January 4, 2002

Dear Ms. Orr:

Notice of Action
Approval of After-the-Fact Water Use Permit for Well Nos. 1851-68,69,76
Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the subject applications. By a unanimous vote of the Commission at their meeting on December 19, 2001, the Commission:

1. Found Duesenburg Investment Company in violation for pumping Well Nos. 1851-68,69,76 without a water use permit in a designated water management area.
2. Assessed no fines for the violation.
3. Approved your application for an after-the-fact water use permit.

This letter transmits your after-the-fact water use permit for Amfac Center (Salt) Wells (Well Nos. 1851-68,69,76) for use of 4.032 million gallons per day (mgd) of salt water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on December 19, 2001. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

1. In the event the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
2. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.
3. Standard Condition 16 is waived for salt water wells.

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

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

Aloha,

GILBERT S. COLOMA-AGARAN
Chairperson

Attachments
PERMITTEE

Permittee/Water User
Duesenburg Investment Company
Address
C/o PM Realty Group
745 Fort Street Lobby
Honolulu, HI 96813

Landowner of Source
Address
Duesenburg Investment Company
745 Fort Street Lobby
Honolulu, HI 96813

PERMITTED SOURCE INFORMATION

Island
Oahu

Water Management Area
Honolulu

Aquifer Sector
Nuuanu (Caprock)

System Sustainable Yield
NA

Well Name
Amfac Center (Salt)

State Well No.
1851-68, 69, 76

PERMITTED USE INFORMATION

Reasonable beneficial use
Cooling water

Withdrawal (12 month moving ave.)
4.032 Mgd (salt)

Location of water use

TMK #
2-1-13:06

Address
Amfac Center

State land use classification
Urban

County zoning classification
BMX-4

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its December 19, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment

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

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

December 19, 2001
Honolulu, Oahu

Duesenburg Investment Company
AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT
Amfac Center Salt (Well Nos. 1851-68,69,76), TMK 2-1-13:06
Existing (Cooling Water) Use for 4.032 mgd
Nuuanu (Caprock) Ground Water Management Area, Oahu

APPLICANT:
Duesenburg Investment Company
1800 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067

LANDOWNER:
Same

LOCATION MAP: See Exhibit 1

BACKGROUND:

On October 22, 2001, a completed water use permit application and well registrations were received from MFD Partners, LLC by the Commission on Water Resource Management (Commission). The registrations document the existence and cooling water use of three salt-water wells at the Amfac Center. The water use permit application is to continue the cooling water use that has been in existence since the Amfac Center opened in 1969.

On October 29, 2001, MFD Partners, LLC notified the Commission of a change in ownership of TMK 2-1-13:06, effective November 1, 2001. The current owner of the parcel is Duesenburg Investment Company.

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

Item 3
ANALYSIS/ISSUES:

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

(1) **Water availability**

This application is for use of salt water (30,000 ppt) within the boundaries of the Nuuanu Aquifer System. Water availability is not an issue as these wells will not impact the Nuuanu basal aquifer that has been designated a ground water management area because the wells do not penetrate through the overlying caprock. Therefore, there is no impact to the basal sustainable yield.

Because of their location within the boundary of a designated ground water management area, water use permits are required for salt-water wells, pursuant to Administrative Rule 13-171-11.

(2) **Reasonable-beneficial**

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

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

The salt water developed by the wells is used for cooling water for the air-conditioning system at Amfac Center. Actual salt-water use is estimated to be 4.032 mgd. Since cooling is necessary for office business and there is efficient use of the virtually unlimited supply of salt water, the use is deemed to be reasonable and beneficial. Other reasonable-beneficial use criteria are discussed in the following sections.

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

According to the applicant, the wells have been used since Amfac Center opened in 1969. The continued withdrawal of salt water at the proposed rate is not expected to interfere with any existing legal use of water.

(4) **Public interest**

The use of salt water for cooling water in an air-conditioning system, where there are no adverse impacts to water resources or existing legal uses, is deemed to be in the public’s interest.
(5) **State & county general plans and land use designations**

The proposed water use is consistent with the state and county general plans and land use designations.

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

The proposed water use is consistent with county land use plans and policies.

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

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

The original applicant claims that the wells were not registered and a water use permit was not sought following adoption of the Water Code in 1987 because it was not aware that these requirements applied to salt-water wells. Due to limited funds and staff resources, the permitting and regulation of fresh- and brackish-water wells and uses has been prioritized over salt-water wells and uses because there is no water resource threats or sustainable yield issues as salt water is practically an unlimited supply. The salinity is about 30,000 ppt, indicating it is completely ocean water.

