<table>
<thead>
<tr>
<th>WELL NAME</th>
<th>WELL NUMBER</th>
<th>DATE RECEIVED</th>
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<tbody>
<tr>
<td>Ewa-Gentry Caprock Well</td>
<td>2001-03</td>
<td>04-29-91 rcvd</td>
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<tr>
<td>(Temporary WUP effective 11-29-92 to 5-29-92)</td>
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<tr>
<td>Golf Villa 1 Irr Well</td>
<td>2001-07</td>
<td>06-10-91 rcvd</td>
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<td>(Temporary WUP effective 11-29-91 to 5-29-92)</td>
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<tr>
<td>Palm Villa 2 Irr Well</td>
<td>2001-08</td>
<td>06-10-91 rcvd</td>
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<td>(Temporary WUP effective 11-29-91 to 5-29-92)</td>
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<tr>
<td>Palm Court Irr Well</td>
<td>2002-12</td>
<td>06-10-91 rcvd</td>
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<td>Puuloa G.C. Irr Well</td>
<td>1900-21</td>
<td>06-20-91 rcvd</td>
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<td>2002-13</td>
<td>07-08-91 rcvd</td>
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<tr>
<td>West Loch Caprock Well 2</td>
<td>2102-23</td>
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<td>Kapolei City Irr</td>
<td>1905-08</td>
<td>08-08-91 rcvd</td>
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<td>(Temporary WUP effective 8-22-91 to 8-22-92)</td>
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<td>Kapolei-HFDC Caprock A</td>
<td>2003-01</td>
<td>12-02-91 rcvd</td>
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<td>Kapolei-HFDC Caprock B</td>
<td>2003-02</td>
<td>12-02-91 rcvd</td>
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<td>2003-04</td>
<td>12-02-91 rcvd</td>
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<td>Kapolei-HFDC Caprock E</td>
<td>2003-05</td>
<td>12-02-91 rcvd</td>
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<td>Poamoho A</td>
<td>3205-02</td>
<td>05-01-92 rcvd</td>
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<tr>
<td>HECO Cooling 1</td>
<td>1806-15</td>
<td>06-01-92 rcvd</td>
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<td>HECO Cooling 2</td>
<td>1806-16</td>
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<td>Fort Barrette</td>
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<td>2003-01 to 03</td>
<td>12-02-91 rcvd</td>
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<td>TEMP</td>
<td></td>
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</tbody>
</table>
TO: Mr. Johnson Wong, Supervisor  
Land/Transportation Division

FROM: William W. Paty, Chairperson  
Commission on Water Resource Management

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff has sent a total of eighteen water use permits to your office for review since July 1989. None of the permits have been issued.

Attached is a water use permit for Kuliouou Well (Well No. 1843-01) which was approved by the Commission on April 15, 1992. We would appreciate your review of the permit at your earliest convenience. In lieu of sending an "official" water use permit to the applicant, we have sent a letter notifying the applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We included a copy of the approved Commission submittal with the letter.

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

Enc:
The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards.

3. Modification of any permit condition shall be approved by the Commission.

4. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
5. The applicant shall comply with all applicable laws, rules, and ordinances.

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

7. 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 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson
Commission on Water Resource Management

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on April 15, 1992.

Date of Issuance: APR 27 1992

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

Applicant's Signature: ___________________________ Date: ________________

Printed Name: ________________________________

Firm or Title: ________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.
SURVEY BRANCH
Division of Water Resource Management

FROM: E8

TO: E. SAKODA
F. Ching
W. Rozeboom
P. Haraguchi
G. Bauer
N. Fujii
A. Okamura
M. Holt
B. Micua

PLEASE:
See Me
Call
Review & Comment
Take Action
Investigate & Report
Draft Reply
Acknowledge Receipt
Type Draft
Type Final cc: AGM for review

REMKS:
These Data Use Remind
need to be sent to the

FOR YOUR:
Approval
Signature
Information

Do not send to the applicant yet.
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Puuloa Homes, Ltd.

Address: 311 Hawaii Building
745 Fort Street
Honolulu, Hawaii 96813

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Puuloa Homes Golf Course Irrigation Well
(Well No. 1900-21)

Amount of Withdrawal (Average Annual): 0.1 million gallons per day

Reasonable-Beneficial Use: Golf course irrigation

Area or Projects Served: Puuloa Homes Golf Course

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Though no immediate adverse impacts are expected, the continued use of water...
from the Caprock Aquifer in the future is dependent upon continued recharge to the aquifer. In the event the resource becomes too saline to be used, the permit may be modified.

4. Modification of any permit condition shall be approved by the Commission.

5. The applicant shall comply with all applicable laws, rules, and ordinances.

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

7. This 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 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991. Date of Issuance: ___________________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Honolulu Board of Water Supply

Address: 630 South Beretania Street
           Honolulu, Hawaii 96843

Water Management Area: Pearl Harbor

Subarea: Waianae Subarea

Well Name: Demonstration Desalting Plant Basal Well
           (Well No. 1905-04)

Amount of Withdrawal (Average Annual): 0.5 million gallons per day

Reasonable-Beneficial Use: Feedwater for desalting plant

Area or Projects Served: Honolulu BWS Ewa-Waianae System

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

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

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

Date of Issuance: ________________

WILLIAM W. PATY, Chairperson
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Chevron U.S.A. Inc.

Address: 91-480 Malakole Street
Honolulu, Hawaii 96707-1883

Water Management Area: Pearl Harbor

Subarea: Shallow, seaward, saline portion of the Caprock Aquifer

Well Name: Barbers Point-Chevron Fire Protection Well
(Well No. 1907-02)

Pump Capacity: 1,525 gallons per minute

Reasonable-Beneficial Use: Chevron Oil Refinery fire protection system

Area or Projects Served: Chevron Oil Refinery

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area.

3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. This 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 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

Date of Issuance: ________________
Pearl Harbor Water Management Area

WATER USE PERMIT

Supply
Street, Honolulu, Hawaii 96843
Subarea: Wai'anae basal aquifer
Well No.(s): 2303-04
Annual: 1.12 million gallons per day

Water use authorized by this permit must be described in this permit; (2) the use must be for public purposes; and (3) modification of any
water use authorized by this permit must be approved by the Commission.

Additional Conditions:

1. The permit shall be subject to the Commission's sustainable yield review by December 1990.
2. The Commission may reduce the amount initially granted the permittee if long-term pumpage from the well interferes with existing legal uses in the area.
3. 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, Hawaii 96809, on a monthly basis.
4. The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989.

WILLIAM W. PATY, Chairperson

Date of Issuance: 7/21/89
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843
Water Management Area: Pearl Harbor Subarea: Waianae basal aquifer
Well(s) Name: Honouliuli 3 Well No.(s): 2303-03
Amount of Withdrawal (Average Annual): 1.12 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: City, State, and private projects on the Ewa Plain

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:
(1) The permit shall be subject to the Commission's sustainable yield review by December 1990.
(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
(3) 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, Hawaii 96809, on a monthly basis.
(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Mililani Wells I, II, & III Well No.(s): 2800-01 to 04;
                   2859-01,02;
                   2600-03,04

Amount of Withdrawal (Average Annual): 1.45 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: Developments in Mililani

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:
1. The permit shall be subject to the Commission's sustainable yield review by 1995.
2. The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
3. 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, Hawaii 96809, on a monthly basis.
4. The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

Date of Issuance: ________________
Applicant: Halekua Development Corp.
Address: 2024 North King Street, Honolulu, Hawaii 96819
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Royal Kunia Well Well No.(s): 2402-03
Amount of Withdrawal (Average Annual): 1.45 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: Royal Kunia

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:
(1) The permit shall be subject to the Commission's sustainable yield review by 1995.
(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
(3) 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, Hawaii 96809, on a monthly basis.
(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: ____________________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: U.S. Army
Address: DFE, USASCH, Fort Shafter, Hawaii 96858-5000

Water Management Area: Pearl Harbor Subarea: Schofield high-level aquifer

Well(s) Name: Schofield Shaft Well No.(s): 2901-02 to 04, 10

Amount of Withdrawal (Average Annual): Additional = 0.245 mgd
Total = 5.700 mgd

Reasonable-Beneficial Use: Military
Area or Projects Served: Proposed 500-unit development near Waiekele and Waikakalaua Streams

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by 1995.

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) The development of the military-residential units shall commence within 24 months of permit issuance unless otherwise authorized by the Commission.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Dairy-Company, Inc., Yuichi Ige, President
Address: 1638 Kam IV Road, Honolulu, Hawaii 96819
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Dairy-Company Well Well No.(s): 2800-02
Amount of Withdrawal (Average Annual): 0.1 million gallons per day
Reasonable-Beneficial Use: Domestic and agricultural
Area or Projects Served: 12 single-family homes and two agricultural business enterprises

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by 1995.

(2) An approved flowmeter(s) must be installed to measure withdrawal 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, Hawaii 96809, on a monthly basis.

(3) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of

July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance:
MEMORANDUM

TO: Honorable Warren Price, III
    Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
       Land/Transportation Division

FROM: William W. Paty

SUBJECT: Review of Water Use Permits

At its meeting on July 19, 1989, the Commission on Water Resource Management approved six water use permits for ground-water sources in the Pearl Harbor Water Management Area. The permits were approved subject to the conditions that the Attorney General review the language of the permits and that the proposed uses comply with Section 174C-49 of the State Water Code.

Attached for your review are the six water use permits. If you have any questions, please contact Manabu Tagomori at 548-7533.

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

Pearl Harbor Water Management Area  
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply  
Address: 630 South Beretania Street, Honolulu, Hawaii 96843  
Water Management Area: Pearl Harbor  
Subarea: Waimānao basal aquifer  
Well(s) Name: Honouliuli 4  
Well No.(s): 2303-04  
Amount of Withdrawal (Average Annual): 1.12 million gallons per day  
Reasonable-Beneficial Use: Municipal  
Area or Projects Served: City, State, and private projects on the Ewa Plain

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by December 1990.

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: ____________________________
Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843
Water Management Area: Pearl Harbor  Subarea: Wai'anae basal aquifer
Well(s) Name: Honouliuli 3  Well No.(s): 2303-03
Amount of Withdrawal (Average Annual): 1.12 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: City, State, and private projects on the Ewa Plain

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

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(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of
July 19, 1989

WILLIAM W. PATY, Chairperson
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843
Water Management Area: Pearl Harbor
Subarea: Koolau basal aquifer
Well(s) Name: Mililani Wells I, II, III
Well No.(s): 2800-01 to 04;
2859-01, 02;
2600-03, 04

Amount of Withdrawal (Average Annual): 1.45 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: Developments in Mililani

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

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(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance:
The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

**General Conditions:**
1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

**Additional Conditions:**
- The permit shall be subject to the Commission's sustainable yield review by 1995.
- The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
- 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, Hawaii 96809, on a monthly basis.
- The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

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

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: U.S. Army
Address: DFE, USASCH, Fort Shafter, Hawaii 96858-5000
Water Management Area: Pearl Harbor Subarea: Schofield high-level aquifer
Well(s) Name: Schofield Shaft Well No.(s): 2901-02 to 04, 10
Amount of Withdrawal (Average Annual): Additional = 0.245 mgd
Total = 5.700 mgd
Reasonable-Beneficial Use: Military
Area or Projects Served: Proposed 500-unit development near Waikele and Waikakalaua Streams

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

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(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) The development of the military-residential units shall commence within 24 months of permit issuance unless otherwise authorized by the Commission.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of

July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: ________________
Applicant: Dairy-Company, Inc., Yuichi Ige, President
Address: 1638 Kam IV Road, Honolulu, Hawaii 96819
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Daily-Company Well Well No.(s): 2600-02
Amount of Withdrawal (Average Annual): 0.1 million gallons per day
Reasonable-Beneficial Use: Domestic and agricultural
Area or Projects Served: 12 single-family homes and two agricultural business enterprises

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by 1995.

(2) An approved flowmeter(s) must be installed to measure withdrawal 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, Hawaii 96809, on a monthly basis.

(3) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of

July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: __________________________
Gentry Development Company
P.O. Box 295
Honolulu, Hawaii 96809

Gentlemen:

The Commission on Water Resource Management (Commission) approved your request for a water use permit for Palm Villa Irrigation Well (2002-13) at its meeting on September 13, 1989.

Water use permits recently approved by the Commission are presently being reviewed by the attorney general. We will send you the permit as soon as the review is completed.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
cc: Attorney General
Ewa-Plain Water Development Corp.  
828 Fort Street Mall, Suite 500  
Honolulu, Hawaii 96813

Gentlemen:

The Commission on Water Resource Management has approved water use permits for the following:

<table>
<thead>
<tr>
<th>Well Name</th>
<th>Amount (mgd)</th>
<th>Date Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honouliuli Well No. 5</td>
<td>1.12</td>
<td>August 16, 1989</td>
</tr>
<tr>
<td>Honouliuli Wells 1 &amp; 2</td>
<td>0.24</td>
<td>September 13, 1989</td>
</tr>
</tbody>
</table>

The permits were approved pending a review by the attorney general. We will send you the permits as soon as the review is completed.

Sincerely,

[Signature]

MANABU TAGOMORI  
Deputy Director

ES:ko  
cc: Attorney General
Halekua Development Corp.
2024 North King Street
Honolulu, Hawaii 96819

Gentlemen:

On July 19, 1989, the Commission on Water Resource Management approved your request for a water use permit for Royal Kunia Well (2402-03). A condition of the approval was that the permit be reviewed by the attorney general.

The permit is presently being reviewed by the attorney general. We will send you the permit as soon as the review is completed.

Thank you for your patience.

Sincerely,

MANABU TAGOMORI
Deputy Director

cc: Attorney General
Honolulu Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawaii 96843  

Gentlemen:  

On July 19, 1989, the Commission on Water Resource Management approved your applications for water use permits for Honouliuli Wells 3 and 4 (2303-03,04) and for Mililani Wells I, II, & III (2800-01 to 04; 2859-01,02; 2600-03,04). A condition of the approval was that the permit be reviewed by the attorney general.

The permit is presently being reviewed by the attorney general. We will send you the permit as soon as the review is completed.

