604-04 MAUI MECO IROR #1
  - 0604-05 MAUI MECO COOLING

- **MOLOKAI RANCH, LTD.**
  - 0706-02 SOUTH KOOLEHUA

8 Applications Totaling 1.848

**MOLOKAI HAS 8 Applications Totaling 1.848**
Molokai Working Group

BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD

<table>
<thead>
<tr>
<th>Sector</th>
<th>System</th>
<th>User</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CENTRAL SECTOR</td>
<td>Manawainui System</td>
<td>Hawaiian Research</td>
<td>0.56</td>
</tr>
<tr>
<td></td>
<td>Kualapuu System</td>
<td>County DWS</td>
<td>0.59</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DHHL</td>
<td>0.38</td>
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<td></td>
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<td>Kaluakoi Resort</td>
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<td>1.79</td>
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<tr>
<td>NORTHEAST SECTOR</td>
<td>Kahanui System</td>
<td>National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Waikolu System</td>
<td>DOA MIS</td>
<td>1.13</td>
</tr>
<tr>
<td>SOUTHEAST SECTOR</td>
<td>Kamiloloa System</td>
<td>Hawaiian Research</td>
<td>0.26</td>
</tr>
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<td>Kawela System</td>
<td>County DWS</td>
<td>0.32</td>
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<td>Kawela Plantation</td>
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<td>Kamalo Ranch</td>
<td>0.04</td>
</tr>
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<td></td>
<td>Subtotal</td>
<td></td>
<td>0.52</td>
</tr>
<tr>
<td></td>
<td>Ualapue System</td>
<td>County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
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</tr>
<tr>
<td>WEST SECTOR</td>
<td></td>
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<tr>
<td>TOTAL</td>
<td></td>
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<td>5.10</td>
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</tbody>
</table>

EXHIBIT 2
### Molokai Working Group

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

<table>
<thead>
<tr>
<th>Sector</th>
<th>System</th>
<th>User</th>
<th>Project</th>
<th>MGD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CENTRAL SECTOR</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Manawainui System</td>
<td>1. Hawaiian Research</td>
<td></td>
<td>0.56</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kualapuu System</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. County DWS</td>
<td></td>
<td>0.94</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. DHHL</td>
<td></td>
<td>0.84</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Kaluakoi Resort</td>
<td></td>
<td>2.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Other State Projects</td>
<td></td>
<td>0.11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Palaau Industrial Park</td>
<td></td>
<td>0.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. Others (Kualapuu, Kalae, Kipu)</td>
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<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>4.43</strong></td>
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<td><strong>NORTHEAST SECTOR</strong></td>
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<tr>
<td></td>
<td>Kahanui System</td>
<td>1. National Park Service</td>
<td></td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Waikolu System</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. DOA MIS</td>
<td></td>
<td>2.70</td>
</tr>
<tr>
<td><strong>SOUTHEAST SECTOR</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Kamiloloa System</td>
<td>1. Hawaiian Research</td>
<td></td>
<td>0.26</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Kawela System</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>1. County DWS</td>
<td></td>
<td>0.32</td>
</tr>
<tr>
<td></td>
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<td>2. Kawela Plantation</td>
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<td>0.40</td>
</tr>
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<td>3. Kamalo Ranch</td>
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<tr>
<td></td>
<td><strong>Subtotal</strong></td>
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<td></td>
<td><strong>0.76</strong></td>
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<tr>
<td></td>
<td>Ualapue System</td>
<td>1. County DWS</td>
<td></td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Kamalo Ranch</td>
<td></td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Place, M. J.</td>
<td></td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Alpha USA</td>
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</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>2.0</strong></td>
</tr>
<tr>
<td><strong>WEST SECTOR</strong></td>
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</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>11.55</strong></td>
</tr>
</tbody>
</table>

1 Water development source unidentified.

EXHIBIT 3
Molokai Working Group

NON-POTABLE WATER USE PROJECTIONS IN MGD*

<table>
<thead>
<tr>
<th></th>
<th>5 to 10 years</th>
<th>Total 2010 Build out</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoolehua</td>
<td>4.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalamaula</td>
<td>1.42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal DHHL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other MIS users</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5.42&lt;sup&gt;1&lt;/sup&gt;</td>
<td>23.5&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>Molokai Ranch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, Dairy, Pastures:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Coffee - 800 acres</td>
<td>1.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dairy - 4,000 head</td>
<td>0.70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Palm Nursery - brackish</td>
<td>0.30</td>
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</tr>
<tr>
<td>5. Feedlot</td>
<td>0.20</td>
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</tr>
<tr>
<td>6. Pastures</td>
<td>0.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Agriculture</td>
<td></td>
<td>10.6&lt;sup&gt;3&lt;/sup&gt;</td>
<td>10.6&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Maunaloa Links</td>
<td>0.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Ironwoods</td>
<td>0.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Network</td>
<td>0.05</td>
<td></td>
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</tr>
<tr>
<td>Subtotal Recreation</td>
<td></td>
<td>0.50&lt;sup&gt;3,4&lt;/sup&gt;</td>
<td>0.5&lt;sup&gt;3,4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Kaluakoi Resort</td>
<td>Recreation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course Addition</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(two 36-hole courses)</td>
<td>0.00</td>
<td>2.8&lt;sup&gt;3&lt;/sup&gt;</td>
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</tr>
<tr>
<td>Alpha USA</td>
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</tr>
<tr>
<td></td>
<td>1.50&lt;sup&gt;3&lt;/sup&gt;</td>
<td>3.0&lt;sup&gt;3&lt;/sup&gt;</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>20.52</td>
<td>42.9</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

<sup>3</sup>Water development source unidentified

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

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

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

MONTHLY PUMPAGE  12-MAV  REQUESTED AMOUNT

Month (Latest Data 6/92)
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

The following were in attendance:

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

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

OTHERS:
Weymouth Kamakana
Pearl Petro
John Urauchi
Eugene Gerguson
Sarah Sykes
Michael Ribao
Mark/Becky Yuen
Willma Grambusch
Dave Martin
DeGray Vanderbilt
Rachael Kamakana
Greg Helm
Peter Eichhorn
Myrie 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 KUALAPU'U, MOLOKAI

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

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

Unanimously approved (Cox/Nakata).

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

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

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

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

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

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

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

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

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

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

**ITEM 5  
WATER USE APPLICATIONS, MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI**

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

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

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

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

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

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

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

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

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

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

Unanimously approved (Cox/Nakata).