The inclusion of Well Nos. 1851-68 & 69 on the Commission's well inventory database, their presence on the well location maps, and the assigned Well Nos. (wells are numbered sequentially based on the date of construction) show that the Commission was aware of the existence of these salt-water wells, which were constructed in 1968 and used for about the last 30 years. Their common manifold piping is connected to a 1400 gpm end-suction pump. Well No. 1851-76, which was previously unknown to the Commission, consists of two 8-inch PVC pipes installed at an angle beneath the swimming pool in the basement of the Amfac Center. This well is also equipped with a 1400 gpm pump. It is presumed that Well No. 1851-76 was originally constructed for dewatering purposes during the construction of the Center. (Construction dewatering sources are exempt from the Commission's permitting requirements.)

Although the water use permit application is being made after-the-fact, the staff is not recommending any imposition of fines because: 1) the applicant submitted the application on its own volition, 2) the applicant exhibited good faith in coming voluntarily and completing permitting and registration requirements, 3) the use is for salt water underlying the designated ground water management area, and 4) salt-water withdrawals are not counted against the sustainable yield, and lastly 5) no written or verbal notice of violation was given to the applicant which initiates the penalty policy calculation.
RECOMMENDATION:

Staff recommends that the Commission:

1. Find the applicant in violation of pumping Well Nos. 1851-68,69,76 without a water use permit in a water management area.

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

3. Approve the issuance of Water Use Permit No. 603 to Duesenburg Investment Company for the reasonable and beneficial use of 4.032 million gallons per day of salt water for cooling water use from the Amfac Center Salt Wells (Well Nos. 1851-68,69,76), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

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

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

   c. Standard Condition 16 is waived for salt water wells.

Respectfully submitted,

LINNEK T. NISHIOKA
Deputy Director

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

Exhibit(s): 1 (Location Map)
WATER USE PERMIT DETAILED INFORMATION

Source Information

WELL: Amfac Center Salt (Well Nos. 1851-68,69,76)
Location: 745 Fort Street, Oahu, TMK: 2-1-13:06

Use Information

Quantity Requested:
Existing Type of Water Use: Cooling Water
Place of Water Use: TMK: 2-1-13:06
Reported Water Usage: NA gpd

Nearby Surrounding Wells and Other Registered Ground Water Use

There are numerous wells within a mile of the wells (see Exhibit 1). Many of the wells are currently in use. However, the continued use of the salt water wells should not interfere with any other wells operating in the vicinity.

ATTACHMENT A
In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on November 12, 2001 and November 19, 2001 and a copy of the notice was sent to the Mayor’s office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization (Oahu only), Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by December 5, 2001.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by December 5, 2001.

Briefs in Support

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

Field Investigation

No field investigations were conducted by the staff.

ATTACHMENT A
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<th>Coordinates</th>
<th>Physical Data</th>
<th>Elevations in feet (msl)</th>
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<td></td>
<td>Mfd Partners</td>
<td>1968</td>
<td>211840</td>
</tr>
</tbody>
</table>
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its December 19, 2001 meeting are incorporated into this permit by reference.

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

ATTACHMENT B
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:

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

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

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

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

12. A permit may be transferred, in whole or in part, from the permittee to another, if:

   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

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

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

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

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

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

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

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

19. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and Hawaii State Survey
Topography by photogrammetric methods from aerial photographs taken 1953 and planar surveys 1927-1928. Revised from aerial photographs taken 1968. Field checked 1969
Selected hydrographic data compiled from USC&GS Charts 4109 (1941), 4131 (1967), and 4132 (1966)
This information is not intended for navigational purposes
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaii coordinate system, zone 3
1000-meter Universal Transverse Mercator grid ticks, zone 4, shown in blue
Red lines indicate roads, which only landmark buildings are shown
December 4, 2001

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

Dear Mr. Coloma-Agaran:

Water Use Permit Application for
MFD Partners, LLC for Well Nos. 1851-68, 69 & 76,
Nuuanu (Caprock) Ground Water Management Area, Oahu

Neither we nor the Board of Water Supply (BWS) has any objections to the water use permit relating to Well Nos. 1851-68, 69 & 76, which has provided salt water for the existing air conditioning chiller system since 1968.

