**Commission on Water Resource Management (5/98)**

**FROM:** [Name]

**DATE:** 9-2-98

**TO:**
- BAUER, G.
- CHING, F.
- FUJII, N.
- HARDY, R.
- HIGA, D.
- HIRANO, E.
- KUNIMURA, I.
- LUM, A.
- NAKAMA, L.
- NAKANO, D.
- OHYE, M.
- SAKODA, E.
- SUBIA, S.
- SWANSON, S.
- UWAIANE, J.
- UYENO, D.
- YODA, K.

**INIT.**

**FOR:** Approval
- Signature
- Information

**PLEASE:**
- See Me
- Review & Comment
- Take Action
- Type Draft
- Type Final
- File
- Xerox ___ copies

---

I understand that you guys met w/ AG & Dean

Which I think the issue re: water licenses

has been resolved, it regarding the state

signature to complete WSPA.
TO: Mr. Dean Uchida, Administrator  
Land Division

FROM: Timothy E. Johns, Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Chairperson’s Signature as Landowner (Well No. 1806-09)

The attached permit application entails the use of State-owned land and, accordingly, requires the signature of the Chairperson as the landowner. Here, we are requesting your help in affirming the State’s ownership of the property and, thereafter, routing the application to the Chairperson for his signature. (We have enclosed the appropriate transmittal memo that contains the affirmation statement.)

Please note that the Chairperson’s signature on the permit application completes the application and allows it to be accepted for processing by the Commission. The signature neither represents an endorsement of the applicant’s proposal nor an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.

Please inform us of the contact person at Land Division who is responsible for transmitting the attached original applications to the Chairperson’s office.

LN:ss  
Attachment
Mr. Gordon Lum
Island Commodities Corporation

Dear Mr. Lum:

Application for a Water Use Permit
Island Commodities Corp. (Well No. 1806-19)
Malakole Groundwater Management Area, Oahu

We are forwarding for your review comments from the Land Division, Department of Land and Natural Resources, dated July 23, 1998, on your water use permit application.

We have scheduled a meeting with the Attorney General’s staff and Land Division staff to resolve this issue.

If you have any questions, please contact Lenore Nakama at [redacted]

Sincerely,

TIMOTHY E. JOHN
Deputy Director

LN:ss
Attachment
MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama

SUBJECT: WUPA for 1806-19

Spoke to Dede Mamiya, Land Division staff, on August 6, 1998. She confirmed that they are withdrawing the state’s signature as source landowner on the WUPA per their letter dated July 23, 1998. Therefore, the application is deemed incomplete as of July 23, 1998.
July 24, 1998

Honorable Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii

Dear Mr. Wilson:

Water Use Permit Application
for the Island Commodities
Corporation, Well No. 1806-19

Enclosed are comments from the Department of Land Utilization (DLU) on the subject application. They were received after we transmitted Planning Department comments to you on July 2, 1998.

Should you have any questions, please call Eugene Takahashi of our staff at [redacted].

Yours very truly,

[Signature]

PATRICK T. ONISHI
Chief Planning Officer

PTO: lh
Enclosure
MEMORANDUM

TO: PATRICK T. ONISHI, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: JAN NAOE SULLIVAN, DIRECTOR
       DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: WATER USE PERMIT APPLICATION

Applicant: Island Commodities Corporation
Tax Map Key(s): 9-1-31
Type of Use(s): For industrial cooling purposes
Well No(s): 1806-19

Please be advised that the Commission on Water Resource Management has submitted an application with incomplete information. Therefore, our comments are based upon the assumption that the Tax Map Key is 9-1-31: 26. We find that the:

1. Current zoning designation is I-2 Intensive Industrial District.
   [ ] Proposed use(s) is/are permitted under current zoning.
   [X] Proposed use(s) may be permitted if the following permit(s) is/are obtained: A Conditional Use Permit, Type 2.
   [ ] Proposed use(s) is/are not permitted under current zoning.

The Department of Land Utilization is currently processing a zone change application for the project, which if approved by the City Council, would result in the use being consistent with the proposed district zoning.

[ ] Yes
[ ] No
2. [ ] Use is within the Special Management Area.

[X] Use is not within the Special Management Area.

3. Additional Comments:

The proposed project has been reviewed for the purpose of providing the above information and does not imply a recommendation of approval by this Department. Should you have any questions, please contact the Coastal Lands Branch at [redacted].

For JAN NAOE SULLIVAN
Director of Planning
and Permitting

JNS:am
g:ppd\9804161.djt
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: Tim

DATE: 7/30

TO: BAUER, G.

INIT. TO: LUM, A.

INIT. FOR: Approval

PLEASE:

See Me

Review & Comment

Take Action

Type Draft

Type Final

File

Xerox ___ copies

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Why the change? Signed off already!
MEMORANDUM

TO: Timothy E. Johns, Deputy Director  
Commission on Water Resource Management

FROM: Dean Y. Uchida, Administrator  
Land Division

SUBJECT: Water Use Application by Island Commodities Corporation; Well No. 1806-19: Kapolei, Oahu; TMK No. 1st/9-1-31:C

Thank you for the opportunity to review and comment on the subject water use permit application.

The location of proposed water use is on State land. Pursuant to section 171-58, HRS, the right to any surface or ground water is reserved to the State. Therefore, the applicant is required to obtain a disposition of water rights from the Land Division, and we will not recommend sign off as landowner until this matter is addressed.

We would like to meet with you and your staff as well as the Attorney General’s staff to discuss the appropriate handling of these types of request.

Please contact either me or Ms. Dede Mamiya at [redacted] Thank you.

cc: Linnell Nishioka
TO: Aquatic Resources
   Forestry and Wildlife/Natural Area Reserve System
   State Parks

FROM: Timothy E. Johns, Deputy Director
      Commission on Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 [redacted].