**ITEM 8  
HONOLULU BOARD OF WATER SUPPLY APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, WAIKAU 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. 2659-04 & 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
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 for identifying, assessing, and evaluating reasonable and beneficial uses and applying public interest balancing tests, it is ridiculous to blanketly assume that existing uses are better than new uses.
TABLE 1

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

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

2. Reservation for Hawaiian Home Lands.

1. Hawaiian Research, Ltd.

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

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

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

4. Molokai Ranch, Ltd.

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

ITEM 6 Ualapue Ground Water Management Area

Analysis & Issues

2. Ellen M. Osborne

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

ATTACHMENT E

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

Mahalo

David L. Martin, Water Claims Manager

pc: W. Grambusch
Z. Duvauchelle
Molokai homestead associations
Molokai Working Group
Maui Mayor and County Council
BLNR and board members
HHC and Commissioners
OHA and Trustees
Ka Lahui Hawai'i Molokai
NHLC
Water Code Review Commission and Commissioners
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>
</tr>
<tr>
<td>R. Caldeira</td>
<td>Koolauloa</td>
<td>58,000</td>
<td>5-5-01:60</td>
<td>3855-11</td>
</tr>
<tr>
<td>Campbell Estate</td>
<td>Koolauloa</td>
<td>2,000,000</td>
<td>5-6-03:161</td>
<td>4258-09</td>
</tr>
<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>2,500</td>
<td>5-2-11:31</td>
<td>0604-04</td>
</tr>
<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>350,000</td>
<td>5-2-11:36</td>
<td>0604-05</td>
</tr>
<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>150</td>
<td>5-2-11:36</td>
<td>0604-03</td>
</tr>
<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>2,500</td>
<td>5-2-11:31</td>
<td>0603-06</td>
</tr>
<tr>
<td>Maui Electric</td>
<td>Maunawainui</td>
<td>1,440,000</td>
<td>5-2-11:23</td>
<td>0603-07</td>
</tr>
<tr>
<td>Hawaii Res.</td>
<td>Maunawainui</td>
<td>200,000</td>
<td>5-2-11:28</td>
<td>0603-01</td>
</tr>
<tr>
<td>N. Kamakana</td>
<td>Ulalapue</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

LM:jl
October 28, 1993

MEMORANDUM

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

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of the Water Use Permit for Maui Electric for Well No. 0604-03
Naiwa, Molokai
TMK: 5-2-11: 36

This existing well facility is located in an area that has been previously disturbed. We believe that its use will have "no effect" on historic sites.

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

AG:jen
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
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, 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,

[Signature]
Hoaliku L. Drake, Chairman
Hawaiian Homes Commission
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

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 Maui Electric for Well No. 0604-03. 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
Mrs. Byron S. Walters

Page 2  RE: WELL NO. 0604-03

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

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

Signed: DAVID R. CRADDICK, DIRECTOR  Date: 9/23/93
DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI
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 Maui Electric for Well No. 0604-03. 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: ____________

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

Signed: MAJABU TAGOMORI Date: 10/12/93
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 Maui Electric for Well No. 0604-03. 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 Handy 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  
Mrs. 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
0456-1/8  Wilma Kamakana Grambusch
0456-16  Wilma Kamakana Grambusch
0456-18  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.
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 OBIECTIONS/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 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 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 O 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, Water Claims Manager

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

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

COMMENTS ON APPLICATIONS FOR WATER USE
1. HAWAIIAN ELECTRIC COMPANY WAIAU TUNNEL
2. KAIPAPAУ WELL
3. ALL SUBSEQUENT WATER USE APPLICATIONS FOR PEARL HARBOR WATER MANAGEMENT AREA, WINDWARD OAHU WATER MANAGEMENT AREA, AND MOLOKAI WATER MANAGEMENT AREA

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,

David L. Martin, Vice-President
NATIVE HAWAIIAN ADVISORY COUNCIL
A Nonprofit Corporation
1008 Bishop Street, Suite 1204, Honolulu, Hawaii 96813
Telephone (808) 523-1445
Facsimile (808) 599-4360

1992 October 21
Hand-Delivered

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
Commission on Water Resource Mgmt.
RE: Comments on Applications for Water Use
October 21, 1992
Page 2

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
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 13-171-11(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 13-171-19(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:

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,

/5/

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
1993 July 8

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

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
    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 Maui Electric for Well No. 0604-03. 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)

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
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,

LINDA CROCKETT LINGLE
Mayor, County of Maui
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 Maui Electric for Well No. 0604-03. 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: Brian Miske Phone: 248-7785

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

Signed:   Date: 9/21/93
MEMORANDUM

TO: Rae M. Loui, Deputy Director

FROM: Aquacl 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

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 Maui Electric for Well No. 0604-03. 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: 9/27/93
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 Maui Electric for Well No. 0604-03. 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.

Signed: Henry M. Schuba
Date: 9/22/93
MEMORANDUM

TO: Aquatic Resources
    Forest 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 Maui Electric for Well No. 0604-03. 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: 9-30-93

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 Maui Electric for Well No. 0604-03. 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: 9-21-93
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 Maui Electric for Well No. 0604-03. 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 Tagawa Phone: 587-0385

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

Signed: Date: 9/20/93
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 Maui Electric for Well No. 0604-03, which will be published in the Honolulu Star Bulletin.

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

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

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

Very truly yours,

KEITH W. AHUE

Enc.
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 Maui Electric for Well No. 0604-03. 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
Mrs. Byron S. Walters

Response: Contact person: ___________________________ Phone: ____________

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

Signed: ___________________________ Date: ____________
Mr. Mike Ribao  
Maui Electric  
P.O. Box 378  
Kaunakakai, HI 96748

Dear Mr. Ribao:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 0603-06 & 07, and 0604-03 to 05, 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.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

Kahanamui Well (Well No. 0352-17)
Applicant: Wilma Kamakana Grambusch
P.O. Box 614
Kaunakakai, HI 96748
Date Completed Application Received: August 19, 1993
Aquifer: Ualapue System, Southeast Sector, Molokai
Well Source: Kahanamui Well, Well No. 0352-17, Kahanamui Ahupuaa, Molokai at Tax Map Key: 5-6-6:14
Quantity Requested: 8,800 gallons per day
Existing Water Use: Irrigation of 2 acres of coffee trees and domestic service to 4 residences
Place of Water Use: Kahanamui Ahupuaa, Ualapue, Molokai at Tax Map Key: 5-6-6:14 & 15

Kaio Artesian Well (Well No. 3956-07)
Applicant: Jacob I. Kaio, Sr.
1519 Nehoa St. Apt. 105
Honolulu, HI 96822
Date Completed Application Received: August 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Kaio Artesian Well, Well No. 3956-07, Lot 40 AW 3773:2, Oahu at Tax Map Key: 5-5-8:40
Quantity Requested: 20,000 gallons per day
Existing/New Water Use: Irrigation of 3 acres of taro, flowers, and various vegetables
Place of Water Use: Lots 2, 9, & 40 AW 3773:2, at Tax Map Key: 5-5-8:40, 2, & 9

Umipaa Well (Well No. 0603-01)
Applicant: Hawaiian Research Ltd.
P.O. Box 40
Kaunakakai, HI 96748
Date Completed Application Received: May 11, 1993
Aquifer: Manawaimu System, Central Sector, Molokai
Well Source: Umipaa Well, Well No. 0603-01, Kalamaula, Molokai, at Tax Map Key: 5-2-11:28
Quantity Requested: 11,000 gallons per day
Existing Water Use: Irrigation Of 25 acres of corn and sorghum
Place of Water Use: Kalamaula, Molokai at Tax Map Key: 5-2-11:28, 10, & 33

(more)
Caldeira Well (Well No. 3855-11)
Applicant: Raymond Caldeira
P.O. Box 262
Kahuku, HI 96731
Date Completed Application Received: July 9, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Caldeira Well, Well No. 3855-11, 55-238-D Kamehameha Hwy, Oahu at
Tax Map Key: 5-5-1:60
Quantity Requested: 58,000 gallons per day
Existing Water Use: Irrigation of 1.2 acres of various crops and livestock operations
Place of Water Use: 55-238-D Kamehameha Hwy at Tax Map Key: 5-5-1:60

Pacific Sea 4 Well (Well No. 4258-09)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pacific Sea 4 Well, Well No. 4258-09, Kahuku, Oahu at Tax Map Key:
5-6-3:26
Quantity Requested: 2,000,000 gallons per day
New Water Use: Shrimp aquaculture
Place of Water Use: Kahuku at Tax Map Key: 5-6-3