Should you have any questions, please call Matthew Higashida of our staff at 527-6056.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:js

cc: Mayor Jeremy Harris (DART 8731)
TRANSMITTED VIA FAX

Mr. William Wong, P.E., Chief
Safe Drinking Water Branch
Environmental Management Division
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Re: AMFAC Center
745 Fort Street, Honolulu, Hawaii
Underground Injection Control (UIC)

Dear Mr. Wong:

Your letter dated November 16, 2001 and addressed to Mr. Henry Chong, MFD Partners, LLC ("MFD") was forwarded to our office for a response. We are the counsel for MFD.

The salt water being used in the non-contact cooling process for AMFAC Center’s air-conditioning system is being discharged into a City and County Storm Drain System and into Honolulu Harbor, pursuant to a 1968 City permit. The discharge point was determined to be a City storm drain located between Piers 11 and 12 in Honolulu Harbor. In so far as we know, there are no injection wells which make up this system. We are however, in the process of obtaining the NPDES and a new, updated City Storm Drain Connection permit.

We have previously advised Mr. Denis Lau of the Clean Water Branch of the employment of AECOS, Inc. to complete the necessary testing and the required applications. Any delay up to this point has been a result of a delay in receiving the necessary results from the laboratory tests, which included test results from mainland facilities.

The applications for both the NPDES and also a new updated City Storm Drain Connection Permit are ready for submission and are being sent to the mainland for owner’s execution and return for filing. We expect signed copies of both applications to be submitted to the State Department of Health and the City Storm Drain Section within a week of the date of this letter.
Mr. William Wong, P.E., Chief
Safe Drinking Water Branch
November 29, 2001
Page 2

We hope this responds to your questions and concerns. If not, please contact our office directly so that we may provide you with a timely response.

Thank you for your assistance in this matter.

Very truly yours,

BURT T. LAU
for
KOBAYASHI, SUGITA & GODA

cc: Mr. Denis Lau
    Clean Water Branch, DOH

Ms. Lenore Nakama
DLNR/Commission on Water Resource Management

MFD Partners, LLC
Attn: Michael McMahon

302341.btl
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands

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

Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs

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

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

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

SUBJECT: Water Use Permit Application
Nuuamau (Caprock) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

Contact person: Chester Lao
Phone: 527-5286

Signed: Barry Usagawa
Date: 11-20-01
Ref: 603wup.let

Mr. Henry Chong
MFD Partners, LLC
MFD 700 Bishop, Inc.
745 Fort Street Lobby
Honolulu, HI 96813

Dear Mr. Chong:

Thank you for your letter of October 26, 2001, advising us that ownership of TMK 2-1-13:06 has changed, effective November 1, 2001 and providing the new address and local contact information.

We will update our water use permit applications database to reflect the new owner is Duesenburg Investment Company. Well registration records will not be amended because the registrations are meant to be a snapshot in time of existing groundwater sources and uses as of May 27, 1988, the effective date of the Administrative Rules for Chapter 174C.

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

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ky
TO: Mr. Anthony Ching, Executive Officer  
Land Use Commission  

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

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

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

Contact person: Bert Saruwatari  
Phone: 587-3822  
Date: 11/14/01

Signed: Bert Saruwatari  
Date: 11/14/01
TO: Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources

FROM: Anthony J. H. Ching, Executive Officer

SUBJECT: Water Use Permit Application
Nuuanu (Caprock) Groundwater Management Area, Oahu

November 14, 2001

We have reviewed the subject application forwarded by your memorandum dated October 30, 2001, and confirm that TMK No: 2-1-13:6 is located within the boundary of the State Land Use Urban District.

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

We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject application. As requested, we are returning the cover memo for the subject application.

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

Enclosure
Mr. Henry Chong  
MFD Partners, LLC  
745 Fort Street  
Honolulu, Hawaii 96813  

Dear Mr. Chong:

SUBJECT: AMFAC CENTER  
745 FORT STREET, HONOLULU, HAWAII  
UNDERGROUND INJECTION CONTROL (UIC)

We are concerned that the subject facility may be operating as an unauthorized injection well to dispose of air conditioning chiller water.

The facility operates three production wells for air conditioning chiller water according to your Commission on Water Resource Management water use permit application. After the water is cycled through the air conditioning chillers, the method of wastewater disposal is unidentified. The typical method for wastewater disposal would be by surface water discharge or by injection well. Whether disposal is occurring by surface water discharge or injection well, neither activity is under registration by the Department of Health.

For your information, all injection wells in the State of Hawaii need to be registered and authorized by the Department of Health. The operation of an unauthorized injection well is a violation of Hawaii Administrative Rules, Title 11, Chapter 23, titled Underground Injection Control. Violators of Chapter 11-23 may be subject to enforcement penalties of up to $25,000 per day of violation.
Mr. Henry Chong  
November 16, 2001  
Page 2

Please inform us by December 15, 2001, of the disposal method of the facility's air conditioning chiller water. If an injection well is used, you will be informed of the actions necessary to obtain proper authorization. Thank you for your cooperation and attention to this matter.