LN: ss
Attachment(s)

Response:

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

Contact Person: [redacted] Phone: [redacted]
Signed: [redacted] Date: 7/24/98
APPLICATION FOR WATER USE PERMIT

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

APPLICATION FOR WATER USE PERMIT

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm Name: Island Commodities Corporation
   Contact Person: Gordon Lum/ Plant Manager
   Address: ____________________________

(b) LANDOWNER OF SOURCE
   Firm Name: State Of Hawaii
   Contact Person: ________________________
   Address: ____________________________

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Ewa Caprock Plain
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: #1806-19
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: ____________________________

(c) LOCATION: Address ____________________________
   Tax Map Key 9-1-31:C ____________________________
   (Attach a USGS map, scale 1"=2000, and a property tax map showing source location referenced to established property boundaries.)

4. SOURCE TYPE (check one): □ Stream □ Ditch □ Dike-confined □ Perched □ Caprock

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) □ PUC-Regulated System □ Intended Dedication to Dept/Board of Water Supply □ Non-PUC-Regulated Private System
   (b) Proposed use of water is: □ Existing □ New □ Both existing & new uses
   (c) Tax Map Key: 9-1-31:C
   (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (d) Address: 91-269 Old Hi Kapolei, HI 96707
   (e) Current Zoning Land Use District(s): □ Urban □ Agriculture □ Conservation □ Rural
   (f) Current Cognize Zoning District(s): 1-2 General Industrial Use

7. QUANTITY OF WATER REQUESTED: 150,000 gallons per day (averaged over 1 year)

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

9. QUALITY OF WATER REQUESTED: □ Fresh □ Brackish □ Salt □ Potable □ Non-Potable
   □ Industrial □ Military □ Other (explain)

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

   For questions 11 & 12: If multiple TMKs are involved where water is to be used, please complete Table 1 on back of application.

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: N/A

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: N/A
    (acres) (crop)

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: Daytime hrs 9:00AM to 4:00PM
    (daytime hours of operation, ex. 7 a.m. to 2 p.m.)

14. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source.
   (b) Is a reasonable-beneficial use as defined in section 13-171-2, HAR. (see backside of this application)
   (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.

15. REMARKS, EXPLANATIONS: (see backside of this application)

NOTE: Signing below indicates that the signatories understand and swear that: 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 increased 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): Gordon T.H. Lum
Signature: ____________________________
Date: 3-16-98

Landowner (print): ____________________________
Signature: ____________________________
Date: ____________________________

WUPA.FORM(5/27/98)
"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.

15. REMARKS, EXPLANATIONS (cont'd):

#8 - Method of measurement: Water quantity estimated by pump running time (500 gal. per minute)

<table>
<thead>
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<th>TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER</th>
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TOTAL GDP
14. (a) Can be accommodated with the available water source.

   Island Commodities has been using the well for 30 years and no change in water level of well has ever been noticed.

(b) Is a reasonable-beneficial use as defined in section 13-171-2 HAR

   The well water was used only during plant production hours for industrial cooling purposes and returned to ground site in close proximity to well.

(c) Will not interfere with any existing legal use.

   For thirty years, Island Commodities was only entity using well.

(d) Is consistent with public interest.

   The continued operation of Island Commodities would be in the public interest due to our rendering process which recycles used cooking oil and meat scrap which would otherwise end up in the sewer system or landfills.

(e) Is consistent with state and county general plans and land use designations.

   The state and county is strongly engaged in environmental and recycling programs. As a recycling operation, Island Commodities certainly must fit in with the general plans and our location in Campbell Industrial Park must surely fit in with any land use designations.

(f) Is consistent with county land use plans and general policies.

   Use of the well may be vital to our existence and because we are a recycling operation, we provide the county with alternatives to using the landfills and H-Power for disposing of recyclable products.
PROPOSED
ACQUISITION FOR LAND BANKING, PRESERVING
AGRICULTURE AND OTHER GOVERNMENTAL USES
PARCELS A, B, C AND D
Honolulu, Ewa, Oahu, Hawaii
8-1-31-26
Hawaiian Meat Product Corporation
July 2, 1998

Honorable Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii

Dear Mr. Wilson:

Water Use Permit Application
by Island Commodities Corporation, for Well No. 1806-19

This is in response to your memorandum dated June 5, 1998. We have reviewed the subject application and provide the comments below for your consideration.

- The existing commodities recycling operation is located within the Urban Growth Boundary in the Ewa Development Plan. The existing operation within the Barbers Point Industrial Area (which includes Campbell Industrial Park) is consistent with the activities permitted within the boundary.

- We have no objections to use of non-potable water to meet the operation's cooling water needs.

- The Board of Water Supply has no objections to the subject application. See attached comments.
Should you have any questions, please call Eugene Takahashi of our staff at [redacted]

Yours very truly,

PATRICK T. ONISHI
Chief Planning Officer

PTO:lh

Attachment

c: The Honorable Jeremy Harris, Mayor
(Mayor’s Control No. 34460)
MEMORANDUM

TO: Timothy E. Johns, Deputy Director
Commission on Water Resource Management

FROM: Bill Devick, Acting Administrator
Division of Aquatic Resources

SUBJECT: Comments on Water Use Permit Application for Malakole Ground Water Management Area, Oahu (TMK: 9-1-31:C)

The applicant, Island Commodities Corporation, proposes to withdraw 150,000 gallons per day of salt water from the Ewa Caprock Plain. A well & pump system will be used to withdraw the water which will be used for industrial cooling purposes.

The Division has no objections to this request since the proposed project is not expected to have significant adverse impact on aquatic resource values in this area.
TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
Land Division  
State Parks

FROM: Timothy E. Johns, Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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: Annette Tagawa  
Phone: 

Signed: 

Date: 1-18-98
Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 [redacted].

Response:

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

Contact Person: [redacted]
Phone: [redacted]

Signed: [redacted]
Date: 6-15-98
TO: Honorable Kali Watson, Chairperson
   Department of Hawaiian Home Lands
   Honorable Lawrence Miike, Director
   Department of Health
   Attn: Mr. Dennis Tulang
   Attn: Mr. William Wong
   Honorable A. Frenchy DeSoto, Chairperson
   Office of Hawaiian Affairs
   Mr. Brooks H.M. Yuen, Acting Manager & Chief Engineer
   Honolulu Board of Water Supply
   Attn: Mr. Chester Lao
   Attn: Mr. Barry Usugawa
   Mr. Patrick Onishi, Chief Planning Officer
   Planning Department

FROM: Michael D. Wilson, Chairperson
   Commission on Water Resource Management

SUBJECT: Water Use Permit Application
   Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 (808) 587-3381.