Thank you for your patience.

Sincerely,

MANABU TAGOMORI  
Deputy Director

ES:ko  
cc: Attorney General
Dairy-Company, Inc.
1638 Ram IV Road
Honolulu, Hawaii 96819

Gentlemen:

On July 19, 1989, the Commission on Water Resource Management approved your application for a water use permit for the Dairy-Company Well (2600-02). A condition of the approval was that the permit be reviewed by the attorney general.

The permit is presently being reviewed by the attorney general. We will send you the permit as soon as the review is completed.

Thank you for your patience.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
cc: Attorney General
U.S. Army
DFE, USASCH
Fort Shafter, Hawaii 96858-5000

Gentlemen:

On July 19, 1989, the Commission on Water Resource Management approved your request for a water use permit for the Schofield Shaft. A condition of the approval was that the permit be reviewed by the attorney general.

The permit is presently being reviewed by the attorney general. We will send you the permit as soon as the review is completed.

Thank you for your patience.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
cc: Attorney General
MEMORANDUM

TO: Mr. Johnson Wong, Supervisor
    Land/Transportation Division

FROM: William W. Paty, Chairperson
    Commission on Water Resource Management

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff sent six water use permits to your office in July 1989 for review and three more in February 1990. None of the permits have yet been issued.

Attached are four permits which were approved by the Commission in March and April 1990. We would appreciate your review of the permits at your earliest convenience. If you have any questions, please contact Manabu Tagomori at 548-7533.

Encl.

WILLIAM W. PATY

APR 27 1990
MEMORANDUM

TO: Mr. Johnson Wong, Supervisor
   Land/Transportation Division

FROM: William W. Paty

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits first be reviewed by your office before they are issued.

The Commission sent six water use permits to your office in July 1989 for review (see attached memo). The Commission has since approved three additional water use permits, which are also attached for your review. None of the permits have yet been issued.

We would appreciate your review of the permits at your earliest convenience. If you have any questions, please contact Manabu Tagomori at 548-7533.

ATTACH.
MEMORANDUM

To: Mr. Johnson Wong, Supervisor
   Land/Transportation Division

From: William W. Paty
   Commission on Water Resource Management

Subject: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff has sent a total of thirteen water use permits to your office for review since July, 1989. None of the permits have been issued pending your review.

Attached are three permits which were approved by the Commission on February 13, 1991. We would appreciate your review of the permits. In lieu of sending an "official" water use permit to each applicant, we will send a letter notifying each applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We will include a copy of the approved Commission submittal with the letter.

If you have any questions, please contact Manabu Tagomori at 548-7533.

Enc.
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Puuloa Homes, Ltd.

Address: 311 Hawaii Building
745 Fort Street
Honolulu, Hawaii 96813

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Puuloa Homes Golf Course Irrigation Well
(Well No. 1900-21)

Amount of Withdrawal (Average Annual): 0.1 million gallons per day

Reasonable-Beneficial Use: Golf course irrigation

Area or Projects Served: Puuloa Homes Golf Course

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.
3. Though no immediate adverse impacts are expected, the continued use of water from the Caprock Aquifer in the future is dependent upon continued recharge to the aquifer. In the event the resource becomes too saline to be used, the permit may be modified.

4. Modification of any permit condition shall be approved by the Commission.

5. The applicant shall comply with all applicable laws, rules, and ordinances.

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

7. This 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 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

Date of Issuance: ____________________
The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

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

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

WILLIAM W. PATY, Chairperson

Date of Issuance: ___________________________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Chevron U.S.A. Inc.

Address: 91-480 Malakole Street
Honolulu, Hawaii 96707-1883

Water Management Area: Pearl Harbor

Subarea: Shallow, seaward, saline portion of the Caprock Aquifer

Well Name: Barbers Point-Chevron Fire Protection Well (Well No. 1907-02)

Pump Capacity: 1,525 gallons per minute

Reasonable-Beneficial Use: Chevron Oil Refinery fire protection system

Area or Projects Served: Chevron Oil Refinery

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area.

3. Modification of any permit condition shall be approved by the Commission.

4. The applicant shall comply with all applicable laws, rules, and ordinances.
5. This 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 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

Date of Issuance: __________
TO: Mr. Johnson Wong, Supervisor  
Land/Transportation Division

FROM: William W. Paty  
Commission on Water Resource Management

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff has sent a total of sixteen water use permits to your office for review since July 1989. None of the permits have been issued.

Attached are two permits which were approved by the Commission on February 19, 1992. We would appreciate your review of the permits at your earliest convenience. In lieu of sending an "official" water use permit to the applicant, we will send a letter notifying the applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We will include a copy of the approved Commission submittal with the letter.

If you have any questions, please contact Manabu Tagomori at 587-0214.

Enc.
WAIALUA WATER MANAGEMENT AREA

WATER USE PERMIT

Applicant: Attraction Hawaii DBA Waimea Falls Park

Address: 59-864 Kamehameha Highway
Haleiwa, HI 96712

Water Management Area: Waialua

Subarea: Kawaiola Subarea

Well Name: Waimea Falls Park Well 1
(Well No. 3803-01)

Amount of Withdrawal (Average Annual): 0.100 million gallons per day

Reasonable-Beneficial Use: Landscape, nursery, and botanical garden irrigation

Area or Projects Served: Waimea Falls Park

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

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

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 19, 1992.

Date of Issuance: ___________________
WAIALUA WATER MANAGEMENT AREA

WATER USE PERMIT

Applicant: Attractions Hawaii DBA Waimea Falls Park

Address: 59-864 Kamehameha Highway
Haleiwa, HI 96712

Water Management Area: Waialua

Subarea: Kawaiola Subarea

Well Name: Waimea Falls Park Well 2
(Well No. 3803-03)

Amount of Withdrawal (Average Annual): 0.200 million gallons per day

Reasonable-Beneficial Use: Landscape, nursery, and botanical garden irrigation

Area or Projects Served: Waimea Falls Park

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Modification of any permit condition shall be approved by the Commission.
City and County of Honolulu
Water Use Permit

4. The applicant shall comply with all applicable laws, rules, and ordinances.

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

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 19, 1992.

WILLIAM W. PATY, Chairperson

Date of Issuance: ____________
TO: Mr. Johnson Wong, Supervisor
     Land/Transportation Division

FROM: William W. Paty, Chairperson
       Commission on Water Resource Management

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff has sent a total of eighteen water use permits to your office for review since July 1989. None of the permits have been issued.

Attached is a water use permit for Kuliouou Well (Well No. 1843-01) which was approved by the Commission on April 15, 1992. We would appreciate your review of the permit at your earliest convenience. In lieu of sending an "official" water use permit to the applicant, we have sent a letter notifying the applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We included a copy of the approved Commission submittal with the letter.

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

Enc:
HONOLULU WATER MANAGEMENT AREA

WATER USE PERMIT

Applicant: Honolulu Board of Water Supply

Address: 650 South Beretania Street
Honolulu, HI 96843

Water Management Area: Honolulu

Subarea: Honolulu Sector, Waialae (east subsystem) Aquifer System

Well Name: Kuliouou Well (Well No. 1843-01)

Amount of Withdrawal (Average Annual): 0.300 million gallons per day

Reasonable-Beneficial Use: Municipal

Area or Projects Served: East Honolulu

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.
2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards.
3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
5. The applicant shall comply with all applicable laws, rules, and ordinances.

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

7. 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 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on April 15, 1992. Date of Issuance: APR 27 1992

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

Applicant's Signature: ___________________________ Date: ____________

Printed Name: _________________________________

Firm or Title: _________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.
TO: Mr. Johnson Wong, Supervisor
Land/Transportation Division

FROM: William W. Paty
Commission on Water Resource Management

SUBJECT: Review of Water Use Permit

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission has sent a total of nineteen water use permits to your office for review since July 1989. None of the permits have been issued.

Attached is a water use permit for Hawaiian Electric Company Cooling Wells (Well Nos. 1806-15 to 18) which was approved by the Commission on August 19, 1992. We would appreciate your review of the permit at your earliest convenience. In lieu of sending an "official" water use permit to the applicant, we will send a letter notifying the applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We will include a copy of the approved Commission submittal with the letter.

If you have any questions, please contact Ms. Rae M. Loui, Deputy Director, at 587-0214.

Attach.
PEarl Harbor GROUND WATER MANAGEMENT AREA

WATER USE, WELL CONSTRUCTION, AND PUMP INSTALLATION PERMIT

Applicant: Hawaiian Electric Company
Address: P.O. Box 2750
Honolulu, HI 96840

Water Management Area: Pearl Harbor
Subarea: Seawater Aquifer, Caprock Subarea
Well Name: HECO Cooling Wells (Well Nos. 1806-15 to 18)
Amount of Withdrawal (Average Annual): 14,400,000 gallons per day
Reasonable-Beneficial Use: Industrial cooling
Area or Projects Served: Hawaiian Electric Company Barbers Point Tank Farm at Campbell Industrial Park

The applicant is hereby granted a permit to withdraw and use water from the source identified above, in accordance with Chapter 174C, HRS, State Water Code, Chapter 13-171, Hawaii Administrative Rules, subject to the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.
2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards.
3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.
5. 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.

6. 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.

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

______________________________
WILLIAM W. PATY, Chairperson
Commission on Water Resource Management

The issuance of this
permit was approved by
the Commission on Water
Resource Management at
its meeting on

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

Applicant’s Signature: ___________________________ Date: ________________

Printed Name: _________________________________

Firm or Title: _________________________________

Please sign and return one copy of this permit to the Commission and retain a copy
for your record.
Chronology of Events leading to Designation of the Pearl Harbor Ground Water Control Area

1. March 1978, DLNR drafts and proposes new regulations for the control of ground water use in Hawaii, under the Ground Water Use Act, Chap. 177, HRS.

2. May 1978, Board of Land and Natural Resources holds series of Public Hearings in all counties on the adoption of DLNR's Regulation 9, "Control of Ground Water Use in Hawaii".

3. November 9, 1978, Board of Land and Natural Resources adopts Regulation 9 of the DLNR.

4. January 1979, State Water Commission's Report (pg. x) recommends control of further development of ground water from the Pearl Harbor basin, using the Ground Water Use Act, Chap. 177, HRS.

5. May 22, 1979, Governor George Ariyoshi approves Regulation 9 of the DLNR.


7. July 27, 1979, Board of Land and Natural Resources approves holding public hearing to consider the designation of the Pearl Harbor area for ground water use control.

8. July-August 1979, DLNR staff holds series of public informational meetings in the Pearl Harbor community to inform citizens of the ground water situation in the Pearl Harbor area and the reasons for designating the Pearl Harbor Area for control of ground water use and withdrawals. Also, DLNR staff conducts informational meeting with Honolulu City Council, Board of Water Supply, developers, major water users, and others on the proposed designation of the Pearl Harbor area.

9. August 23, 1979, BLNR holds public hearing to receive comments on the designation of the Pearl Harbor area for ground water use control.

10. September 28, 1979, BLNR designates Ewa and Wahiawa Judicial District as the "Pearl Harbor Ground Water Control Area".

11. October to Present, DLNR staff organizes and begins regulatory activities and procedures for the control of all ground water uses and withdrawals in the designated area.
DESIGNATION OF
PEARL HARBOR GROUND WATER CONTROL AREA

Public Notice

On September 28, 1979, the Board of Land and Natural Resources at its regularly scheduled meeting in Honolulu, designated the Ewa and Wahiawa Districts of Oahu as the Pearl Harbor Ground Water Control Area for the purpose of regulating the uses of ground water resources therein for the public interest. By this action, the Board of Land and Natural Resources shall exercise its authority to regulate all existing and new uses and withdrawals of water within the designated area under the provisions of Regulation 9 of the Department of Land and Natural Resources.

Notice is hereby given that within the designated area and in accordance with Regulation 9:

(1) Individual household uses of ground water are exempt from regulation, but reports of such uses must be filed with the Board of Land and Natural Resources.

(2) All existing uses of ground water which are lawful and beneficial may be preserved and continued if such uses are properly declared within 90 days of the date of this notice, October 4, 1979, and certified by the Board of Land and Natural Resources. However, the right to such preserved uses may be completely or partly lost through non-use.

(3) All new or additional withdrawals and uses of ground water, excepting individual household uses and preserved uses, shall be strictly regulated by the issuance of Water Use Permits and Water Supply Permits by the Board of Land and Natural Resources.

(4) All construction or modification of any well capable of producing ground water shall require a Well Drilling/Modification Permit issued by the Chairman of the Board.

For further information, contact the Division of Water and Land Development, phone 548-7533.

BOARD OF LAND AND NATURAL RESOURCES

SUSUMU ONO
Chairman of the Board

Dated: October 1, 1979
Designated requires
published notice
public hearing

Rescue of Exiled Use

Public Notice (3 consecutive weeks) of certificated remarks
Within 70 days of publication of designation - must declare
Board to hold hearing if adversely affected by certificables.
Certify within 6 months of the notification.
CHECKLIST

__WELL CONSTRUCTION PERMIT  __PUMP INSTALLATION PERMIT

WELL NAME or LOCATION:_________________________________________________________

WELL NUMBER:__________________________________________________________________

OWNER or OPERATOR:____________________________________________________________

ADDRESS:_____________________________________________________________________

TELEPHONE(contact person):_____________________________________________________

Date application received.................................................................

Date acknowledged receipt/request more info........................................

Date application accepted...........................................................................

Suspense date (90 days):.............................................................................

Date filing fee deposited............................................................................

Date sent to DOH for comments..............................................................

Date sent to County DWS for comments..................................................

Date sent to ___________________________________________________________________

Date agenda due...........................................................................................

Date submittal due.........................................................................................

Date submittal sent to applicant.................................................................

Date comments rcvd from DOH.................................................................

DWS............................................................................................................

Date application __ approved or __ disapproved........................................

Date applicant notified of decision..........................................................