If you have any questions regarding this subject, please contact Norris Uehara of the Safe Drinking Water Branch at 586-4258.

Sincerely,

William Wong  
WILLIAM WONG, P.E., CHIEF  
Safe Drinking Water Branch  
Environmental Management Division  

NU:chl

\c:  Ms. Lenore Nakama  
Commission of Water Resource Management  
Dept. of Land and Natural Resources
TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    State Parks

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

Response:

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

Contact person: Mike Yamamoto

Signed: W. Quin

Phone: 7-0087
Date: 11-14-01
MEMORANDUM

To: Linnel Nishioka, Deputy Director
   Commission of Water Resource Management
From: William Devick, Administrator
   Division of Aquatic Resources
Subject: Nuuanu Caprock Ground Water Management Area, Oahu

Project Description:

Submitted is a water use permit application for MFD Partners, LLC for Well Nos. 1851-68, 69 and 76. The wells supply the Amfac Center office building with 4MGD of saltwater (30 ppt) per day, which is used to cool the Amfac Center's single pass air conditioning chillers.

The Amfac Center has been using saltwater from these wells for its existing air conditioning chiller system since 1968. The Center was recently sold, and in checking its records, the current owner discovered that the appropriate permits had not been obtained for the wells. The proposed action therefore represents a 'house cleaning' measure to have all appropriate documents in place before the new owner assumes control of the property.

Comments:

We have no objection to the proposed action.
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands

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

Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs

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

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

Response:

[Check box] We have no comments
[Check box] We have no objections
[ ] Comments attached

Contact person: Lon N. Kajiwara
Phone: 808-296-4294
Signed: Lon N. Kajiwara
Date: 11-7-2001
TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
State Parks

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. **Please respond by returning this cover memo form by December 5, 2001.** If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

Contact person: Daniel S. Arima  
Phone: 587-0289

Signed:  
Date: 11/13/01
Ms. Linnel T. Nishioka
Commission on Water Resource Management
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Application for Water Use Permit
Tax Map Key No. 2-1-13:06 (1) ("Property")

Dear Ms. Nishioka:

Please be advised that ownership of the above-referenced Property will change effective November 1, 2001. The new owner will be Duesenburg Investment Company, a California general partnership, whose California business address is 1800 Avenue of the Stars, Suite 1400, Los Angeles, California 90067. Their local authorized agent is Ms. Paula K. Orr, CPM, of PM Realty Group. Ms. Orr's address will be the same as the Property address, 745 Fort Street Lobby, Honolulu, Hawaii 96813. Her telephone number will be 808-531-0444 and her facsimile transmission number will be 808-599-5776.

Mr. Tom Nance of Tom Nance Water Resource Engineering will remain as the consultant for the above-referenced application and the law firm of Kobayashi Sugita & Goda will remain the counsel for purposes of this application only.

Please amend all of our submissions to date to reflect the new owner and their new local representative, effective as of November 1, 2001. This includes any past well registrations submitted on behalf of MFD Partners, LLC and the Application for Water Usage, resubmitted on October 22, 2001.
Ms. Linnel T. Nishioka  
October 26, 2001  
Page 2  

Please advise us if you require us to provide the Commission with any further information in this regard.

Very truly yours,

MFD Partners, LLC

By
Name: Henry Chong
Its: [Signature]

cc: PM Realty Group  
Attn: Ms. Paula K. Orr
Mr. Tom Nance  
Michael McMahon, Esq.  
Burt T. Lau, Esq.

300345.1
TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    State Parks
FROM: Linnel T. Nishioka, Deputy Director
      Commission On Water Resource Management
SUBJECT: Request for Comments
         Water Use Permit Application
         Nuuanu (Caprocks) Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68, 69, 76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

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

Signed: [Signature]

Signed: [Signature] Date: Nov 9, 2001
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands

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

Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs

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

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

Response:

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

Contact person: Rebecca Alaka'i
Phone: 587-6423
Signed: ____________________________
Date: ____________________________
TO: Harry Yada, Acting Administrator  
Land Division  

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky  
Attachment(s)  
Response:

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

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

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

( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.  
Original sources of private title are:

Royal Patent Grant No. 3123 issued September 26, 1874;  
Royal Patent Grant No. 3353 issued December 22, 1882; and  
Land Commission Award No. 164 issued November 5, 1850.