Response:

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

Contact Person: William Wong Phone: 
Signed: William Wong Date: JUN 1 5 98
The Department of Health, Clean Water Branch has the following comments:

1. For Well-Drilling Activities

   Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Chapter 11-55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at [redacted]. Inquiries may be directed to the Clean Water Branch at [redacted] or by fax at [redacted].

2. For Well Pump Testing

   The discharger shall take all measures necessary to prevent the discharge of pollutants from entering state waters. Such measures shall include, if necessary, containment of the initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of that storm drain prior to discharge. Furthermore, best management practices shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

JS/cr
TO: Ms. Esther Ueda, Executive Officer  
Land Use Commission

FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION  
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 [BLANK]

LN:ss  
Attachment(s)

Response:

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

Contact Person: Esther Ueda  
Phone: [BLANK]

Signed: [Signature]  
Date: 6/12/98
Mr. Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources

Dear Mr. Wilson:

Subject: Water Use Permit Application
Malakole Ground Water Management Area, Oahu
Island Commodities Corp.
Well No. 1806-19

We have reviewed the subject water use permit application, as transmitted by your memorandum dated June 5, 1998, and have the following comments to offer:

1) We confirm that the location of Well No. 1806-19, and the location of the proposed use, both identified as TMK: 9-1-31: 37 (Parcel C), is within the State Land Use Urban District.

2) In regards to your request as to whether the proposed water use is appropriate for the state land use district designation, pursuant to Chapter 205-2(b), Hawai‘i Revised Statutes, permitted activities or uses within the State Land Use Urban District are determined by the respective counties by ordinance or regulations.

Therefore, the City and County of Honolulu should be requested to also provide a response as to the appropriateness of the proposed water use in the Urban District.

We have no further comments to offer at this time.

Thank you for the opportunity to provide comments on the subject application.
As requested, please find enclosed the cover memorandum for the subject application.

If you have any questions in regards to this matter, please feel free to contact me or Leo Asuncion of my staff at EU:th

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

Enclosure
TO: 
Honorable Kali Watson, Chairperson
Department of Hawaiian Home Lands

Honorable Lawrence Miike, Director
Department of Health
Attn: Mr. Dennis Tulang
Attn: Mr. William Wong

Honorable A. Frenchy DeSoto, Chairperson
Office of Hawaiian Affairs

Mr. Brooks H.M. Yuen, Acting Manager & Chief Engineer
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usugawa

Mr. Patrick Onishi, Chief Planning Officer
Planning Department

FROM: Michael D. Wilson, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Malakole 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 7, 1998.

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

LN:ss
Attachment(s)

Response:

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

Contact Person: Rebecca Alakai/Darrell Yagodich
Phone: [redacted]

Signed: Darrell Yagodich
Date: 6/16/98
TO: Aquatic Resources
   Forestry and Wildlife/Natural Area Reserve System
   Land Division
   State Parks

FROM: Timothy E. Johns, Deputy Director
      Commission on Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 [contact information].

Response:

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

Contact Person:
Signed:
Date: JUN - 9 1998
TO: Honorable Kali Watson, Chairperson  
Department of Hawaiian Home Lands  
Honorable Lawrence Miike, Director  
Department of Health  
Attn: Mr. Dennis Tulang  
Attn: Mr. William Wong  
Honorable A. Frenchy DeSoto, Chairperson  
Office of Hawaiian Affairs  
Mr. Brooks H.M. Yuen, Acting Manager & Chief Engineer  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usugawa  
Mr. Patrick Onishi, Chief Planning Officer  
Planning Department

FROM: Michael D. Wilson, Chairperson, Commission on Water Resource Management

SUBJECT: Water Use Permit Application  
Malakole 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 [redacted].

Response:

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

Contact Person: Luis A. Manrique  
Phone: [redacted]

Signed: [redacted]  
Date: 06/12/98
TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Land Division
    State Parks

FROM: Timothy E. Johns, Deputy Director
Commission on Water Resource Management

TO: Timothy E. Johns, Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 _______.

LN:ss
Attachment(s)

Response:

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

Contact Person: __________________ Phone: ________
Signed: __________ Date: ________
PUBLIC NOTICE

Application for Water Use Permit
Malakole 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."

Island Commodities (Well No. 1806-19)
Applicant: Island Commodities Corp.

State of Hawaii

Date Completed Application Received: May 22, 1998
Aquifer: Malakole System, Ewa Caprock Sector, Oahu
Water Source: Island Commodities Well (Well No. 1806-19) at 91-269 Olai St., Kapolei, Oahu, Tax Map Key 9-1-31:C
Quantity Requested: 150,000 gallons per day.
New Water Use: Industrial
Place of Water Use: 91-269 Olai St., Kapolei at Tax Map Key: 9-1-31:C

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 7, 1998. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box , and 2) the applicants at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

TIMOTHY E. JOHNS, Deputy Director for
MICHAEL D. WILSON, Chairperson

Dated: JUN - 5 1998

Publish in: Honolulu Advertiser issues of June 15 and 22, 1998
Mr. Gordon Lum  
Island Commodities Corp.  

Dear Mr. Lum:

We acknowledge receipt, on May 22, 1998, of your completed water use permit application for the Island Commodities Well (Well No. 1806-19). 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 Honolulu Advertiser issues of June 15 and 22, 1998.

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

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

If you have any questions, please contact Lenore Nakama at [redacted].

Sincerely,

[Signature]

TIMOTHY E. JOHNS  
Deputy Director

LN:ss  
Enclosure
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Land Division
State Parks

FROM: Timothy E. Johns, Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 ___

Response:

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

Contact Person: ____________________________ Phone: ____________

Signed: ____________________________ Date: ____________________________
TO: Other Interested Parties

FROM: Timothy E. Johns, Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998 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 [phone number].