Naiwa Dug Well (Well No. 0603-07)
Applicant: Maui Electric
P.O. Box 378
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Manawaimui System, Central Sector, Molokai
Well Source: Naiwa Dug Well, Well No. 0603-07, Kaluaapuhi Fishpond, Molokai at
Tax Map Key: 5-2-11:23
Quantity Requested: 1,000 gallons per day
Existing Water Use: Fire protection system testing
Place of Water Use: Kaluaapuhi fishpond at Tax Map Key: 5-2-11:31

Naiwa MECO Openpit (Well No. 0604-03)
Applicant: Maui Electric
P.O. Box 378
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Manawaimui System, Central Sector, Molokai
Well Source: Naiwa MECO Openpit Well, Well No. 0604-03, MECO Palaau Power Plant,
Molokai at Tax Map Key: 5-2-11:36
Quantity Requested: 150 gallons per day
Existing Water Use: Fire protection
Place of Water Use: MECO Palaau Power Plant at Tax Map Key: 5-2-11:36

(more)
Naiwa-MECO Irr. #1 (Well No. 0604-04)  
**Applicant:** Maui Electric  
P.O. Box 378  
Kaumakakai, HI 96748  
**Date Completed Application Received:** July 16, 1993  
**Aquifer:** Manawainui System, Central Sector, Molokai  
**Well Source:** Naiwa-MECO Irr. #1 Well, Well No. 0604-04, MECO Palaau Power Plant, Molokai at Tax Map Key: 5-2-11:31  
**Quantity Requested:** 2,500 gallons per day  
**Existing/New Water Use:** Irrigation of 10 acres of landscape  
**Place of Water Use:** MECO Palaau Power Plant at Tax Map Key: 5-2-11:31

Naiwa MECO Irr #2 (Well No. 0603-06)  
**Applicant:** Maui Electric  
P.O. Box 378  
Kaumakakai, HI 96748  
**Date Completed Application Received:** July 16, 1993  
**Aquifer:** Manawainui System, Central Sector, Molokai  
**Well Source:** Naiwa MECO Irr #2 Well, Well No. 0603-06, MECO Palaau Power Plant, Molokai at Tax Map Key: 5-2-11:31  
**Quantity Requested:** 2,500 gallons per day  
**Existing/New Water Use:** Irrigation of 10 acres of landscape  
**Place of Water Use:** MECO Palaau Power Plant at Tax Map Key: 5-2-11:31

Naiwa MECO Cooling Well (Well No. 0604-05)  
**Applicant:** Maui Electric  
P.O. Box 378  
Kaumakakai, HI 96748  
**Date Completed Application Received:** July 16, 1993  
**Aquifer:** Manawainui System, Central Sector, Molokai  
**Well Source:** Naiwa MECO Cooling Well, Well No. 0604-05, MECO Palaau Power Plant, Molokai at Tax Map Key: 5-2-11:31  
**Quantity Requested:** 350,000 gallons per day  
**New Water Use:** Industrial cooling and fire protection  
**Place of Water Use:** MECO Palaau Power Plant at Tax Map Key: 5-2-11:31

RL Montgomery Well (Well No. 2751-08)  
**Applicant:** Ruby Montgomery  
47-477 Waihee Place  
Kaneohe, HI 96744  
**Date Completed Application Received:** July 9, 1993  
**Aquifer:** Koolaupoko System, Windward Sector, Oahu  
**Well Source:** RL Montgomery Well, Well No. 2751-08, 47-477 Waihee Place, Oahu at Tax Map Key: 4-7-6:1  
**Quantity Requested:** 2,000 gallons per day  
**Existing Water Use:** Domestic service to 2 residences, livestock operations, and irrigation of 12 acres of various fruits and vegetables  
**Place of Water Use:** 47-477 Waihee Place at Tax Map Key: 4-7-6:1

(more)
HI State Hosp/416 Well (Well No. 2448-01)

Applicant: Hawaii State Hospital
45-710 Keahala Road
Kaneohe, HI 96744

Date Completed Application Received: August 9, 1993
Aquifer: Koolauupoko System, Windward Sector, Oahu
Well Source: HI State Hosp/416 Well, Well No. 2448-01, 45-710 Keahala Road, Oahu at
Tax Map Key: 4-5-23:2
Quantity Requested: 250,000 gallons per day
Existing Water Use: Domestic consumption and irrigation of a 2,280 sq. ft. nursery
Place of Water Use: Hawaii State Hospital at Tax Map Key 4-5-23:2

Geiger Park Well (Well No. 2001-04)

Applicant: Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809

Date Completed Application Received: July 23, 1993
Aquifer: Ewa Caprock System, Pearl Harbor Sector, Oahu
Well Source: Geiger Park Well, Well No. 2001-04, Ewa By Gentry Development, Oahu at
Tax Map Key: 9-1-61:7
Quantity Requested: 40,000 gallons per day
New Water Use: Irrigation of 13 acres of lawn and landscape
Place of Water Use: Ewa By Gentry Development at Tax Map Key: 9-1-61:7 & 41 to 50

Mokuleia Well (Well No. 3309-02)

Applicant: State of Hawaii
Dept. of Land and Natural Resources,
Division of Water and Land Development
1151 Punchbowl ST.
Honolulu, HI 96813

Date Completed Application Received: August 13, 1993
Aquifer: Mokuleia System, North Sector, Oahu
Well Source: Mokuleia Well, Well No. 3309-02, Mokuleia, Oahu at Tax Map Key: 6-8-7:1
Quantity Requested: 0 gallons per day
New Water Use: Exploratory purposes only
Place of Water Use: Mokuleia exploratory well site

Soh Well (Well No. 3655-04)

Applicant: Warren Soh
P.O. Box 865
Kahuku, HI 96731

Date Completed Application Received: July 14, 1993
Aquifer: Koolauula System, Windward Sector, Oahu
Well Source: Soh Well, Well No. 3655-04, 53-120 Halai St. Hauula, Oahu at Tax Map Key:
5-3-15:18
Quantity Requested: 500,000 gallons per day
New Water Use: Irrigation of 1 acre of taro, mango and banana trees
Place of Water Use: 53-120 Halai St., Hauula, Oahu, Makao Valley at Tax Map Key:
5-3-15:18

(more)
Waiono-Punalu'u Well (Well No. 3453-08)
Applicant: Billy and Kanani Casey
53-416 G. Kam Hwy.
Haunula, HI 96717
Date Completed Application Received: July 15, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Waiono-Punalu'u Well, Well No. 3453-08, 53-416 G. Kam Hwy, Oahu at Tax Map Key: 5-3-5:11
Quantity Requested: 3,000 gallons per day
Existing Water Use: Domestic service to 1 residence and irrigation of 1 acre of banana and papaya trees
Place of Water Use: 53-416 G. Kam Hwy at Tax Map Key: 5-3-5:11

Quarry Well D (Well No. 3856-04)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Quarry Well D, Well No. 3856-04, Laie Quarry, Oahu at Tax Map Key: 5-5-6:1
Quantity Requested: 334,000 gallons per day
Existing Water Use: Irrigation of 51 acres of banana and papaya trees and grass
Place of Water Use: Behind BYUH campus at Tax Map Key: 5-5-6:1

Laie Maloo Well (Well No. 3755-04)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Laie Maloo Well, Well No. 3755-04, Mauka of Kamehameha Hwy, Oahu at Tax Map Key: 5-5-6:11
Quantity Requested: 5,000 gallons per day
Existing Water Use: Supply for livestock (1 horse)
Place of Water Use: Mauka of Kam Hwy in Laie at Tax Map Key: 5-5-6:11