( ) No objections

( ) Other comments:

Contact person: Eric Leong  
Phone: 587-0386  

Signed: Eric Leong  
Date: NOV 15 2001
TO: Honorable Raynard C. Soon, Chairperson
Department of Hawaiian Home Lands
Honorable Bruce S. Anderson, Director
Department of Health
Ann: Mr. Dennis Tulang
Ann: Mr. William Wong
Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs
Mr. Clifford S. Jamile, Manager & Chief Engineer
Honolulu Board of Water Supply
Ann: Mr. Chester Lao
Ann: Mr. Barry Usagawa
Mr. Randall Fujikl, Director
Department of Planning and Permitting
Ann: Planning Division

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:k:y
Attachment(s)

Response:

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

Contact person: Stuart Yamada
Phone: 586-4258

Signed: [Signature]
Date: 11/05/01
Mr. Henry Chong  
MFD Partners, LLC  
745 Fort Street  
Honolulu, HI 96813  

Dear Mr. Chong:

We acknowledge receipt, on October 22, 2001, of your completed water use permit application for the Amfac Center (Well Nos. 1851-68,69,76). We understand you have requested expedited processing and will attempt to schedule this application on the Commission's December meeting agenda.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

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

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

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

Sincerely,

LINNEL T. NISHIOKA  
Deputy Director

LN:ky  
Enclosure
PUBLIC NOTICE

Applications for Water Use Permit
Nuuanu (Caprock) & Mokuleia Ground Water Management Areas, Oahu

The following applications for water use permit 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."

Amfac Center (Well Nos. 1851-68,69,76)
Applicant: MFD Partners, LLC
745 Fort Street
Honolulu, HI 96813
Date Completed Application Received: October 22, 2001
Aquifer: Nuuanu (Caprock) System, Honolulu Sector, Oahu
Water Source: Amfac Center (Well Nos. 1851-68,69,76) at 745 Fort Street, Oahu, Tax Map Key 2-1-13:06
Quantity Requested: 4.032 million gallons per day (salt water).
Existing Water Use: Cooling water
Place of Water Use: 745 Fort Street at Tax Map Key: 2-1-13:6

Waialua High School (Well No. 3407-25)
Applicant: Department of Education
Facilities Branch
809 8th Avenue
Honolulu, HI 96816
Date Completed Application Received: October 15, 2001
Aquifer: Mokuleia System, North Sector, Oahu
Water Source: Waialua High School (Well No. 3407-25) at 67-160 Farrington Hwy., Oahu, Tax Map Key 6-7-2:10
Quantity Requested: 0.039 million gallons per day.
Existing & New Water Use: Irrigation of football, baseball, and play fields
Place of Water Use: Waialua High School at Tax Map Key: 6-7-2:10,29,30

Written objections or comments on the above applications may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter (provide TMK information); (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Written objections must be received by December 5, 2001. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

GILBERT S. COLOMA-AGARAN
Chairperson

Dated: October 24, 2001

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

Contact person: ____________________________ Phone: ____________________________
Signed: ____________________________ Date: ____________________________
TO: Harry Yada, Acting Administrator  
Land Division

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

Response:

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

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

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

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

( ) No objections

( ) Other comments:

Contact person: ____________________________  Phone: ____________________________

Signed: ____________________________  Date: ____________________________
TO:

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

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

Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs

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

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

FROM:

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

SUBJECT:

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky
Attachment(s)

Response:

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

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
TO:  Mr. Anthony Ching, Executive Officer  
Land Use Commission

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19, 2001.

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

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by December 5, 2001. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky  
Attachment(s)

Response:

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

Contact person: ____________________________  Phone: ____________________________

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

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

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

   For your review and record, we are forwarding a copy of the application for MFD Partners, LLC
   for Well Nos. 1851-68,69,76, which includes a copy of your concurrence letter, dated , confirming the
   zoning designation for the proposed uses on the attached application and confirming the consistency of the
   proposed projects with the current zoning designation. Public notice of this application will be published
   in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001 and November 19,

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

LN:ky
Attachment(s)

Response:

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

Contact person: __________________________ Phone: __________

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

Dear Mayor Harris:

Notice of an Application for Water Use Permit  
Nuuauu (Caprock) Ground Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice and water use permit application for MFD Partners, LLC for Well Nos. 1851-68,69,76, which will be published in the Hawaii State & County Public Notices (HS&CPN).