LN: ss
Attachment(s)

Response:

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

Contact Person: ___________________________ Phone: __________

Signed: ___________________________ Date: __________
TO: Honorable Kali Watson, Chairperson  
Department of Hawaiian Home Lands  
Honorable Lawrence Miike, Director  
Department of Health  
Attn: Mr. Dennis Tulang  
Attn: Mr. William Wong  
Honorable A. Frenchy DeSoto, Chairperson  
Office of Hawaiian Affairs  
Mr. Brooks H.M. Yuen, Acting Manager & Chief Engineer  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usugawa  
Mr. Patrick Onishi, Chief Planning Officer  
Planning Department

FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management

SUBJECT: Water Use Permit Application  
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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 .

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: Michael D. Wilson, Chairperson  
Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION  
Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 7, 1998.

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.

LN: ss
Attachment(s)

Response:

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

Contact Person: ___________________________ Phone: ___________________

Signed: ___________________________ Date: ___________________
TO: Ms. Jan Sullivan, Director
    Department of Land Utilization

FROM: Michael D. Wilson, Chairperson

SUBJECT: WATER USE PERMIT APPLICATION
    Malakole Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Island Commodities Corp. for Well No. 1806-19. Public notice of this application will be published in the Honolulu Advertiser issues of June 15 and 22, 1998.

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 zoning designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current zoning 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 7, 1998.

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 [contact number].

LN:ss
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

Dear Mayor Harris:

Notice of an Application for Water Use Permit
Malakole 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 Island Commodities Corp. for Well No. 1806-19, which will be published in the Honolulu Advertiser.

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 understand that the Planning Department is responsible for coordinating the review comments for City agencies. In accordance with the procedure that has been established by the Planning Department, we have also sent copies of the application and individual requests for comments to the Planning Department, the Department of Land Utilization, and the Board of Water Supply to facilitate and expedite City agencies review. We will look forward to receiving the review comments from the Planning Department 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]

for MICHAEL D. WILSON

Enclosures
TO: Mr. Dean Uchida, Administrator
Land Division

FROM: Edwin T. Sakoda, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Chairperson’s Signature as Landowner

The attached permit application entails the use of State-owned land and, accordingly, requires the signature of the Chairperson as the landowner. Here, we are requesting your help in affirming the State’s ownership of the property and, thereafter, routing the application to the Chairperson for his signature. (We have enclosed the appropriate transmittal memo that contains the affirmation statement.)

Please note that the Chairperson’s signature on the permit application completes the application and allows it to be accepted for processing by the Commission. The signature neither represents an endorsement of the applicant’s proposal nor an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.

Please inform us of the contact person at Land Division who is responsible for transmitting the attached original applications to the Chairperson’s office.

LN:ss
Attachment (Original Application)
TO: Mr. Michael D. Wilson, Chairperson
    Board of Land and Natural Resources

FROM: Dean Uchida, Administrator
      Land Division

SUBJECT: Request for Chairperson’s Signature as Landowner

As you know, each application for permits issued by the Commission on Water Resource Management requires the signature of the landowner of the property involved. On behalf of the applicant, may we have your signature on the attached permit application which entails the use of State-owned land?

I have attested to the State’s ownership of the property covered in the application, as indicated below. Your signature would allow the permit application to be filed and processed. It would not represent an endorsement of the applicant’s proposal or an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.

Please return this memo and the permit application to the Water Commission when you’re through. Thank you.

Attach.

__________________________________________

AFFIRMATION

I hereby affirm that the State of Hawaii is the owner of that certain parcel of land identified as:

TMK ___________ located at ____________________ on the island of ________________.

By _______________________________
Land Division Administrator

Dated 5/21/98
APPLICATION FOR WATER USE PERMIT

COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT

□ Ground Water  □ Surface Water

Instructions: Please print in ink or type and send completed application with attachments plus 15 copies to the Commission on Water Resource Management, P.O. Box 631, Honolulu, Hawai'i 96804. 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 (except Islands, 1-800-648-4544).

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: Island Commodities Corporation
   Contact Person: Gordon Lum/Plant Manager
   Address: P.O. Box 828 Honolulu, Hawai'i 96820
   Phone: 808-483-5656

   (b) LANDOWNER OF SOURCE
   Firm/Name: State of Hawai'i
   Contact Person: SUSAN K. NAKAJ
   Address: 315 S. Beretania St., Honolulu, Hawai'i 96813
   Phone: 808-587-0225

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Ewa Caprock Plain
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: #1806-19
   (b) PROPOSED (NEW) WELL/DIVERSION NAME:

   (c) LOCATION: Address: 315 S. Beretania St., Honolulu, Hawai'i 96813
      Tax Map Key: 9-1-31:C

4. SOURCE TYPE (check one): □ Stream □ Steam □ basin □ Dike-confined □ Perched □ Caprock

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

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated System □ Intended Dedication to Dept./Board of Water Supply □ Non-PUC-Regulated Private System
   (b) Proposed use of water is: □ Existing □ New □ Both existing & new uses
   (c) Tax Map Key: 9-1-31:C (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (d) Address: 315 S. Beretania St., Honolulu, Hawai'i 96813
   (e) Current State Land Use District(s): □ Urban □ Agriculture □ Conservation □ Rural
   (f) Current County Zoning District(s): I-2 General Industrial Use

7. QUANTITY OF WATER REQUESTED: 150,000 gallons per day (average over 1 year)

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

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

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

For questions 11 & 12: If multiple TMKs are involved where water is to be used, please complete Table 1 on back of application.

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: N/A

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

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: Daytime hrs 9:00AM to 4:00PM

14. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source.
   (b) Is a reasonable-beneficial use as defined in section 13-171-2, HAR. (see backside of this application)
   (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.

15. REMARKS, EXPLANATIONS: (see backside of this application)

NOTE: Signing below indicates that the signatories understand and swear that: 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) Gordon T.H. Lum
Signature
Date 3-16-98

Landowner (print) STATE OF HAWAI'I
Signature
Date

WUAFORM(8/27/96)
"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.

15. REMARKS, EXPLANATIONS (cont'd):

<table>
<thead>
<tr>
<th>TABLE 1. MULTIPLE TMIKe TO USE REQUESTED WATER</th>
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<tbody>
<tr>
<td>PROJECT NAME</td>
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</tbody>
</table>

Method of measurement: Water quantity estimated by pump running time (500 gal. per minute)
PROPOSED
ACQUISITION FOR LAND BANKING, PRESERVING 
AGRICULTURE AND OTHER GOVERNMENTAL USES
PARCELS A, B, C AND D
Honolulu, Ewa, Oahu, Hawaii
14. (a) Can be accommodated with the available water source.
   Island Commodities has been using the well for 30 years and no change in water level of well has ever been noticed.