Pump 15 (Well No. 4157-04)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: July 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 15, Well No. 4157-04, Kahuku, Oahu at Tax Map Key: 5-6-2:1
Quantity Requested: 1,530,000 gallons per day
Existing Water Use: Service to 6 military offices and 23 acres of aquacultural operations
Place of Water Use: Kahuku and Kahuku Army Training Area at Tax Map Key: 5-6-2:1, 21, & 26

(more)
Kawaihapai Well (Well No. 3309-01)
Applicant: State of Hawaii
Dept. of Land and Natural Resources,
Division of Water and Land Development
1151 Punchbowl St.
Honolulu, HI 96813
Date Completed Application Received: August 13, 1993
Aquifer: Mokuleia System, North Sector, Oahu
Well Source: Kawaihapai Well, Well No. 3309-01, Mokuleia, Oahu at Tax Map Key: 6-8-7:1
Quantity Requested: 0 gallons per day
New Water Use: Exploratory Purposes Only
Place of Water Use: Kawaihapai exploratory well site

Kapaka Farm Wells (Well Nos. 3554-01 & 02 and 3654-03)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Kapaka Farm Wells, Well Nos. 3554-01 & 02 and 3654-03, near Kahanui Stream, Oahu at Tax Map Key: 5-3-12:1
Quantity Requested: 324,000 gallons per day
Existing Water Use: Irrigation of 33 acres of banana and papaya trees and various other crops
Place of Water Use: Near Kahanui Stream mauka of Kam Hwy at Tax Map Key: 5-3-12:1

Prawn Farm Well (Well No. 3856-07)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Prawn Farm Well, Well No. 3856-07, along Poohaii Street, Oahu at Tax Map Key: 5-5-5:1
Quantity Requested: 475,000 gallons per day
Existing Water Use: Services 103-acre prawn farm
Place of Water Use: Windward Oahu at Tax Map Key: 5-5-5:1 & 23 and 5-5-8

Egg Farm Well (Well No. 3956-05)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Egg Farm Well, Well No. 3956-05, along Poohaili Street, Oahu at Tax Map Key: 5-5-8:55
Quantity Requested: 62,000 gallons per day
Existing Water Use: Service to chicken and egg farm
Place of Water Use: Along Poohaili Street at Tax Map Key: 5-5-8:51
(more)
Welfare Farm Well (Well No. 3855-04)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Welfare Farm Well, Well No. 3855-04, mauka of Kam Hwy, Laie, Oahu at Tax Map Key: 5-5-6:1
Quantity Requested: 128,000 gallons per day
Existing Water Use: Irrigation of 39 acres of banana and papaya trees and grass
Place of Water Use: Mauka of Kam Hwy, Laie at Tax Map Key: 5-5-6:1

Truck Farm Well (Well No. 3755-06)
Applicant: Zions Securities Corp.
55-510 Kamehameha Hwy
Laie, HI 96762
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Truck Farm Well, Well No. 3755-06, mauka of Kam Hwy, Laie, Oahu at Tax Map Key: 5-5-6:1
Quantity Requested: 167,000 gallons per day
Existing Water Use: Irrigation of 51 acres of grass
Place of Water Use: Mauka of Kam Hwy in Laie at Tax Map Key: 5-5-6:1

WM Kamakana Kawela (Well Nos. 0456-01 & 17)
Applicant: Wilma Kamakana Grambusch
P.O. Box 614
Kaumakakai, HI 96748
Date Completed Application Received: August 19, 1993
Aquifer: Kamuela System, Southeast Sector, Molokai
Well Source: WM Kamakana Kawela Well, Well Nos. 0456-01 & 17, Kam V Hwy, Kawela, Molokai at Tax Map Key: 5-4-1:29
Quantity Requested: 52,500 gallons per day
Existing Water Use: Irrigation of 9 acres of various crops
Place of Water Use: Kam V Hwy, Kawela, Molokai at Tax Map Key: 5-4-1:29

Soda Creek III (Well No. 2001-05)
Applicant: Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809
Date Completed Application Received: July 23, 1993
Aquifer: Ewa Caprock System, Pearl Harbor Sector, Oahu
Well Source: Soda Creek III Well, Well No. 2001-05, Ewa by Gentry Development, Oahu at Tax Map Key: 9-1-70:132
Quantity Requested: 20,000 gallons per day
New Water Use: Irrigation for 6.67 acres of lawn and landscape
Place of Water Use: Ewa by Gentry Development at Tax Map Key: 9-1-70

(more)
Kamakana Kakahaia Well (Well No. 0456-18)

**Applicant:** Wilma Kamakana Grambusch  
P.O. Box 614  
Kaumakakai, HI 96748

**Date Completed Application Received:** August 19, 1993  
**Aquifer:** Kawela System, Southeast Sector, Molokai  
**Well Source:** Kamakana Kakahaia Well, Well No. 0456-18, Kam V Hwy, Kawela, Molokai at  
**Tax Map Key:** 5-4-1:18  
**Quantity Requested:** 2,355 gallons per day  
**Existing/New Water Use:** Irrigation of 0.78 acres of banana  
**Place of Water Use:** Kam V Hwy, Kawela, Molokai at Tax Map Key: 5-4-1:12 & 8 and  
5-5-1:18

WM. Kamakana #2 Well (Well No. 0456-19)

**Applicant:** Wilma Kamakana Grambusch  
P.O. Box 614  
Kaumakakai, HI 96748

**Date Completed Application Received:** August 19, 1993  
**Aquifer:** Kawela System, Southeast Sector, Molokai  
**Well Source:** WM. Kamakana #2 Well, Well No. 0456-19, Kam V Hwy, Kawela, Molokai at  
**Tax Map Key:** 5-4-1:2  
**Quantity Requested:** 90,000 gallons per day  
**Existing Water Use:** Aquaculture operations for 2.5 acres of limu and awa  
**Place of Water Use:** Kam V Hwy, Kawela at Tax Map Key: 5-4-1:2

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by October 6, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]

KEITH W. AHUE  
Chairperson

Dated: SEP - 8 1993

Publish in: Honolulu Star Bulletin issues of September 15, 1993 and September 22, 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

Transmitted for your review and comment is a copy of a water use permit application for Maui Electric for Well No. 0603-06. 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: _______________
INTERESTED OTHERS LIST

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  
Maui 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
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 Maui Electric for Well No. 0603-07. 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: ___________
INTERESTED OTHERS LIST

ADDITIONAL STANDARD CORRESPONDENCE

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

Mr. Brian Miskea
County of Maui
Department of Planning
200 South High Street
Wailuku, Hawaii 96793

IF NOT APPLICANT
Mr. David Craddick, Director
Maui Department of Water Supply
200 South High St.
Wailuku, HI 96793
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 Maui Electric for Well No. 0604-03. 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

Mr. Brian Miskee
County of Maui
Department of Planning
200 South High Street
Wailuku, Hawaii 96793

IF NOT APPLICANT
Mr. David Craddick, Director
Maui Department of Water Supply
200 South High St.
Wailuku, HI 96793
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 Maui Electric for Well No. 0604-04. 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

Mr. Brian Miske
County of Maui
Department of Planning
200 South High Street
Wailuku, Hawaii 96793