REMARKS:_______________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
MEMORANDUM

TO: Honorable Warren Price, III
   Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
       Land/Transportation Division

FROM: William W. Paty

SUBJECT: Request the Opinion of the Attorney General Regarding the Transition from the Ground Water Use Act to the State Water Code

BACKGROUND: In the transition from the Ground Water Use Act, Chapter 177, HRS, to the State Water Code, Chapter 174C, HRS, there is a recurring question as to whether preserved and permitted uses, established under the Ground Water Use Act, automatically become water use permits under the State Water Code or must go through a public notice and possible public hearing procedure. We request your opinion concerning the Recommendations outlined below.

CONFLICT: On one hand, Section 174C-41(c) of the State Water Code states "designated ground water areas established under Chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas". This indicates that preserved and permitted uses established and authorized under the Ground Water Use Act remain in the same state, capacity, or condition under the new State Water Code and do not have to again go through a public notice and possible public hearing procedure.

On the other hand, Section 174C-50(a) states "all existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after July 1, 1987, only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)". Here the indication is that the preserved and permitted uses established and authorized under the Ground Water Use Act must once again go through the application, public notice, and possible public hearing procedures.

ANALYSIS: Under Section 174C-41(c), the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas "continue" as the Pearl Harbor, Honolulu, and Waialua Water Management Areas. No public
notice and public hearing procedures are required since they occurred prior to their designation as ground water control areas. Uses of water certified as preserved uses under the Ground Water Use Act, and new uses authorized as permitted uses under the Ground Water Use Act, should "continue" as water use permits under the Water Code with the conditions placed upon each water use permit remaining the same as under the Ground Water Use Act. Since the conditions of each permit remain the same, the transition from the Ground Water Use Act to the State Water Code can be accomplished by an administrative renaming of preserved uses and permitted uses to water use permits. No public notice and possible public hearing procedures are required since they already occurred under the Ground Water Use Act.

Although Section 174C-50(a) indicates that the preserved and permitted uses must once again go through the application and public notice procedures, analysis of the entire Section 174C-50, entitled "existing uses," indicates that the legislature did not intend water users in the then-existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas to reapply for water use permits under the State Water Code. Section 174C-50 seems to refer to existing uses in newly designated areas, areas designated after July 1, 1987, the effective date of the State Water Code. Section 174C-50(c) supports the conclusion that the entire Section 174C-50 applies to existing uses in areas designated after July 1, 1987. Section 174C-50(c) states that applications "to continue existing uses must be made within a period of one year from the effective date of designation". The effective date of designation of the Pearl Harbor Ground Water Control Area was June 30, 1979. The effective date of designation for both the Honolulu and Waialua Ground Water Control Areas was November 29, 1980. If the term "existing uses" is applied to uses in the Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas, existing water users in those areas could no longer apply for permits since it has been more than one year since the effective dates of designation.

RECOMMENDATIONS:

1. That the Commission base their actions on Section 174C-41(c) and administratively transition from the Ground Water Use Act to the State Water Code by renaming the existing ground water control areas as water management areas and by renaming preserved and permitted uses as water use permits. All conditions placed upon the preserved and
permitted uses under the Ground Water Use Act carry over onto the water use permits under the State Water Code. No public notice or hearing procedures are required and the uses of water in existing water management areas "continue" as under the Ground Water Use Act.

2. That at an appropriate time, Section 174C-50(a) be amended to read "All existing uses of water in a water management area designated after July 1, 1987, except those exempted from regulation by this chapter, may be continued only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)."

WILLIAM W. PATY
MEMORANDUM
TO: Honoruable Warren Price, III
ATTN: Mr. Johnna Wong, Deputy Attorney General
LAND/TRANSPORTATION DIVISION
FROM: William W. Pui

MEMORANDUM [FOR THE RECORD]

SUBJECT: Transition from the Ground Water Use Act to the State Water Code

In the transition from the Ground Water Use Act, to the State Water Code, Ch 177, HRS,

BACKGROUND: There is a recurring question as to whether preserved and permitted uses under the Ground Water Use Act, Chapter 177, HRS, automatically become water use permits under the State Water Code, Chapter 174C, HRS, or must go through a public notice and possible public hearing procedure. We request your opinion concerning the legislative intent of the State Water Code.

CONFLICT: On one hand, Section 174C-41(c) states "designated ground water areas established under Chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas." The implication is that preserved and permitted uses under the Ground Water Use Act remain in the same state, capacity, or condition under the new State Water Code and do not have to again go through a public notice and possible public hearing procedure.

On the other hand, Section 174C-50(a) states "all existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after July 1, 1987, only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)." The implication here is that the preserved and permitted uses must once again go through the application, public notice, and possible public hearing procedures.

ANALYSIS: Under Section 174C-41(c), preserved and permitted uses "continue" as water use permits. The most significant difference would be the lack of time limits for new water use permits issued under the Water Code. Preserved and permitted uses would "continue" as water use permits with the same conditions placed upon them as under the Ground Water Use Act. The transition would be accomplished by an administrative renaming of preserved and permitted uses to water use permits. Public notice procedures would not be necessary.

Although Section 174C-50(a) implies that the preserved and permitted uses must once again go through the application and public notice procedures, analysis of the entire Section 174C-50, entitled existing uses, indicates that the legislature did not intend water users in the then-existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas to reapply for water use permits under the State Water Code. Section 174C-50 seems to refer to existing uses in newly designated areas, areas designated after July 1, 1987, the effective date of the State Water Code. Section 174C-50(c) supports the conclusion that the entire Section 174C-50 applies to existing uses in areas...
designated after July 1, 1987. Section 174C-50(c) states that applications "to continue existing uses must be made within a period of one year from the effective date of designation". The effective date of designation of the Pearl Harbor Ground Water Control Area was June 30, 1979. The effective date of designation for both the Honolulu and Waialua Ground Water Control Areas was November 29, 1980. If the term "existing uses" is applied to uses in the Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas, existing water users in those areas could no longer apply for permits since it has been more than one year since the effective dates of designation.

RECOMMENDATIONS:

1. That the Commission base their actions on Section 174C-41(c) and administratively transition from the Ground Water Use Act to the State Water Code by renaming the existing ground water control areas as water management areas and by renaming preserved and permitted uses as water use permits. All conditions placed upon the preserved and permitted uses under the Ground Water Use Act carry over onto the water use permits under the State Water Code. No public notice or hearing procedures are required and the uses of water in existing water management areas "continue" as under the Ground Water Use Act.

2. That at an appropriate time, Section 174C-50(a) be amended to read "All existing uses of water in a water management area designated after July 1, 1987, except those exempted from regulation by this chapter, may be continued only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)"
ANALYSIS

Under Section 174C-41(c), the Pearl Harbor, Honolulu, and Waikiki Ground Water Control Areas "continue" as the Pearl Harbor, Honolulu, and Waikiki Water Management Areas. No public notice and public hearing procedures are required since they occurred prior to their designation as ground water control areas. [Existing] Uses of water preserved certified as (existing) uses under the Ground Water Use Act, and new uses authorized as permitted uses under the Ground Water Use Act should "continue" as water use permits under the Water Code with the conditions placed upon each water use permit remaining intact as under the Ground Water Use Act. Since the conditions of each permit remain the same, the transition from the Ground Water Use Act to the State Water Code can be accomplished by an administrative renaming of preserved and permitted uses to water use permits.

No public notice and public hearing procedures
Ground Water Use Act

The existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas (GWCA's on Oahu, which were designated under the Ground Water Use Act (Chapter 177, HRS) are to continue as water management areas as of July 1, 1987, in accordance with the State Water Code.

Under the Ground Water Use Act, regulated water uses in GWCA's were called either preserved or permitted uses. Water uses that existed on the date of designation were called preserved uses and were extinguishable only by non-use. Water uses that were made after designation were called permitted uses and were issued for a specific period, usually twenty years (50 years maximum under Chapter 177). In addition, in the Pearl Harbor GWCA, all uses were authorized on a conditional basis due to lack of metering of some sources and to changing ground water conditions and patterns of water use.

State Water Code

The State Water Code provides for regulation of water use by interim water use permits and water use permits in areas designated as Water Management Areas (WMA).

Interim permits may be issued if the quantity of water use is not immediately verifiable and such permits are issued for a specified period.

Regular water use permits are issued for those water uses made after the date of designation of an area. Regular water use permits are valid until the designation of the water management area is rescinded, unless revoked or modified as provided by the State Water Code.
Analysis

After designation of the Pearl Harbor GWCA in April 1980, the existing water uses were authorized with various conditions, and four years later, in December 1984, were re-adjusted. After designation of the Honolulu and Waialua GWCA's in September 1981, the existing water uses were authorized without specifying any conditions.

In May 1989, the Commission re-adjusted the water uses in the Pearl Harbor GWCA as interim water use permits with the condition that review and further adjustment be made, if necessary, by December 1990 for the Ewa (formerly Waianae) basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

Transition from the Ground Water Use Act to the State Water Code should be formalized by the Commission declaring that the existing Pearl Harbor, Honolulu, and Waialua GWCA's be referred to as Water Management Areas (WMA's). Existing preserved and permitted uses in the Honolulu and Waialua WMA's become water use permits with each permit valid until the designation of the WMA is rescinded, unless revoked or modified as provided by the State Water Code. Existing preserved and permitted uses in the Pearl Harbor WMA which were conditionally adjusted by the Commission in May 1989 be referred to, simply become interim water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

RECOMMENDATION:

1. That the Commission declare the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas be hereafter referred to as Water Management Areas.

2. That the Commission declare that the existing preserved and permitted uses in the Honolulu and Waialua WMA's be referred to as water use permits, with each permit valid until the designation of the WMA is rescinded, unless revoked or modified as provided by the State Water Code.

3. That the Commission declare that the existing preserved and permitted uses in the Pearl Harbor WMA which were conditionally adjusted by the Commission in May 1989 become interim water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.
4. That water users in the existing water management areas be notified that the Commission has superseded the Board of Land and Natural Resources in regulating the ground water uses therein.

5. That the Commission adopt Exhibits 1 to 6 as the water use permits and interim water use permits in existing Water Management Areas.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

WILLIAM W. PATY, Chairperson
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Continuance of Preserved and Permitted Uses in the Pearl Harbor, Honolulu, and Waialua Water Management Areas, Oahu

Ground Water Use Act

The existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas (GWCA's) on Oahu, which were designated under the Ground Water Use Act (Chapter 177, HRS) are to continue as water management areas as of July 1, 1987, in accordance with the State Water Code.

Under the Ground Water Use Act, regulated water uses in GWCA's were called either preserved or permitted uses. Water uses that existed on the date of designation were called preserved uses and were extinguishable only by non-use. Water uses that were made after designation were called permitted uses and were issued for a specific period, usually twenty years (50 years maximum under Chapter 177). In addition, in the Pearl Harbor GWCA, all uses were authorized on a conditional basis due to lack of metering of some sources and to changing ground water conditions and patterns of water use.

State Water Code

The State Water Code provides for regulation of water use by interim water use permits and water use permits in areas designated as Water Management Areas (WMA).

Water use in WMA's designated after July 1, 1987, may be regulated by interim water use permits for those uses in existence on the date of designation. Interim permits may be issued if the quantity of water use is not immediately verifiable and such permits are issued for a specified period.

Regular water use permits are issued for those water uses made after the date of designation of an area. Regular water use permits are valid until non-use of the designation of the water management area is rescinded, unless revoked or modified as provided by the State Water Code.
Analysis

After designation of the Pearl Harbor GWCA in April 1980, the existing water uses were authorized with various specified conditions, and four years later, in December 1984, were re-adjusted with conditions. After designation of the Honolulu and Waialua GWCA's in September 1981, the existing water uses were authorized without specifying any conditions.

In May 1989, the Commission re-adjusted the water uses in the Pearl Harbor GWCA, with the condition that review and possibly further adjustment be made, if necessary, by December 1990 for the Molanai basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

Transition from the Ground Water Use Act to the State Water Code should be formalized by the Commission declaring that the existing Pearl Harbor, Honolulu, and Waialua GWCA's be referred to as Water Management Areas (WMA's), respectively, and that the existing preserved and permitted uses in the Honolulu and Waialua WMA's and those in the Pearl Harbor WMA which were conditionally adjusted by the Commission in May 1989 (see attached Exhibits 1 to 6), be referred to, simply, as water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basin aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

RECOMMENDATION:

1. That the Commission declare the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas be hereafter referred to as Water Management Areas.

2. That the Commission declare that the existing preserved and permitted uses in the Honolulu and Waialua WMA's and that the preserved and permitted uses in Pearl Harbor WMA as conditionally adjusted by the Commission in May 1989 be referred to as water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basin aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

3. That water users in the existing water management areas be notified that the Commission has superseded the Board of Land and Natural Resources in regulating the ground water uses therein.

4. That the Commission adopt Exhibits 1 to 6 as the water use permits in existing Water Management Areas.

Respectfully submitted,

[Signature]

MARABU TAGOMORI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

[Signature]

WILLIAM W. PATY, Chairperson
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Continuance of Preserved and Permitted Uses
in the Pearl Harbor, Honolulu, and
Waialua Water Management Areas, Oahu

Ground Water Use Act

The existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas (GWCA's) on Oahu, which were designated under the Ground Water Use Act (Chapter 177, HRS) are to continue as water management areas as of July 1, 1987, in accordance with the State Water Code.

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Regular water use permits are issued for those uses made after the date of designation of an area. Regular water use permits are valid until non-use of the designation of the water management area is rescinded, unless revoked or modified as provided by the State Water Code.
Chairperson and Members
Commission on Water Resource Management

July 19, 1989

Transition

Analysis

After designation of the Pearl Harbor GWCA in April 1980, the existing water uses were authorized with various specified conditions, and four years later, in December 1984, were re-adjusted with conditions. After designation of the Honolulu and Waialua GWCA's in September 1981, the existing water uses were authorized without specifying any conditions.

In May 1989, the Commission re-adjusted the water uses in the Pearl Harbor GWCA with the condition that review and possibly further adjustment be made, if necessary, by December 1990 for the Waianae basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

Transition from the Ground Water Use Act to the State Water Code should be formalized by the Commission declaring that the existing Pearl Harbor, Honolulu, and Waialua GWCA's be referred to as Water Management Areas (WMA's), respectively, and that the existing preserved and permitted uses in the Honolulu and Waialua WMA's and those in the Pearl Harbor WMA, which were conditionally adjusted by the Commission in May 1989 (see attached Exhibits 1 to 6), be referred to, simply, as water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

RECOMMENDATION:

1. That the Commission declare the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas be hereafter referred to as Water Management Areas.