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

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

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

Very truly yours,

GILBERT S. COLOMA-AGARAN  
Chairperson

LN:ky
Enclosures
TO: Other Interested Parties

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

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

Transmitted for your review and comment is a copy of a water use permit application for MFD Partners, LLC for Well No. 1851-68,69,76. Public notice of this application will be published in the Hawaii State & County Public Notices (HS&CPN) issues of November 12, 2001, November 19, 2001.

We would appreciate your review of the attached application for any conflicts or interferences with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18 of our Administrative Rules and must be filed by the December 5, 2001 deadline. If we do not receive your comments by this date, we will assume you have no comments.

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

LN:ky  
Attachment(s)

Response:

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

Contact person: ___________________________  Phone: ________________________

Signed: ___________________________  Date: ___________________________
Ms. Linnel T. Nishioka  
Deputy Director  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

Re: Application for Water Use Permit  
Tax Map Key No. 2-1-13:06 (1) ("Property")

Dear Deputy Director Nishioka:

Your letter dated October 5, 2001 to our client MFD Partners, LLC ("MFD"), in care of Mr. Henry Chong was forwarded to us on October 9, 2001 for a response. In order to correct the unintentional oversight, a letter dated October 10, 2001 was hand delivered to Mr. Randall Hara of the Planning Section for the Department of Planning & Permitting ("DPP") requesting the DPP's review of MFD's Application for Water Use Permit ("Application") and the issuance of zoning compliance letter, as described in the Application.

We are resubmitting one (1) original set and fifteen (15) copies, each containing the following:

1. The completed Application (first submitted September 24, 2001), as amended by your department;

2. Table 1 from the Application bearing an original signature from the DPP, dated October 19, 2001;

3. A copy of the DPP's letter dated October 19, 2001 confirming the appropriateness of the proposed water use with the applicable zoning for the Property; and
4. Copies of the necessary diagrams of the wells and the tax map identifying the locations of all of the applicable wells.

If there are any further questions, please contact our water consultant Mr. Tom Nance of Tom Nance Water Resource Engineers at 537-1141.

Very truly yours,

BURT T. LAU
for
KOBUAYASHI, SUGIITA & GODA

Enclosures: Original and 15 copies of Application for Water Use Permit with all attachments

cc: MFD Partners, LLC w/ enclosures
   Attn: Mr. Henry Chong

Tom Nance Water Resource Management w/enclosures
   Attn: Mr. Tom Nance
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**APPLICATION FOR WATER USE PERMIT**

**State of Hawaii**

**Department of Land and Natural Resources**

**PERMITTEE INFORMATION**

1. **APPLICANT**
   - **Name:** MFD Partners, LLC
   - **Contact Person:** Henry Chong
   - **Address:** 745 Fort Street, Honolulu, Hawaii 96813
   - **Phone:** 531-0444
   - **Fax:** 594-5776
   - **E-mail:**

2. **LANDOWNER OF SOURCE**
   - **Name:** MFD Partners, LLC
   - **Contact Person:** Henry Chong
   - **Address:** 745 Fort Street, Honolulu, Hawaii 96813
   - **Phone:** 531-0444
   - **Fax:** 594-5776
   - **E-mail:**

**SOURCE INFORMATION**

2. **WATER MANAGEMENT AREA:**
   - **Name:** Nuuanu (Caprock)
   - **ISLAND:** Oahu

3. **EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:**
   - **Date:** 1851-68 & 69 and the
   - **Stream:** Swimming Pool Well

4. **LOCATION:**
   - **Address:** 745 Fort Street, Honolulu, Hawaii 96813
   - **Tax Map Key:** 2-1-13:06

5. **PROPOSED USE OF WATER:**
   - **Type:** (check one): CI Stream
   - **Artesian
   - **Well & Pump
   - **Diverted Surface
   - **Other (explain)**

6. **METHOD OF TAKING WATER:**
   - **Type:** (check one): CI Stream
   - **Artesian
   - **Well & Pump
   - **Diverted Surface
   - **Other (explain)**

**USE INFORMATION**

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

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

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

10. **PROPOSED USE:**
    - **Municipal (including hotels, stores, etc.)
    - **Individual Domestic
    - **Irrigation
    - **Military
    - **Other Explain Cooling**

11. **PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:**
    - **Continuously Pumped All Day Every Day**

12. **APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:**
    - (a) Can be accommodated with the available water source.
    - (b) Is a reasonable-beneficial use.*
    - (c) Will not interfere with any existing legal use.
    - (d) Is consistent with the public interest.
    - (e) Is consistent with state and county general plans and land use designations.
    - (f) Is consistent with county land use plans and general policies.
    - (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

   * Section 13-171-2, Hawaii Revised Statutes –
   * "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

13. **REMARKS, EXPLANATIONS:**
    - Wells 1851-68 & 69 are manifolde to a common, 60 HP, 1400 GPM pump. The Swimming Pool well has its own 60 HP, 1400 GPM pump. Both pumps deliver a combined 2800 GPM to the Amfac Center's single pass air conditioning chillers. The pumped water has a satinity of 20 PPT.