IF NOT APPLICANT
Mr. David Craddick, Director
Maui Department of Water Supply
200 South High St.
Wailuku, HI 96793
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 Maui Electric for Well No. 0604-05. 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

Mr. Brian Miskea
County of Maui
Department of Planning
200 South High Street
Wailuku, Hawaii 96793

IF NOT APPLICANT
Mr. David Craddick, Director
Maui Department of Water Supply
200 South High St.
Wailuku, HI 96793
<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>DATE</th>
<th>YOUR INVOICE NO.</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER USE PERMIT APPLICATIONS (5 APPLICATIONS @ $25/EACH)</td>
<td>09 08 93</td>
<td></td>
<td>125.00</td>
</tr>
</tbody>
</table>

GT 5490700 (21)

PLEASE DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

MAUI ELECTRIC CO., LTD.
P. O. BOX 398
KAHULUI, HAWAII 96732

THIS CHECK IS TENDERED IN PAYMENT OF ITEMS LISTED

TO KAY 9/9/83 R

"COPIES FOR WELL NO. 0603-06, 07
0604-03, 04, 05"
Dear Mr. Ribao:

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

We acknowledge receipt, on July 16, 1993, of your completed water use permit applications for the Naiwa Dug Well, Naiwa-Meco Open Pit, Naiwa-Meco Irr #1 Well, Naiwa-Meco Cooling Tower Well, Naiwa-Meco Irr #2 Well (Well Nos. 0603-07, 0604-03 to 05, and 0603-06). Please submit the original application forms for inclusion in our files.

We also acknowledge receipt of your water use permit application for the Kaluaapuhi-Meco stream diversion (Stream Diversion No. 0604-01). Since this source is surface water in nature and the central portion of Molokai is a water management area for ground water only, it is unnecessary for you to obtain a water use permit from the Commission at this time. Therefore, we are returning your application for water use permit for this surface water source.

Also enclosed is the check for $150.00 which covers the filing fee for your five well sources and the surface water source. Please submit a check for $125.00 for processing of the five well sources which require a water use permit.

Upon receipt of the filing fee, we will continue to process your water use permit applications and will send you a copy of the public notice and any further information regarding the status of your applications. You can expect your applications to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

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:fc

encl.
APPLYING FOR WATER USE PERMIT

PERMITTEE INFORMATION

1. (a) APPLICANT
   - Firm/Name: Waipio Valley Company Ltd. - Waialae P.O.
   - Contact Person: Mike Fields
   - Phone: 952-3234
   - Address: P.O. Box 370

(b) LANDOWNER OF SOURCE
   - Firm/Name: Waialae Ranch
   - Contact Person: Steve Hedges
   - Phone: 952-2167
   - Address: P.O. Box 370

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Waianae (Island: Oahu)
3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER:
   - NAME: Punalu'u-01 (Kalanpahau - Waianae)
   - STATE: R-000-00
   - NO. 0.00

(b) PROPOSED WELL/DIVERSION NAME:
   - NAME: Kualapuu Fishing
   - STATE: R-000-00
   - NO. 0.00

(c) LOCATION:
   - Address: Kualapuu Fishing
   - Tax Map Key: 5-2-111:20
   - (Attach a USGS map, scale 1" = 2000', and a property tax map showing source location referenced to established property boundaries.)

4. SOURCE TYPE (check one):
   - Stream
   - River
   - Lake-confined
   - Perched
   - Other

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)
   - Proposed use of water is:
     - Existing
     - New
     - Both existing & new use
   - Tax Map Key: 5-2-111:20
   - If location of use is over multiple TMKs, please complete Table 1 on back of application
   - Address:
   - Current Land Use District (check one):
     - Urban
     - Agriculture
     - Conservation
     - Rural
   - Current County Zoning Code:
     - AGRICULTURE

7. QUANTITY OF WATER REQUESTED: 1,000 gallons per day

8. METHOD OF MEASUREMENT:
   - Flowmeter
   - Open-pipe
   - Wair
   - Other (explain)

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

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

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

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:
12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:
    - LANDSCAPE: 2, OTHER: 10
    - Acres: 10
    - Crop: Landscaping

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
   - (daytime hours of operation, e.g. 7 a.m. to 2 p.m.)

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:
    - Impact on Sustainable yield (1):
    - Instream Flow Standards affected (1):
    - Hawaiian Home Lands use affected (1):
    - Other existing legal uses affected (1):
    - Other (pending permits, EIS, etc.) (1):

15. REMARKS, EXPLANATIONS:
    - * Would like to be used for future irrigation/land use

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

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

Applicant (print) Michael P. Pires
Signature Michael P. Pires
Date July 12, 1993

Landowner (print) Stephen J. Hedges
Signature Stephen J. Hedges
Date July 12, 1993

For Official Use Only:
Data Received __________________ Hydrologic Unit No. ____________
Data Accepted __________________ Division Works No. ____________
State Well No. ____________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT

☐ Ground Water  ☐ Surface Water

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96810. Application must be accompanied by a non-refundable filing fee of $125.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225 (neighbor islands, 1-800-468-4644).

PERMITTEE INFORMATION

1. (a) APPLICANT

Firm/Name: MAU ELECTRIC CO LTD - WAIKAMO EV.
Contact Person: Mike Puko
Address: C/O Puko
Phone: 568-9234

(b) LANDOWNER OF SOURCE

Firm/Name: SAWA AE APPLICANT
Contact Person: Puko
Address: 11000000

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: MAUNAWAI

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: 2009-03 (NAIWA - NUKO OPEN PIT)

(b) PROPOSED (NEW) WELL/DIVERSION NAME:

(c) LOCATION: Address NUKO - PALAU POWER PLANT

4. SOURCE TYPE (check one): ☐ Stream ☐ Basal ☐ Dike-confined ☐ Perched ☐ Aquifer

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)

(a) Proposed use of water is: ☐ Existing ☐ New ☐ Both existing & new uses

(b) Tax Map Key D-2 - 11; 126. (If location of use is over multiple TMKs, please complete Table 1 on back of application)

(c) Address: NUKO - PALAU POWER PLANT

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

(e) Current County Zoning Code: [ILUOSTEL]

7. QUANTITY OF WATER REQUESTED: 150 4 gallons per day

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

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

10. PROPOSED USE: ☐ Municipal (including hotels, stores, etc.) ☐ Industrial ☐ Irrigation ☐ Non-Potable ☐ Other (explain) [FED PROPRIETOR]

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

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:

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

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: [AS REQUIRED FOR FIRE PROTECTION]

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:

(a) Impact on Sustainable yield (?): 

(b) Instream Flow Standards affected (?):

(c) Hawaiian Home Lands use affected (?):

(d) Other existing legal uses affected (?):

(e) Other (pending permits, EIS, etc.)?: 

15. REMARKS, EXPLANATIONS: [IF MORE SPACE IS NEEDED, CONTINUE ON BACK SIDE]

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

Applicant (print): MICHAEL P. PUKO
Landowner (print): SAWA AE APPLICANT
Signature: Michael P. Puko
Date: July 12, 1993

For Official Use Only:

Date Received: ____________________
Date Accepted: ____________________

Hydrologic Unit No. ____________________
Diversion Works No. ____________________
State Well No. ____________________

4/13/93 WUFA Form
TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

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

DECLARANT (File Reference): MOLOKAI ELECTRIC

SITE VISIT DATE: December 21, 1992

PRESENT: Mr. Mike Ribao
Mr. Sonny Friel
Sterling Chow

STATUS:

/(1) Dug well currently in use. Well index number 0603-7 (Naiwa dug) will be assigned to this well.