2. That the Commission declare that the existing preserved and permitted uses in the Honolulu and Waialua WMA's and that the preserved and permitted uses in Pearl Harbor WMA as conditionally adjusted by the Commission in May 1989, be referred to as water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

3. That water users in the existing water management areas be notified that the Commission has superseded the Board of Land and Natural Resources in regulating the ground water uses therein.

4. That the Commission adopt Exhibits 1 to 6 as the water use permits in existing Water Management Areas.

5. That the Commission declare that the existing preserved and permitted uses in the Pearl Harbor WMA, conditionally adjusted by the Commission in May 1989, become interim water use permits, subject to review and adjustment, if necessary, by December 1990 for the Ewa basal aquifer and by 1995 for the Koolau basal and Schofield high-level aquifers.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVED FOR SUBMITTAL:

WILLIAM W. PATY, Chairperson
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### Authorized Water Use Permit Schedule

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<td><strong>Subtotal (Ko'olau Aquifer Wells)</strong></td>
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<td>78.651 78.651 68.810 65.749 64.293 64.293 64.293 64.293 58.753</td>
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<td><strong>OAHU SUGAR COMPANY—EPINAL BASAL AQUIFER WELLS</strong></td>
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<td>WP5</td>
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<td><strong>TOTAL—OAHU SUGAR COMPANY</strong></td>
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<td>91.651 91.651 78.010 74.949 70.383 70.383 70.383 70.383 61.397</td>
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</table>

*subject to conditions placed on individual permits and to review and adjustment of the Alexandria Aquifer by December 1990 and the Ko'olau and Schofield Aquifers by 1995

**average annual use in million gallons per day

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Exhibit 2
## PEARL HARBOR WATER MANAGEMENT AREA—MILITARY WATER USE PERMISSIONS

<table>
<thead>
<tr>
<th>User/Source</th>
<th>State Well No.</th>
<th>Use Ground Water Use Act Under State Water Code [gpd]**</th>
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</thead>
<tbody>
<tr>
<td><strong>KOOLAU BASAL Aquifer</strong></td>
<td></td>
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<tr>
<td>Hawai'ni Shaft</td>
<td>2558-10</td>
<td>M1 14.977 14.977</td>
</tr>
<tr>
<td>Red Hill Shaft</td>
<td>2254-01</td>
<td>M1 4.659 4.659</td>
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<tr>
<td>Raliau Shaft</td>
<td>2255-32</td>
<td>M1 0.697 0.697</td>
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<tr>
<td><strong>Subtotal (Navy)</strong></td>
<td>20.333</td>
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<tr>
<td><strong>KAMEHAMEHA BASAL Aquifer</strong></td>
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<tr>
<td>Barbers Pt Shaft</td>
<td>2103-03</td>
<td>M1 2.337 2.337</td>
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<td><strong>TOTAL (Navy)</strong></td>
<td>22.670</td>
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<td><strong>SCHOFIELD HIGH-LEVEL Aquifer</strong></td>
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<tr>
<td>Schofield Shaft</td>
<td>2901-02604,10</td>
<td>M1 5.455 5.455</td>
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<td><strong>TOTAL (Military)</strong></td>
<td>28.125</td>
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*Subject to review and adjustment of the Koolau and Schofield Aquifers by 1995
**Average annual use in million gallons per day

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Exhibit 3
# Pearl Harbor Water Management Area—Private Users Water Use Permits

<table>
<thead>
<tr>
<th>User/Source</th>
<th>State Well No.</th>
<th>Use</th>
<th>Authorized Use Under Ground Water Use Act (agd)</th>
<th>Ground Water Use Code (agd)*</th>
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<td><strong>Koolau Basal Aquifer</strong></td>
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<tr>
<td>C&amp;C Dept.-Parks/Rec</td>
<td>2301-03,04,07</td>
<td>Irr, Man</td>
<td>0.500</td>
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<tr>
<td>C&amp;C Refinery</td>
<td>2355-35, 36</td>
<td>Irr, Dom</td>
<td>0.906</td>
<td>0.906</td>
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<td>Church/Marinae</td>
<td>2358-59</td>
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<tr>
<td>Del Monte Corp</td>
<td>2702-01</td>
<td>Dom</td>
<td>0.154</td>
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<td>Harris Rug</td>
<td>2201-14</td>
<td>Irr</td>
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<td>Hawaii Country Club</td>
<td>2603-01</td>
<td>Oth</td>
<td>0.220</td>
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<td>Kahan Kest Co</td>
<td>2101-01</td>
<td>Oth</td>
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<td>Lau Taro Pare</td>
<td>2356-70</td>
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<td>Pearl Country Club</td>
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<td>Valmae Trig School</td>
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<td><strong>Waialua Basal Aquifer</strong></td>
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<td>Del Monte Corp</td>
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*subject to conditions placed on individual permits and to review and adjustment of the Schofield Aquifer by December 1990 and the Koolau and Schofield Aquifers by 1995 as average annual use in million gallons per day

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**Exhibit 4**
### HONOLULU WATER MANAGEMENT AREA—WATER USE PERMITS

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*Subject to conditions placed on individual permits, valid until the expiration date of the WMA.

**Average annual use in million gallons per day is recorded, unless revoked or modified as provided by the State Water Code.
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<tr>
<th></th>
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<td>Waialua Sugar Co.</td>
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<td>Pump 1</td>
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<td>Pump 2A</td>
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<td>MOKULEIA SUBAREA</td>
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<td>Waialua Sugar Co.</td>
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<td>GRAND TOTAL - WAIALUA SUBAREA</td>
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*GRAND TOTAL - WAIALUA SUBAREA includes authorized uses under the Ground Water Use Act (acre ft) and the Water Use Permits Under State Water Code (acre ft) with the conditions as outlined in the permit. AGR = Agriculture, DOA = Domestic, IRR = Irrigation, and others. Average annual use in million gallons per day (MGD).
SURVEY BRANCH
Division of Water Resource Management

FROM: __________________________ DATE: 4-19-90 FILE IN: __________________________

TO: INITIAL: __________________ PLEASE: __________________ REMARKS: __________________

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

___ F. Ching ___ D. Stewart ___ M. Tagomori ___ G. Matsumoto ___ G. Akita ___ L. Chang
___ Y. Shiroma ___ S. Kokubun ___ L. Nanbu ___ _______________________

FOR YOUR
___ Approval ___ Signature ___ Information

Just GA for review

(II)
Applicant: Ewa Plain Water Development Corp.
Address: 828 Fort Street Mall, Suite 500
Honolulu, Hawaii 96813

Water Management Area: Pearl Harbor
Subarea: Waianae basal aquifer
Well Name: Honouliuli Well 6
Well No. 2303-06

Amount of Withdrawal (Average Annual): 1.12 million gallons per day

Reasonable-Beneficial Use: Municipal

Area or Projects Served: City, State, and private projects on the Ewa Plain.

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions
1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit.
2. The use must not interfere with any existing legal uses of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

1. The permit shall be subject to the Commission's sustainable yield review for the Waianae basal aquifer by December 1990.

2. The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing uses in the area.

   The Commission retained the sustainable yield of the Waianae basal aquifer of the Pearl Harbor Water Management Area at 25,000 mgd until a study in conjunction with the Ewa Plain Water Development Corporation could be completed (no later than December 1990). Pending the study's completion, confirmation, and acceptance, the 25 mgd sustainable yield figure shall be maintained for purposes of issuing water use permits so long as the actual pumpage is not more than 17 mgd.

   In order to allow orderly and ongoing development of these water resources, water use permits for this area may be issued up to the 25,000 mgd sustainable yield figure until the study is completed.

   If the study indicates that the revised sustainable yield is not sufficient to meet uses previously (or hereinafter) authorized by the Commission, then water use permits shall be modified to reduce allowed uses. The permits most recently adopted shall be reduced first and in the amount necessary to conform with revised sustainable yield. If the reduction or complete elimination of water use from the most recent (in time) permit is not sufficient, then each permit in the same reverse order of time shall be reviewed and modified accordingly.

3. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

4. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

   WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on April 18, 1990.

Date of Issuance: __________________
Applicant: Kalaeloa Partners, L.P.

Address: c/o Energy Ventures, Inc.
104 Carnegie Ctr., Ste. 201
Princeton, NJ 08540

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Kalaeloa Cogeneration Plant Wells
(Well Nos. 1805-04 to 09)

Amount of Withdrawal (Average Annual): 3.168 million gallons per day

Reasonable-Beneficial Use: Industrial

Area or Projects Served: Kalaeloa Cogeneration Plant

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions

1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit.

2. The use must not interfere with any existing legal uses of water.
3. Modification of any permit condition must be approved by the Commission.

4. The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

1. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

2. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

__________________________________________
WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on April 18, 1990. Date of Issuance: ________________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: City and County of Honolulu

Address: Division of Wastewater Management
650 South King Street
Honolulu, Hawaii 96813

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Honouliuli Wastewater Treatment Plant Well
(Well No. 1902-03)

Amount of Withdrawal (Average Annual): 0.5 million gallons per day

Reasonable-Beneficial Use: In-plant process water for the WWTP

Area or Projects Served: Honouliuli Wastewater Treatment Plant

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions

1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit.

2. The use must not interfere with any existing legal uses of water.

3. Modification of any permit condition must be approved by the Commission.
City and County of Honolulu
Water Use Permit

4. The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

1. This permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.

2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on March 15, 1990. Date of Issuance: ______________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Finance Realty

Address: P.O. Box 3979
Honolulu, Hawaii 96812

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Makakilo Golf Course Well
(Well No. 1904-02)

Amount of Withdrawal (Average Annual): 1.15 million gallons per day

Reasonable-Beneficial Use: Golf course irrigation

Area or Projects Served: Makakilo Golf Course

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions

1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit.

2. The use must not interfere with any existing legal uses of water.

3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

1. This permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.

2. Chloride content of the water used on the Makakilo Golf Course shall be 200 ppm or less.

3. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

4. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on March 15, 1990.

Date of Issuance: __________________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WAIALUA GROUND WATER MANAGEMENT AREA
WATER USE PERMIT

<table>
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<tr>
<th>Applicant</th>
<th>Sankyo Tsusho Co., Ltd. dba Mokuleia Land Company</th>
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<tbody>
<tr>
<td>Address</td>
<td>68-540 Farrington Highway, Waialua, Hawaii 96791</td>
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<tr>
<td>Ground Water Management Area</td>
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<td>Subarea</td>
<td>Mokuleia</td>
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<tr>
<td>Well(s) Name</td>
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<td>Well No.(s)</td>
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<td>Amount of Withdrawal (Average Annual)</td>
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<td>Reasonable-Beneficial Use</td>
<td>Golf course irrigation, domestic consumption</td>
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<tr>
<td>Area or Projects Served</td>
<td>Mokuleia Golf Course</td>
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</table>

The applicant is hereby granted a permit to withdraw and use ground water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

**General Conditions.** (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) the use is subject to the shortage and emergency powers of the Commission.

**Additional Conditions.**

1. This Interim Water Use Permit shall be issued pending verification of the actual quantity of water to be used. A final determination of the quantity used shall be made within five years of the date of issuance of the Interim Permit and a Permanent Permit shall be issued. In issuing the Permanent Water Use Permit, the Commission may increase or reduce the amount initially granted the permittee.

2. The applicant shall comply with the Department of Health’s Potable Water System Regulations, Chapter 20, Title 11, Administrative Rules.

3. 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, Hawaii 96809, on a monthly basis.

4. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on December 14, 1988.

WILLIAM W. PATY, Chairperson

Date of Issuance: DEC 28 1988
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Sankyo Tsusho Co., Ltd. dba Mokuleia Land Company
Application for Water Use Permit
Mokuleia Well, Mokuleia, Oahu

Applicant: Sankyo Tsusho Co., Ltd. dba Mokuleia Land Company
68-540 Farrington Highway
Waialua, Hawaii 96791

Action Requested: Approval of a Water Use Permit to use a total of 0.850 million gallons per day (mgd) of potable water from existing Mokuleia Well 3310-02. The well is located in the Mokuleia Subarea of the Waialua Ground Water Management Area. Of the total amount requested, 0.800 mgd will be to irrigate an 18-hole golf course and 0.050 mgd will be for domestic consumption at the golf course clubhouse.

Place of Use: The proposed golf course is located at Mokuleia, mauka of Mokuleia Beach, at Tax Map Key: 6-8-03:5.

Well Location: The well is located adjacent to the proposed golf course (see attached map).

Impact on Surrounding Wells: There are seven wells on Mokuleia Land Company's property. Two are being used. The remaining five wells, including Well 3310-02, are unused. One of the two wells being used, Well 3410-01, is a domestic drinking water source and is regulated under the Department of Health's Drinking Water Program. Because Well 3410-01 is located downgradient of the golf course, it is essential that activities associated with golf courses should not be allowed to contaminate ground water. Activities of concern include application of pesticides, herbicides, and fertilizer, storage of fuel for golf carts, maintenance facilities, and sewage disposal activities. The Department of Health's Potable Water System Regulations, Chapter 20, Title 11, Administrative Rules, will apply to Well 3310-02 since it will provide potable water for the golf course clubhouse, and should adequately address the activities of concern.

Water Availability

The status of ground water use in the Mokuleia Subarea of the Waialua Ground Water Management Area is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount (mgd)</th>
</tr>
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<tbody>
<tr>
<td>Sustainable Yield</td>
<td>20,000</td>
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<tr>
<td>Authorized Use</td>
<td>5,153</td>
</tr>
<tr>
<td>Water Available for Allocation</td>
<td>14,847</td>
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</tbody>
</table>

Approved by Commission on Water Resource Management at the meeting held on [Date]
Public Notice: In accordance with DLNR Administrative Rules, a Public Notice was published in the Star Bulletin on November 7 and 14, 1988 (attached). In addition, copies of the Public Notice were sent to the Department of Health, the Mayor's office, the Honolulu Board of Water Supply, and Waialua Sugar Company, Ltd. Written objections to the proposed permit were to be submitted, by persons with proper standing, to the Commission by November 29, 1988. No objections have been filed.

