Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

A water lease/permit is required of this applicant and an application for such will be requested by our division.

A water lease/permit is not required of this applicant.

A water lease/permit has been obtained by the applicant through lease no.

Other relevant Land Division rules/regulations, information, or recommendations are attached.

No objections

Other comments:

Contact person: Gary Martin

Phone: 587-0421

Signed: Gary Martin

Date: June 29, 2001
TO: Honorable Raynard C. Soon, Chairperson
   Department of Hawaiian Home Lands

   Honorable Bruce S. Anderson, Director
   Department of Health
   Attn: Mr. Dennis Tulang
   Attn: Mr. William Wong

   Honorable Haunani Apolonia, Chairperson
   Office of Hawaiian Affairs

   Mr. Clifford S. Jamile, Manager & Chief Engineer
   Honolulu Board of Water Supply
   Attn: Mr. Chester Lao
   Attn: Mr. Barry Usagawa

   Mr. Randall Puiliki, Director
   Department of Planning and Permitting
   Attn: Planning Division

FROM: Gilbert S. Coloma-Agaran, Chairperson
   Commission on Water Resource Management

SUBJECT: Water Use Permit Application
   Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

☐ We have no comments (salt water for marine research facility)
☐ We have no objections
☐ Comments attached

Contact person: Stuart Yamada
Phone: 586-4258

Signed: Date: JUN 25 2001
Mr. Louis M. Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Mr. Herman:

We acknowledge receipt, on June 15, 2001, of your completed water use permit application for the Kewalo Basin Salt (Well No. 1751-05). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

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.

We are also enclosing a Registration of Well and Declaration of Water Use form. Please complete the form and return it to us prior to August 15, the tentative date on which your water use permit application has been scheduled for action.

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

Sincerely,

[Signature]

LINNEL T. NISHIOKA
Deputy Director

LN:ky
Enclosures
PUBLIC NOTICE

Application for Water Use Permit
Nuuanu (caprock) Ground Water Management Area, Oahu

The following application for water use permit has been received and is hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

Kewalo Basin Salt (Well No. 1751-05)
Applicant: Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Date Completed Application Received: June 15, 2001

Aquifer: Nuuanu System (caprock), Honolulu Sector, Oahu

Water Source: Kewalo Basin Salt (Well No. 1751-05) at 1129 Ala Moana Blvd., Oahu, Tax Map Key 2-1-58:60

Quantity Requested: 1,440 gallons per day.

Existing Water Use: Existing (marine mammal research facility since 1969)

Place of Water Use: 1129 Ala Moana Blvd. at Tax Map Key: 2-1-58:60

Written objections or comments on the above application 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 (provide TMK information); (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 permit. Written objections must be received by July 30, 2001. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT


Dated: JUN 25 2001

Publish in: Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001
TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
State Parks  

FROM: Linnel T. Nishioka, Deputy Director  
Commission On Water Resource Management  

SUBJECT: Request for Comments  
Water Use Permit Application  
Nuuanu (caprock) Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments  
( ) We have no objections  
( ) Comments attached  

Contact person: ___________________________  
Phone: ___________________________  

Signed: ___________________________  
Date: ___________________________
TO: Harry Yada, Administrator
   Land Division

FROM: Linnel T. Nishioka, Deputy Director
      Commission On Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) A water lease/permit is required of this applicant and an application for such will be requested by our division.
( ) A water lease/permit is not required of this applicant.
( ) A water lease/permit has been obtained by the applicant through lease no.
( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.
( ) No objections
( ) Other comments:

Contact person: ___________________________ Phone: ___________________

Signed: _________________________________ Date: ____________________
TO: Honorable Raynard C. Soon, Chairperson
      Department of Hawaiian Home Lands

      Honorable Bruce S. Anderson, Director
      Department of Health
      Attn: Mr. Dennis Tulang
      Attn: Mr. William Wong

      Honorable Haunani Apolonia, Chairperson
      Office of Hawaiian Affairs

      Mr. Clifford S. Jamile, Manager & Chief Engineer
      Honolulu Board of Water Supply
      Attn: Mr. Chester Lao
      Attn: Mr. Barry Usagawa

      Mr. Randall Fujiki, Director
      Department of Planning and Permitting
      Attn: Planning Division

FROM: [Signature]
      Gilbert S. Coloma-Agaran, Chairperson
      Commission on Water Resource Management

SUBJECT: Water Use Permit Application
         Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: ________________________________ Phone: ________________________________
Signed: ________________________________ Date: ________________________________
TO: Ms. Esther Ueda, Executive Officer
    Land Use Commission
FROM: Gilbert S. Coloma-Agaran, Chairperson
    Commission on Water Resource Management
SUBJECT: WATER USE PERMIT APPLICATION
    Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: ____________________________ Phone: ______________

Signed: ____________________________ Date: ______________
TO: Mr. Randall Fujiki, Director  
Department of Planning and Permitting  
Attn: Art Challacombe  

FROM: Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  

SUBJECT: WATER USE PERMIT APPLICATION  
Nuuanu (caprock) Ground Water Management Area, Oahu  

For your review and record, we are forwarding a copy of the application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05, which includes a copy of your concurrence letter, confirming the zoning designation for the proposed uses on the attached application and confirming the consistency of the proposed projects with the current zoning designation. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

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

LN:ky  
Attachment(s)  

Response:  

( ) The proposed water use(s) is consistent with the current zoning designation(s).  
( ) Comments attached  

Contact person: ___________________________ Phone: ___________________________  
Signed: ___________________________ Date: ___________________________
Honorable Jeremy Harris, Mayor  
City & County of Honolulu  
City Hall  
Honolulu, HI 96813  

Dear Mayor Harris:

Notice of an Application for Water Use Permit  
Nuuanu (caprock) Ground Water Management Area, Oahu

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 and water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05, which will be published in the Hawaii State & County Public Notices (HS&CPN).

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 received a concurrence letter from the Department of Planning and Permitting (DPP) confirming the current zoning designation for the proposed use locations and the consistency of the current zoning designations with the proposed project. In accordance with the procedure that has been established by DPP, we have also sent a copy of the application and an individual request for comments to DPP and the Board of Water Supply to facilitate and expedite City agencies review. We will look forward to receiving the City's review comments from DPP within the next sixty (60) days, on whether this water use is consistent with county plans, policies, and land use designations.

Very truly yours,

GILBERT S. COLOMA-AGARAN  
Chairperson

LN:ky  
Enclosures
TO: Other Interested Parties
FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or interferences with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18 of our Administrative Rules and must be filed by the July 30, 2001 deadline.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: __________________________ Phone: __________________

Signed: __________________________ Date: __________________
June 14, 2001

Mr. Louis M. Herman
Kewalo Basin Marine Mammal Laboratory
1129 Ala Moana Boulevard
Honolulu, Hawaii 96814

Dear Mr. Herman:

Water Use Permit Application for Kewalo Basin Marine Mammal Laboratory, for Saltwater Well No. 1751-05, Nuuanu Aquifer, Tax Map Key: 2-1-58: 001

We have reviewed the preliminary application and provide the following comments.

1. Kewalo Basin is under the zoning jurisdiction of the Hawaii Community Development Authority (HCDA). According to HCDA (Matthew Akamu of HCDA, telephone 587-2867):
   a. A use zone of Waterfront Commercial (WC) is shown for TMK 2-1-58: 60 on the Land Use Map of the Makai Area Plan for the Kaka’ako Community Development District.
   b. Your activity is a valid nonconforming use. The use zone WC includes aquariums and museums but does not specifically permit public research laboratories.
   c. The water use application for the proposed use is consistent with the intent of the Makai Area Plan and its Land Use Map.

2. You should revise your maps showing the well location so that the well site is just within your lab parcel TMK 2-1-58: 60 (as stated in item #3 of your application), not shoreline parcel TMK 2-1-58: 1 as shown on the maps. This was confirmed by Matthias Hoffman-Khunt of your staff when we checked on this discrepancy.
Should you have any questions, please call Mike Watkins of our staff at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

cc: HCDA
   Commission on Water Resource Management
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96803. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225. For further information and updates to this application form, visit http://www.state.hi.us/dlnr/cwrm.

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: Kewalo Basin Marine Mammal Lab
   Contact Person: Louis M. Herman
   Address: 1210 Ala Moana Blvd., Honolulu, HI 96814
   Phone: (808) 591-2121
   Fax: (808) 597-8572
   E-mail: lherman@hawaii. edu

   (b) LANDOWNER OF SOURCE
   Firm/Name: HCDA
   Contact Person: Jan S. Yokota
   Address: 677 Ala Moana Blvd., Honolulu, HI 96814
   Phone: (808) 587-2870
   Fax: (808) 599-2613
   E-mail: hcda@gte.net

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Nuuanu Aquifer
   ISLAND: OAHU

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER: 1751-05
   (If source doesn't presently exist, please attach well construction/stream diversion permit or application.)

4. SOURCETYPE (check one): Stream
   Source Accompanied by a non-refundable filing fee of $25.00
   3. (a) APPLICANT
   (b) LANDOWNER OF SOURCE

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated Private System
   (b) Non-PUC-Regulated Private System
   (a) PUC-Regulated Private System
   (b) Non-PUC-Regulated Private System

7. QUANTITY OF WATER REQUESTED: 1440000 gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT:
   (a) Flowmeter
   (b) Orifice
   (c) Weir
   (d) Orifice
   (e) Non-Potable
   (f) Potable
   (g) Non-Potable

9. QUALITY OF WATER REQUESTED:
   (a) Fresh
   (b) Brackish
   (c) Salt
   (d) Salt
   (e) Fresh
   (f) Brackish
   (g) Salt
   (h) Salt

10. PROPOSED USE:
    (a) Municipal (including hotels, stores, etc.)
    (b) Individual Domestic
    (c) Industrial
    (d) Military
    (e) Other
    (f) Other

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24x7
    (daytime hours of operation; example, 7 a.m.-11 p.m.)

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
    (a) Can be accommodated with the available water source.
    (b) Is a reasonable-beneficial use.*
    (c) Will not interfere with any existing legal use.
    (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 general policies.
     (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

   * Section 13-171-2, Hawaii Revised Statutes — "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.

13. REMARKS, EXPLANATIONS: WE WERE NOT AWARE THAT WE NEEDED A WATER USE PERMIT FOR SALT WATER - ONLY WHEN WE CONSIDERED UPGRADING OUR PUMP WE REALIZED THAT WE NEEDED A WATER USE PERMIT

   (a) APPLICANT
   (b) LANDOWNER

   Applicant (print): Louis M. Herman
   Landowner (print): Jon Yokota, Executive Director
   Signature: ____________________________
   Signature: ____________________________
   Date: 5/22/01
   Date: May 30, 2001

WUPAFORM (3/1/00)
TABLE 1. TMKs TO USE REQUESTED WATER

<table>
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<tr>
<th>PROJECT NAME &amp; PHASE</th>
<th>TMK</th>
<th>POTABLE/ NONPOTABLE</th>
<th>STATE/LAND USE</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS OR NET ACRES</th>
<th>4-YEAR CUMULATIVE PROJECTED DEMAND</th>
<th>DEPARTMENT OF PLANNING AND PERMITTING SIGNATURE</th>
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<td>1. KBMML MARINE RESEARCH</td>
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TOTAL GPD: 1440,000

DEPARTMENT OF PLANNING AND PERMITTING SIGNATURE

Only for verification that: 1) TMKs listed are consistent with zoning; and 2) projects listed are allowed with respect to zoning.

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 650 South King Street, 7th Floor, Honolulu, HI 96813 Attn: Arthur D. Challacombe
June 14, 2001

Mr. Louis M. Herman  
Kewalo Basin Marine Mammal Laboratory  
1129 Ala Moana Boulevard  
Honolulu, Hawaii 96814  

Dear Mr. Herman:

Water Use Permit Application for Kewalo Basin Marine Mammal Laboratory, for Saltwater Well No. 1751-05, Nuuanu Aquifer, Tax Map Key: 2-1-58: 001

We have reviewed the preliminary application and provide the following comments.

1. Kewalo Basin is under the zoning jurisdiction of the Hawaii Community Development Authority (HCDA). According to HCDA (Matthew Akamu of HCDA, telephone 587-2867):

   a. A use zone of Waterfront Commercial (WC) is shown for TMK 2-1-58: 60 on the Land Use Map of the Makai Area Plan for the Kaka’ako Community Development District.

   b. Your activity is a valid nonconforming use. The use zone WC includes aquariums and museums but does not specifically permit public research laboratories.

   c. The water use application for the proposed use is consistent with the intent of the Makai Area Plan and its Land Use Map.

2. You should revise your maps showing the well location so that the well site is just within your lab parcel TMK 2-1-58: 60 (as stated in item #3 of your application), not shoreline parcel TMK 2-1-58: 1 as shown on the maps. This was confirmed by Matthias Hoffman-Khunt of your staff when we checked on this discrepancy.
Mr. Louis M. Herman  
Kewalo Basin Marine Mammal Laboratory  
June 14, 2001  
Page 2

Should you have any questions, please call Mike Watkins of our staff at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA  
Director of Planning and Permitting

RKF:js  
g:\ipd\wup\kewalo.wpd

cc: HCDA  
Commission on Water Resource Management
NOTE: All lots owned by State of Hawaii and under the control and management of the Dept. of Transportation; Harbors Division unless otherwise noted.

NOTICE: Owner's, leasee's and vendee's names recorded on this tax map print may not be current.

FOR REAL PROPERTY TAXATION PURPOSES SUBJECT TO CHANGE

DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII

TAX MAP

<table>
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<tr>
<th>ZONE</th>
<th>SEC.</th>
<th>PLAT</th>
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<tr>
<td>2</td>
<td>1</td>
<td>58</td>
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</tbody>
</table>

SCALE: 1 IN. = 100 FT.