/(2) Unused dug well. Well index number 0604-03 (Naiwa-MECO Open Pit) will be assigned to this well.

/(3) Unused drilled well. Well index number 0604-04 (Naiwa-MECO Irr #1) will be assigned to this well.

/(4) Unused drilled well. Well index number 0603-06 (Naiwa-MECO Irr #2) will be assigned to this well.

/(5) Unused dug well. Well index number 0604-05 (Naiwa-MECO Cooling Tower) will be assigned to this well.

/(6) Unused spring source. Stream diversion number 0604-01 (Kaluaapuhi-MECO) will be assigned to this spring.

SOURCE(S):

(1) TMK: 5-2-11:23. USGS Kaunakakai quad (Mo-3). Maunawainui aquifer system. Well to be assigned number 0603-07 (Naiwa Dug).

(2) TMK: 5-2-11:36. USGS Kaunakakai quad (Mo-3). Maunawainui aquifer system. Well to be assigned number 0604-03 (Naiwa-MECO Open Pit).

(3) TMK: 5-2-11:31. USGS Kaunakakai quad (Mo-3). Maunawainui aquifer system. Well to be assigned number 0604-04 (Naiwa-MECO Irr #1).

(4) TMK: 5-2-11:31. USGS Kaunakakai quad (Mo-3). Maunawainui aquifer system. Well to be assigned number 0603-06 (Naiwa-MECO Irr #2).
USE(S):

(1) TMK: 5-2-11:31. USGS Kaunakakai quad (Mo-3). Fire protection for Palaau Power Plant.

(2) Not in use.

(3) Not in use.

(4) Not in use.

(5) Not in use.

(6) Not in use.

FIELD NOTES:

SUMMARY: Molokai Electric is able to receive water from the State Department of Hawaiian Home Lands system or from Molokai Ranch via pipelines that connect to 5,000 gallon and 25,000 gallon storage tanks on the mauka side of the property. Currently, Molokai Electric only receives water from the Department of Hawaiian Home Lands. Water from the DHHL system flows into the 5,000 gallon tank, into the 25,000 gallon tank, then into another 25,000 steel tank on the property with an electric pump for use by the power plant.

Of the six declaration forms that were received by the Commission, only one source, referred to as "Ooia" in the declaration, is in use as fire protection.

NOTE: Mr. Ribao requested a copy of the field report and a copy of the declarations filed in 1989 for his records.
(2) Well 0604-03 (Naiwa-MECO Open Pit):

1. Source: A dug well approximately 30 feet wide and 70 feet long. The well had been used for fire protection in the past. The well does not have a pump nor motor.

2. Use: Not in use.

3. Quantity: Not in use.

4. Location: Source, TMK: 5-2-11:36. Using the GPS: latitude = 21 deg 06 min 31.0 sec N longitude = 157 deg 04 min 4.7 sec W

5. Ownership: Land owned by declarant, Molokai Electric.

6. Well number 0604-03 (Naiwa-MECO open Pit) will be assigned to this well.

(3) Well 0604-04 (Naiwa-MECO Irr #1):

1. Source: A drilled well with 4-inch diameter steel casing and total depth of 45 feet. Although the pump has been broken for 2 years, the well does have a 30 gpm submersible pump with a 1-1/2 hp electric motor.

2. Use: Not in use.

3. Quantity: Not in use.

4. Location: Source, TMK: 5-2-11:31. Using the GPS: latitude = 21 deg 06 min 32.8 sec N longitude = 157 deg 04 min 02.7 sec W

5. Ownership: Land owned by declarant, Molokai Electric.

6. Well number 0604-04 (Naiwa-MECO Irr #1) will be assigned to this well.
FIELD INSPECTION INFORMATION CHECKLIST (Ver. 4/3/91)

PART I: USE OF WATER

Declarant’s File Reference: MOLOKAI ELECTRIC

1. Tax Map Key where the water is used: __________________. Does the declarant own this land? ______ If not, who does? ____________________________

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

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

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

PART II: WATER SOURCE

Source #: 0604-03 Name: NAIWA-MECO OPEN PIT

1. Where does the water come from / what kind of source is this? DUG WELL, APPROX 30 FT x 70 FT
   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? 6°17'19.66"N, 157°04'04.7"W
   What is the capacity for taking (gpm)? ____________________________
   How often is it taken (used)? ____________________________

3. Tax Map Key at the source: 5-2-11-36. Determine declarant’s relation to source. Does the declarant:
   1) Operate and maintain the source? NO If not, who does? ____________________________
   2) Own the land at the source? YES If not, who does? ____________________________
   3) Use the water from this source? NO If not, who does? ____________________________
   4) Own the land where the water is being used? ______
   5) None of the above? ______ If so, why did they file? ____________________________

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

VERIFIED BY: STERLING CHOW DATE: 12-21-92
He confirmed that 0603-06, 0604-05 are not in use, that they would like to have all outstanding borings completed by this date. Projects scheduled to come on line in 1995-96 requested that he send in written justification of these plans in permits, zoning, etc. 4 yr. time schedule. He said we will send something in writing.
Well No. 0604-03

EXHIBIT 1

Project Area

Hydrologic Units - Island of Molokai

Used: 5
Unused: 2
WATER USE PERMIT NO. 294

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

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Maui Electric Company</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P.O. Box 378</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Landowner of Source:</td>
<td>Maui Electric Company</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 378</td>
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<td>Permitted Withdrawal Rate:</td>
<td>150 gpd (Based upon a 12-month moving average)</td>
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<td>Water Management Area:</td>
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<td>Island:</td>
<td>Molokai</td>
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<tr>
<td>Aquifer Sector/System:</td>
<td>Central/Manawainui</td>
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<td>System Sustainable Yield:</td>
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<td>Water Type:</td>
<td>Brackish</td>
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<td>Original CWRM Date:</td>
<td>November 17th, 1993</td>
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<tr>
<td>Standard Conditions:</td>
<td>1-11, 13-14, 16-17, 20-23</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>None</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 0604-03 |
| Well Name:            | Naiwa MECO Open Pit |
| Water Source TMK Number(s): | 2nd Division, 5-2-011:036 |
| State Land Use Classification(s): | N/A |
| County Zoning Classification(s): | Industrial |
| Geographical Coordinates: | N/A |

End Use

| End Use TMK Number(s): | 2nd Division, 5-2-011:036 |
| State Land Use Classification(s): | N/A |
| County Zoning Classification(s): | Industrial |
| Beneficial Use Explanation: | Use for industrial fire protection |
Background Information

Water Use Permit 294 was approved during the November 17th, 1993 Commission on Water Resource Management meeting. There are no monthly water use reports or salinity records on file for State Well No. 0604-03. Standard conditions 1-11, 13-14, 16-17, & 20-23 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Field Investigation Information

No field investigation was conducted for Water Use Permit 294. Brown and Caldwell attempted to contact the permittee on three different occasions via standard mail. Cover letters accompanied by survey forms were sent out on November 21st, 2007, February 20th, 2008, and July 15th, 2008 to P.O. Box 378, Kaunakakai, HI 96748. Since no response was received by the end of the field investigation phase of this project, Brown and Caldwell was not able to verify any of the information listed in this report. Reference the permit file for supporting documentation relevant to this contact process.

Summary of Findings for Water Use Permit No. 294

Although no field investigation was completed for this Water Use Permit, information pertinent to permit compliance was gathered during the research phase of this project.