RECOMMENDATION:

That the Commission approve the issuance of an Interim Water Use Permit to Mokuleia Land Company for 0.800 mgd for golf course irrigation, and 0.050 mgd for domestic consumption at the golf course clubhouse, for a total of 0.850 mgd from Mokuleia Well 3310-02.

The approval shall be subject to the requirements of other applicable laws, rules and ordinances, and the following conditions:

(1) This Interim Water Use Permit shall be issued pending verification of the actual quantity of water to be used. A final determination of the quantity used shall be made within five years of the date of issuance of the Interim Permit and a Permanent Permit shall be issued. In issuing the Permanent Water Use Permit, the Commission may increase or reduce the amount initially granted the permittee.

(2) The applicant shall comply with the Department of Health's Potable Water System Regulations, Chapter 20, Title 11, Administrative Rules.

(3) An approved flowmeter shall be installed to measure water withdrawals.

(4) The development of the ground water source shall be completed within 24 months from the date of permit issuance.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVED FOR SUBMITTAL:

WILLIAM W. PATY, Chairperson
PUBLIC NOTICE

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

Applicant: Sankyo Tausho Co., Ltd.
dba Mokuleia Land Company
68-840 Farrington Highway
Waialua, Hawaii 96791

Date Application Received: September 23, 1988

Source of Water Supply: Mokuleia basal aquifer, existing well 3310-02.

Location of Well: Well is located adjacent to the proposed golf course.

Quantity Applied for: 0.85 million gallons per day (mgd).

Proposed Water Use: 0.05 mgd for domestic consumption at the golf course clubhouse. 0.80 mgd to irrigate an 18-hole golf course.

Place of Water Use: Proposed golf course is located in Tax Map Key: 8-8-03-5, Mokuleia, Oahu.

Written objections or comments on the application for water use may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Send written objections by November 29, 1988, to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809.

State of Hawaii
Commission on Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: November 2, 1988

WATER USE PERMIT

Applicant: THE MYERS CORPORATION
Address: 745 Fort St., #1500, Honolulu, Hawaii 96813
Ground Water Management Area: Pearl Harbor Subarea: Caprock
Well(s) Name: Pump 22 Well No.(s): 1900-02
Amount of Withdrawal (Average Annual): 1.5 mgd initial stage: 0.9 mgd after full establishment
Reasonable-Beneficial Use: Golf course irrigation
Area or Projects Served: Ewa Golf Course

The applicant is hereby granted a permit to withdraw and use ground water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions. (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) the use is subject to the shortage and emergency powers of the Commission.

Additional Conditions.
(1) This permit shall be valid until the designation of the Pearl Harbor Ground Water Management Area is rescinded, unless revoked or modified as provided by law.

(2) 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, Hawaii 96809, on a monthly basis.

(3) This 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 development of the ground water source shall be completed within two years of the date of issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on October 19, 1988.

Chairperson of the Commission
Date of Issuance: OCT 28 1988
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Application for Water Use Permit for
Ewa Golf Course Well, Ewa, Oahu

Applicant: The Meyers Corporation, 745 Fort Street, #1500, Hon., HI

Action Requested: Approval of a Water Use Permit for 1.5 million
gallons per day (mgd) of brackish caprock water from Oahu Sugar
Company, Ltd. Pump 22 during the initial stage of landscaping
establishment and 0.9 mgd after full establishment of the Ewa Golf
Course.

Place of Use: The proposed Ewa Golf Course is situated at the
southeast end of the Ewa Plain and bounded by Iroquois Point
Road, Leeward Estates Subdivision, and the U.S. Government
property known as the "Blast Zone Area".

Well Location: The well is located on-site (see attached map).

Impact on Surrounding Wells: Under current irrigation practices, the
salinity of the caprock water in the project area is expected to
increase to approximately 1300 mg/l chloride. Since the proposed
water use (1.5 mgd) will be less than presently being used by
Oahu Sugar Co., Ltd. (1.61 mgd average use from 6/87 to 6/88),
no adverse effects on surrounding wells are anticipated. However,
future changes in land use such as termination of irrigation will
severely affect sustainable yield and salinity in the area.

Public Notice: In accordance with DLNR Administrative Rules, a Public
Notice was published in the Star Bulletin on October 3 and 10, 1988
(attached). In addition, copies of the Public Notice were sent to
the Department of Health, the Mayor's office, the Honolulu Board of
Water Supply, Oahu Sugar Company, Ltd., and Puuloa Homes which
was issued a Water Use Permit for a nearby well. Written
objections to the proposed permit may be submitted, by persons
with proper standing, to the Commission by October 20, 1988. In
the event no statement of objections is filed, the Commission may
proceed to approve or reject the application. No objections have
been filed to date.
Chairperson and Members  
Commission on Water Resource Management  
October 19, 1988

RECOMMENDATION:

That the Commission approve the issuance of a Water Use Permit to the Meyers Corporation for 1.5 mgd of brackish caprock water from Pump 22 during the initial stage of landscaping establishment and 0.9 mgd after full establishment of the Ewa Golf Course. The approval shall be effective October 21, 1988, provided no written statement of objections is filed by any person with proper standing by October 20, 1988. Should such statement of objections be filed by October 20, 1988, the application shall be deferred.

The approval shall be subject to the requirements of other applicable laws, rules and ordinances, and the following conditions:

(1) This permit shall be valid until the designation of the Pearl Harbor Ground Water Management Area is rescinded, unless revoked or modified as provided by law.

(2) An approved flowmeter shall be installed to measure water withdrawals.

(3) This 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 shall be completed within two years of the date of issuance.

Respectfully submitted,

[Signature]

MANABU TAGOMORI
Deputy Director

Attachments

APPROVED FOR SUBMITTAL

[Signature]

WILLIAM W. PATY, Chairperson

* Replace sentence with: "Should any statement of objection be filed, the action that is taken today shall be voided and the application will be reconsidered after standing has been determined."
PUBLIC NOTICE

Pearl Harbor Ground Water Management Area

The Commission on Water Resource Management has received an application for a water use permit to withdraw water from the brackish caprock aquifer of the Pearl Harbor Ground Water Management Area. Pertinent information is as follows:

Applicant: The Myers Corporation
745 Fort Street #1500
Honolulu, Hawaii 96813

Date Application Received: August 31, 1988

Source of Water Supply: On-site well, currently designated by Oahu Sugar Company, Ltd. as Pump 22.

Quantity Applied for: 1.5 million gallons per day (mgd) during the initial stage of landscaping establishment and 0.9 mgd after full establishment.

Use: Irrigation of the proposed Ewa Golf Course.

Place of Use: The proposed Ewa Golf Course is situated at the southeast end of the Ewa Plain and bounded by Iroquois Point Road, Leeward Estates Subdivision and the U.S. Government property known as the "Blast Zone Area".

Location of the Well: The well is located on-site. See attached map.

Written objections to the proposed permit may be filed by any person who has some property interest in any land within the hydrologic unit from which the water sought by the applicant is to be drawn or who will be directly and immediately affected by the water use proposed in the application. Written objections shall: (1) state property interest or other interest in the matter; (2) set forth questions of procedure, fact, law or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Send written objections by October 20, 1988, to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809.

State of Hawaii
Commission on Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: Sept. 28, 1988

Publish in Honolulu Star Bulletin, issues of October 3 and 10, 1988
REF: WL-KO

JUL 27 1989

MEMORANDUM

TO: Honorable Warren Price, III
   Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
      Land/Transportation Division

FROM: William W. Paty

SUBJECT: Review of Water Use Permits

At its meeting on July 19, 1989, the Commission on Water Resource Management approved six water use permits for ground-water sources in the Pearl Harbor Water Management Area. The permits were approved subject to the conditions that the Attorney General review the language of the permits and that the proposed uses comply with Section 174C-49 of the State Water Code.

Attached for your review are the six water use permits. If you have any questions, please contact Nanabu Tagomori at 548-7533.

WILLIAM W. PATY

Enc.
The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by December 1990.

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of

_____ July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: __________________________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843
Water Management Area: Pearl Harbor
Subarea: Waianae basal aquifer
Well(s) Name: Honouliuli 3
Well No.(s): 2303-03
Amount of Withdrawal (Average Annual): 1.12 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: City, State, and private projects on the Ewa Plain

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by December 1990.

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: ____________________________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Honolulu Board of Water Supply
Address: 630 South Beretania Street, Honolulu, Hawaii 96843

Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Mililani Wells I, II, & III Well No.(s): 2800-01 to 04;
2859-01,02;
2600-03,04

Amount of Withdrawal (Average Annual): 1.45 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: Developments in Mililani

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:
(1) The permit shall be subject to the Commission's sustainable yield review by 1995.
(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
(3) 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, Hawaii 96809, on a monthly basis.
(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

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

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Halekua Development Corp.
Address: 2024 North King Street, Honolulu, Hawaii 96819
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Royal Kunia Well Well No.(s): 2402-03
Amount of Withdrawal (Average Annual): 1.45 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: Royal Kunia

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:
(1) The permit shall be subject to the Commission's sustainable yield review by 1995.
(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
(3) 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, Hawaii 96809, on a monthly basis.
(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance: ____________
The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

**General Conditions:**
1. The water use authorized by this permit must be for the reasonable-beneficial use described in this permit;
2. The use must not interfere with any existing legal use of water;
3. Modification of any permit condition must be approved by the Commission.

**Additional Conditions:**
1. The permit shall be subject to the Commission's sustainable yield review by 1995.
2. The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.
3. The development of the military-residential units shall commence within 24 months of permit issuance unless otherwise authorized by the Commission.
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Dairy Company, Inc., Yuichi Ige, President
Address: 1638 Kam IV Road, Honolulu, Hawaii 96819
Water Management Area: Pearl Harbor Subarea: Koolau basal aquifer
Well(s) Name: Dairy Company Well Well No.(s): 2600-02
Amount of Withdrawal (Average Annual): 0.1 million gallons per day
Reasonable-Beneficial Use: Domestic and agricultural
Area or Projects Served: 12 single-family homes and two agricultural business enterprises

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by 1995.

(2) An approved flowmeter(s) must be installed to measure withdrawal 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, Hawaii 96809, on a monthly basis.

(3) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of July 19, 1989

WILLIAM W. PATY, Chairperson
MEMORANDUM

TO: Manabu Tagomori, Administrator
   DOWALD, DLNR

FROM: William M. Tam, Deputy Attorney General

SUBJECT: Opinion Requests

Presently pending in our office are requests to review documents or provide opinions on the following subjects:

1. Pearl Harbor Water Management Area: Water Permit Review (7/27/89)

2. Certificate of Use form: Review and comments (8/14/89)

3. Windward Oahu Proposed Designation: Review and comments (3/9/90)

4. Hawaii Water Plan: Review (4/19/90)

Each of these presents ongoing issues that need further development. Because we are still exploring new situations, it is not yet time to draw final conclusions about how the code should be interpreted. Indeed, many problems simply cannot be finally resolved at the present time. Addressing the issues in reverse order:

4. The Water Plan, although adopted by the Water Commission on June 27, 1990, presents ongoing questions, i.e., Maui Ordinance, Windward Oahu sustainable yield figures, process issues, and state/county function questions, among others.
Manabu Tagomori, Administrator  
July 10, 1990  
Page 2  

3. The Windward Oahu designation petition will be considered by the Commission at its August 1990 meeting. There is need for further internal discussion on a series of issues prior to that date.

2. The Certificates of Use process must undergo further scrutiny before the Commission can act on this. Until we have a more precise grasp of the implications, it would be premature to fix the precise form of the Certificate. By allowing more issues to surface, we will be able to address them before the final Certificate must be issued. There is no virtue in premature action.

1. Water Use Permit. This presents perhaps the most important decision the Commission will address. All the issues are still not clearly before the Commission. The more implications we can consider and address now, the lower the chances of fundamental mistakes later. Allowing issues to surface and develop gives the Commission greater opportunity to create a solution before the form becomes solidified into any legally binding precedent.

In light of these considerations, I will continue to hold off writing any final opinion on the above matters until the Commission and staff have a more developed understanding of the implications presented by each situation.

William M. Tam  
Deputy Attorney General

WMT:kk  
0229E
PUBLIC NOTICE

Applications for Water Use Permits
Pearl Harbor Water Management Area, Oahu

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

1. **EWA-GENTRY CAPROCK WELL** (Well No. 2001-03)

   **APPLICANT:** Gentry Pacific, Ltd.
   P.O. Box 295
   Honolulu, Hawaii 96809
   **Date Application Received:** April 29, 1991
   **Source of Water Supply:** Honouliuli-Puuloa Sector, Caprock Aquifer, Pearl Harbor Water Management Area.
   **Location of Well:** Ewa Beach, Oahu, at Tax Map Key: 9-1-12:34.
   **Quantity Requested:** 50,000 gallons per day.
   **Proposed Water Use:** Irrigation
   **Place of Water Use:** 10-acre park near Geiger and Fort Weaver Roads

2. **PALM COURT IRRIGATION WELL** (Well No. 2002-12)

   **APPLICANT:** Gentry Pacific, Ltd.
   P.O. Box 295
   Honolulu, Hawaii 96809
   **Date Application Received:** June 10, 1991
   **Source of Water Supply:** Honouliuli-Puuloa Sector, Caprock Aquifer, Pearl Harbor Water Management Area.
   **Location of Well:** Ewa Beach, Oahu, at Tax Map Key: 9-1-12:1.
   **Quantity Requested:** 80,000 gallons per day.
   **Proposed Water Use:** Landscape irrigation
   **Place of Water Use:** Palm Court Project

3. **PALM VILLA 2 IRRIGATION WELL** (Well No. 2001-08)

   **APPLICANT:** Gentry Pacific, Ltd.
   P.O. Box 295
   Honolulu, Hawaii 96809
   **Date Application Received:** June 10, 1991
   **Source of Water Supply:** Honouliuli-Puuloa Sector, Caprock Aquifer, Pearl Harbor Water Management Area.
   **Location of Well:** Ewa Beach, Oahu, at Tax Map Key: 9-1-12:33.
   **Quantity Requested:** 80,000 gallons per day.
   **Proposed Water Use:** Landscape irrigation
   **Place of Water Use:** Palm Villa 2 Project
4. GOLF VILLA 1 IRRIGATION WELL (Well No. 2001-07)

APPLICANT: Gentry Pacific, Ltd.
P.O. Box 295
Honolulu, Hawaii 96809

Date Application Received: June 10, 1991

Source of Water Supply: Honouliuli-Puuloa Sector, Caprock Aquifer, Pearl Harbor Water Management Area.