(b) Is a reasonable-beneficial use as defined in section 13-171-2 HAR
   The well water was used only during plant production hours for industrial cooling purposes and returned to ground site in close proximity to well.

(c) Will not interfere with any existing legal use.
   For thirty years, Island Commodities was only entity using well.

(d) Is consistent with public interest.
   The continued operation of Island Commodities would be in the public interest due to our rendering process which recycles used cooking oil and meat scrap which would otherwise end up in the sewer system or landfills.

(e) Is consistent with state and county general plans and land use designations.
   The state and county is strongly engaged in environmental and recycling programs. As a recycling operation, Island Commodities certainly must fit in with the general plans and our location in Campbell Industrial Park must surely fit in with any land use designations.

(f) Is consistent with county land use plans and general policies.
   Use of the well may be vital to our existence and because we are a recycling operation, we provide the county with alternatives to using the landfills and H-Power for disposing of recyclable products.
TO: Mr. Dean Uchida, Administrator  
Land Division  

FROM: Edwin T. Sakoda, Acting Deputy Director  
Commission on Water Resource Management  

SUBJECT: Request for Chairperson's Signature as Landowner  

The attached permit application entails the use of State-owned land and, accordingly, requires the signature of the Chairperson as the landowner. Here, we are requesting your help in affirming the State’s ownership of the property and, thereafter, routing the application to the Chairperson for his signature. (We have enclosed the appropriate transmittal memo that contains the affirmation statement.)  

Please note that the Chairperson’s signature on the permit application completes the application and allows it to be accepted for processing by the Commission. The signature neither represents an endorsement of the applicant’s proposal nor an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.  

Please inform us of the contact person at Land Division who is responsible for transmitting the attached original applications to the Chairperson’s office.  

LN:ss  
Attachment (Original Application)
Filing fee for water use permit

The sum of $25.00

Department of Land and Natural Resources

[Signature]

[Date] MAR 10 1998

[Amount] $25.00

[Bank Name]

[Branch Name]

[ISLAND COMMODITIES CORPORATION]

[Address]

[Department Name]
Mr. Gordon Lum, Plant Manager  
Island Commodities Corporation

Dear Mr. Lum:

Application for a Water Use Permit  
Malakole Ground Water Management Area, Oahu

We acknowledge receipt, on February 13, 1998, of your water use permit application for the Ewa Island Commodities Well (Well No. 1806-19).

However, your application is incomplete. As was discussed with Carl Tanaka of your staff during a February 13, 1998 telephone conversation, the following information is needed to complete your application:

1. $25.00 filing fee payable to the Department of Land and Natural Resources;
2. tax Map Key parcel for water source;
3. tax Map Key parcel(s) for water use (if location of use is over multiple TMKs, please complete Table 1 on back of application);
4. USGS map, scale 1" = 2000', and a property tax map showing source and use locations referenced to established property boundaries (we have attached what we believe to be the appropriate USGS and property maps for your convenience);
5. signature of authorized representative for Island Commodities Corporation and date signed; and
6. original application plus fifteen (15) copies, including attachments.

We have highlighted the above items on your original application, which we are returning to you to complete. A copy of your application has been made for our files.

Upon receipt of the above, we will forward the application for the State of Hawaii's signature as source landowner and continue processing your application.

If you have any questions, please contact Lenore Nakama at [redacted].

Sincerely,

[Signature]

EDWIN T. SAKODA  
Acting Deputy Director

LN:ss
Attachments
APPLICATION FOR WATER USE PERMIT

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

COPY

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm Name: Island Commodities Corporation
   Contact Person: Gordon Lum/ Plant Manager
   Address: [Redacted]
   Phone: [Redacted]

2. (b) LANDOWNER OF SOURCE
   Firm Name: State Of Hawaii
   Contact Person: [Redacted]
   Address: [Redacted]
   Phone: [Redacted]

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Ewa Caprock Plain
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: #1806-19
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: [Redacted]
   (c) LOCATION: Address [Redacted]
      Tax Map Key: 9-1-31
      (Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

4. SOURCE TYPE (check one): [Redacted]

5. METHOD OF TAKING WATER (check one): [Redacted]

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated System
   (b) Proposed use of water in: [Redacted]
      (c) Tax Map Key: 9-1-31
         (If location of use is over multiple TMKs, please complete Table 1 on back of application)
      (d) Address: [Redacted]
   (e) Current State Land Use District(s): [Redacted]
   (f) Current County Zoning District(s): [Redacted]

7. QUANTITY OF WATER REQUESTED: 150,000 gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: Flowmeter

9. QUALITY OF WATER REQUESTED: [Redacted]

10. PROPOSED USE: [Redacted]

   For questions 11 & 12: If multiple TMKs are involved where water is to be used, please complete Table 1 on back of application.

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: [Redacted]

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

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: Daytime hrs 9:00AM to 4:00PM

14. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source.
   (b) Is a reasonable-beneficial use as defined in section 13-171-2, HAR. (see backside of this application)
   (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.

15. REMARKS, EXPLANATIONS: (see backside of this application)

NOTE: Signing below indicates that the signature is voluntary and that the applicant has reviewed and agrees to the following terms:
1. Submission of this application is subject to prior existing permitted uses, changes in sustainable yields and haleakalao flow standards, reserved uses as defined by the Commission, and Hawaiian Homelands future uses; and 2. Upon permit approval, a water conservation plan must be submitted by the applicant.

Applicant (print): Gordon T.H. Lum
Landowner (print): [Redacted]

Signature: [Redacted]
Date: [Redacted]
"Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilisation, 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.

15. REMARKS, EXPLANATIONS (cont'd):

Method of measurement: Water quantity estimated by pump running time (500 gal. per minute)

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

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>EXISTING OR NEW USE</th>
<th>POTABLE OR NONPOTABLE</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS OF CURRENT USAGE</th>
<th>GROSS</th>
<th>1-YEAR PROJECTED DEMAND</th>
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<td>TOTAL GPD</td>
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</table>

TOTAL GPD
Dear Steve:

Re: State of Hawaii/Hawaii Meat Settlement

This is a follow up to our November 7, 1996 meeting regarding the status of the above-referenced settlement.