Dropped Parcels: 3 to 5, 7, 8, 9
22 to 3, 33, 34, 35 to 40,
42, 44 to 46, 50, 52 to 55, 58,
11 to 15, 14, 21, 36.
Staff Submittal for the meeting of the Commission on Water Resource Management

August 15, 2001
Honolulu, Oahu

University of Hawaii, Kewalo Basin Marine Mammal Lab
AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT
Kewalo Basin Salt (Well No. 1751-05), TMK 2-1-58:60
Existing (Marine Research) Use for 1.440 mgd
Nuuanu (Caprock) Ground-Water Management Area, Oahu

Applicant:
University of Hawaii
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Landowner:
State of Hawaii
Hawaii Community Development Authority
677 Ala Moana Blvd.
Honolulu, HI 96814

Location Map: See Exhibit 1

Background:
On June 15, 2001, a completed water use permit application was received from Kewalo Basin Marine Mammal Lab by the Commission on Water Resource Management (Commission). The application is to continue an existing salt-water use for marine mammal research.

Although no Registration of Well and Declaration of Water Use form was filed, the inclusion of this source on the well inventory database, its presence on the well location maps, and the assigned Well No. (wells are numbered sequentially based on the date of construction), show the Commission was aware of the existence of this salt-water well, which was constructed in 1968 and in use for about the last 30 years. The applicant has stated that it was not aware of the requirement to register the salt-water well and declare its water use under Administrative Rules 13-168-5 & 13-168-11. Due to limited funds and staff resources, the permitting and regulation of fresh- and brackish-water wells and uses has been prioritized over salt-water wells and uses because there is no water resource threats or sustainable yield.

Item 5
issues as salt water is practically an unlimited supply. The salinity is about 32,000 to 33,000 mg/l, indicating it is completely ocean water. The staff has requested that the applicant register the source, which existence predates the Water Code. To date, the registration form has not been filed. The registration should provide additional construction and elevation details.

Under Hawaii Administrative Rules, 13-171-11, the source is within the designated groundwater management area, therefore, water use permits are issued for salt-water wells and have been routinely in the past.

Additional information regarding the source, use, notification, objections, and field investigation(s) is provided in Attachment A.

ANALYSIS/ISSUES:

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit. An analysis of the proposed permit in relation to these criteria follows:

(1) Water availability

This application is for use of salt water (32,000 to 33,000 mg/l) within the boundaries of the Nuuanu Aquifer System. Water availability is not an issue as this well will not impact the basal aquifer in the designated water management area because the well does not penetrate through the overlying caprock in the Nuuanu Aquifer System. Therefore, there is no impact to the sustainable yield.

(2) Reasonable-beneficial

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...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 both reasonable and consistent with the state and county land use plans and the public interest".

The salt water developed by the well is used for marine mammal research. Actual salt-water use is estimated to be 1.440 mgd. Other reasonable-beneficial use criteria are discussed in the following sections.

(3) Interference with other existing legal uses

According to the applicant, the well has been used since about 1969. The continued withdrawal of salt water at a rate of 1.440 mgd is not expected to interfere with any existing legal use of water.
(4) **Public interest**

The use of salt water to support marine mammal research, where there are no adverse impacts to water resources or existing legal uses, is deemed to be in the public interest.

(5) **State & county general plans and land use designations**

These proposed uses are consistent with the state and county general plans and land use designations.

(6) **County land use plans and policies**

These proposed uses are consistent with county land use plans and policies.

(7) **Interference with Hawaiian home lands rights**

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

Although this application is being made after-the-fact, the staff is not recommending any imposition of fines because: 1) the applicant submitted the application on its own volition, 2) good faith in coming voluntarily and completing our permitting requirements, and 3) the use is for salt water underlying the designated ground water management area and 4) salt-water withdrawals are not counted against the sustainable yield as determined by past Commission actions.

**RECOMMENDATION:**

Staff recommends that the Commission:

1. Find the applicant in violation of pumping a well without a water use permit in a water management area.

2. Assess no fines for the violation in recommendation 1.

3. Approve the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. 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.

   *Per Dr. Anderson, noting them of need for discharge permits in 20+.*
b. Standard Condition 16 is waived.

c. Require the applicant to submit a completed Registration of Well and Declaration of Water Use (Exhibit 2) within thirty (30) days from the date of this submittal.

Respectfully submitted,

[Signature]
LINNEL T. NISHIOKA
Deputy Director

Attachment(s):
A  (Water Use Permit Detailed Information)
B  (Water Use Permit Standard Conditions)

Exhibit(s):
1  (Location Map)
2  (Registration of Well and Declaration of Water Use)
WATER USE PERMIT DETAILED INFORMATION

Source Information

WELL:
Kewalo Basin Salt (Well No. 1751-05)
1129 Ala Moana Blvd., Oahu, TMK: 2-1-58:60

Location:

Year Drilled:
1968

Casing Diameter:

Elevations (msl= 0 ft.)

Water Level:
NA ft.

Ground:
NA ft.

Bottom of Solid Casing:
NA ft.

Bottom of Perforated:
NA ft.

Bottom of Open Hole:
NA ft.

Total Depth:
NA ft.

Grouted Annulus Depth:
NA ft.

Pump Capacity
1000 gpm

Use Information

Quantity Requested:
1.440 gallons per day.

Existing Type of Water Use:
Marine Research

Place of Water Use:
TMK: 2-1-58:60

Reported Water Usage:
NA gpd

ATTACHMENT A
Nearby Surrounding Wells and Other Registered Ground Water Use

There are four (4) other wells near the shoreline in the immediate vicinity of Well No. 1751-05 (see Exhibit 1). The continued use of Well No. 1751-05 is not expected to impact any other nearby wells due to the proximity of the wells to the ocean.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on July 9, 2001 and July 16, 2001 and a copy of the notice was sent to the Mayor's office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization (Oahu only), Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within 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 July 30, 2001.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by July 30, 2001. No objections were filed with the Commission.

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

A field investigation was not conducted for this salt-water source and existing use.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 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.

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

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

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

11. This permit shall be subject to the Commission's periodic review of the Nuuanu (Caprock) 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 Nuuanu (Caprock) Aquifer System, or relevant modified aquifers, is reduced.

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

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

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

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

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

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Nuuanu (Caprock) 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. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

19. 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.
REGISTRATION OF WELL AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Commission on Water Resource Management, P.O. Box 821, Honolulu, Hawaii 96809. Phone 887-0225 or 887-0274 for assistance.

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

<table>
<thead>
<tr>
<th>STATE WELL NO.:</th>
<th>ISLAND:</th>
</tr>
</thead>
<tbody>
<tr>
<td>WELL NAME:</td>
<td></td>
</tr>
<tr>
<td>SOURCE OR STATION NAME: (for a battery of wells):</td>
<td></td>
</tr>
</tbody>
</table>

A. WELL OPERATOR

Firm name: ____________________________________________
Contact person: _________________________________________
Address: _____________________________________________
Zip: ___________ Phone: ________________________________

B. OWNER OF WELL SITE

Firm name: ____________________________________________
Contact person: _________________________________________
Address: _____________________________________________
Zip: ___________ Phone: ________________________________

C. WELL LOCATION

Tax Map Key: ____________________________
Town, Place, District: ____________________________

Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA

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

- Ground elevation (mean sea level): ______ ft.
- Reference point (used to measure depth to water):
  - Elevation: ______ ft.
  - Description: ____________________________
- Depth to water (below reference point): ______ ft.
- Maximum recorded chloride: ______ ppm
- Minimum recorded chloride: ______ ppm
- Maximum chloride in 1987: ______ ppm

Year drilled or constructed: ____________________________
Well contractor: _______________________________________
Casing diameter: ______ in.
Solid casing depth (below ground): ______ ft.
Perforated casing depth (below ground): ______ ft.
Total depth of well: ____________________________ ft.

E. INSTALLED PUMP DATA

Pump type: ____________________________
Power: ____________________________
Pump capacity: ______ gallons per minute
Pump installation contractor: ____________________________________________

... (continued over)
F. DECLARATION OF WATER USE

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

Water use data are recorded: □ Daily  □ Weekly  □ Monthly  □ Other (describe):

Method of measurement: □ Flow Meter  □ Orifice  □ Other (describe):

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

<table>
<thead>
<tr>
<th>WATER USE, IN GALLONS x 1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
</tr>
<tr>
<td>ANNUAL</td>
</tr>
</tbody>
</table>

Minimum day’s use: ___________ gallons  Maximum day’s use: ___________ gallons

Typical times of usage: ____________________________

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal (including resorts, hotels, businesses)</td>
<td>Number of service connections: ___________</td>
</tr>
<tr>
<td>□ Domestic (systems serving 25 people or less)</td>
<td>Acres Irrigated: □ Sugar □ Pineapple □ Other (specify): ___________</td>
</tr>
<tr>
<td>□ Irrigation</td>
<td>□ Crop(s): □ Landscape □ Golf Course □ Other (specify): ___________</td>
</tr>
<tr>
<td>□ Industrial</td>
<td>□ Method: □ Drip □ Furrow □ Sprinkler</td>
</tr>
<tr>
<td>□ Military</td>
<td>□ Cooling □ Manufacturing □ Mill</td>
</tr>
<tr>
<td>□ Other</td>
<td>□ Other (specify): ___________</td>
</tr>
<tr>
<td></td>
<td>Specify (livestock, aquaculture, etc.): ___________</td>
</tr>
</tbody>
</table>

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

Water User's Signature: ____________________________  Date: ___________  
Printed Name: ___________________________________  
Firm or Title (Well Operator, etc.): ____________________________  

EXHIBIT 2
TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    State Parks

FROM: Linnel T. Nishioka, Deputy Director
    Commission On Water Resource Management

SUBJECT: Request for Comments
        Water Use Permit Application
        Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

- We have no comments
- We have no objections
- Comments attached

Contact person: Betsy Gagne, NARESC
Phone: 587-0063

Signed: Date: 23 July, 2001
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands

Honorable Bruce S. Anderson, Director
Department of Health
Attn: Mr. Dennis Tulang
Attn: Mr. William Wong

Honorable Haunani Apolonia, Chairperson
Office of Hawaiian Affairs

Mr. Clifford S. Jamile, Manager & Chief Engineer
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usagawa

Mr. Randall Fujiki, Director
Department of Planning and Permitting
Attn: Planning Division

FROM: Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Sharla Manley

Signed: Colin Kanem

Phone: 594-1944
Date: 594-1974
July 24, 2001

Mr. Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Coloma-Agaran:

Water Use Permit Application, Kewalo Basin Marine Mammal Laboratory, for Well No. 1751-05, Nuuanu (caprock) GWM Area, Oahu

Neither we nor the Board of Water Supply has any objections to a water use permit for this existing salt-water well, which has filled the tanks at this research facility for over 30 years. (See also the attached BWS memo.)

Should you have any questions, please call Mike Watkins at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:js

Attachment

cc: Mayor Jeremy Harris

ipdwup/Kewalo2.wpd
July 3, 2001

TO: RANDALL K. FUJIKI, AIA, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: CLIFFORD S. JAMILE, MANAGER AND CHIEF ENGINEER

SUBJECT: KEWALO BASIN MARINE MAMMAL LABORATORY WATER USE
PERMIT APPLICATION FOR SALT WATER WELL NO. 1751-05

We have no objection to a water use permit for this salt water well which has been in use for over 30 years to supply water for this research facility.

If you have any questions, please contact Chester Lao at 527-5286.

CL:jjs
cc: Lao
01-1007

To: Mike Watkins
6743  Planning + Permit

From: Kevin Gooding
BWS
TO: 
Honorable Raynard C. Soon, Chairperson 
Department of Hawaiian Home Lands 

Honorable Bruce S. Anderson, Director 
Department of Health 
Attn: Mr. Dennis Tulang 
Attn: Mr. William Wong 

Honorable Haunani Apolonia, Chairperson 
Office of Hawaiian Affairs 

Mr. Clifford S. Jamile, Manager & Chief Engineer 
Honolulu Board of Water Supply 
Attn: Mr. Chester Lao 
Attn: Mr. Barry Usagawa 

Mr. Randall Fujiki, Director 
Department of Planning and Permitting 
Attn: Planning Division 

FROM: 
Gilbert S. Coloma-Agaran, Chairperson 
Commission on Water Resource Management 

SUBJECT: Water Use Permit Application 
Nuuanau (caprock) Ground Water Management Area, Oahu 

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We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky 
Attachment(s) 

Response: 

☑ We have no comments  
☐ We have no objections  
☐ Comments attached  

Contact person: Lani N. Kajiwara  
Phone: 586 4294  
Date: 7-5-2001
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
State Parks

FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Phone: 587-0303
Signed: Date: 7-6-01
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
State Parks

FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

☐ We have no comments
☐ We have no objections
☐ Comments attached

Contact person: [Signature]
Phone: 587-0166
Date: 6/26/01
As requested, we are returning the cover memo for the subject application.

Please feel free to contact Bert Saruwatari of my office at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J.H. CHING
Executive Officer

Enclosure
TO:  Ms. Esther Ueda, Executive Officer  
Land Use Commission  

FROM:  Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  

SUBJECT: WATER USE PERMIT APPLICATION  
Nuuanu (caprock) Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky  
Attachment(s)

Response:

( ) We have no comments  
( ) We have no objections  
☒ Comments attached

Contact person:  Bert Saruwatari  
Phone:  587-3822

Signed:  Anthony J.H. Chung, Executive Officer  
Date:  June 28, 2001
Mr. Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Coloma-Agaran:

Subject: Water Use Permit Application, Nuuanu (caprock)  
Groundwater Management Area, Oahu

We have reviewed the subject application forwarded by your memorandum dated June 25, 2001, and have the following comments:

1) We confirm that TMK 2-1-58: 60 is located within the boundary of the State Land Use Urban District.