Location of Well: Ewa Beach, Oahu, at Tax Map Key: 9-1-12:33.

Quantity Requested: 80,000 gallons per day.

Proposed Water Use: Landscape irrigation

Place of Water Use: Golf Villa 1 Project

5. PUULOA GOLF COURSE IRRIGATION WELL (Well No. 1900-21)

APPLICANT: Puuloa Homes, Ltd./Sogo Hawaii, Inc.
841 Bishop Street, Suite 2300
Honolulu, Hawaii 96813

Date Application Received: June 20, 1991

Source of Water Supply: Honouliuli-Puuloa Sector, Caprock Aquifer, Pearl Harbor Water Management Area.

Location of Well: Ewa Beach, Oahu, at Tax Map Key: 9-1-01:27.

Quantity Requested: 250,000 gallons per day.

Proposed Water Use: Golf course irrigation.

Place of Water Use: Puuloa Golf Course.

Written objections or comments on the applications for water use may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water uses. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by July 31, 1991, to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809.

COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM W. PATY
Chairperson

Dated: JUL 3 1991

FACSIMILE TRANSMITTAL PAGE

Please deliver the following pages to:

Name: Hawaii Newspaper Agency - ATTEN: Legal Ade
Company: Honolulu Star Bulletin
From: Dept. of Land & Natural Resources, Div. of Water Resource Mgmt.
Date: July 3, 1991 Time: 2:35 pm
Message: Public Notice see attached Notice and purchase order

Total number of pages (including Transmittal Page): 4

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Sending Facsimile Number: (808) 548-6052
Receiving Facsimile Number: (808) 528-1449

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Please deliver the following pages to:

Name: Hawaii Newspaper Agency - ATTEN. Legal Ads
Company: Honolulu Star Bulletin
From: Dept. of Land & Natural Resources; Div. of Water Resource Mgmt.
Date: July 3, 1991 Time: 2:35 pm
Message: Public Notice - see attached notice

and purchase order

Total number of pages (including Transmittal Page): 4

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STATE OF HAWAII
REQUISITION & PURCHASE ORDER
DEPARTMENT OF LAND & NATURAL RESOURCES

ORGANIZATION
DWRM
FUNCTION AND ACTIVITY

NOTICE TO VENDORS
Conditions of purchase are listed on the back side of this purchase order. Please read carefully. Payments may be delayed if all steps are not followed.

Hawaii Newspaper Agency, Inc.
Honolulu Star Bulletin
P. O. Box 3350
Honolulu, Hawaii 96801
ATTENTION: Legal Ads

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

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<th>DESCRIPTION</th>
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REQUISITION NO. 00124653

FOR DEPARTMENT USE ONLY

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COPY #1 - VENDOR
CONDITIONS - READ CAREFULLY

1. Prices include delivery charges unless otherwise stated.

2. Show purchase order number, date, appropriation symbol, and discounts allowed on all invoices.

3. The State reserves the right to reject any items supplied that are not in accordance with specifications even though payment has been made in order to obtain discounts.

4. This is not a purchase order unless assigned a P.O. number and authenticated by authorized signature.

5. Send original and three (3) copies of invoice. (The Original invoice is required under sections 40-56 and 40-57, Hawaii Revised Statutes, before payments can be made.)

6. Vendor and purchaser recognize that in actual economic practice, overcharges resulting from antitrust violations are in fact usually borne by the purchaser. Therefore, vendor hereby assigns to purchaser any and all claims for such overcharges as to goods and materials purchased in connection with this order or contract, except as to overcharges which result from antitrust violations commencing after the price is established under this order or contract and which are not passed on to the purchaser under an escalation clause.
MEMORANDUM

TO: Mr. Johnson Wong, Supervisor
Land/Transportation Division

FROM: William W. Paty, Chairperson
Commission on Water Resource Management

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff sent six water use permits to your office in July 1989 for review and three more in February 1990. None of the permits have yet been issued.

Attached are four permits which were approved by the Commission in March and April 1990. We would appreciate your review of the permits at your earliest convenience. If you have any questions, please contact Manabu Tagomori at 548-7533.

Encl.
STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
LAND/TRANSPORTATION DIVISION
ROOM 305, KAUMAMOA BUILDING
640 SOUTH KING STREET
HONOLULU, HAWAII 96813
FAX NO. (808) 548-8937

DATE: 4/15/91

TELECOPY MESSAGE

TO: Bill Rozeboom
FAX NO. 8-052

FROM: William Tam

SUBJECT: Revised condition for ground water permits

COMMENTS: Please make copy for Ed.

Number of pages transmitted, including this transmittal: 2

If you do not receive any of the pages, please call 548-8931.

Ed - Latest version of condition for well/pump permit.
II. The following condition should be included in all well construction or pump installation permits to preserve correlative rights and other legal interests:

The proposed well construction and/or pump installation shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the capacity to withdraw water authorized here or even some lesser amount is guaranteed in the future.
March 26, 1991

The Honorable William W. Paty
Chairperson of the Board of
Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Mr. Manabu Tagomori
Mr. Ed Sakoda

Dear Mr. Paty:

Re: Water Permit Reservation Regarding Correlative Rights

Pursuant to the Commission’s request, please find for your consideration the following draft language for inclusion as a condition in all well construction and pump installation permits that would reserve for a later time the issues regarding correlative rights and other legal matters:

The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct and pump water from a well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

Very truly yours,

William M. Tam
Deputy Attorney General
MEMORANDUM

To: Mr. Johnson Wong, Supervisor
   Land/Transportation Division

From: William W. Paty
       Commission on Water Resource Management

Subject: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits be reviewed by your office before they are issued.

The Commission staff has sent a total of thirteen water use permits to your office for review since July, 1989. None of the permits have been issued pending your review.

Attached are three permits which were approved by the Commission on February 13, 1991. We would appreciate your review of the permits. In lieu of sending an "official" water use permit to each applicant, we will send a letter notifying each applicant that the Commission approved their permit and that the actual permit will be issued following review by the Attorney General. We will include a copy of the approved Commission submittal with the letter.

If you have any questions, please contact Manabu Tagomori at 548-7533.

Enc.
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Puuloa Homes, Ltd.

Address: 311 Hawaii Building
          745 Fort Street
          Honolulu, Hawaii 96813

Water Management Area: Pearl Harbor

Subarea: Caprock Aquifer

Well Name: Puuloa Homes Golf Course Irrigation Well
           (Well No. 1900-21)

Amount of Withdrawal (Average Annual): 0.1 million gallons per day

Reasonable-Beneficial Use: Golf course irrigation

Area or Projects Served: Puuloa Homes Golf Course

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.
3. Though no immediate adverse impacts are expected, the continued use of water from the Caprock Aquifer in the future is dependent upon continued recharge to the aquifer. In the event the resource becomes too saline to be used, the permit may be modified.

4. Modification of any permit condition shall be approved by the Commission.

5. The applicant shall comply with all applicable laws, rules, and ordinances.

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

7. This 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 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

WILLIAM W. PATY, Chairperson

Date of Issuance: _______________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Honolulu Board of Water Supply

Address: 630 South Beretania Street
Honolulu, Hawaii 96843

Water Management Area: Pearl Harbor

Subarea: Waianae Subarea

Well Name: Demonstration Desalting Plant Basal Well
(Well No. 1905-04)

Amount of Withdrawal (Average Annual): 0.5 million gallons per day

Reasonable-Beneficial Use: Feedwater for desalting plant

Area or Projects Served: Honolulu BWS Ewa-Waianae System

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area. The Commission may reduce the amount initially granted should long-term pumpage interfere with existing or future legal uses.

3. Modification of any permit condition shall be approved by the Commission.
4. The applicant shall comply with all applicable laws, rules, and ordinances.

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

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

WILLIAM W. PATY, Chairperson

Date of Issuance: ___________________
Pearl Harbor Water Management Area

WATER USE PERMIT

Applicant: Chevron U.S.A. Inc.

Address: 91-480 Malakole Street
           Honolulu, Hawaii 96707-1883

Water Management Area: Pearl Harbor

Subarea: Shallow, seaward, saline portion of the Caprock Aquifer

Well Name: Barbers Point-Chevron Fire Protection Well
           (Well No. 1907-02)

Pump Capacity: 1,525 gallons per minute

Reasonable-Beneficial Use: Chevron Oil Refinery fire protection system

Area or Projects Served: Chevron Oil Refinery

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following conditions:

1. The water use authorized by this permit shall be for the reasonable-beneficial use described in this permit.

2. The use shall not adversely affect existing or future legal uses in the area.

3. Modification of any permit condition shall be approved by the Commission.

4. The applicant shall comply with all applicable laws, rules, and ordinances.
5. This 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 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on February 13, 1991.

________________________

WILLIAM W. PATY, Chairperson

Date of Issuance: ________________
MEMORANDUM

TO: Mr. Johnson Wong, Supervisor
    Land/Transportation Division

FROM: William W. Paty

SUBJECT: Review of Water Use Permits

The Commission on Water Resource Management has directed that all water use permits first be reviewed by your office before they are issued.

The Commission sent six water use permits to your office in July 1989 for review (see attached memo). The Commission has since approved three additional water use permits, which are also attached for your review. None of the permits have yet been issued.

We would appreciate your review of the permits at your earliest convenience. If you have any questions, please contact Mānabu Tagomori at 548-7533.

WILLIAM W. PATY

MT: ES: GSM: ko
Attach.
MEMORANDUM

TO: Honorable Warren Price, III
   Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
      Land/Transportation Division

FROM: William W. Paty

SUBJECT: Review of Water Use Permits

At its meeting on July 19, 1989, the Commission on Water Resource Management approved six water use permits for ground-water sources in the Pearl Harbor Water Management Area. The permits were approved subject to the conditions that the Attorney General review the language of the permits and that the proposed uses comply with Section 174C-49 of the State Water Code.

Attached for your review are the six water use permits. If you have any questions, please contact Kenabu Tagomori at 548-7533.

WILLIAM W. PATY

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

Pearl Harbor Water Management Area
WATER USE PERMIT

Applicant: Ewa Plain Water Development
Address: 828 Fort Street Mall, Suite 500, Honolulu, Hawaii 96813
Water Management Area: Pearl Harbor Subarea: Waianae basal aquifer
Well(s) Name: Honouliuli Well No. 5 Well No. (s): 2303-0405
Amount of Withdrawal (Average Annual): 1.12 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: City, State, and private projects on the Ewa Plain

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The permit shall be subject to the Commission's sustainable yield review by 1990.

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of August 16, 1989

WILLIAM W. PATY, Chairperson

Date of Issuance:
Applicant: Gentry Development Company
Address: P.O. Box 295, Honolulu, Hawaii 96809

Water Management Area: Pearl Harbor Subarea: Caprock aquifer
Well(s) Name: Palm Villa Irrigation Well Well No.(s): 2002-13
Amount of Withdrawal (Average Annual): 0.08 million gallons per day
Reasonable-Beneficial Use: Landscape irrigation
Area or Projects Served: Palm Villa condominium in Ewa

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

Additional Conditions:

(1) The applicant must comply with the approved water use plan (attached).

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of September 13, 1989
Applicant: Board of Water Supply
Address: 630 South Beretania St., Honolulu, Hawaii 96843
Water Management Area: Honolulu Subarea: Waialae-Hawaii Kai Subarea
Well(s) Name: Wailupe Well No. 1 Well No. (s): 1745-01
Amount of Withdrawal (Average Annual): 0.3 million gallons per day
Reasonable-Beneficial Use: Municipal
Area or Projects Served: East Oahu area

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

General Conditions: (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; (3) the modification of any permit condition must be approved by the Commission; and (4) applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions:
(1) 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, Hawaii 96809, on a monthly basis.
(2) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

WILLIAM W. PATY, Chairperson

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of December 13, 1989
The Honorable William W. Paty  
Chairperson of the Board of Land  
and Natural Resources  
State of Hawaii  
Kalanimoku Building, Room 130  
1151 Punchbowl Street  
Honolulu, Hawaii 96813  

Attention: Mr. Ed Sakoda (DOWALD)  

Dear Mr. Paty:  

Re: Transition from Ground Water Use Act to State  
Water Code  

We are responding to your September 29, 1989 request to  
review the transition of the three areas "designated ground  
water areas" on Oahu (Honolulu, Pearl Harbor and Wailua) under  
the pre-1987 Ground Water Use statute (HRS chapter 177)  
(repealed effective May 29, 1989) to designated water  
management areas under the new State Water Code (HRS chapter  
174C-41(c)).  

In particular, you asked whether permitted and preserved  
uses under the Ground Water Use Act automatically become water  
use permits under the new State Water Code.  

For the reasons stated below, we conclude that while  
permitted and preserved uses under the earlier Ground Water Use  
Act (HRS chapter 177) will be given great weight and  
consideration, they may not be automatically converted into  
water use permits under HRS chapter 174C.
BACKGROUND

HRS 174C-41(c) provides:

Designated ground water areas established under chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas.

On July 1, 1987, there were only three such areas: Pearl Harbor, Honolulu and Wailua, all on Oahu.

By contrast, HRS 174C-50(a) "Existing Uses" provides:

All existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after July 1, 1987, only with a permit issued in accordance with sections 174C-51, 174C-52, and 174C-53(b).