1. As requested, I’ve enclosed a copy of two letters from Michael Wilson to Mr. Patrick Onishi and Mr. Anthony Lopez, Jr., of the City, regarding their concerns. Mr. Glenn Taguchi and Mr. Willie Chin feel confident that they have adequately addressed the City’s concerns and will be submitting a response to Mr. Onishi’s October 21, 1996 letter by the end of this week.

2. Water Commission Use Permit. Enclosed is an Application for a Water Use Permit for your appropriate action.

3. Finally, the following is a brief description of the various water charges issued by the Board of Land and Natural Resources for the actual use of water, once a water use permit has been issued by the Water Commission:

   a. MacFarm on Hawaii pays the State, under a monthly revocable permit, a $30.00 minimal monthly charge and a $5.00 charge per one million gallons of water actually used.
b. Wailuku Hydro Electric Plant on Maui pays the State approximately $.30 per million gallons of non-consumption water.

These figures are not necessarily the value of water that the Board would charge for use of water on the Hawaii Meat lease premises. Dean Uchida is requesting that the State appraiser provide an estimate of value for water on the land leased to Hawaii Meat. But this does provide you figures for what the Board has charged other water users.

This is also to confirm, that based upon my conversation with Rae Loui, Deputy Director with the Water Commission, the Board of Land and Natural Resources water lease, license or permit can be processed at the same time that Hawaii Meat applies for a water use permit with the Water Commission. The Board has in the past approved the water use disposition conditioned upon a water use permit issued by the Water Commission. Therefore, once Hawaii Meat has completed the water permit application and we get a value for the water use, Dean Uchida’s staff can begin preparing the necessary Board submittal for the water disposition.

Should you have any questions, do not hesitate to call me.

Very truly yours,

Dawn N.S. Chang
Deputy Attorney General

dnc
Enclosures

c: Rae Loui
Dean Uchida
Glenn Taguchi
Jack Rosenzweig

1650.20(32)
Dear Steve:

Re: State of Hawaii/Hawaii Meat Settlement

As per your request, I’ve enclosed a copy of Mr. Patrick Onishi’s letter to Wilfred Chin (agent for Campbell Estate and the State in the subdivision application) regarding the status of the subdivision application. The Department is in the process of addressing the issues raised by the City and will be responding to the City by the end of the week, once they receive all the necessary information.

With respect to the water issue, we do have a problem. The well on the current Rendering Plant site is Well No. 1806-19. Sections 174C-26 and 174C-83, Hawaii Revised Statutes, requires a person to file a declaration of water use and register an existing well. Island Commodities Corporation filed a Registration of Well and Declaration of Water Use on July 7, 1989. Enclosed is a copy of the Registration and Declaration form for your reference. Sections 174C-48, HRS, prohibits a person from using water within a designated water management area without a permit. The Rendering Plant is situated in the "Ewa Caprock Plain," a designated water management area. However, Island Commodities Corporation does not have a water use permit to withdraw water from the well. Therefore, any right to surface or ground water must be through a water use permit issued by the Commission on Water Resource Management and cannot be included in the lease, pursuant to sections 174C-48(a) and 171-58, HRS, respectively.
Should you have any questions, do not hesitate to call me.

Very truly yours,

Dawn N.C. Chang
deputy attorney general

c: Rae Loui
   dean uchida
   Jack rosenzweig
dnc
1650.18(28)
STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
LAND/TRANSPORTATION DIVISION

DATE: Nov. 4, 1996

TELECOPY MESSAGE

TO:  Rae Louise Uchida,
      Dean Uchida,

FROM: Dawn Chang

SUBJECT: Hawaii Meat/State Settlement

COMMENTS: Letter to Steve Jones related to subdivision and water use.

Number of pages transmitted, including this transmittal: ____________

If you do not receive any of the pages, please call ________.

WARNING:
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November 4, 1996

Stephen A. Jones, Esq.
King, Lilly & Jones

Dear Steve:

Re: State of Hawaii/Hawaii Meat Settlement

As per your request, I’ve enclosed a copy of Mr. Patrick Onishi’s letter to Wilfred Chin (agent for Campbell Estate and the State in the subdivision application) regarding the status of the subdivision application. The Department is in the process of addressing the issues raised by the City and will be responding to the City by the end of the week, once they receive all the necessary information.

With respect to the water issue, we do have a problem. The well on the current Rendering Plant site is Well No. 1806-19. Sections 174C-26 and 174C-83, Hawaii Revised Statutes, requires a person to file a declaration of water use and register an existing well. Island Commodities Corporation filed a Registration of Well and Declaration of Water Use on July 7, 1989. Enclosed is a copy of the Registration and Declaration form for your reference. Sections 174C-48, HRS, prohibits a person from using water within a designated water management area without a permit. The Rendering Plant is situated in the "Ewa Caprock Plain," a designated water management area. However, Island Commodities Corporation does not have a water use permit to withdraw water from the well. Therefore, any right to surface or ground water must be through a water use permit issued by the Commission on Water Resource Management and cannot be included in the lease, pursuant to sections 174C-48(a) and 171-58, HRS, respectively.
Mr. Stephen Jones
November 4, 1996
Page 2

Should you have any questions, do not hesitate to call me.

Very truly yours,

Dawn N.S. Chang
Deputy Attorney General

c: Rae Loui
   Dean Uchida
   Jack Rosenzwieg

dnc
1650.18(28)
TO: Dawn N.S. Chang, Deputy Attorney General
FROM: Rae M. Loui, Deputy Director
RE: State Lease with Hawaii Meat Company, Ltd.

Our records do not show any well at TMK 9-1-31:26.

On July 7, 1989, Island Commodities Corp. registered a well at TMK 9-1-31:37. There is no water use permit for this source. For the well to be used, a water use permit must be first obtained from the Commission on Water Resource Management.