2) With respect to your request as to whether the current land use designation is appropriate for the proposed project, please be advised that pursuant to Section 205-2(b), Hawaii Revised Statutes, permitted activities within the Urban District are determined by the respective counties by ordinances or regulations. Therefore, the City and County of Honolulu should be requested to provide a response as to the appropriateness of the proposed well and pump in the Urban District.

We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject application.
Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee’s water use.

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

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

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

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

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

GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority
REGISTRATION OF WELL
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Phone 587-0225 or 587-0274 for assistance.

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

STATE WELL NO.: 1751-05
ISLAND: Oahu
WELL NAME OR DESIGNATION: Kewalo Basin
SOURCE OR STATION NAME (for a battery of wells): NA

A. WELL OPERATOR
Firm name: Kewalo Basin Marine Mammal Lab.
Contact person: Dr. Louis Herman
Address: 1129 Ala Moana Blvd.
Honolulu, HI
Zip: 96814 Phone: 591-2121

B. OWNER OF WELL SITE
Firm name: Same as listed in A.
Contact person:
Address:
Zip: Phone:

C. WELL LOCATION
Tax Map Key: 2-1-58:60
Town, Place, District: Honolulu
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

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

Ground elevation (mean sea level): 6 ft. Year drilled or constructed: 1967
Reference point (used to measure depth to water):
Elevation: 6 ft.
Description: Steel base plate
Casing diameter: 12 in.
Solid casing depth (below ground): 30 ft.
Perforated casing depth (below ground): 0 ft.
Total depth of well: 103 ft.
Minimum chloride in 1987: 19,000 ppm

E. INSTALLED PUMP DATA
Pump type: [ ] Vertical shaft [ ] Submersible [ ] Centrifugal [ ] Other (specify):
Power: [ ] Diesel, 15 HP [ ] Gas, 15 HP [ ] Electric, 15 HP [ ] Other (specify):
Pump capacity: gallons per minute
Pump installation contractor: Doonwood Engineering

... (continued over)
F. DECLARATION OF WATER USE

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

Water use data are recorded: □ Daily □ Weekly □ Monthly  □ Other (describe):

Method of measurement: □ Flow Meter □ Orifice  □ Other (Describe):

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

WATER USE, IN GALLONS x 1000

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<td>22,320</td>
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<tr>
<td>ANNUAL</td>
<td>262,800</td>
<td>262,800</td>
<td>262,800</td>
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</tr>
</tbody>
</table>

Minimum day's use: 720,000 gallons
Maximum day's use: 720,000 gallons
Typical times of usage: 24 hrs/day 7 days/week

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal (including resorts, hotels, businesses)</td>
<td>Number of service connections: __________________</td>
</tr>
</tbody>
</table>
| □ Domestic (systems serving 25 people or less) | Acres Irrigated: Sugar                       Pineapple  
| □ Irrigation                           | Other (specify): __________________ |
| □ Industrial                           | Non-Crop: Landscape            Golf Course  
| □ Military                             | Other (specify): __________________ |
| □ Other                                | Method: Drip                Furrow             Sprinkler  
|                                         | Cooling                   Manufacturing  Mill  
|                                         | Other (specify): __________________ |

Specify (livestock, aquaculture, etc.): Dolphin Research Tanks

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

Water User's Signature: ____________________________ Date: 9/1/01
Printed Name: ____________________________
Firm or Title (Well Operator, etc.):  ____________________________

Kauai, Hawaii
Marine Research Laboratory

[Signature]

[Signature]
Hi Bob,
As discussed, this well registration form should be submitted by 9/22/01 (or just fax in a request for a time extension, if needed). Just fill in as much info as is available. Thanks, lenore
9/11/01 Called Dr. Herman of Kewalo Basin Marine Mammal Lab to discuss 8/31/01 fax from Bob Glascott of Roscoe Moss, requesting transfer of the allocation from 1751-05 to 1751-08. I asked Dr. Herman what their plans for 1751-05 were. He stated that they would like to retain it as a standby/backup well for 1751-08. I suggested that the WUP could be modified by specifying both wells in the permit, that would allow them to use either one under the allocation. Dr. Herman said that would be ideal.
August 31, 2001

Ms. Lenore Nakama
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Subject: Kewalo Basin Transfer Allocation Request

Dear Ms. Nakama:

Attached please find a copy of the Well Construction Report for State Well No. 1751-08 at the Kewalo Basin Marine Mammal Lab. Please note, at this time we would like to request a transfer in allocation of water usage from State Well No. 1751-08 to State Well No. 1751-09. Should you have any questions or require any further information please do not hesitate to call me.

Sincerely,

Robert A. Glascoff
Project Manager

C: Dr. Herman, Kewalo Basin Marine Mammal Laboratory
Hi Joel,

Here's a copy of the Notice of Action that was sent to KBMML. Please see Special Condition 3 on the second page of the cover letter. I am also transmitting another copy of the Registration of Well and Declaration of Water Use form. The Commission on Water Resource Management has given KBMML 30 days to complete and return the form (by 9/22/01). (In the worst case scenario, failure to comply could result in revocation of the water use permit and/or fines of up to $1000 per day.) Any help you could lend would be much appreciated. The form only needs to be filled in to the best of KBMML's ability, i.e., if there are aspects of construction that are unknown, it's OK to leave it blank. It does need to be signed by someone from KBMML also. Thank you.

Lenore
Certified mail – return receipt requested

Dr. Louis Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Dr. Herman:

Notice of Action
University of Hawaii, Kewalo Basin Marine Mammal Lab
After-the-Fact Application for a Water Use Permit
Kewalo Basin Salt (Well No. 1751-05), TMK 2-1-58:60
Existing (Marine Research) Use for 1.440 mgd

Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission). By a unanimous vote at their meeting on August 15, 2001, the Commission:

1. Found Kewalo Basin Marine Mammal Lab in violation of pumping a well without a water use permit in a water management area.

2. Assessed no fines for the violation in Action 1.

3. Approved the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Mammal Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

Special Conditions

1. In the event the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
2. **Standard Condition 16 is waived.**

3. The permittee is required to submit a completed Registration of Well and Declaration of Water Use (attached) **within thirty (30) days from the date of this letter.**

Enclosed with this letter of approval are the following:

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

Please be aware that the salt-water discharges from your facility may require a permit from the Department of Health. Please contact the Department of Health's Clean Water Branch at 586-4309 regarding the need for a discharge permit.

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

Aloha,

GILBERT S. COLOMA-AGARAN
Chairperson

Attachments

   c. Ms. Jan Yokota
**GROUND-WATER USE PERMIT**

**WUP NO. 590**

**PERMITTEE**

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
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<tbody>
<tr>
<td>Address</td>
<td>Address</td>
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<tr>
<td>Kewalo Basin Marine Mammal Lab</td>
<td>Hawaii Community Development Authority</td>
</tr>
<tr>
<td>1129 Ala Moana Blvd.</td>
<td>677 Ala Moana Blvd.</td>
</tr>
<tr>
<td>Honolulu, HI 96814</td>
<td>Honolulu, HI 96814</td>
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**PERMITTED SOURCE INFORMATION**

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
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<tbody>
<tr>
<td>Water Management Area</td>
<td>Honolulu</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Nuuanu (Caprock)</td>
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<tr>
<td>Aquifer System</td>
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<tr>
<td>System Sustainable Yield</td>
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<td>Well Name</td>
<td>Kewalo Basin Salt</td>
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<tr>
<td>State Well No.</td>
<td>1751-05</td>
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</tbody>
</table>

**PERMITTED USE INFORMATION**

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Marine Mammal Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>1.440 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>2-1-58:60</td>
</tr>
<tr>
<td>Address</td>
<td>1129 Ala Moana Blvd.</td>
</tr>
<tr>
<td>State land use classification</td>
<td>Urban</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>WC</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses mean "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 August 15, 2001 meeting are incorporated into this permit by reference.

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

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. protect the water sources (quantity or quality);
   b. meet other legal obligations including other correlative rights;
   c. insure adequate conservation measures;
   d. require efficiency of water uses;
   e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. carry out such other necessary and proper exercise of the State's and the Commission's legal obligations including, but not limited to, place, quantity, and purpose of the use, remain the same; and

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

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

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

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

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

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

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

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

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

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

[Signature]
GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority
5. University of Hawaii, Kewalo Basin Marine Mammal Lab, AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT, Kewalo Basin Salt (Well No. 75), TMK 2-1-58:60, Existing (Marine Research) Use for 1.440 mgd, Nuuanu (Caprock) Ground-Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Find the applicant in violation of pumping a well without a water use permit in a water management area.

2. Assess no fines for the violation in recommendation 1.

3. Approve the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. 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.

   b. Standard Condition 16 is waived.

   c. Require the applicant to submit a completed Registration of Well and Declaration of Water Use (Exhibit 2) within thirty (30) days from the date of this submittal.

After a discussion regarding the need for a Department of Health (DOH) discharge permit, Commissioner Anderson suggested that state inform the permittee of the need for a discharge permit in the letter notifying the permittee of the Commission’s action.

MOTION: (NOBRIGA/RICHARDS)
To approve the submittal.
UNANIMOUSLY APPROVED.

6. Hamakua Energy Partners / Beylik Drilling, AFTER-THE-FACT PUMP INSTALLATION PERMIT APPLICATION, Enserch 1 Well (Well No. 6528-02), Honokaa, Hawaii

PRESENTATION OF SUBMITTAL: Ryan Imata
Additional sources have not been brought on line yet. BWS would like to expedite the completion of the stations so that the load of the withdrawals can be spread over more sources so that withdrawals are evenly distributed. Waipahu 3 needs an easement to install a drain line. That is needed to provide proper operation. Six units are down but mechanical repairs are in process. As soon as that is on line then the draft will be balanced throughout the system.

Overall, if the weather is overcast and rainy, drastic measures of conservation will not be needed to implement.

The BWS is already undertaking a project to desalinate ocean water. To start, 5 mgd will be used to gain operating experience and estimate cost. Later the Board will decide if it is feasible. Efforts are also underway to take water that is already available on the surface and process it through wastewater treatment plants to recycle the water for agriculture and irrigation of golf courses. The Board is also looking into the feasibility of taking over additional wastewater facilities for the purpose of operating recycled plants that would make more R1 water available for public use.


PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

A. Find Waieli Drilling in violation of Administrative Rule 13-168-16(b) for the abandonment/sealing of Well No. 1120-37 without a permit.

B. Assess a fine of two hundred fifty dollars ($250) to Waieli Drilling for the unpermitted work, to be paid within thirty (30) days from the date of this submittal.

C. Find that future applications from an applicant who has not paid fines or met alternative settlements or for a project with outstanding violations may be considered incomplete until sanctions are fulfilled and/or violations are corrected.

D. Approve the issuance of a well abandonment permit for Moloaa Plantation (Well No. 1120-37), subject to the standard conditions in Exhibit 5.

MOTION: (RICHARDS/NOBRIGA)
To approve the submittal.
UNANIMOUSLY APPROVED.
• Print your name, address, and ZIP Code in this box •

COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809
SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
3. ☑ Return Receipt for Merchandise

Consult postmaster for fee.

3. Article Addressed to:
   Mr. Louis Herman
   Kewalo Basin Marine Mammal Lab
   1129 Ala Moana Blvd.
   Honolulu, HI 96814

4a. Article Number
   P 354 448 624

4b. Service Type
   ☑ Certified
   ☐ Registered
   ☐ Express Mail
   ☐ Insured
   ☐ Return Receipt for Merchandise
   ☐ COD

5. Received By: (Print Name)
   [Signature]

6. Signature
   [Signature]

7. Date of Delivery
   8/23/01

8. Addressee's Address (Only if requested and fee is paid)
   [Address]

Thank you for using Return Receipt Service.
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.
Dr. Louis Herman
Kewalo Basin Marine Mammal Lat
1129 Ala Moana Blvd.

P.O. State and ZIP Code
Honolulu, HI 96814

<table>
<thead>
<tr>
<th>Description</th>
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PS Form 3800, June 1995

Postmark or Date
UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

Print your name, address and ZIP Code here

COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809
SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write “Return Receipt Requested” on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: Dr. Louis Herman
   Kewalo Basin Marine Mammal Lab
   1129 Ala Moana Blvd.
   Honolulu, HI 96814

4a. Article Number
    3 066 768 634

4b. Service Type
   ☒ Certified    ☐ Insured
   ☐ Registered   ☐ COD
   ☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery
   9/22/20

8. Addressee’s Address (Only if requested and fee is paid)
   600.wup

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee’s Address
2. ☐ Restricted Delivery
   Consult postmaster for fee.

Thank you for using Return Receipt Service.
STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).

1. If you want the receipt postmarked, stick the gummed stub to the right of the return address on your article and present the article at a post office service window or hand it to your local carrier for extra charge.