These sections provide:

§174C-51 Application for a permit. All permit applications filed under this part shall contain the following:

(1) The name and address of the applicant and landowner; provided that:
   (A) In the event the applicant is an association, organization, partnership, trust, corporation, or any other legal entity doing business in Hawaii, the address of its principal place of business shall be stated in the application; and
   (B) In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit;
(2) The date of application;
(3) The water source of the water supply;
(4) The quantity of water requested;
(5) The use of the water and any limitations thereon;
(6) The location of the use of water;  
(7) The location of the well or point of diversion;  
and  
(8) Such other relevant information that the commission may request from time to time.

The commission in its discretion may allow a person to apply for several related withdrawals in the same application for a water permit.

§174C-52 Notice. (a) Upon receipt of the application, the commission shall cause a notice thereof to be published in a newspaper having general circulation within the affected area. The notice shall be published at least once a week for two consecutive weeks. In addition, the commission shall cause a copy of such notice to be sent to any person who has filed a written request for notification of any pending applications affecting a particular designated area and to the mayor and the water board of the affected county. This notification shall be sent by regular mail before the date of last publication. The commission shall also make available to the public, upon request, a monthly bulletin of all pending applications.

(b) The notice and the monthly bulletin shall contain the name and address of the applicant; the date of filing; the date set for a hearing, if any; the source of the water supply; the quantity of water applied for; the use to be made of the water and any limitations thereon; the place of the use; and the location of the well point or diversion.

(c) The notice shall state that written objections to the proposed permit may be filed with the commission by a specified date. The commission shall establish by rules the time limits within which objections must be filed. The commission, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses. Each applicant shall be notified by the commission of the objections filed to an application.

§174C-53(b):  

In acting upon any application, the commission need consider only those objections filed by a person who has
some property interest in any land within the hydrologic unit from which the water sought by the applicant is to be drawn or who will be directly and immediately affected by the water use proposed in the application. The commission shall adopt rules governing the filing of objections and the persons having standing to file objections.

Moreover, all water users in a designated area must comply with HRS § 174-48 and -49:

§174C-48 Permits required. (a) No person shall make any withdrawal, diversion, impoundment, or consumptive use of water in any designated water management area without first obtaining a permit from the commission. However, no permit shall be required for domestic consumption of water by individual users, and no permit shall be required for the use of a catchment system to gather water. An existing use in newly designated areas may be continued until such time as the commission has acted upon the application subject to compliance with section 174C-51.

(Emphasis added).

(b) In its regulation of water resources in designated water management areas, the commission shall delegate to the county boards of water supply the authority to allocate the use of water for municipal purposes, subject to the limits of water supply allocated to the county boards of water supply in their role as water purveyors.

§174C-49 Conditions for a permit. (a) To obtain a permit pursuant to this part, the applicant shall establish that the proposed use of water:

(1) Can be accommodated with the available water source;
(2) Is a reasonable-beneficial use as defined in section 174C-3;
(3) Will not interfere with any existing legal use of water;
(4) Is consistent with the public interest;
(5) Is consistent with state and county general plans and land use designations; and
(6) Is consistent with county land use plans and policies.
(b) Within sixty days after receipt of a notice of a permit application, the county shall inform the commission if the proposed use is inconsistent with county land use plans and policies.

(c) The common law of the State to the contrary notwithstanding, the commission shall allow the holder of a use permit to transport and use surface or ground water beyond overlying land or outside the watershed from which it is taken if the commission determines that such transport and use are consistent with the public interest and the general plans and land use policies of the State and counties.

(d) The commission, by rule, may reserve water in such locations and quantities and for such seasons of the year as in its judgment may be necessary. Such reservations shall be subject to periodic review and revision in the light of changed conditions; provided that all presently existing legal uses of water shall be protected. (Emphasis added).

DISCUSSION

Although section 41(c) provides that the previously designated ground water areas shall "continue" as water management areas, the statute does not expressly convert existing chapter 177 preserved and permitted uses into chapter 174C permits. On the contrary, the water code provides for a transition to a new permit only after the water code's new process has been followed. In other words, those hydrologic areas already designated for close public management will continue to be closely managed. However, specific existing uses, while due great consideration and respect, are not automatically granted HRS chapter 174C permits.

Section 50(a) expressly provides that a permit must be obtained for all existing uses. Section 51 outlines the information needed in the permit application. Section 52 describes the notice requirements that must be met before a new permit for an existing or preserved use can be issued. Section 53(b) explains which persons' objections must be taken into account when considering an application. Section 49(a) lists the conditions which an applicant must meet to obtain a permit. Section 49(c) authorizes the commission to allow permit holders to transfer water outside of the originating watershed upon certain conditions.
Until these requirements have been met, no permit may issue. Clearly, such permits are not automatic since the statute clearly requires that information, notice, objections, and multiple factual and legal conditions must first be satisfied. While it is highly probable that the existing and preserved uses in the Honolulu, Pearl Harbor, and Wailua designated areas will easily meet these conditions, one may not legally presume such compliance in every case. Compliance must be demonstrated under the appropriate procedure. Only in this manner will potentially complex legal issues (including due process notice and opportunity to be heard) regarding potentially competing users be properly resolved.

Moreover, it should be noted that there are conditions in the water code (e.g. HRS § 174C-49 and -101) that are not identical to or did not exist under HRS chapter 177. We may not presume that in every case the requirements are equivalent or will yield identical results. Rights granted under HRS chapter 177 permits will be given the respect which they warrant just as other kinds of rights must be given their appropriate weight. But the fact that a large hydrologic area continues under close regulatory scrutiny and management does not imply that every old use in that area has an automatic right to continue in exactly the same manner (quantity, purpose, location, etc.) under a new permit. No doubt most will, but it can not be presumed as matter of law.

Although the requirement in section 174C-50(c) that existing uses apply within one year of designation was clearly intended to cover newly designated areas, this language can not be read in reverse to conclude that current uses in existing designated areas are exempt. The law can only apply prospectively. Applications for existing uses in Pearl Harbor, Wailua, and Honolulu should have been filed within one year after the code became effective or after the rules came into force, not one year after the original designations under the old law (1979 and 1980) which would have been impossible. Because of the ambiguity in the statutory language, that process has been in abeyance pending a binding interpretation of these requirements.

Water permits issued under the new Water Code carry strong rights that cannot be casually assumed. Accordingly, before
issuing such permits the Commission must exercise every care to insure that the statutory procedures and requirement are met.

We note that HRS chapter 177 addressed only ground water, not surface water. Before 1987, surface water was not regulated except for instream flow on Windward Oahu (HRS chapter 176D). By contrast, designated water management areas under the new Water Code may include both ground and surface water. Because there were no surface water permits issued under HRS chapter 177, there are no problems regarding the transfer of old permits.

Moreover, to the extent that the legislature intended to continue managing hydrologic areas in the same manner immediately after adoption of the Code as before, it is reasonable to assume that the transfer of ground water areas to designated water management areas was to include, at least initially, the previously managed ground water. It remains for the Commission to now decide whether surface water should also be managed in the Honolulu, Pearl Harbor and Wailua areas.

CONCLUSION

First, for the reasons stated above, we do not agree that permitted and preserved uses under HRS chapter 177 can be automatically converted into HRS chapter 174C permits. Chapter 177 permit rights will be given their appropriate respect and while many of the permit conditions may eventually be the same or similar as the old one, new and/or different conditions may also be required. The water code did not "grandfather" uses. The code only continued regulatory water management of the same hydrologic areas, not the identical uses.

As a matter of administrative convenience, the Commission could treat all preserved and permitted uses as de facto applications for chapter 174C permits thereby alleviating the need for additional paper filings. However, the Water Code should not be amended as recommended in your memo.

Second, the Commission should review surface water in the Honolulu, Pearl Harbor and Wailua areas to determine whether the surface water should also be designated under HRS 174C-41.
To reiterate, in designated areas, water use permits may only be issued after certain statutory criteria are satisfied. The fact that a preserved or permitted use under the pre-1987 Ground Water Use law carries with it the rights associated with HRS chapter 177 does not necessarily and automatically imply that the conditions for HRS chapter 174C permits have been met. Therefore, HRS chapter 177 permits may not automatically be carried over into HRS chapter 174C permits.

Very truly yours,

William M. Tam
Deputy Attorney General

WMT:ksy
3010E
October 18, 1989

Mr. Ronald Wolff
P.O. Box 11201
Honolulu, HI 96828-0201

Dear Mr. Wolff:

This is in reply to your letter of October 6, 1989, regarding legal research you are doing, under Professor Jon Van Dyke of the University of Hawai'i School of Law, for the Honolulu Board of Water Supply.

Your first question concerns the status of Chapter 177 as it pertains to the Pearl Harbor aquifer. Chapter 174C, HRS, the State Water Code, became effective on July 1, 1987. Chapter 177, the Ground Water Use Act, was officially repealed July 1, 1989. Chapter 177 dealt only with ground water. The Pearl Harbor aquifer was designated as a Ground Water Control Area under Chapter 177. Surface water in general and specifically at Sumida Farms was not regulated under Chapter 177 and is not presently regulated under the State Water Code.

Your second question is whether spring water is considered "ground water" or "surface water". The State Water Code, Section 174C-3, Definitions, under "Surface water", states: "Water from natural springs is surface water when it exits from the spring onto the earth's surface."

Your third question asks when our office will formally designate the Pearl Harbor aquifer as a Water Management Area under Section 174C-41. The Pearl Harbor aquifer was designated a Ground Water Control Area under Chapter 177 on September 28, 1979, and remained so when the State Water Code became effective. Section 174C-4(c) states: "Designated ground water areas established under Chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas." The Commission on Water Resource Management (Commission) has based its decisions and actions on all ground water matters within the Pearl Harbor aquifer with the understanding that the former Pearl Harbor Ground Water Control Area continues as the Pearl Harbor Water Management Area. A recommendation for the Commission to formally transition from the Ground Water Use Act to the State Water Code is presently being reviewed by the Attorney General.
Your final questions is "how to initiate a Water Commission review of any disputed water rights concerning matters within a Water Management Area, with a view to administratively determine the rights of parties involved."

The Commission has statewide jurisdiction to hear any dispute regarding water resource protection, water permits, or constitutionally protected water interests, or where there is insufficient water to meet competing needs for water, whether or not the area involved has been designated as a water management area. The Administrative Rules of the State Water Code, Sections 13-167-23, 25, 81, 82, and 83, deal with dispute resolution, filing of documents, declaratory rulings, citizen complaints, and request for mediation.

I have enclosed a copy of the State Water Code and the Administrative Rules for your use. I hope I have answered your questions.

If you have further questions, please call me at 548-7533.

Sincerely,

MANARU TAGOMORI
Deputy Director

ES:ko
Enc.
REF: WL-KC

SEP 29 1989

MEMORANDUM

TO: Honorable Warren Price, III
   Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
   Land/Transportation Division

FROM: William W. Paty

SUBJECT: Request for Attorney General's Opinion, Transition
         from the Ground Water Use Act to the State Water Code

BACKGROUND: In the transition from the Ground Water Use Act,
Chapter 177, HRS, to the State Water Code, Chapter 174C, HRS, there
is a recurring question as to whether preserved and permitted uses,
established and authorized under the Ground Water Use Act,
automatically become water use permits under the new State Water Code
or must go through a public notice and public hearing procedure. We
request your opinion concerning the recommendations outlined below.

CONFLICT: On one hand, Section 174C-41(c) of the State Water Code
states "designated ground water areas established under Chapter 177,
the Ground Water Use Act, and remaining in effect on July 1, 1987,
shall continue as water management areas". This indicates that
preserved and permitted uses established and authorized under the
Ground Water Use Act remain in the same state, capacity, or condition
under the new State Water Code and do not have to again go through a
public notice and public hearing procedure.

On the other hand, Section 174C-50(a) states, "all existing uses of
water in a designated water management area, except those exempted
from regulation by this chapter, may be continued after July 1, 1987,
only with a permit issued in accordance with Sections 174C-51, 174C-52,
and 174C-53(b)". Here the indication is that the preserved and
permitted uses established and authorized under the Ground Water Use
Act must once again go through the application, public notice, and
public hearing procedure.
ANALYSIS: Under Section 174C-41(c), the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas "continue" as the Pearl Harbor, Honolulu, and Waialua Water Management Areas. No public notice and public hearing procedures are required since they occurred prior to their designation as ground water control areas. Uses of water certified as preserved uses under the Ground Water Use Act, and new uses authorized as permitted uses under the Ground Water Use Act, "continue" as water use permits under the Water Code with the conditions placed upon each water use permit remaining the same as under the Ground Water Use Act. Since the conditions of each permit remain the same, the transition from the Ground Water Use Act to the State Water Code can be accomplished by an administrative renaming of preserved uses and permitted uses to water use permits. No public notice and public hearing procedure are required since they already occurred under the Ground Water Use Act.

Although Section 174C-50(c) indicates that the preserved and permitted uses must once again go through the application and public notice procedures, analysis of the entire Section 174C-50, entitled "Existing Uses", indicates that the legislature did not intend water users in the then-existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas to reapply for water use permits under the State Water Code. Section 174C-50 seems to refer to existing uses in newly designated areas, areas designated after July 1, 1987, the effective date of the State Water Code. Section 174C-50(c) supports the conclusion that the entire Section 174C-50 applies to existing uses in areas designated after July 1, 1987. Section 174C-50(c) states that applications "to continue existing uses must be made within a period of one year from the effective date of designation". The effective date of designation of the Pearl Harbor Ground Water Control Area was June 30, 1979. The effective date of designation for both the Honolulu and Waialua Ground Water Control Areas was November 29, 1980. If the term "existing uses" is applied to uses in the Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas, existing water users in those areas could no longer apply for permits since it has been more than one year since the effective dates of designation.

RECOMMENDATIONS:

1. That the Commission base their actions on Section 174C-41(c) and administratively transition from the Ground Water Use Act to the State Water Code by renaming the existing ground water control areas as water management areas and by renaming preserved and permitted uses as water use permits. All conditions placed upon the preserved and permitted uses under the Ground Water Use Act carry over onto the water use permits under the State Water Code. No public notice or hearing procedures are required and the uses of water in existing water management areas "continue" as under the Ground Water Use Act.
2. That at an appropriate time, Section 174C-50(a) be amended as follows (Ramseyer format):

"All existing uses of water in a [designated] water management area[,] designated after July 1, 1987, except those exempted from regulation by this chapter, may be continued [after July 1, 1987,] only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)."