**STATEMENT OF SIGNATURES**

**For Official Use Only:**

**APPLICANT**

**Name:** MFD Partners, LLC

**Signature:** Henry Chong

**Date:** 9/24/01

**Landowner**

**Name:** MFD Partners, LLC

**Signature:** Henry Chong

**Date:** 9/24/01

**WUP No 608**

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

<table>
<thead>
<tr>
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<td>Since Early 1970s</td>
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TOTAL GPD

DEPARTMENT OF PLANNING AND PERMITTING SIGNATURE

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

DATE

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

<table>
<thead>
<tr>
<th>Project</th>
<th>Existing</th>
<th>Non-Potable Water</th>
<th>BMX-4</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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<tr>
<td>Amfac Center</td>
<td>Existing</td>
<td>Non-Potable</td>
<td>BMX-4</td>
<td>1.834</td>
<td>4,032,000</td>
<td>4,032,000</td>
<td>4,032,000</td>
<td>4,032,000</td>
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<td></td>
<td>Since Early 1970s</td>
<td>(Salt Water)</td>
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</table>

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 650 South King Street, 7th Floor, Honolulu, HI 96813 Attn: Arthur D. Challacombe
October 19, 2001

Mr. Henry Chong
MFD Partners, LLC
745 Fort Street
Honolulu, Hawaii 96813

Dear Mr. Chong:

Water Use Permit Application for Amfac Center Wells,
Well Nos. 1851-68, 69, 76, Honolulu, Oahu, Hawaii

We have reviewed the application and provide the comments below.

1. The current zoning for TMK: 2-1-013: 006 is BMX-4 Central Business Mixed Use District.

2. The existing Amfac Center office building, for which the existing air conditioning chiller system has been using salt water since 1968, is a permitted use within the BMX-4 zoning district.

Should you have any questions, please call Matthew Higashida of our staff at 527-6056.

Sincerely yours,

RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:js

c: Burt Lau, Kobayashi Sugita & Goda

getdp/wup/Amfacwel
To: Glenn Nohara
From: Henry Ching

Hawaii Bldg. & Garage floor.
Pipes are approximately two (2) feet under floor. Pipes are side by side, not one on top of the other as this drawing would indicate.

Swimming Pool

Small gravel to cover pipe & filter water

Two (2) 8" PVC pipes open at the end and perforated to allow for maximum flow.

4/20/92
October 10, 2001

BY HAND DELIVERY

Mr. Randall Hara
Policy Planning Branch
Department of Planning & Permitting
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Zoning Compliance Review for Application for Water Use Permit (for Salt Water Wells) at Tax Map Key No. 2-1-13:006(1).

Dear Mr. Hara:

This is in follow up to our telephone discussion of this morning. Enclosed is a copy of the Application for Water Use Permit submitted by MFD Partners, LLC, the owners of the Amfac Center property, along with the maps and information we believe you require. We are requesting the Department of Planning & Permitting’s (“DPP”) review and confirmation of zoning compliance for this application.

Our consultant, in accordance with past practices and procedures submitted the application form directly to the Commission on Water Resource Management (“CWRM”). We understand the procedure has changed and now the CWRM requires such applications be reviewed first by your branch to confirm the zoning compliance before the application is processed for a further state and county agency review of the application itself.

In conjunction with this request, we understand the DPP would issue a separate letter to our office to indicate its response. Accordingly, we have retained the original of the application and enclose a copy of the original application submitted to the CWRM. If however, you require the original application to the CWRM for any reason, or if you require any other information, please do not hesitate to contact the undersigned.
We would appreciate your agency's earliest review, as we would like to re-submit this application as soon as possible to the CWRM. Thank you very much for your assistance in this matter.

Very truly yours,

BURT T. LAU
for
KOBEYASHI, SUGITA & GODA

Enclosure: Copy of Application for Water Use Permit and all attachments.

cc: MFD Partners, LLC w/out enclosure.

/ Commission on Water Resource Management
Attn: L. Nakama w/out enclosure

299259
Mr. Henry Chong  
MFD Partners, LLC  
745 Fort Street  
Honolulu, HI 96813

Dear Mr. Chong:

We acknowledge receipt, on September 24, 2001, of your water use permit application and Registration of Well and Declaration of Water Use forms for the Amfac Center Wells (Well Nos. 1851-68,69,76).