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.
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<tr>
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<tr>
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WATER USE PERMIT NO. 600

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>Permit Information</th>
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<tr>
<td>Water User:</td>
<td>Kewalo Basin Marine Mammal Lab</td>
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<tr>
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<td>1129 Ala Moana Blvd.</td>
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<tr>
<td></td>
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<tr>
<td>Landowner of Source:</td>
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<tr>
<td>Standard Conditions:</td>
<td>1-19</td>
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<td>Special Conditions:</td>
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### Water Source

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<td>Well Name:</td>
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<tr>
<td>Water Source TMK Number(s):</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Division, 2-1-058:064</td>
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<td>State Land Use Classification(s):</td>
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<td>County Zoning Classification(s):</td>
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<td>Geographical Coordinates:</td>
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<td>Well No. 1751-05</td>
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<td></td>
<td>Longitude 157° 51' 30.6” West</td>
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<tr>
<td>Well No. 1751-08</td>
<td>Latitude 21° 17’ 30.5” North</td>
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<tr>
<td></td>
<td>Longitude 157° 51’ 30.6” West</td>
</tr>
</tbody>
</table>
End Use

End Use TMK Number(s): 1st Division, 2-1-058:061, 2-1-058:064
State Land Use Classification(s): Urban
County Zoning Classification(s): State HDCA
Beneficial Use Explanation: Use for marine mammal research

Background Information

Water Use Permit 600 was approved during the August 15th, 2001 Commission on Water Resource Management meeting. There are no monthly water use reports on record for State Well Nos. 1751-05 or 1751-08. The permittee has stated that because the wells are salt water wells that recirculate back into the ocean, a flowmeter and reporting of water use is not required. However, there do not appear to be any exemptions to this requirement in the permit files, and the water use permit specifically states that a flowmeter and yearly reporting of water use and salinity are required. Standard conditions 1-19 and special conditions 2, 20, & 105 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: Robert Dollar
Site Address: 1125 Ala Moana Blvd.
Honolulu, HI 96814

Brown and Caldwell conducted a field investigation on April 2nd, 2008 from 9:00 a.m. until 10:00 a.m. with Mr. Robert Dollar. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 600

State Well Nos. 1751-05 and 1751-08 are located on TMK parcel 2-1-058:064 at 21° 17' 30.5" N, 157° 51' 30.6" W, with a real time accuracy of ±20 feet. Since both wells are situated within a building that inhibits GPS reception, a single GPS coordinate was taken outside of the building and is used as the approximate coordinate for both wells. Water is being drawn from the wells

2

BROWN AND CALDWELL
Summary Report for Water Use Permit No. 600
via two mounted motor pumps and is sent to various marine tanks on TMK parcels 2-1-058:061 and 2-1-058:064. Once the water flows through the tanks, it is emptied directly back into the ocean, which completes the open seawater system. Reference the Appendix for photographs of the previously described system components.

Based upon visual inspection of the system, all components appear to be in full working order. The permittee provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries.

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

(10) An approved flowmeter(s) must be installed to measure 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.

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

Recommendations

- Address the following discrepancies between the Commission's electronic database and actual field investigation findings:
  - Change permittee contact to Robert Dollar at (808) 983-3702
  - Water source and end use TMK parcel numbers
  - State land use and county zoning classifications
- Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels and lack of an approved flowmeter.
20-Year Water Use Permit Review
Water Use Permit No. 600

APPENDIX

Field Investigation Photographs
Figure 1 - State Well No. 1751-05

Figure 2 - State Well No. 1751-08
Figure 3 - Well house

Figure 4 - Typical end use tank
Figure 5 – Discharge back into the ocean
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (10) are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
Dear Dr. Herman:

Approval of Water Use Permit Modification for Well Nos. 1751-05 & 08
Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter transmits your water use permit for Kewalo Basin (Well No. 1751-05 & 08) for use of 1.440 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on August 15, 2001 and administratively modified per Declaratory Ruling DEC-ADM97-A1. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

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

2. Standard Condition 16 is waived.

3. The permittee is required to submit a completed Registration of Well and Declaration of Water Use (attached) by September 21, 2001.

Enclosed with this letter of approval are the following:

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

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

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

Aloha,

[Signature]

GILBERT S. COLOMA-AGARAN
Chairperson

Attachments

c.: Jan S. Yokota, HCDA
GROUND-WATER USE PERMIT
WUP NO. 600

PERMITTEE
Permittee/Water User
Address: Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Landowner of Source
Address: Hawaii Community Development Authority
677 Ala Moana Blvd.
Honolulu, HI 96814

PERMITTED SOURCE INFORMATION
Island: Oahu
Water Management Area: Honolulu
Aquifer Sector: Nuuanu (Caprock)
Aquifer System: Nuuanu (Caprock)
System Sustainable Yield: 15
Well Name: Kewalo Basin
State Well No.: 1751-05 & 08

PERMITTED USE INFORMATION
Reasonable beneficial use: Marine Mammal Research
Withdrawal (12 month moving ave.): 1.440 mgd
Location of water use
TMK #: 2-1-58:60
Address: 1129 Ala Moana Blvd.
State land use classification: Urban
County zoning classification: WC

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

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

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

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

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

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

GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority
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-Waiala 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. Permits shall be interim and replace 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 interfere substantially and materially with existing individual household uses and existing uses.

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

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

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

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

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

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

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

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

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

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

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

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

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation’s Board) or into Waikle 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.
Water Use Permit Survey

(Please complete one survey form for each WUP)

WUP Number: 600               Well Number(s): 17:51-08

Contact Information (of the person who will be present at site visit):
Name: R. Dollar (Robert)
Phone (for phone interview): 983-3702               Fax: 983-3700
Email:
Best time to reach for phone interview: 9:30 am - 4 pm

Property Information (of the water use/well location):
Address: 1125 Ala Moana Blvd, Honolulu, HI
City: Honolulu, HI
Zip: 96814
Well Location TMK (list all if multiple wells present): 2-1-58-61-1
Water Use TMK (list all if used on multiple lots):

Water Use/Well Information:
Is the water source currently in use? Yes [x] No [ ]
If no, please explain:

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): marine research; live marine animal tanks (marine mammals, turtles, fish).

Is a flow meter installed and working properly? Yes [ ] No [x]
If no, please explain: open system seawater wells (water returns to ocean)

Do you submit monthly water use reports to the State? Yes [ ] No [x]
If no, please explain: open system seawater (water returns to ocean)

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

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

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by March 5th, 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@brwncald.com

For Official Use Only

Received: 2/20/08               Information Updated: 3/21/08               Phone Interview Complete: 3/28/08
Notes/Comments: ____________________________________________________________________________________________
## Phone Interview

<table>
<thead>
<tr>
<th>WUP Number: 600</th>
<th>Well Number(s): 1751-05, 1751-06</th>
</tr>
</thead>
</table>

**Contact Name:** R. Dollar (Robie-1)  
**Phone Number:** 963-3702

<table>
<thead>
<tr>
<th>Attempt #1</th>
<th>Date/Time: 3/26/08 (2:00)</th>
<th>Result: Reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempt #2</td>
<td>Date/Time: N/A</td>
<td>Result: n/a</td>
</tr>
</tbody>
</table>

**Well Location TMK(s):**  
**Water Use TMK(s):**  
**Water Source Address:** 125 Ala Moana Blvd. (B)  
**City:** Honolulu  
**Zip Code:** 96814

**Currently using water source?**  
Yes ☒  
No ☐

**Notes/Comments:**  
Use for marine research in live marine animal tanks

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

**Notes/Comments:**  
Water is circulated (open seawater wells)

**How long have you been using this water source?:**

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

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

If no, explain:

**Scheduled field investigation day/time:** 4/2/08 @ 9:00 am

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

- Look for NOAA → 2nd Gate → Ring the intercom

**Comments To Make:**

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

**Interviewed By:** M.S.  
**Date:** 3/26/08  
**Time:** 2:03 p.m.
Field Investigation Checklist

WUP Number: 600
Well Number(s): 1751-05, 1751-06

Water Source
Well Location TMK(s): Z-1-056:064
Well Head GPS Coordinates: Latitude: 24°17'30.5" N Longitude: 57°51'30.5" W
Well Type: Well Pump, Open Seawater System (20 ft)
Currently using water source? Yes ☑ No ☐
Notes/Comments:

Is there a flow meter installed? Yes ☐ No ☑
Is the flow meter operational Yes ☑ No ☐
Notes/Comments:
Not required for saltwater wells

Water Use
Water Use TMK(s): Z-1-056:064, Z-1-056:061
What is the water being used for? Marine Research

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

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

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

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

General Notes/Comments:
Open seawater system -> Pumped from 60 ft deep wells (approx) -> run through tanks -> discharged into ocean

Investigated By: M.O. Date: 4/2/06 Time: 9:00 a.m.
1. Pump Tests Check (special condition of P/I/P? Yes/No) — Glenn Bauer (initial if yes)
   - Step—Drawdown Test:
     - followed WCPI Stds
     - analysis attached
     - proposed pump cap o.k.

   - Aquifer Pump Test:
     - followed WCPI Stds
     - T & S analysis attached

   - Well Interference:
     - estimated Steady-State
     - drawdown at 1-mile radius is _______ ft.
       - analysis attached

   - Stream Surface Water Impacted:

2. Pump Installation Check — Mitch Ohye (initial)
   - data complete
   - followed WCPI Stds
   - well database updated

3. Charley/Lenore/Ryan (initial) take action based on above analysis

4. Roy (initial) check
   - "WUP submitted ATF for this pump replacement"

5. Susan Subia (initial) finalize

6. Linnel (initial) signature

7. Charley/Lenore/Ryan File

*Remainder of text is not legible*
July 11, 2001

Mr. Louis M. Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Mr. Herman:

Well Completion Report for Well No. 1751-05

We received your Well Completion Report Part II for a pump replacement for the Kewalo Basin Salt (Well No. 1751-05) on June 21, 2001 and acknowledge that it is complete. Thank you for your attention to this matter.

If you have any questions, please contact Lenore Nakama of the Commission staff at 587-0218.

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ky

Jan Yokota
# WELL COMPLETION REPORT - PART II

## Pump Installation

**Instructions:** Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulation Branch at 587-0225. For updates to this form or additional information, please visit our website at http://www.state.hi.us/dlnr/cwrm/.

### 1. State Well No.: [1751-05]

### 2. Address: 1129 Ala Moana Blvd., HON 96814

### 3. Pump Installation Company: Reylik Drilling

### 4. Date Pump Installed: 4-30-2001

### 5. PERMANENT PUMP INFORMATION

<table>
<thead>
<tr>
<th>Pump Type, Make, Serial No.</th>
<th>Sub., Goulds 23661 74025</th>
<th>Rated Capacity: 1000 gpm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Type, H.P., Voltage, rpm</td>
<td>Sub, 40 H.P., 460V., 3450 RPM</td>
<td></td>
</tr>
<tr>
<td>Type of flow meter:</td>
<td>VARIABLE FLOW METER which measures in G.P.M.</td>
<td></td>
</tr>
</tbody>
</table>

### 6. Method of flow measurement:

- [ ] Flowmeter
- [ ] Manufacturer Blue/White
- [ ] Make
- [ ] Size 6"

### 7. Fill in the as-built section on the other side of this sheet.

### 8. Other remarks/comments:

- See attached Installation Report

---

**Pump Installation Contractor (print):** REYLIK DRILLING, INC.-C-57/C-57a/A

**Lic. No.:** AC-21896

**Signature:** [Signature]

**Date:** 6-15-01

**Permittee (print):** [Signature]

**Date:** [Signature]
Bench mark elevation surveyed to nearest 0.01 ft. = ______ ft. mean sea level

identify reference point elevation for water level measurements through chase tube
______ ft. mean sea level

describe reference point:

Pump intake depth = ______ ft.
(referenced to bench mark)

Chase tube depth = ______ ft.
(referenced to bench mark)

if airline installed, bottom of airline elevation = ______ ft. mean sea level
INSTALLATION REPORT

DATE MAY 7 2001

JOB 1200-D

3-1751-05 (KBMMU) ALA MOANA

CABLE CLAMPS EVERY 10 FT.

NO. CONDUCTOR
120 VOLT POWER CABLE

6" COLUMN PIPE IN RANDOM 20' LENGTHS (STAINLESS STEEL)

CHECK VALVE(S) LOCATED WITHIN PUMP

PUMP MODEL#

1 STAGE MAKE GULDS

MFG'R MODEL # FRANKLIN 13KID75025 SIZE 6"
HP 1 HP RPM 3450 VOLTS 460
PH 3 CY 60 FRAME
S.F. 1.15 AMPS 54.9 MAX 61.6
TO: Harry Yada, Administrator  
Land Division  

FROM: Linnel T. Nishioka, Deputy Director  
Commission On Water Resource Management  

SUBJECT: Request for Comments  
Water Use Permit Application  
Nuuanu (caprock) Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. **Please respond by returning this cover memo form by July 30, 2001.**

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) A water lease/permit is required of this applicant and an application for such will be requested by our division.

( ) A water lease/permit is not required of this applicant.

( ) A water lease/permit has been obtained by the applicant through lease no.

( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.

( ) No objections

( ) Other comments:

Contact person: Gary Martin  
Phone: 587-0421

Signed: Gary Martin  
Date: June 29, 2001
TO: Honorable Raynard C. Soon, Chairperson  
Department of Hawaiian Home Lands  
Honorable Bruce S. Anderson, Director  
Department of Health  
Attn: Mr. Dennis Tulang  
Attn: Mr. William Wong  
Honorable Haunani Apolonia, Chairperson  
Office of Hawaiian Affairs  
Mr. Clifford S. Jamile, Manager & Chief Engineer  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usagawa  
Mr. Randall Puiiki, Director  
Department of Planning and Permitting  
Attn: Planning Division

FROM: Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management

SUBJECT: Water Use Permit Application  
Nanamu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

☐ We have no comments  (salt water for marine research facility)  
☐ We have no objections  
☐ Comments attached

Contact person: Stuart Yamada  
Phone: 586-4258

Signed:  
Date: JUN 2 8 2001
Mr. Louis M. Herman  
Kewalo Basin Marine Mammal Lab  
1129 Ala Moana Blvd.  
Honolulu, HI  96814

Dear Mr. Herman:

We acknowledge receipt, on June 15, 2001, of your completed water use permit application for the Kewalo Basin Salt (Well No. 1751-05). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

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.