Again, no reservation can be made because:

1. There is no permit.
2. No usage can be made from the well at this point.
3. Although the Commission has the authority to reserve water, an entity does not have that right.
4. Usage is always subject to regulation and the correlative rights of others.

Rae
10/25/96

A subsequent field investigation on July 29, 1996 reveals a well at TMK 9-1-31:26 but there is no present use and no water use permit has been issued for this source by the Water Commission.

Hirano
11/1/96
STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
LAND TRANSPORTATION DIVISION
ROOM 300, KEOUMOHA BUILDING
485 SOUTH KING STREET
HONOLULU, HAWAII 96813
FAX NO. (808) 587-2999

DATE: 10/23/96

TELECOPY MESSAGE

TO: RAE LOUT
FAX NO. 1-1-11

FROM: DAWN N.S. CHANG, DEPUTY ATTORNEY GENERAL

SUBJECT: HAWAII MEAT/CAMPBELL ESTATE WATER WELL

COMMENTS: Enclosed is a copy of a draft map of the proposed Hawaii Meat leased site, identified as Lot A, however the Campbell Estate land which is the subject of the condemnation includes the entire site. The TMK for the site is 9-1-31:26, Honolulu, Ewa, Oahu, Hawaii. Please confirm whether there is a problem with Hawaii's Meat's representation in the proposed lease to reserve 5,200,000 million gallons. I will be out of town until Wed. Oct. 29, however, if you have a response before than I'd appreciate. Thanks for your help.

If you do not receive any of the pages, please call ________________.

5 pages

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Subject: Request to Approve Settlement Agreement between the State of Hawaii and Hawaii Meat Co. Ltd., et al., (State v. W.H. McVay, et al., Civil No. 91-4097-12, First Circuit) Regarding the Acquisition of Property owned by the Estate of James Campbell situate at Honolulu, Ewa, Oahu, Hawaii

The Settlement Agreement involves the State of Hawaii's acquisition of the Feedlot property (Property), being 124 acres, more or less, located in the James Campbell Industrial Park situate at Honolulu, Ewa, Oahu, Hawaii. The Property is owned by the Trustees under the Will and of the Estate of James Campbell, deceased, (Campbell Estate) and leased to the Hawaii Meat Co., Ltd. (Hawaii Meat) for a term of fifty (50) years, commencing on January 9, 1964. Hawaii Meat was utilizing the Property for a cattle feeding operation and for rendering plant operations.

On December 9, 1991, the State filed its complaint in eminent domain to condemn the Property, being 124 acres, more or less, from Campbell Estate. The State deposited $41 million for the value of the land and sought to take immediate possession of the Property. Hawaii Meat objected to the condemnation and moved to vacate the order for immediate possession. The litigation between the State, Hawaii Meat and Campbell Estate has been costly and time consuming. Therefore, in an attempt to resolve the litigation between the parties which would allow the State to obtain fee title to the Property and immediately have full use of the Property, the Department of the Attorney General is proposing to enter into a Settlement Agreement with Hawaii Meat. The agreement includes:

a. The payment by the State to Hawaii Meat of a sum certain over a three (3) year period of time. The legislature has authorized the sum;

b. The direct issuance of a lease from the State to Hawaii Meat of three (3) acres, more or less, for its rendering plant operations;

1. The lease will be primarily based on the existing lease for the Property between Campbell Estate and Hawaii Meat and will incorporate the standard State lease terms and conditions as modified by negotiations, together with the following:

A. A term commencing as of the Closing Date, and ending September 30, 2013;
Settlement Agreement
Page 2

B. The Premises will be subleased to Island Commodities Corp. (also known as "Hawaii Meat");

C. Lease rent will be as follows:
   (i) No rent will be charged for the first 90 days of the lease term;
   (ii) Rent thereafter will be gross $15,000.00 per acre per year, prorated in accordance with the size of the lot designated by Hawaii Meat without any other charges or assessments of any kind;
   (iii) Rent will be increased at the fifth and tenth anniversaries of the commencement of the lease term by 10% of the previous rent.

2. The Premises being a landlocked lot, will be the beneficiary of a non-exclusive easement for ingress, egress, and utilities, coterminous with the lease, which may be at the existing driveway, or at a location to be agreed upon, which the State will grant to Hawaii Meat at no additional charge.

3. Hawaii Meat will have 180 days from the commencement of the lease term, to remove any equipment and personal property now used by the rendering plant at its cost, from areas adjacent to the rendering plant, so that all such equipment and property will be within the Premises within such 180 days. Any property not so removed will be deemed abandoned and the property of the State, disposable at the State’s discretion and cost.

c. Hawaii Meat shall release its claims against the State for the condemnation of its leasehold interest and shall allow the State to take possession of the Property.

RECOMMENDATION:

That the Board:

A. Authorize the settlement agreement proposed between the Parties as it relates to the disposition of public lands;

B. Authorize the Department of the Attorney General to take appropriate steps to implement the settlement agreement as it relates to the disposition of public lands;

C. Find the Rendering Plant lease area (Premises) to be an economic unit in terms of the intended use;

D. Pursuant to Section 171-59, Hawaii Revised Statutes, as amended, authorize the direct issuance of a Rendering Plant lease, together with an easement for ingress, egress and
Settlement Agreement
Page 3

utilities to Hawaii Meat Co., Ltd., subject to the terms and conditions listed in the above-mentioned Paragraph b, which are by this reference incorporated herein, together with the following:

1. Issuance of the lease is subject to the subdivision approval process of the City and County of Honolulu;

2. Other terms and conditions of the standard lease form unless modified by the settlement agreement or negotiations;

3. Such other terms and conditions as prescribed by the Chairperson and the Department of the Attorney General.

E. Find that the Rendering Plant lease qualifies as "other business uses" as provided for in Section 171-36(a)(5)(B), Hawaii Revised Statutes, as amended;

F. Find that Hawaii Meat Co., Ltd., the proposed lessee, has put in substantial building improvements on the Premises as required under Section 171-36(a)(5)(B), Hawaii Revised Statutes, as amended;

G. Consent to the sublease of the Rendering Plant lease between Hawaii Meat and Island Commodities Corp. subject to the following terms and conditions:

1. Review and approval as to form and legality of the sublease by the Department of the Attorney General;

2. There shall be no revision of the rent of the demised premises;

3. Such other term and conditions as prescribed by the Chairperson and the Department of the Attorney General.

Respectfully submitted,

DEAN Y. UCHIDA
Administrator

Approved for submittal:

MICHAEL D. WILSON, Chairperson
FIELD MEMORANDUM

DECLARANT (File Reference): Island Comm Corp

SITE VISIT DATE: July 29, 1996

PRESENT: Robert Vidinha, Plant Supervisor and Richard Jinnai, Susan Swanson, CWRM.