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

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

Since no monthly water use reports or salinity records are being submitted to the Commission for State Well No. 0604-03, the permittee is found to be violation of Standard Condition (10).

Recommendations

• Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  o No discrepancies found
• Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels.
• Address issue of lack of response in regards to the Commission's attempt to contact the permittee during this permit review process.
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
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 stramflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen's Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

138. Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation's Board) or into Waikele Farm's existing irrigation system.

140. The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal's date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

141. The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
November 21\textsuperscript{st}, 2007

WUP Holder
Maui Electric Company
P.O. Box 378
Kaunakakai, HI 96748

Subject: WUP’s 293-294

Water Use Permit Review

In accordance with 13-171-22(b) of the Hawaii Revised Statutes, the Commission on Water Resource Management is required to conduct a 20 year permit review of issued permits to determine permit compliance. As a permit holder, we are contacting you to conduct a review of your water use permit.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time within the time period given, and a representative from Brown and Caldwell will contact you to make further field visit arrangements.

We thank you for your cooperation in promoting beneficial and reasonable use of our ground water while protecting our limited natural supply.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

RI:ss
February 20th, 2008

Water Use Permit Holder
Maui Electric Company
P.O. Box 378
Kaunakakai, HI 96748

Subject: WUP's 293-294

Second Notice of Water Use Permit Review

In accordance with §174C-56 of the Hawaii Revised Statutes and 13-171-22(b), Hawaii Administrative Rules, the Commission on Water Resource Management is required to conduct a 20-year permit review of issued permits to determine permit compliance and prepare a formal report to legislature for public review. As a water use permit holder, we are notifying you of this statutory requirement and are asking for your help in the review of your water use permit.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time within the time period given, and return the form via mail to Brown and Caldwell. A representative from Brown and Caldwell will then contact you to make further field visit arrangements.

Please note that this is the second notice that we are sending to attempt to make contact with you. If we cannot conduct a field investigation to verify your water use, we may commence proceedings to revoke your permit. Once your permit is revoked, you will no longer be able to use ground water from your well. Upon revocation, any water use without a valid permit will be subject to fines of up to $5,000 per day. As such, it is in your best interest to return the form to Brown and Caldwell as soon as possible.

We thank you for your cooperation in promoting beneficial and reasonable use of our ground water while protecting our limited natural supply.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director
July 15, 2008

Maui Electric Company
P.O. Box 378
Kaunakakai, HI 96748

Dear Sir or Madam:

3rd Notice of Water Use Permit Permit Review

In accordance with §174C-56 of the Hawaii Revised Statutes and 13-171-22(b), Hawaii Administrative Rules, the Commission on Water Resource Management is required to conduct a 20-year permit review of issued water use permits to determine permit compliance and prepare a formal report to the 2009 legislature for public review. We are notifying you of this statutory requirement as you are a water use permit holder and are asking for your help in the review of your water use permit. For your reference, your Water Use Permit number is Water Use Permit Nos. 293- & 294 (on Molokai). This notice is our third attempt at contacting you for this statutory review, which must be completed soon to be ready for the beginning of the 2009 legislative session.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time your field investigation can be conducted, and return the form via mail to Brown and Caldwell no later than July 18th, 2008. A representative from Brown and Caldwell will then contact you to make field visit arrangements.

If we cannot conduct a field investigation to verify your water use, we may commence proceedings to revoke your permit. Once your permit is revoked, you will no longer be able to use ground water from your well without applying for and obtaining a new water use permit. Upon revocation, any water use without a valid permit will be subject to fines of up to $5,000 per day. As such, it is in your best interest to return the form to Brown and Caldwell as soon as possible.

We thank you for your cooperation in promoting reasonable and beneficial use and protection of our public trust ground water resources.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

RI:ss
Enclosure
**Water Use Permit Survey**  
(Please complete one survey form for each WUP)

WUP Number: ___________________ Well Number(s): ___________________

**Contact Information** (of the person who will be present at site visit):

Name: ________________________________________________________________
Phone (for phone interview): __________________________ Fax:              
Email: ________________________________________________________________
Best time to reach for phone interview: _________________________________

**Property Information** (of the water use/well location):

Address: ______________________________________________________________
City: __________________ Zip: __________________
Well Location TMK (list all if multiple wells present): _______________________
Water Use TMK (list all if used on multiple lots): __________________________

**Water Use/Well Information:**

Is the water source currently in use?  
Yes [ ] No [ ]
If no, please explain: ___________________________________________________

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

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

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

**Field Investigations:**

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

<table>
<thead>
<tr>
<th>Option #</th>
<th>Date (M-F):</th>
<th>Time:</th>
<th>9:00 am</th>
<th>12:00 pm</th>
<th>3:00 pm</th>
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</table>

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

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

For Official Use Only

Received: ___________________ Information Updated: ___________________ Phone Interview Complete: ___________________

Notes/Comments: ____________________________________________________________
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Water Use Permit Applications
Manawainui Ground Water Management Area, Molokai

<table>
<thead>
<tr>
<th>Applicant details</th>
<th>Landowner details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Well No. 0603-01) Hawaiian Research Ltd. P.O. Box 40 Kaunakakai, HI 96748</td>
<td>Roland Holden P.O. Box 839 Williamsburg, IA 52361</td>
</tr>
<tr>
<td>2. (Well No. 0603-07) Maui Electric Co., Ltd, Molokai Division P.O. Box 378 Kaunakakai, HI 96748</td>
<td>Molokai Ranch P.O. Box 8 Maunaloa, HI 96770</td>
</tr>
<tr>
<td>3. (Well Nos. 0603-06, 0604-03 to 05) Maui Electric Co., Ltd, Molokai Division P.O. Box 378 Kaunakakai, HI 96748</td>
<td>Same</td>
</tr>
<tr>
<td>4. (Well No. 0706-02) Molokai Ranch, Ltd. Four Waterfront Plaza, Ste. 400 500 Ala Moana Blvd. Honolulu, HI 96813</td>
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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>
<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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<td>Sustainable Yield</td>
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<td>Existing Allocations</td>
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<td>Available Allocations</td>
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<td>Hawaiian Research Ltd.</td>
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<td>Gerald I. Na</td>
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<td>Maui Electric Co. (Naive Meco Irr # 2)</td>
<td>+0.000</td>
<td>0.003</td>
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<td>Maui Electric Co. (Naive Dug)</td>
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<td>Molokai Ranch (Palaau Aquaculture)</td>
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<td>**1.440</td>
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<tr>
<td>TOTALS</td>
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<td>TOTAL RECOMMENDED ALLOCATIONS</td>
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<td>REMAINING AVAILABLE ALLOCATION</td>
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+ Includes fire protection testing and use for actual fires only
** Phase 1 and 2 of Palaau Aquaculture only.
** Phase 1 and 2 of Palaau Aquaculture. Remaining Phase 3 will require an additional 0.578 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
water use will fluctuate in response to climatic conditions. Per unit area, the requested amount is in line with allocations granted to the applicant in prior Commission action for two nearby similar water uses (about 1,850 gallons per acre per day).

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

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 nonexistent 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., Molokai Division - 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).
Chairperson and Members
Commission on Water Resource Management

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,

Keith W. Ahue, Chairperson

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson

keith can mail all wtr user reporter to (suitcase)

molokai residents.

W. Kennedy - Kalamaua Assoc. protests:
- Kama/ Molokai Electric
- Hawaiian Research
- Molokai Ranch

"What effect will users have in Kalamaua kimaeda?"