We are also enclosing a Registration of Well and Declaration of Water Use form. Please complete the form and return it to us prior to August 15, the tentative date on which your water use permit application has been scheduled for action.

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

Sincerely,

[Signature]

LINNEL T. NISHIOKA  
Deputy Director

LN:ky
Enclosures
PUBLIC NOTICE

Application for Water Use Permit
Nuuanu (caprock) Ground Water Management Area, Oahu

The following application for water use permit has been received and is hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

Kewalo Basin Salt (Well No. 1751-05)
Applicant: Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814
Date Completed Application Received: June 15, 2001
Aquifer: Nuuanu System (caprock), Honolulu Sector, Oahu
Water Source: Kewalo Basin Salt (Well No. 1751-05) at 1129 Ala Moana Blvd., Oahu, Tax Map Key 2-1-58:60
Quantity Requested: 1,440 gallons per day.
Existing Water Use: Existing (marine mammal research facility since 1969)
Place of Water Use: 1129 Ala Moana Blvd. at Tax Map Key: 2-1-58:60

Written objections or comments on the above application 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 (provide TMK information); (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 permit. Written objections must be received by July 30, 2001. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
GILBERT S. COLOMA-AGARAN
Chairperson

Dated: JUN 25 2001

Publish in: Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001
TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
State Parks

FROM: Linnel T. Nishioka, Deputy Director  
Commission On Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky  
Attachment(s)

Response:

( ) We have no comments  
( ) We have no objections  
( ) Comments attached

Contact person: ____________________________  
Phone: ________________________

Signed: ____________________________  
Date: ___________________
TO: Harry Yada, Administrator
   Land Division

FROM: Linnel T. Nishioka, Deputy Director
       Commission on Water Resource Management

SUBJECT: Request for Comments
          Water Use Permit Application
          Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) A water lease/permit is required of this applicant and an application for such will be requested by our division.
( ) A water lease/permit is not required of this applicant.
( ) A water lease/permit has been obtained by the applicant through lease no.
( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.
( ) No objections
( ) Other comments:

Contact person: ___________________________ Phone: ________________________

Signed: ___________________________ Date: ___________________________
JUN 25 2001

TO: 
Honorable Raynard C. Soon, Chairperson 
Department of Hawaiian Home Lands

Honorable Bruce S. Anderson, Director 
Department of Health 
Attn: Mr. Dennis Tulang 
Attn: Mr. William Wong

Honorable Haunani Apolonia, Chairperson 
Office of Hawaiian Affairs

Mr. Clifford S. Jamile, Manager & Chief Engineer 
Honolulu Board of Water Supply 
Attn: Mr. Chester Lao 
Attn: Mr. Barry Usagawa

Mr. Randall Fujiki, Director 
Department of Planning and Permitting 
Attn: Planning Division

FROM: 
Gilbert S. Coloma-Agaran, Chairperson 
Commission on Water Resource Management

SUBJECT: 
Water Use Permit Application 
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments 
( ) We have no objections 
( ) Comments attached

Contact person: ____________________________ Phone: ____________________________
Signed: ____________________________ Date: ____________________________
TO: Ms. Esther Ueda, Executive Officer  
Land Use Commission  
FROM: Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  
SUBJECT: WATER USE PERMIT APPLICATION  
Nuuanu (caprock) Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky  
Attachment(s)  

Response:  

( ) We have no comments  
( ) We have no objections  
( ) Comments attached  

Contact person: ___________________________ Phone: ___________________________  
Signed: ___________________________ Date: ___________________________
TO:  Mr. Randall Fujiki, Director  
Department of Planning and Permitting  
Attn: Art Challacombe

FROM:  Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION  
Nuuanu (caprock) Ground Water Management Area, Oahu

For your review and record, we are forwarding a copy of the application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05, which includes a copy of your concurrence letter, confirming the zoning designation for the proposed uses on the attached application and confirming the consistency of the proposed projects with the current zoning designation. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

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

LN:ky  
Attachment(s)

Response:

( ) The proposed water use(s) is consistent with the current zoning designation(s).  
( ) Comments attached

Contact person: ___________________________  Phone: ___________________________

Signed: ___________________________________  Date: _______________
Honorable Jeremy Harris, Mayor  
City & County of Honolulu  
City Hall  
Honolulu, HI 96813  

Dear Mayor Harris:

Notice of an Application for Water Use Permit  
Nuuanu (caprock) Ground Water Management Area, Oahu

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 and water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05, which will be published in the Hawaii State & County Public Notices (HS&CPN).

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 received a concurrence letter from the Department of Planning and Permitting (DPP) confirming the current zoning designation for the proposed use locations and the consistency of the current zoning designations with the proposed project. In accordance with the procedure that has been established by DPP, we have also sent a copy of the application and an individual request for comments to DPP and the Board of Water Supply to facilitate and expedite City agencies review. We will look forward to receiving the City's review comments from DPP within the next sixty (60) days, on whether this water use is consistent with county plans, policies, and land use designations.

Very truly yours,

[Signature]

GILBERT S. COLOMA-AGARAN  
Chairperson

LN:ky  
Enclosures
TO: Other Interested Parties
FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or interferences with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18 of our Administrative Rules and must be filed by the July 30, 2001 deadline.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Phone:
Signed: Date:
June 14, 2001

Mr. Louis M. Herman
Kewalo Basin Marine Mammal Laboratory
1129 Ala Moana Boulevard
Honolulu, Hawaii 96814

Dear Mr. Herman:

Water Use Permit Application for Kewalo Basin Marine Mammal Laboratory, for Saltwater Well No. 1751-05, Nuuanu Aquifer, Tax Map Key: 2-1-58: 001

We have reviewed the preliminary application and provide the following comments.

1. Kewalo Basin is under the zoning jurisdiction of the Hawaii Community Development Authority (HCDA). According to HCDA (Matthew Akamu of HCDA, telephone 587-2867):
   a. A use zone of Waterfront Commercial (WC) is shown for TMK 2-1-58: 60 on the Land Use Map of the Makai Area Plan for the Kaka’ako Community Development District.
   b. Your activity is a valid nonconforming use. The use zone WC includes aquariums and museums but does not specifically permit public research laboratories.
   c. The water use application for the proposed use is consistent with the intent of the Makai Area Plan and its Land Use Map.

2. You should revise your maps showing the well location so that the well site is just within your lab parcel TMK 2-1-58: 60 (as stated in item #3 of your application), not shoreline parcel TMK 2-1-58: 1 as shown on the maps. This was confirmed by Matthias Hoffman-Khunt of your staff when we checked on this discrepancy.
Should you have any questions, please call Mike Watkins of our staff at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

cc: HCDA
Commission on Water Resource Management
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 821, Honolulu, Hawai‘i 96803. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225.

For further information and updates to this application form, visit http://www.state.hi.us/dlnr/cwrm.

PERMIT INFORMATION

1. (a) APPLICANT
   
   Firm/Name:  Kewalo Basin Marine Mammal Lab
   Contact Person: Louis M. Herman
   Address:  1129 Ala Moana Blvd., Honolulu, HI 96814
   Phone:  (808) 591-2121, Fax:  (808) 597-8572
   E-mail:  iherman@hawaii.edu

   (b) LANDOWNER OF SOURCE
   
   Firm/Name:  HCDA
   Contact Person: Jan S. Yokota
   Address:  677 Ala Moana Blvd., Honolulu, HI 96814
   Phone:  (808) 587-2870, Fax:  (808) 599-2613
   E-mail:  hcda@pte.net

2. WATER MANAGEMENT AREA:  Nuuanu Aquifer
   ISLAND:  OAHU

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:  175/-05
   (If source doesn’t presently exist, please attach well construction/stream diversion permit or application.)

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

   (c) LOCATION:  Address:  1129 Ala Moana Blvd., Honolulu, HI 96814
   Tax Map Key:  2-1-58-60
   (Attach and show source location on a USGS map, scale 1"=2000", and a property tax map)

4. SOURCE TYPE (check one):  Stream
   (NEW) Well/Stream
   Deficient Level
   Perched Water
   Dike-confined Water
   Basal Water
   Perched Water
   Caprock
   Perched Water
   Dike-confined Water
   Basal Water
   Perched Water
   Dike-confined Water
   Basal Water
   Perched Water
   Dike-confined Water

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) PUC-Regulated Private System
   (b) Intended Dedication to Dept. /Board of Water Supply
   (c) Non-PUC-Regulated Private System
   (d) PUC Tax Key:  Please complete Table 1 on back of application and shade applicable portion of property tax map.

7. QUANTITY OF WATER REQUESTED:  1440000 gallons per day (averaged over 1 year)

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

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

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

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:  24x7

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source.
   (b) Is a reasonable-beneficial use.*
   (c) Will not interfere with any existing legal use.
   (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 general policies.
   (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

   * Section 13-171-2, Hawa‘i Revised Statutes—
   "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.

13. REMARKS, EXPLANATIONS:  WE WERE NOT AWARE THAT WE NEEDED A WATER USE PERMIT FOR SALTWATER - ONLY WHEN WE CONSIDERED UPGRADING OUR PUMP WE REALIZED THAT WE NEEDED A WATER USE PERMIT.

NOTE: Signing below indicates that the signatory understands and agrees to the terms of the application. For the best of their knowledge, 1) the information provided on this application is accurate and true to the best of their knowledge; 2) Item 14 is the responsibility of the applicant prior to Commission approval; 3) If necessary, further Information may be required before the application is considered complete; 4) If a water use permit is granted by the Commission, this permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses; and 5) Upon permit approval, a water shortage plan must be submitted by the applicant should the Commission require one.

Applicant (print):  Louis M. Herman
Signature:  
Date:  5/22/01

Landowner (print):  Jan Yokota, Executive Director
Signature:  
Date:  May 30, 2001

WUPAFORM (3/1/00)
## Table 1. TMKs to Use Requested Water

<table>
<thead>
<tr>
<th>Department of Planning and Permitting Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only for verification that: 1) TMKs listed are consistent with zoning; and 2) projects listed are allowed with respect to zoning.</td>
<td></td>
</tr>
</tbody>
</table>

### Instructions for Completing Table 1:
- Individual projects and phases must be listed separately and numbered sequentially on Table 1. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 650 South King Street, 7th Floor, Honolulu, HI 96813 Attn: Arthur D. Challacombe

### Table 1: TMKs to Use Requested Water

| Project Name & Phase | Code | POTABLE | TMK | CURRENT ZONING CODE | GPD/UNIT | GPD/ACRE | YEAR 1 | YEAR 2 | YEAR 3 | YEAR 4 | YEAR 5 | YEAR 6 | YEAR 7 | YEAR 8 | YEAR 9 | YEAR 10 | YEAR 11 | YEAR 12 | YEAR 13 | YEAR 14 | YEAR 15 | TOTAL GDP |
|----------------------|------|---------|-----|----------------------|----------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1. KBMML Marine Research | 1967 | Non | 2-1-58:60 | URBAN WC | 180,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 | 1440,000 |
| 2. | | | | | | | | | | | | | | | | | | | | | | | |
June 14, 2001

Mr. Louis M. Herman
Kewalo Basin Marine Mammal Laboratory
1129 Ala Moana Boulevard
Honolulu, Hawaii 96814

Dear Mr. Herman:

Water Use Permit Application for Kewalo Basin Marine Mammal Laboratory, for Saltwater Well No. 1751-05, Nuuanu Aquifer, Tax Map Key: 2-1-58: 001

We have reviewed the preliminary application and provide the following comments.

1. Kewalo Basin is under the zoning jurisdiction of the Hawaii Community Development Authority (HCDA). According to HCDA (Matthew Akamu of HCDA, telephone 587-2867):
   
   a. A use zone of Waterfront Commercial (WC) is shown for TMK 2-1-58: 60 on the Land Use Map of the Makai Area Plan for the Kaka’ako Community Development District.
   
   b. Your activity is a valid nonconforming use. The use zone WC includes aquariums and museums but does not specifically permit public research laboratories.
   
   c. The water use application for the proposed use is consistent with the intent of the Makai Area Plan and its Land Use Map.

2. You should revise your maps showing the well location so that the well site is just within your lab parcel TMK 2-1-58: 60 (as stated in item #3 of your application), not shoreline parcel TMK 2-1-58: 1 as shown on the maps. This was confirmed by Matthias Hoffman-Khunt of your staff when we checked on this discrepancy.
Mr. Louis M. Herman  
Kewalo Basin Marine Mammal Laboratory  
June 14, 2001  
Page 2

Should you have any questions, please call Mike Watkins of our staff at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA  
Director of Planning and Permitting

cc: HCDA  
Commission on Water Resource Management
NOTE: All lots owned by State of Hawaii and under the control and management of the Dept. of Transportation; Harbors Division unless otherwise noted.

OWNER'S, LESSOR'S AND VENDEE'S NAMES RECORDED ON THIS TAX MAP PRINT MAY NOT BE CURRENT.

FOR REAL PROPERTY TAXATION PURPOSES SUBJECT TO CHANGE.

DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP

<table>
<thead>
<tr>
<th>ZONE</th>
<th>SEC.</th>
<th>PLAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1</td>
<td>58</td>
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</tbody>
</table>

SCALE: 1 IN. = 100 FT.
Ref: 590, sub

STAFF SUBMITTAL

for the meeting of the

COMMISSION ON WATER RESOURCE MANAGEMENT

August 15, 2001
Honolulu, Oahu

University of Hawaii, Kewalo Basin Marine Mammal Lab
AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT
Kewalo Basin Salt (Well No. 1751-05), TMK 2-1-58:60
Existing (Marine Research) Use for 1.440 mgd
Nuuanu (Caprock) Ground-Water Management Area, Oahu

APPLICANT:
University of Hawaii
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

LANDOWNER:
State of Hawaii
Hawaii Community Development Authority
677 Ala Moana Blvd.
Honolulu, HI 96814

LOCATION MAP: See Exhibit 1

BACKGROUND:
On June 15, 2001, a completed water use permit application was received from Kewalo Basin Marine Mammal Lab by the Commission on Water Resource Management (Commission). The application is to continue an existing salt-water use for marine mammal research.

Although no Registration of Well and Declaration of Water Use form was filed, the inclusion of this source on the well inventory database, its presence on the well location maps, and the assigned Well No. (wells are numbered sequentially based on the date of construction), show the Commission was aware of the existence of this salt-water well, which was constructed in 1968 and in use for about the last 30 years. The applicant has stated that it was not aware of the requirement to register the salt-water well and declare its water use under Administrative Rules 13-168-5 & 13-168-11. Due to limited funds and staff resources, the permitting and regulation of fresh- and brackish-water wells and uses has been prioritized over salt-water wells and uses because there is no water resource threats or sustainable yield
issues as salt water is practically an unlimited supply. The salinity is about 32,000 to 33,000 mg/l, indicating it is completely ocean water. The staff has requested that the applicant register the source, which existence predates the Water Code. To date, the registration form has not been filed. The registration should provide additional construction and elevation details.

Under Hawaii Administrative Rules, 13-171-11, the source is within the designated groundwater management area, therefore, water use permits are issued for salt-water wells and have been routinely in the past.

Additional information regarding the source, use, notification, objections, and field investigation(s) is provided in Attachment A.

ANALYSIS/ISSUES:

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit. An analysis of the proposed permit in relation to these criteria follows:

(1) **Water availability**

This application is for use of salt water (32,000 to 33,000 mg/l) within the boundaries of the Nuuanu Aquifer System. Water availability is not an issue as this well will not impact the basal aquifer in the designated water management area because the well does not penetrate through the overlying caprock in the Nuuanu Aquifer System. Therefore, there is no impact to the sustainable yield.

(2) **Reasonable-beneficial**

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...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 both reasonable and consistent with the state and county land use plans and the public interest".

The salt water developed by the well is used for marine mammal research. Actual salt-water use is estimated to be 1.440 mgd. Other reasonable-beneficial use criteria are discussed in the following sections.

(3) **Interference with other existing legal uses**

According to the applicant, the well has been used since about 1969. The continued withdrawal of salt water at a rate of 1.440 mgd is not expected to interfere with any existing legal use of water.
Staff Submittal

August 15, 2001

(4) **Public interest**

The use of salt water to support marine mammal research, where there are no adverse impacts to water resources or existing legal uses, is deemed to be in the public interest.

(5) **State & county general plans and land use designations**

These proposed uses are consistent with the state and county general plans and land use designations.

(6) **County land use plans and policies**

These proposed uses are consistent with county land use plans and policies.

(7) **Interference with Hawaiian home lands rights**

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

Although this application is being made after-the-fact, the staff is not recommending any imposition of fines because: 1) the applicant submitted the application on its own volition, 2) good faith in coming voluntarily and completing our permitting requirements, and 3) the use is for salt water underlying the designated ground water management area and 4) salt-water withdrawals are not counted against the sustainable yield as determined by past Commission actions.

**RECOMMENDATION:**

Staff recommends that the Commission:

1. Find the applicant in violation of pumping a well without a water use permit in a water management area.

2. Assess no fines for the violation in recommendation 1.

3. Approve the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. 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.
b. Standard Condition 16 is waived.

c. Require the applicant to submit a completed Registration of Well and Declaration of Water Use (Exhibit 2) within thirty (30) days from the date of this submittal.

Respectfully submitted,

[Signature]

LINNEL T. NISHIOKA
Deputy Director

Attachment(s):
A (Water Use Permit Detailed Information)
B (Water Use Permit Standard Conditions)

Exhibit(s):
1 (Location Map)
2 (Registration of Well and Declaration of Water Use)
WATER USE PERMIT DETAILED INFORMATION

Source Information

WELL:
Location: Kewalo Basin Salt (Well No. 1751-05)
Year Drilled: 1968
Casing Diameter:
Elevations (msl= 0 ft.):
Water Level: NA ft.
Ground: NA ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: NA ft.
Total Depth: NA ft.
Grouted Annulus Depth: NA ft.

Pump Capacity: 1000 gpm

Use Information

Quantity Requested: 1,440 gallons per day.
Existing Type of Water Use: Marine Research
Place of Water Use: TMK: 2-1-58:60

Reported Water Usage: NA gpd

ATTACHMENT A
Nearby Surrounding Wells and Other Registered Ground Water Use

There are four (4) other wells near the shoreline in the immediate vicinity of Well No. 1751-05 (see Exhibit 1). The continued use of Well No. 1751-05 is not expected to impact any other nearby wells due to the proximity of the wells to the ocean.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on July 9, 2001 and July 16, 2001 and a copy of the notice was sent to the Mayor's office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization (Oahu only), Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within 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 July 30, 2001.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by July 30, 2001. No objections were filed with the Commission.

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

A field investigation was not conducted for this salt-water source and existing use.
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 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.

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

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

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

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

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

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

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

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

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

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Nuuanu (Caprock) 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. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

19. 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.
STATE OF HAWAII  
COMMISSION ON WATER RESOURCE MANAGEMENT 
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCE MANAGEMENT  

REGISTRATION OF WELL  
AND DECLARATION OF WATER USE  

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Commission on Water Resource Management. P.O. Box 821, Honolulu, Hawaii 96809. Phone 587-0225 or 587-0274 for assistance.

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

STATE WELL NO.:  
WELL NAME OR DESIGNATION:  
ISLAND:  
SOURCE OR STATION NAME (For a battery of wells):  

<table>
<thead>
<tr>
<th>A. WELL OPERATOR</th>
<th>B. OWNER OF WELL SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm name:</td>
<td>Firm name:</td>
</tr>
<tr>
<td>Contact person:</td>
<td>Contact person:</td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
</tr>
<tr>
<td>Zip:</td>
<td>Phone:</td>
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</table>

C. WELL LOCATION
Tax Map Key:  
Town, Place, District:  

Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

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

<table>
<thead>
<tr>
<th>Ground elevation (mean sea level):</th>
<th>Year drilled or constructed:</th>
</tr>
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<tbody>
<tr>
<td>Elevation:</td>
<td>Well contractor:</td>
</tr>
<tr>
<td>Description:</td>
<td>Casing diameter:</td>
</tr>
<tr>
<td></td>
<td>Solid casing depth (below ground):</td>
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<tr>
<td>Depth to water (below reference point):</td>
<td>Perforated casing depth (below ground):</td>
</tr>
<tr>
<td>Maximum recorded chloride:</td>
<td>Total depth of well:</td>
</tr>
<tr>
<td>Minimum recorded chloride:</td>
<td>Minimum chloride in 1987:</td>
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<tr>
<td>Maximum chloride in 1987:</td>
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</table>

E. INSTALLED PUMP DATA

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<th>Pump type:</th>
<th>Vertical shaft</th>
<th>Submersible</th>
<th>Centrifugal</th>
<th>Other (specify):</th>
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<tbody>
<tr>
<td>Power:</td>
<td>Diesel, ____ HP</td>
<td>Gas, ____ HP</td>
<td>Electric, ____ HP</td>
<td>Other (specify):</td>
</tr>
<tr>
<td>Pump capacity:</td>
<td>_______ gallons per minute</td>
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<tr>
<td>Pump installation contractor:</td>
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... (continued over)

For Official Use Only:
Date received:    Date accepted:    
Field checked by: Date:    Latitude:    Hydrologic Unit:    
Comments:        Longitude:    State Well No.:    

References: Hawaii Revised Statutes, Chapter 174C, 
Hawaii Administrative Rules, Chapters 13-187 to 13-171.

EXHIBIT 2
F. DECLARATION OF WATER USE

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

Water use data are recorded: □ Daily □ Weekly □ Monthly
□ Other (describe): ________________________________

Method of measurement: □ Flow Meter □ Orifice
□ Other (describe): ________________________________

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

WATER USE, IN GALLONS x 1000

<table>
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<td>December</td>
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<tr>
<td>ANNUAL</td>
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Minimum day's use: _______________ gallons  Maximum day's use: _______________ gallons
Typical times of usage: ___________________________

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

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<th>Category</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>□ Municipal (including resorts, hotels, businesses)</td>
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<td>□ Domestic (systems serving 25 people or less)</td>
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<tr>
<td>□ Irrigation</td>
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<tr>
<td>□ Industrial</td>
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<td>□ Military</td>
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<tr>
<td>□ Other</td>
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<tr>
<th>Non-Crop:</th>
<th>Landscape</th>
<th>Golf Course</th>
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<tbody>
<tr>
<td>□ Other (specify):</td>
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<tr>
<th>Method: Drip</th>
<th>Furrow</th>
<th>Sprinkler</th>
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<th>□ Cooling</th>
<th>□ Manufacturing</th>
<th>□ Mill</th>
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<td>□ Other (specify):</td>
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</table>

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<tr>
<th>Acres Irrigated:</th>
<th>Specify (livestock, aquaculture, etc.):</th>
</tr>
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</table>

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

Water User's Signature: _______________________________ Date: _______________
Printed Name: ____________________________
Firm or Title (Well Operator, etc.): ____________________________
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
State Parks

FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Betsy Gagne, NAESC
Phone: 587-0063

Signed: (Signature)
Date: 23 July 2001
Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

We have no comments
() We have no objections
( ) Comments attached

Contact person: Sharla Manley
Phone: 594-1944
Date: 594-1974
July 24, 2001

Mr. Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Coloma-Agaran:

Water Use Permit Application, Kewalo Basin Marine Mammal Laboratory, for Well No. 1751-05, Nuuanu (caprock) GWM Area, Oahu

Neither we nor the Board of Water Supply has any objections to a water use permit for this existing salt-water well, which has filled the tanks at this research facility for over 30 years. (See also the attached BWS memo.)

Should you have any questions, please call Mike Watkins at 523-4406.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:js
Attachment
cc: Mayor Jeremy Harris

ipd\wup\Kewalo2.wpd
July 3, 2001

TO: RANDALL K. FUJIKI, AIA, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: CLIFFORD S. JAMILE, MANAGER AND CHIEF ENGINEER

SUBJECT: KEWALO BASIN MARINE MAMMAL LABORATORY WATER USE PERMIT APPLICATION FOR SALT WATER WELL NO. 1751-05

We have no objection to a water use permit for this salt water well which has been in use for over 30 years to supply water for this research facility.

If you have any questions, please contact Chester Lao at 527-5286.

CL: js
cc: C. Lao
01-1007

To: Mike Watkins
6743
Planning & Permit

From: Kevin Gooding
BWS
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands

Honorable Bruce S. Anderson, Director
Department of Health
Attn: Mr. Dennis Tulang
Attn: Mr. William Wong

Honorable Haunani Apolonia, Chairperson
Office of Hawaiian Affairs

Mr. Clifford S. Jamile, Manager & Chief Engineer
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usagawa

Mr. Randall Fujiki, Director
Department of Planning and Permitting
Attn: Planning Division

FROM: Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Nuuanau (caprock) Ground Water Management Area, Oahu

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If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

X We have no comments
X We have no objections
() Comments attached

Contact person: Lani N. Kajiwara
Phone: 586 4294
Signed: Lani N. Kajiwara
Date: 7-5-2001
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
State Parks

FROM: Linnel T. Nishioka, Deputy Director
Commission On Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Archbishop Nakanishi

Phone: 587-0303

Signed: Archbishop Nakanishi

Date: 7-6-01
TO: Aquatic Resources
   Forestry and Wildlife/Natural Area Reserve System
   State Parks

FROM: Linnel T. Nishioka, Deputy Director
      Commission On Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

☐ We have no comments
☐ We have no objections
☐ Comments attached

Contact person: [Signature]
Phone: 587-0166
Date: 6/26/01
Mr. Gilbert S. Coloma-Agaran  
June 28, 2001  
Page 2

As requested, we are returning the cover memo for the subject application.

Please feel free to contact Bert Saruwatari of my office at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

[Signature]

ANTHONY J.H. CHING  
Executive Officer

Enclosure
TO: Ms. Esther Ueda, Executive Officer
   Land Use Commission

FROM: Gilbert S. Coloma-Agaran, Chairperson
   Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
   Nuuanu (caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Kewalo Basin Marine Mammal Lab for Well No. 1751-05. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of July 9, 2001 and July 16, 2001.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by July 30, 2001.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ky
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Bert Saruwatari
Phone: 587-3822

Signed: Anthony J.H. Chung, Executive Officer
Date: June 28, 2001
Mr. Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii  96809  

Dear Mr. Coloma-Agaran:

Subject: Water Use Permit Application, Nuuanu (caprock)  
Groundwater Management Area, Oahu

We have reviewed the subject application forwarded by your  
memorandum dated June 25, 2001, and have the following comments:

1) We confirm that TMK 2-1-58: 60 is located within the boundary of  
the State Land Use Urban District.

2) With respect to your request as to whether the current land use  
designation is appropriate for the proposed project, please be  
advised that pursuant to Section 205-2(b), Hawaii Revised Statutes,  
permitted activities within the Urban District are determined by the  
respective counties by ordinances or regulations. Therefore, the  
City and County of Honolulu should be requested to provide a  
response as to the appropriateness of the proposed well and pump  
in the Urban District.