SOURCE(S):
- Well
- Diversion
- Other

Description of source:
1. Dug well 48"x30" (Well no 1806-19).
2. Well presently not in use. Pumps were used in past to draw water from well to cooling unit. Now air cool evaporators are used for cooling purpose.
3. See attached sheet for well specification.

USES(S):
- Description of use: Presently no use.
  1. ISLAND COM CORP: No use.

QUANTITY of WATER USE: No calculation done.

LOCATION OF SOURCE and USE:

SOURCE (ISLAND COM CORP) T.M.K. (1) 9-1-31:026
OWNERSHIP: LONG. see attached sheet

USE(s) T.M.K. (1) 9-1-31::026 OWNERSHIP: Hawaii Meat Product

FI: 2 pumps currently installed: 1 15 hp Frederick
    1 15 hp Lincoln

Well phys: 72 well pump capacity
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3948 or 548-7543 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.: N/A 19-19

WELL NAME OR DESIGNATION: N/A

SOURCE OR STATION NAME (For a battery of wells): N/A

A. WELL OPERATOR
Firm name: ISLAND COMMODITIES CORP.
Contact person: GORDON LUM
Address: ____________________________
Zip: __________________ Phone: ___________

B. OWNER OF WELL SITE
Firm name: SAME AS A.
Contact person: ______________________
Address: ____________________________
Zip: __________________ Phone: ___________

C. WELL LOCATION
Tax Map Key: 9-1-31 Town, Place, District: EWA BEACH
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: N/A ppm
Minimum recorded chloride: N/A ppm
Maximum chloride in 1987: N/A ppm

Well contractor: ____________________________
Casing diameter: _______ in.
Solid casing depth (Below ground): _______ ft.
Perforated casing depth (Below ground): _______ ft.
Total depth of well: _______ ft.

Year drilled or constructed: ____________________________

Minimum chloride in 1987: _______ ppm

E. INSTALLED PUMP DATA
Pump type: [ ] Vertical shaft [ ] Submersible
[ ] Centrifugal [ ] Other (specify): ____________________________
Power: [ ] Diesel, ______ HP [ ] Gas, ______ HP
[ ] Electric, ______ HP [ ] Other (specify): ____________________________
Pump capacity: 500 gallons per minute

Pump installation contractor: ____________________________

For Official Use Only:
Date received: __________ Date accepted: __________
Field checked by: __________ Date: __________ Latitude: __________ Hydrologic Unit: ____________________________

Comments: ____________________________

... (continued over)

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): NOT RECORDED

Method of measurement: □ Flow Meter □ Orifice □ Other (Describe): NOT RECORDED

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

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Minimum day's use: _______ gallons Maximum day's use: _______ gallons

Typical times of usage: 4:00 PM TO 12:00 PM

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

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

Additional Information

Acres Irrigated:
Crop(s): □ Sugar □ Pineapple □ Other (specify):
Non-Crop: □ Landscape □ Golf Course □ Other (specify):
Method: □ Drip □ Furrow □ Sprinkler

□ Cooling □ Manufacturing □ Mill □ Other (specify):

Specify (livestock, aquaculture, etc.):

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

Water User's Signature: [Signature] Date: 7-6-89

Printed Name: GORDON LUM

Firm or Title (Well Operator, etc.): ISLAND COMMODITIES CORP.
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<th>DATE:</th>
<th>SUSPENSE DATE:</th>
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Maybe this application is now incomplete?
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT
August 19, 1998
Honolulu, Hawaii

Island Commodities Corporation/State of Hawaii
APPLICATION FOR A WATER USE PERMIT (WUP No. 498)
Island Commodities Well (Well No. 1806-19), TMK 9-1-31:
Future Industrial Use for 0.150 mgd
Malakole Ground Water Management Area, Oahu

APPLICANT: Island Commodities Corporation

LANDOWNER: State Of Hawaii

LOCATION MAP: See Exhibit 1

BACKGROUND:

On February 13, 1998, a water use permit application was received from Island Commodities Corporation (ICC) by the Commission on Water Resource Management (Commission) for use of an existing well on state-owned lands. The applicant requested that the Commission obtain an authorized signature from the State of Hawaii as joint applicant to complete the application.

On February 18, 1998, the Commission acknowledged receipt of the application and requested that the applicant complete all line items on the application form and submit the filing fee.

On April 21, 1998, the Commission forwarded the application to the Land Division of the Department of Land and Natural Resources, requesting their help in affirming the State's ownership of the property and, thereafter, routing the application to the Chairperson for signature.

On May 22, 1998, the signed application was forwarded to the Commission from the Chairperson's office.

On July 29, 1998, an unsigned copy of the application was forwarded to the Commission from the Land Division informing the Commission that, pursuant to section 171-58 HRS, the right to any
surface or ground water is reserved to the state; therefore, the applicant is required to obtain a disposition of water rights from the Land Division. The Land Division stated that they will not recommend sign off as landowner until this matter is resolved.

ANALYSIS/ISSUES:
This application requires Commission action to satisfy the ninety (90) day requirement for action. However, because there are issues regarding water licenses and allocations on state lands that need to be resolved, the staff is recommending that the Commission defer action at this time. The staff is scheduling a meeting with the Attorney General’s staff and Land Division staff to discuss the appropriate handling of these types of requests.

RECOMMENDATION:
Staff recommends that the Commission defer action on the water use permit application for Island Commodities Corporation for Well No. 1806-19 to the next regular meeting on Oahu following the resolution of water license and allocation issues for water sources on state-owned lands.

Respectfully submitted,

TIMOTHY E. JOHNS
Deputy Director

Exhibit(s): 1 (Location Map)