1. not enough monitoring, no meters
2. is users using for "dual purposes?"
Need more checkers

Henry/ all users
- I want to South Grove (Owa 41 k
- need direction, need to turn 6" @
- ask okay to turn 6" @

This is 60" & 100" at the kile to which
WATER USE PERMIT DETAILED INFORMATION

Source Information

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

1. WELL:
Location: Umipaa Well (Well No. 0603-01)
Kalamaula, Molokai, TMK:5-2-11:28
Year Drilled: Dug in 1972
Casing Diameter:
Elevations (msl= 0 ft.)
Water Level: 72 in.
Ground: NA ft.
Bottom of Solid Casing: 15 ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -1 ft.
Total Depth: 16 ft.
Grouted Annulus Depth: NA ft.

2. WELL:
Location: Naiwa Dug Well (Well No. 0603-07)
Kaluapupu Fishpond, Molokai, TMK:5-2-11:23
Year Drilled: Dug in 1950's
Casing Diameter:
Elevations (msl= 0 ft.)
Water Level: 0 ft.
Ground: 11 ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -4 ft.
Total Depth: 15 ft.
Grouted Annulus Depth: NA ft.

3a. WELL:
Location: Naiwa-MECO Irr #2 Well (Well No. 0603-06)
MECO Palaau Power Plant, Molokai, TMK:5-2-11:31
Year Drilled: 1980
Casing Diameter:
Elevations (msl= 0 ft.)
Water Level: 1.9 ft.
Ground: 84 ft.
Bottom of Solid Casing: 6 ft.
Bottom of Perforated: -2 ft.
Bottom of Open Hole: NA ft.
Total Depth: 86 ft.
Grouted Annulus Depth: NA ft.

3b. WELL:
Location: Naiwa-MECO Open Pit (Well No. 0604-03)
MECO Palaau Power Plant, Molokai, TMK:5-2-11:36
Year Drilled: Dug in 1981
Casing Diameter:

ATTACHMENT A
<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location:</th>
<th>Year Drilled:</th>
<th>Casing Diameter:</th>
<th>Elevation (msl = 0 ft.)</th>
<th>Total Depth:</th>
<th>Grouted Annulus Depth:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c. WELL</strong>:</td>
<td>Naiwa-MECO Irr #1 Well (Well No. 0604-04)</td>
<td>1980</td>
<td>5 in.</td>
<td>0 ft.</td>
<td>19 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Location:</td>
<td>MECO Palaau Power Plant, Molokai, TMK:5-2-11:31</td>
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<td></td>
<td></td>
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<tr>
<td>Year Drilled:</td>
<td>Dug in 1980</td>
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<td></td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td>Dug in 1980</td>
<td></td>
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</tr>
<tr>
<td>Elevation (msl = 0 ft.)</td>
<td>1.8 ft.</td>
<td>1.8 ft.</td>
<td>8 ft.</td>
<td>-9 ft.</td>
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<tr>
<td>Water Level:</td>
<td>16 ft.</td>
<td>16 ft.</td>
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<tr>
<td>Ground:</td>
<td>0 ft.</td>
<td>0 ft.</td>
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<tr>
<td>Bottom of Solid Casing:</td>
<td>36 ft.</td>
<td>36 ft.</td>
<td></td>
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<tr>
<td>Bottom of Perforated:</td>
<td>34 ft.</td>
<td>34 ft.</td>
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<tr>
<td>Bottom of Open Hole:</td>
<td>32'-5&quot; ft.</td>
<td>32'-5&quot; ft.</td>
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<tr>
<td>Total Depth:</td>
<td>38 ft.</td>
<td>38 ft.</td>
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<tr>
<td>Grouted Annulus Depth:</td>
<td>38 ft.</td>
<td>38 ft.</td>
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<tr>
<td><strong>3d. WELL</strong>:</td>
<td>Naiwa-MECO Cooling Tower (Well No. 0604-05)</td>
<td>Dug in 1980</td>
<td>90 in.</td>
<td>0 ft.</td>
<td>45 ft.</td>
<td>NA ft.</td>
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<td>Location:</td>
<td>MECO Palaau Power Plant, Molokai, TMK:5-2-11:31</td>
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<tr>
<td>Year Drilled:</td>
<td>Dug in 1980</td>
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<td></td>
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<tr>
<td>Casing Diameter:</td>
<td>Dug in 1980</td>
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</tr>
<tr>
<td>Elevation (msl = 0 ft.)</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>32'-5&quot; ft.</td>
<td>-4 ft.</td>
<td></td>
<td></td>
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<tr>
<td>Water Level:</td>
<td>34 ft.</td>
<td>34 ft.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Ground:</td>
<td>32'-5&quot; ft.</td>
<td>32'-5&quot; ft.</td>
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<tr>
<td>Bottom of Solid Casing:</td>
<td>38 ft.</td>
<td>38 ft.</td>
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<tr>
<td>Bottom of Perforated:</td>
<td>32'-5&quot; ft.</td>
<td>32'-5&quot; ft.</td>
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<tr>
<td>Bottom of Open Hole:</td>
<td>32'-5&quot; ft.</td>
<td>32'-5&quot; ft.</td>
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<tr>
<td>Total Depth:</td>
<td>38 ft.</td>
<td>38 ft.</td>
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<tr>
<td>Grouted Annulus Depth:</td>
<td>38 ft.</td>
<td>38 ft.</td>
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<tr>
<td><strong>4. WELL</strong>:</td>
<td>South Hoolehua Well (Well No. 0706-02)</td>
<td>Dug in 1947</td>
<td>NA in.</td>
<td>NA ft.</td>
<td>25 ft.</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Location:</td>
<td>Palaau Government Road, Molokai, TMK:5-1-2:18</td>
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<tr>
<td>Year Drilled:</td>
<td>Dug in 1947</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Casing Diameter:</td>
<td>Dug in 1947</td>
<td></td>
<td></td>
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<tr>
<td>Elevation (msl = 0 ft.)</td>
<td>NA ft.</td>
<td>NA ft.</td>
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<tr>
<td>Water Level:</td>
<td>23 ft.</td>
<td>23 ft.</td>
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<tr>
<td>Ground:</td>
<td>NA ft.</td>
<td>NA ft.</td>
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<tr>
<td>Bottom of Solid Casing:</td>
<td>NA ft.</td>
<td>NA ft.</td>
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<td></td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>NA ft.</td>
<td>NA ft.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>-2 ft.</td>
<td>-2 ft.</td>
<td></td>
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<tr>
<td>Total Depth:</td>
<td>25 ft.</td>
<td>25 ft.</td>
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<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
<td>NA ft.</td>
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</tbody>
</table>
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: 1,480 gpd/acre
   Nearby Similar Water Usage: 1,850 gpd/acre

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: NA gpd
   Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd

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: NA gpd
    Nearby Similar Water Usage: NA gpd
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 Manawaiinui Aquifer System or who will be directly and immediately affected by the proposed water use. All objections and/or comments to the application are summarized as follows:

<table>
<thead>
<tr>
<th>Objector/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>
<tr>
<td>NHAC</td>
<td>General process of water use permit applications. Defer pending reservation for DHHL lands and pending bulk allocation to Maui DWS. Restrict use to avoid affecting subsurface flows to fishponds and nearshore ecosystems and to honor native Hawaiian rights.</td>
</tr>
<tr>
<td>NHAC</td>
<td>General process of water use permit applications. Defer pending reservation for DHHL lands and pending bulk allocation to Maui DWS. 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>
</tbody>
</table>
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.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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