We have no further comments to offer at this time. We appreciate the  
opportunity to comment on the subject application.
GROUND-WATER USE PERMIT
WUP NO. 600

PERMITTEE

Permittee/Water User
Address Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Landowner of Source
Address Hawaii Community Development Authority
677 Ala Moana Blvd.
Honolulu, HI 96814

PERMITTED SOURCE INFORMATION

Island Oahu
Water Management Area Honolulu
Aquifer Sector Honolulu
Aquifer System Nuuanu (Caprock)
System Sustainable Yield 15
Well Name Kewalo Basin
State Well No. 1751-05 & 08

PERMITTED USE INFORMATION

Reasonable beneficial use Marine Mammal Research
Withdrawal (12 month moving ave.) 1.440 mgd
Location of water use
TMK # 2-1-58:60
Address 1129 Ala Moana Blvd.
State land use classification Urban
County zoning classification WC

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

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

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

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

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

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

[Signature]

GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority
REGISTRATION OF WELL 
AND 
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Phone 587-0225 or 587-0274 for assistance.

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

STATE WELL NO.: 1751-05
WELL NAME OR DESIGNATION: Kewalo Basin
SOURCE OR STATION NAME (for a battery of wells): NA

A. WELL OPERATOR
Firm name: Kewalo Basin Marine Mammal Lab.
Contact person: Dr. Louis Herman
Address: 1129 Ala Moana Blvd.
Honolulu, HI
Zip: 96814 Phone: 591-2121

B. OWNER OF WELL SITE
Firm name: Same as listed in A.
Contact person:
Address:

C. WELL LOCATION
Tax Map Key: 2-1-58:60
Town, Place, District: Honolulu
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

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

Ground elevation (Mean sea level): 6 ft.
Reference point (Used to measure depth to water):
Elevation: 6 ft.
Description: Steel base plate

Depth to water (below reference point): 6 ft.
Maximum recorded chloride: 19,000 ppm
Minimum recorded chloride: 19,000 ppm
Maximum chloride in 1987: 19,000 ppm

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

For Official Use Only:
Date received: Date accepted:
Field checked by: Date: Latitude: Hydrologic Unit:
Comments: Longitude: State Well No.:

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

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

Water use data are recorded: □ Daily □ Weekly □ Monthly □ Other (describe):

Method of measurement: □ Flow Meter □ Orifice □ Other (describe):

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

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Minimum day's use: 720,000 gallons  
Maximum day's use: 720,000 gallons  
Typical times of usage: 24 hrs/day 7 days/week

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

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

- **Additional Information**
  - Number of service connections: ___________
  - Acres Irrigated:
    - □ Sugar □ Pineapple
    - □ Other (specify):
  - Non-Crop:
    - □ Landscape □ Golf Course
    - □ Other (specify): ___________
  - Method:
    - □ Drip □ Furrow □ Sprinkler
    - □ Cooling □ Manufacturing □ Mill
    - □ Other (specify): ___________
  - Specify (livestock, aquaculture, etc.): Dolphin Research Tanks

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

Water User's Signature: [Signature]  
Printed Name: [Printed Name]  
Firm or Title (Well Operator, etc.): [Firm or Title]

Date: 9/17/01
Hi Bob,

As discussed, this well registration form should be submitted by 9/22/01 (or just fax in a request for a time extension, if needed). Just fill in as much info as is available. Thanks, lenore
MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama
SUBJECT: Modification of WUP

9/11/01 Called Dr. Herman of Kewalo Basin Marine Mammal Lab to discuss 8/31/01 fax from Bob Glascott of Roscoe Moss, requesting transfer of the allocation from 1751-05 to 1751-08. I asked Dr. Herman what their plans for 1751-05 were. He stated that they would like to retain it as a standby/backup well for 1751-08. I suggested that the WUP could be modified by specifying both wells in the permit, that would allow them to use either one under the allocation. Dr. Herman said that would be ideal.
August 31, 2001

Ms. Lenore Nakama
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Subject: Kewalo Basin Transfer Allocation Request

Dear Ms. Nakama:

Attached please find a copy of the Well Construction Report for State Well No. 1751-08 at the Kewalo Basin Marine Mammal Lab. Please note, at this time we would like to request a transfer in allocation of water usage from State Well No. 1751-08 to State Well No. 1751-08. Should you have any questions or require any further information please do not hesitate to call me.

Sincerely,

Robert A. Glascott
Project Manager

---

C: Dr. Herman, Kewalo Basin Marine Mammal Laboratory
Hi Joel,

Here's a copy of the Notice of Action that was sent to KBMML. Please see Special Condition 3 on the second page of the cover letter. I am also transmitting another copy of the Registration of Well and Declaration of Water Use form. The Commission on Water Resource Management has given KBMML 30 days to complete and return the form (by 9/22/01). (In the worst case scenario, failure to comply could result in revocation of the water use permit and/or fines of up to $1000 per day.) Any help you could lend would be much appreciated. The form only needs to be filled in to the best of KBMML's ability, i.e., if there are aspects of construction that are unknown, it's OK to leave it blank. It does need to be signed by someone from KBMML also. Thank you.

Lenore
Certified mail – return receipt requested

Dr. Louis Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Dr. Herman:

Notice of Action
University of Hawaii, Kewalo Basin Marine Mammal Lab
After-the-Fact Application for a Water Use Permit
Kewalo Basin Salt (Well No. 1751-05), TMK 2-1-58:60
Existing (Marine Research) Use for 1.440 mgd
Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission). By a unanimous vote at their meeting on August 15, 2001, the Commission:

1. Found Kewalo Basin Marine Mammal Lab in violation of pumping a well without a water use permit in a water management area.

2. Assessed no fines for the violation in Action 1.

3. Approved the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Mammal Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

Special Conditions

1. In the event the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
2. **Standard Condition 16 is waived.**

3. The permittee is required to submit a completed Registration of Well and Declaration of Water Use (attached) **within thirty (30) days from the date of this letter.**

Enclosed with this letter of approval are the following:

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

Please be aware that the salt-water discharges from your facility may require a permit from the Department of Health. Please contact the Department of Health’s Clean Water Branch at 586-4309 regarding the need for a discharge permit.

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

Aloha,

[Signature]

GILBERT S. COLOMA-AGARAN
Chairperson

Attachments

c. Ms. Jan Yokota
GROUND-WATER USE PERMIT
WUP NO. 590

PERMITTEE

Permittee/Water User
Address Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Landowner of Source
Address Hawaii Community Development Authority
677 Ala Moana Blvd.
Honolulu, HI 96814

PERMITTED SOURCE INFORMATION

Island Oahu
Water Management Area Honolulu
Aquifer Sector Nuuanu (Caprock)
System Sustainable Yield 15
Well Name Kewalo Basin Salt
State Well No. 1751-05

PERMITTED USE INFORMATION

Reasonable beneficial use Marine Mammal Research
Withdrawal (12 month moving ave.) 1.440 mgd
Location of water use
TMK # 2-1-58:60
Address 1129 Ala Moana Blvd.
State land use classification Urban
County zoning classification WC

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:

   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

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

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:

   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 meeting are incorporated into this permit by reference.

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

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:

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

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

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

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

12. A permit may be transferred, in whole or in part, from the permittee to another, if:

   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

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

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

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

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

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

GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Find the applicant in violation of pumping a well without a water use permit in a water management area.

2. Assess no fines for the violation in recommendation 1.

3. Approve the issuance of Water Use Permit No. 590 to Kewalo Basin Marine Mammal Lab for the reasonable and beneficial use of 1.440 million gallons per day of salt water for Marine Research from the Kewalo Basin Salt (Well No. 1751-05), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. 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.

   b. Standard Condition 16 is waived.

   c. Require the applicant to submit a completed Registration of Well and Declaration of Water Use (Exhibit 2) within thirty (30) days from the date of this submittal.

After a discussion regarding the need for a Department of Health (DOH) discharge permit, Commissioner Anderson suggested that state inform the permittee of the need for a discharge permit in the letter notifying the permittee of the Commission’s action.

MOTION: (NOBRIGA/RICHARDS)
To approve the submittal.
UNANIMOUSLY APPROVED.

6. Hamakua Energy Partners / Beylik Drilling, AFTER-THE-FACT PUMP INSTALLATION PERMIT APPLICATION, Enserch 1 Well (Well No. 6528-02), Honokaa, Hawaii

PRESENTATION OF SUBMITTAL: Ryan Imata
Additional sources have not been brought on line yet. BWS would like to expedite the completion of the stations so that the load of the withdrawals can be spread over more sources so that withdrawals are evenly distributed. Waipahu 3 needs an easement to install a drain line. That is needed to provide proper operation. Six units are down but mechanical repairs are in process. As soon as that is on line then the draft will be balanced throughout the system.

Overall, if the weather is overcast and rainy, drastic measures of conservation will not be needed to implement.

The BWS is already undertaking a project to desalinate ocean water. To start, 5 mgd will be used to gain operating experience and estimate cost. Later the Board will decide if it is feasible. Efforts are also underway to take water that is already available on the surface and process it through wastewater treatment plants to recycle the water for agriculture and irrigation of golf courses. The Board is also looking into the feasibility of taking over additional wastewater facilities for the purpose of operating recycled plants that would make more R1 water available for public use.


PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

A. Find Waieli Drilling in violation of Administrative Rule 13-168-16(b) for the abandonment/sealing of Well No. 1120-37 without a permit.

B. Assess a fine of two hundred fifty dollars ($250) to Waieli Drilling for the unpermitted work, to be paid within thirty (30) days from the date of this submittal.

C. Find that future applications from an applicant who has not paid fines or met alternative settlements or for a project with outstanding violations may be considered incomplete until sanctions are fulfilled and/or violations are corrected.

D. Approve the issuance of a well abandonment permit for Moloaa Plantation (Well No. 1120-37), subject to the standard conditions in Exhibit 5.

MOTION: (RICHARDS/NOBRIGA)
To approve the submittal.
UNANIMOUSLY APPROVED.
**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

<table>
<thead>
<tr>
<th>Addressee's Address</th>
<th>LN: ky</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Louis Herman</td>
<td></td>
</tr>
<tr>
<td>Kewalo Basin Marine Mammal Lab</td>
<td></td>
</tr>
<tr>
<td>1129 Ala Moana Blvd.</td>
<td></td>
</tr>
<tr>
<td>Honolulu, HI 96814</td>
<td></td>
</tr>
</tbody>
</table>

4. Article Number

| P 354 448 624 |

5. Service Type

- [ ] Registered
- [X] Certified
- [ ] Express Mail
- [ ] Insured
- [ ] Return Receipt for Merchandise
- [ ] COD

6. Article Number

| 590.wup |

7. Date of Delivery

| 5/23/01 |

8. Address of Addressee (Only if requested and fee is paid)

| 590.wup |
STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

<table>
<thead>
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<tr>
<td>Louis Herman</td>
<td>1129 Ala Moana Blvd.</td>
</tr>
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<td>Honolulu, HI 96814</td>
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<tr>
<td>TOTAL Postage and Fees</td>
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Postmark or Date

PS Form 3800, June 1995
UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

Print your name, address and ZIP Code here

COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809
<table>
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<th>Item</th>
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<td>2.</td>
<td>Attach this form to the front of the mailpiece, or on the back if space does not permit.</td>
</tr>
<tr>
<td>3.</td>
<td>Print your name and address on the reverse of this form so that we can return this card to you.</td>
</tr>
<tr>
<td>4a.</td>
<td>I also wish to receive the following services (for an extra fee):</td>
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<tr>
<td>4b.</td>
<td>1. [ ] Addressee’s Address</td>
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<td></td>
<td>2. [ ] Restricted Delivery Consult postmaster for fee.</td>
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<td>5.</td>
<td>Article Addressed to: L,:ky</td>
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<td></td>
<td>Dr. Louis Herman</td>
</tr>
<tr>
<td></td>
<td>Kewalo Basin Marine Mammal Lab</td>
</tr>
<tr>
<td></td>
<td>1129 Ala Moana Blvd.</td>
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<td></td>
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</tr>
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<td>6a.</td>
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<td>6b.</td>
<td>5. Signature (Addressed)</td>
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Thank you for using Return Receipt Service.
STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).

1. If you want the receipt postmarked, stick the gummed stub to the right of the return address. Send the return address and present the article at a post office service window or hand it to your local carrier for extra charge.