Your review of this matter is greatly appreciated.

WILLIAM W. PATY

MT:ES:ko
MEMORANDUM

TO: Honorable Warren Price, III
   Attorney General

ATTN: Mr. Johnson Wong, Deputy Attorney General
   Land/Transportation Division

FROM: William W. Paty

SUBJECT: Request for Attorney General's Opinion, Transition from the Ground Water Use Act to the State Water Code

BACKGROUND: In the transition from the Ground Water Use Act, Chapter 177, HRS, to the State Water Code, Chapter 174C, HRS, there is a recurring question as to whether preserved and permitted uses, established and authorized under the Ground Water Use Act, automatically become water use permits under the new State Water Code or must go through a public notice and public hearing procedure. We request your opinion concerning the recommendations outlined below.

CONFLICT: On one hand, Section 174C-41(c) of the State Water Code states "designated ground water areas established under Chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas". This indicates that preserved and permitted uses established and authorized under the Ground Water Use Act remain in the same state, capacity, or condition under the new State Water Code and do not have to again go through a public notice and public hearing procedure.

On the other hand, Section 174C-50(a) states, "all existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after July 1, 1987, only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)". Here the indication is that the preserved and permitted uses established and authorized under the Ground Water Use Act must once again go through the application, public notice, and public hearing procedure.
ANALYSIS: Under Section 174C-41(c), the existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas "continue" as the Pearl Harbor, Honolulu, and Waialua Water Management Areas. No public notice and public hearing procedures are required since they occurred prior to their designation as ground water control areas. Uses of water certified as preserved uses under the Ground Water Use Act, and new uses authorized as permitted uses under the Ground Water Use Act, "continue" as water use permits under the Water Code with the conditions placed upon each water use permit remaining the same as under the Ground Water Use Act. Since the conditions of each permit remain the same, the transition from the Ground Water Use Act to the State Water Code can be accomplished by an administrative renaming of preserved uses and permitted uses to water use permits. No public notice and public hearing procedure are required since they already occurred under the Ground Water Use Act.

Although Section 174C-50(a) indicates that the preserved and permitted uses must once again go through the application and public notice procedures, analysis of the entire Section 174C-50, entitled "Existing Uses", indicates that the legislature did not intend water users in the then-existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas to reapply for water use permits under the State Water Code. Section 174C-50 seems to refer to existing uses in newly designated areas, areas designated after July 1, 1987, the effective date of the State Water Code. Section 174C-50(c) supports the conclusion that the entire Section 174C-50 applies to existing uses in areas designated after July 1, 1987. Section 174C-50(c) states that applications "to continue existing uses must be made within a period of one year from the effective date of designation". The effective date of designation of the Pearl Harbor Ground Water Control Area was June 30, 1979. The effective date of designation for both the Honolulu and Waialua Ground Water Control Areas was November 29, 1980. If the term "existing uses" is applied to uses in the Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas, existing water users in those areas could no longer apply for permits since it has been more than one year since the effective dates of designation.

RECOMMENDATIONS:

1. That the Commission base their actions on Section 174C-41(c) and administratively transition from the Ground Water Use Act to the State Water Code by renaming the existing ground water control areas as water management areas and by renaming preserved and permitted uses as water use permits. All conditions placed upon the preserved and permitted uses under the Ground Water Use Act carry over onto the water use permits under the State Water Code. No public notice or hearing procedures are required and the uses of water in existing water management areas "continue" as under the Ground Water Use Act.
2. That at an appropriate time, Section 174C-50(a) be amended as follows (Ramseyer format):

"All existing uses of water in a [designated] water management area[,] designated after July 1, 1987, except those exempted from regulation by this chapter, may be continued [after July 1, 1987,] only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)."

Your review of this matter is greatly appreciated.

WILLIAM W. PATY
Applicant: Gentry Development Company  
Address: P.O. Box 295, Honolulu, Hawaii 96809  
Water Management Area: Pearl Harbor  
Subarea: Caprock aquifer  
Well(s) Name: Palm Villa Irrigation Well  
Well No.(s): 2002-13  
Amount of Withdrawal (Average Annual): 0.08 million gallons per day  
Reasonable-Beneficial Use: Landscape irrigation  
Area or Projects Served: Palm Villa condominium in Ewa

The applicant is hereby granted a permit to withdraw and use water from the source identified above in accordance with Chapter 174C, HRS, State Water Code; Chapter 13-171, Hawaii Administrative Rules; and the following:

**General Conditions:**  (1) the water use authorized by this permit must be for the reasonable-beneficial use described in this permit; (2) the use must not interfere with any existing legal use of water; and (3) modification of any permit condition must be approved by the Commission.

**Additional Conditions:**

(1) The applicant must comply with the approved water use plan (attached).

(2) The Commission may reduce the amount initially granted the permittee should long-term pumpage from the well interfere with existing legal uses in the area.

(3) 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, Hawaii 96809, on a monthly basis.

(4) The development of the ground-water source shall be completed within 24 months from the date of permit issuance.

The issuance of this permit was approved by the Commission on Water Resource Management at its meeting of September 13, 1989.

WILLIAM W. PATY, Chairperson

Date of Issuance: __________________________
MEMORANDUM FOR THE RECORD

FROM: Ed Sakoda

SUBJECT: Transition from the Ground Water Use Act to the State Water Code

BACKGROUND: There is a recurring question as to whether preserved and permitted uses under the Ground Water Use Act, Chapter 177, HRS, automatically become water use permits under the State Water Code, Chapter 174C, HRS, or must go through a public notice and possible public hearing procedure.

CONFLICT: On one hand, Section 174C-41(c) states "designated ground water areas established under Chapter 177, the Ground Water Use Act, and remaining in effect on July 1, 1987, shall continue as water management areas". The implication is that preserved and permitted uses under the Ground Water Use Act remain in the same state, capacity, or condition under the new State Water Code and do not have to again go through a public notice and possible public hearing procedure.

On the other hand, Section 174C-50(a) states "all existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after July 1, 1987, only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b) ". The implication here is that the preserved and permitted uses must once again go through the application, public notice, and possible public hearing procedures.

ANALYSIS: Under Section 174C-41(c), preserved and permitted uses "continue" as water use permits. The most significant difference would be the lack of time limits for new water use permits issued under the Water Code. Preserved and permitted uses would "continue" as water use permits with the same conditions placed upon them as under the Ground Water Use Act. The transition would be accomplished by an administrative renaming of preserved and permitted uses to water use permits. Public notice procedures would not be necessary.

Although Section 174C-50(a) implies that the preserved and permitted uses must once again go through the application and public notice procedures, analysis of the entire Section 174C-50, entitled existing uses, indicates that the legislature did not intend water users in the then-existing Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas to reapply for water use permits under the State Water Code. Section 174C-50 seems to refer to existing uses in newly designated areas, areas designated after July 1, 1987, the effective date of the State Water Code. Section 174C-50(c) supports the conclusion that the entire Section 174C-50 applies to existing uses in areas.
designated after July 1, 1987. Section 174C-50(c) states that applications "to continue existing uses must be made within a period of one year from the effective date of designation". The effective date of designation of the Pearl Harbor Ground Water Control Area was June 30, 1979. The effective date of designation for both the Honolulu and Waialua Ground Water Control Areas was November 29, 1980. If the term "existing uses" is applied to uses in the Pearl Harbor, Honolulu, and Waialua Ground Water Control Areas, existing water users in those areas could no longer apply for permits since it has been more than one year since the effective dates of designation.

RECOMMENDATIONS:

1. That the Commission base their actions on Section 174C-41(c) and administratively transition from the Ground Water Use Act to the State Water Code by renaming the existing ground water control areas as water management areas and by renaming preserved and permitted uses as water use permits. All conditions placed upon the preserved and permitted uses under the Ground Water Use Act are carried forward under the State Water Code. No public notice or hearing procedures are required and the uses of water in existing water management areas "continue" as under the Ground Water Use Act.

2. That at an appropriate time, Section 174C-50(a) be amended to read "All existing uses of water in a water management area designated after July 1, 1987, except those exempted from regulation by this chapter, may be continued only with a permit issued in accordance with Sections 174C-51, 174C-52, and 174C-53(b)."

ED SAKODA

ES:ko
Changes in ground water conditions, irrigated acreage, irrigation practice, and the recent downward revision of sustainable yield in the Pearl Harbor Water Management Area (PHWMA), has resulted in the need for adjustments to existing permitted use.

Staff Analysis

On April 19, 1989, the Commission revised the sustainable yields for the Koolau basal aquifer and the Schofield High-Level aquifers downward to 165 mgd and 13 mgd, respectively by the year 1995. Action on the recommended 17 mgd sustainable yield for the Waianae basal aquifer was deferred to further study until no later than October of 1990. Until the sustainable yield of the Waianae basal aquifer is revised, the Commission will manage the permitted uses of water in the PHWMA within the recommended total sustainable yield of 195 mgd targeted for 1995.

As a result, staff has prepared a schedule of adjustments to existing water use permits to meet current and projected changes in water use. Numerous meetings and discussions were held with the major water users to formulate this schedule, in an effort to avoid and minimize undue hardship to existing water users and planned developments.

The proposed schedule of reduction of existing water use permits on a well source basis, was developed from information supplied by the major water users. The schedule coincides with anticipated changes in water use resulting from reduction in Oahu Sugar Co.'s irrigated acreage in Ewa plain caprock area and planned urban growth throughout the PHWMA.

Prior to the Water Code, existing water use permits were conditional and subject to review. Also, it is not clear whether the water use permits allocated under Chapter 177 HRS, for ground water control areas, are valid to continue as new water use permits because of the due process in awarding permits under a water management area. It is additionally unclear, through comments of major water users, as to what constitutes an existing use based on previous permits under Chapter 177 HRS. Therefore, water use permits granted under the proposed schedule should be issued as interim permits in accordance with the Water code and Administrative Rule 13-171-20(b).
The proposed schedule of permitted water use for the Pearl Harbor Water Management Area are summarized below from the details of Exhibits 1, 2, and 3.

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RECOMMENDATION:

That the Commission adopt the proposed schedule of permitted water use tabulated in Exhibits 1, 2, and 3 by user, well source, and aquifer for the Pearl Harbor Water Management Area, subject to the following conditions:

1. That within each aquifer the total permitted use shall not exceed the sustainable yield;
2. That any water available for allocation shall be for in-district use.
3. 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.
4. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

Approved for Submittal

WILLIAM W. KATY, Chairperson
# PROPOSED SCHEDULE OF INTERIM WATER USE PERMIT

## KOOLAU BASAL AQUIFER

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| BUS
| 60,800 | 65,740 | 64,293 | 64,293 | 64,293 | 58,750 |

Subtotal (336) 24,500

| Export to Honolulu
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| Export to Ewa/Waianae
| 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 |
| Export to Honolulu
| 11,918 | 11,720 | 11,650 | 11,650 | 11,650 | 11,650 |
| Export to Ewa/Waianae
| 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 |

Subtotal (636) 24,500

| Export to Honolulu
| 4,950 | 4,950 | 4,950 | 4,950 | 4,950 | 4,950 |

Subtotal (636) 92,226

| New Sources from 9/7
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Subtotal (636) 92,226

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| TOTAL                    | 184.452    | 172.996    | 168.947    | 167.491    | 167.491    | 167.491    | 167.491    | 144.950    |
| (Koolau Aquifer)         |            |            |            |            |            |            |            |            |

EXHIBIT 1 (Cont'd)
## PROPOSED SCHEDULE OF INTERIM WATER USE PERMIT
**WAIANAE BASAL AQUIFER**

### Proposed Authorized Use Schedule (agd)

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<td><strong>Proposed Authorized Use Schedule</strong></td>
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<td><strong>DOHAWL</strong></td>
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| **OAHU SUGAR COMPANY** | | | | | | | | |
| **WP5** | 6.000 | 4.500 | 4.500 | 4.500 | 4.500 | 4.500 | 4.500 | 3.644 |
| **EP10** | 7.000 | 4.700 | 4.700 | 1.500 | 1.500 | 1.500 | 1.500 | 0.000 |

**Subtotal (USCo)**

| **HONOLULU BWS** | | | | | | | | |
| **Maialailel Well** | 1.500 | 1.500 | 1.500 | 1.500 | 1.500 | 1.500 | 1.500 | 1.500 |
| **Barbers Pt** | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| **Honoului1 1 & 2** | 2.000 | 2.000 | 2.000 | 2.000 | 2.000 | 2.000 |

**Subtotal (BWS)**

| **NAVY** | | | | | | | | |
| **Barbers Pt Shaft** | 2.337 | 2.337 | 2.337 | 2.337 | 2.337 | 2.337 | 2.337 |

**Subtotal (Military)**

| **PRIVATE USERS** | | | | | | | | |
| **West Beach G C** | 0.700 | 0.700 | 0.700 | 0.700 | 0.700 | 0.700 | 0.700 |
| **Grace Pac Corp** | 0.500 | 0.500 | 0.500 | 0.500 | 0.500 | 0.500 |
| **State DOHAWL** | 0.500 | 0.500 | 0.500 | 0.500 | 0.500 | 0.500 |

**Subtotal (Private)**

| **TOTAL** | | | | | | | | |

---

**EXHIBIT 2**
### Proposed Schedule of Interim Water Use Permit

**Schofield High-Level Aquifer**

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<thead>
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**Grand Totals**


*Waianae, Koolau & Schofield*
EXISTING & PROPOSED WATER USE PERMITS
WAIANAE AQUIFER

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EXISTING & PROPOSED WATER USE PERMITS
SCHOFIELD HIGH-LEVEL AQUIFER

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EXISTING & PROPOSED WATER USE PERMITS

PHWMA

mgd

220
200
180
160
140
120
100
80
60
40
20
0

Private
Military
OSC
BWS
TOTAL

8.0 7.5
28.1 28.1
91.7
92.0 87.4
219.8
185.5

1988
1995

1988
1995