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.
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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified Fee</td>
<td>$0.57</td>
</tr>
<tr>
<td>Special Delivery Fee</td>
<td>2.10</td>
</tr>
<tr>
<td>Restricted Delivery Fee</td>
<td></td>
</tr>
<tr>
<td>Return Receipt Showing to Whom &amp; Date Delivered</td>
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<tr>
<td>TOTAL Postage &amp; Fees</td>
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WATER USE PERMIT NO. 600

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>Permit Information</th>
<th>Details</th>
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<tr>
<td>Water User</td>
<td>Kewalo Basin Marine Mammal Lab</td>
</tr>
<tr>
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<td>1129 Ala Moana Blvd.</td>
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<tr>
<td></td>
<td>Honolulu, HI 96814</td>
</tr>
<tr>
<td>Landowner of Source</td>
<td>State HCDA</td>
</tr>
<tr>
<td></td>
<td>677 Ala Moana Blvd.</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
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<td>Permitted Withdrawal Rate</td>
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<td>Water Management Area</td>
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<tr>
<td>Island</td>
<td>Oahu</td>
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<tr>
<td>Aquifer Sector/System</td>
<td>Honolulu/Nuuanu</td>
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<td>System Sustainable Yield</td>
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<td>Water Type</td>
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<tr>
<td>Original CWRM Date</td>
<td>August 15\textsuperscript{th}, 2001</td>
</tr>
<tr>
<td>Standard Conditions</td>
<td>1-19</td>
</tr>
<tr>
<td>Special Conditions</td>
<td>2, 20, 105</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s)                                    | 1751-05, 1751-08                                                       |
| Well Name                                               | Kewalo Basin                                                           |
| Water Source TMK Number(s)                              | 1\textsuperscript{st} Division, 2-1-058:064                           |
| State Land Use Classification(s)                        | Urban                                                                  |
| County Zoning Classification(s)                         | State HDCA                                                             |
| Geographical Coordinates                                |                                                                       |
| Well No. 1751-05                                        | Latitude 21° 17’ 30.5” North                                         |
|                                                          | Longitude 157° 51’ 30.6” West                                        |
| Well No. 1751-08                                        | Latitude 21° 17’ 30.5” North                                         |
|                                                          | Longitude 157° 51’ 30.6” West                                        |
End Use

End Use TMK Number(s): 1st Division, 2-1-058:061, 2-1-058:064
State Land Use Classification(s): Urban
County Zoning Classification(s): State HDCA
Beneficial Use Explanation: Use for marine mammal research

Background Information

Water Use Permit 600 was approved during the August 15th, 2001 Commission on Water Resource Management meeting. There are no monthly water use reports on record for State Well Nos. 1751-05 or 1751-08. The permittee has stated that because the wells are salt water wells that recirculate back into the ocean, a flowmeter and reporting of water use is not required. However, there do not appear to be any exemptions to this requirement in the permit files, and the water use permit specifically states that a flowmeter and yearly reporting of water use and salinity are required. Standard conditions 1-19 and special conditions 2, 20, & 105 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: Robert Dollar
Site Address: 1125 Ala Moana Blvd.
Honolulu, HI 96814

Brown and Caldwell conducted a field investigation on April 2nd, 2008 from 9:00 a.m. until 10:00 a.m. with Mr. Robert Dollar. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 600

State Well Nos. 1751-05 and 1751-08 are located on TMK parcel 2-1-058:064 at 21° 17’ 30.5” N, 157° 51’ 30.6” W, with a real time accuracy of ±20 feet. Since both wells are situated within a building that inhibits GPS reception, a single GPS coordinate was taken outside of the building and is used as the approximate coordinate for both wells. Water is being drawn from the wells
via two mounted motor pumps and is sent to various marine tanks on TMK parcels 2-1-058:061 and 2-1-058:064. Once the water flows through the tanks, it is emptied directly back into the ocean, which completes the open seawater system. Reference the Appendix for photographs of the previously described system components.

Based upon visual inspection of the system, all components appear to be in full working order. The permittee provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries.

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

(10) An approved flowmeter(s) must be installed to measure 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.

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

Recommendations

• Address the following discrepancies between the Commission's electronic database and actual field investigation findings:
  o Change permittee contact to Robert Dollar at (808) 983-3702
  o Water source and end use TMK parcel numbers
  o State land use and county zoning classifications

• Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels and lack of an approved flowmeter.
20-Year Water Use Permit Review
Water Use Permit No. 600

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 1751-05

Figure 2 – State Well No. 1751-08
Figure 3 – Well house

Figure 4 – Typical end use tank
Figure 5 – Discharge back into the ocean
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (10) are as follows:
   i. The applicant shall keep monthly pumpage estimates to be submitted annually to the Commission.
   ii. An approved flowmeter(s) need not be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).
   iii. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance with the Commission's September 16, 1992 action on reporting requirements.
   iv. Approved flowmeters must be installed to measure monthly withdrawals and a monthly record of withdrawals must be kept and reported to the Commission on Water Resource Management on a monthly basis.
   v. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure water withdrawals
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a monthly basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall 1) implement a leakage control and detection system and complete 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
Certified mail – return receipt requested

Dr. Louis Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Dr. Herman:

Approval of Water Use Permit Modification for Well Nos. 1751-05 & 08
Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter transmits your water use permit for Kewalo Basin (Well No. 1751-05 & 08) for use of 1.440 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on August 15, 2001 and administratively modified per Declaratory Ruling DEC-ADM97-A1. As part of the Commission’s approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

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

2. Standard Condition 16 is waived.

3. The permittee is required to submit a completed Registration of Well and Declaration of Water Use (attached) by September 21, 2001.

Enclosed with this letter of approval are the following:

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

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

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

Aloha,

Attachments

c.: Jan S. Yokota, HCDA
# GROUND-WATER USE PERMIT

**WUP NO. 600**

## PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>Kewalo Basin Marine Mammal Lab</td>
<td>Hawaii Community Development Authority</td>
</tr>
<tr>
<td>1129 Ala Moana Blvd.</td>
<td>677 Ala Moana Blvd.</td>
</tr>
<tr>
<td>Honolulu, HI 96814</td>
<td>Honolulu, HI 96814</td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td></td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Honolulu</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Nuuanu (Caprock)</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>15</td>
</tr>
<tr>
<td>Well Name</td>
<td>Kewalo Basin</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1751-05 &amp; 08</td>
</tr>
</tbody>
</table>

## PERMITTED USE INFORMATION

| Reasonable beneficial use     | Marine Mammal Research |
| Withdrawal (12 month moving ave.) | 1.440 mgd |
| Location of water use         |                         |
| TMK #                         | 2-1-58:60               |
| Address                       | 1129 Ala Moana Blvd.    |
| State land use classification | Urban                   |
| County zoning classification  | WC                      |

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its August 15, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

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

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

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

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

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

GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

Attachment
cc: Hawaii Community Development Authority
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

(Please complete one survey form for each WUP)

WUP Number: 600

Well Number(s): 17, 51, 67, 08

Contact Information (of the person who will be present at site visit):
Name: R. Dollar (Robert)
Phone (for phone interview): 993-3702
Fax: 993-3700
Email:
Best time to reach for phone interview: 9:30 am - 4 pm

Property Information (of the water use/well location):
Address: 1125 Ala Moana Blvd., Honolulu, HI
City: Honolulu, HI
Zip: 96814
Well Location TMK (list all if multiple wells present): 2-1-58-61

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"): marine research;
live marine animal tanks (marine mammals, turtles, fish).

Is a flow meter installed and working properly? Yes ☐ No ☑
If no, please explain: open system seawater wells (water returns to ocean)

Do you submit monthly water use reports to the State? Yes ☐ No ☑
If no, please explain: open system seawater (water returns to ocean)

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

Option #1 Date (M-F): Tues Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #2 Date (M-F): Wed Time: 9:00 am ☐ 12:00 pm ☑ 3:00 pm ☐
Option #3 Date (M-F): Thurs Time: 9:00 am ☐ 12:00 pm ☑ 3:00 pm ☐

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by March 5th, 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@brwncald.com

For Official Use Only

Received: 2/20/08
Information Updated: 3/21/08
Phone Interview Complete: 3/28/08

Notes/Comments: ____________________________________________________________________________
Phone Interview

WUP Number: 600  Well Number(s): 1751-05, 1751-06

Contact Name: R. Dollar (Robert)  Phone Number: 963-3702

Attempt #1:  Date/Time: 3/26/05 (2:03)  Result: Reached

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

Well Location TMK(s): ________________________________
Water Use TMK(s): _________________________________

Water Source Address: 1125 Ala Moana Blvd. (B)
City: Honolulu  Zip Code: 96814

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

How often is the water source being used?  Daily ☒  Weekly ☐  Monthly ☐
Notes/Comments:

How long have you been using this water source?: _________________________

Has there been any rezoning of the water source/water use properties? Yes ☐  No ☒
Have you reported the rezoning to the State? Yes ☐  No ☐  N/A ☒
If no, explain:

Scheduled field investigation day/time: 4/2/05 @ 9:00 am
Notes (Special directions, site conditions, potential hazards, general notes, etc.):

Comments To Make:

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

Interviewed By: M.S.  Date: 3/28/05  Time: 2:03 p.m.
Field Investigation Checklist

WUP Number: 600 Well Number(s): 1751-05, 1751-06

Water Source
Well Location TMK(s): 2-1-056:064
Well Head GPS Coordinates: Latitude: 21°17'30.5"N Longitude: 57°51'30.5"W
Well Type: Well Pump, Open Seawater System (20 ft)
Currently using water source? Yes ☒ No ☐
Notes/Comments: ___________________________________

Is there a flow meter installed? Yes ☐ No ☒
Is the flow meter operational Yes ☒ No ☐
Notes/Comments: Not required for saltwater wells

Water Use
Water Use TMK(s): 2-10-056:064, 2-1-056:061
What is the water being used for? Marine Research
Is the water being used within the permitted boundaries? Yes ☒ No ☐
If no, explain: ___________________________________
Is there any observed wasting of water or water loss? Yes ☐ No ☒
If no, explain: ___________________________________
Are the permit conditions being complied with? Yes ☒ No ☐
If no, explain: ___________________________________

Other
Photographs of: Water Source ☒ Water Meter ☐ Usage Area ☒ Pump/Motor ☒
General Notes/Comments:

Open seawater system — Pumped from 60-1F, deep wells (approx) — run through tanks — discharged into ocean

Investigated By: M.O. Date: 4/2/06 Time: 9:00 a.m.
1. **Pump Tests Check (special condition of P/R?)**
   Yes No
   Glenn Bauer (initial if yes)
   If no, describe deficiency

   **Step-Drawdown Test:**
   - followed WCPI Stds
   - analysis attached
   - proposed pump cap o.k.

   **Aquifer Pump Test:**
   - followed WCPI Stds
   - T & S analysis attached

   **Well Interference:**
   - estimated Steady-State
   - drawdown at 1-mile radius is __________ ft.
   - analysis attached

   **Stream Surface Water Impacted:**
   If yes, identify most probable stream

2. **Pump Installation Check**
   Mitch Ohye (initial)
   Yes No
   If no, describe deficiency
   - data complete
   - followed WCPI Stds
   - well database updated

3. Charley Lenore Ryan (initial) take action based on above analysis
4. Roy (initial) check
   *WUP submitted ATF for this pump replacement*
5. Susan Subia (initial) finalize
6. Linnel (initial) signature
7. Charley/Lenore/Ryan File

Signature: Linnel
July 11, 2001

Mr. Louis M. Herman
Kewalo Basin Marine Mammal Lab
1129 Ala Moana Blvd.
Honolulu, HI 96814

Dear Mr. Herman:

Well Completion Report for Well No. 1751-05

We received your Well Completion Report Part II for a pump replacement for the Kewalo Basin Salt (Well No. 1751-05) on June 21, 2001 and acknowledge that it is complete. Thank you for your attention to this matter.

If you have any questions, please contact Lenore Nakama of the Commission staff at 587-0218.

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ky

c. Jan Yokota
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WELL COMPLETION REPORT - PART II
Pump Installation

Instructions: Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulation Branch at 587-0225. For updates to this form or additional information, please visit our website at http://www.state.hi.us/dlnr/cwrm/

1. State Well No.: 1751-05
   Well Name: KBMML
   Island: Oahu
2. Address: 1129 Ala Moana Blvd., HON 96814
   Tax Map Key: 2-1-58:60
3. Pump Installation Company: Reylik Drilling
4. Date Pump Installed: 4-30-2001
5. PERMANENT PUMP INFORMATION
   Pump Type, Make, Serial No.: Sub., Goulds 23661 74025
   Rated Capacity: 1000 gpm
   Motor Type, H.P., Voltage, rpm: Sub, 40 H.P., 460V., 3450 RPM
   Type of flow meter: VARIABLE FLOW METER which measures in GPM
6. Method of flow measurement:
   □ Flowmeter
   Manufacturer Blue/White Make
   Size
   □ Weir
   □ Open Pipe
   □ Orifice
   □ Other*, explain below
   *attach schematic
7. Fill in the as-built section on the other side of this sheet.
8. Other remarks/comments:
   See attached Installation Report

Pump Installation Contractor (print) REYLIK DRILLING, INC. C-57/C-57a/A
Lic. No. AC-21896
Signature
Date 6-15-01

Permittee (print) Louis M. HERMAN
Signature
Date
9. AS-BUILT PUMP SECTION (Please attach as-built if different from diagram provided below)

3-1751-05 (KBMLL) ALA MOANA

Bench mark elevation surveyed to nearest 0.01 ft. = _______ ft. mean sea level

identify reference point elevation for water level measurements through chase tube
_______ ft. mean sea level

describe reference point:

Pump intake depth = _______ ft.
(referenced to bench mark)

Chase tube depth = _______ ft.
(referenced to bench mark)

if airline installed, bottom of airline elevation = _______ ft. mean sea level

60.5 ft. mean sea level
INSTALLATION REPORT

DATE      MAY 7 2001
JOB       1200-D
3-1751-05 (KBMLM) ALA MOANA

[Diagram of pump setup]

A: 10"
B: 60' 6"
C: 2' 7"
D: 3' 5"
E: 60' 6"
F: 60' 6"

NO. CONDUCTOR
VOLT POWER CABLE

6" COLUMN PIPE IN RANDOM 20' LENGTHS (STAINLESS STEEL)

CABLE CLAMPS EVERY 10 FT.

CHECK VALVE(S) LOCATED WITHIN PUMP

PUMP MODEL#  1 STAGE MAKE GULDS

MFG'ER MODEL#  FRANKLIN 13N0174025 SIZE 6"
HP 1.00 RPM 3450 VOLTS 460
PH 3 CY 40 FRAME
S.F. 1.15 AMPS 54.9 MAX 61.6