However, your water use permit application is incomplete. Please obtain an authorized signature from the Department of Planning and Permitting (DPP) on Table 1 (back page of application). DPP may provide you with a concurrence letter in lieu of their signature on the application, which is also acceptable. Please resubmit your original application (enclosed) with DPP's signature or a concurrence letter.

We have also amended your application to indicate that the proposed water use is for cooling, rather than municipal, use. (Municipal use in the Water Code is defined as a public service.)

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

Sincerely,

LINNEL T. NISHIOKA  
Deputy Director

LN:ss  
Enclosure
### PUBLIC RECORD DATA

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<th>Taxkey</th>
<th>Subdiv/Condo</th>
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<th>Living area</th>
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<td>MFD PARTNERS</td>
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<td>1.83 ac</td>
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This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.

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http://webre2.hawaiiinformation.com/REsearch/Asp/Functions/Property/SearchTMK.asp?AC1 10/23/01
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<th>COST CTR</th>
<th>PROJECT</th>
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<th>ACT</th>
<th>AMOUNT</th>
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REMARKS:  
LINE (1) Filing fee for Well Nos. 1851-68,69,76  
LINE (2) Filing fee for Aloha Mana Well  
LINE (3)  
LINE (4)  

DATE: Oct. 5, 2001
PAY ___________________________ * Twenty-five and 00/100 ** DOLLARS $25.00*

TO THE ORDER OF Dept. of Land & Natural Resources

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

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<th>DATE</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
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Filing Fee

DATE September 21, 2001

Bank of Hawaii
WARD PLAZA BRANCH
HONOLULU, HAWAII 96814

Signature: [Signature]

2454

59-102/1213

25
Ms. Linnel T. Nishioka - Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Nishioka:

Well Registration Forms and Water User Permit Application for Air Conditioning Cooling Water Wells at the Amfac Center in Honolulu, Oahu, Hawaii

On behalf of MFD Partners, LLC, owners of the Amfac Center, I am pleased to submit the attached well registration forms and water use permit application for three existing saltwater wells at the Amfac Center. Two of the wells, State Nos. 1851-68 and 69, were drilled by Nat Whitton in 1969. Their common manifold piping is connected to an 1400 GPM end-suction pump. The third well consists of two 8-inch PVC pipes which were installed at an angle beneath a swimming pool which is located in the basement of the Center. An attached sketch schematically depicts its construction. An identical 1400 GPM pump is connected to this well. No other information on this well could be found.

All three wells tap saltwater (30 PPT salinity) in the underlying coral formation of the Nuuanu Caprock Aquifer. The wells are run continuously every day of the week. The 2800 GPM (4.03 MGD) combined discharge is run through non-contact, single pass chillers of the Center's air conditioning system and is then discharged into the City's storm drain system in Queen Street. The shoreline outlet of the storm drain system is between Piers 11 and 12 in Honolulu Harbor. Except for short outages for pump maintenance, repair, or replacement, the system has operated in this manner since the Center opened in 1969. The wells were not registered and a water use permit was not sought following adoption of the water code in 1987 because the owner was not aware that these requirements applied to saltwater wells.

If you have any questions or require additional information, feel free to contact me, Henry Chong of MFD Partners at the Amfac Center (ph. 531-0444), or Burt Lau at Kobayashi Sugita & Goda (ph. 535-5707).

Sincerely,

Tom Nance

cc: Henry Chong - MFD Partners
    Burt Lau - Kobayashi et al.

Attachments
WATER USE PERMIT NO. 603

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

**Permit Information**

<table>
<thead>
<tr>
<th>Permit Information</th>
<th>Details</th>
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<tr>
<td><strong>Water User:</strong></td>
<td>Topa Management Co.</td>
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<td>745 Fort St. Lobby</td>
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<td>Honolulu, HI 96813</td>
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<td><strong>Landowner of Source:</strong></td>
<td>Duesenburg Investment Co.</td>
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<td>745 Fort St. Lobby</td>
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<td><strong>Permitted Withdrawal Rate:</strong></td>
<td>4.032 mgd (Based upon a 12-month moving average)</td>
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<td><strong>Water Management Area:</strong></td>
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<td><strong>Island:</strong></td>
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<td><strong>Aquifer Sector/System:</strong></td>
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<td><strong>Special Conditions:</strong></td>
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**Water Source**

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<td><strong>State Well Number(s):</strong></td>
<td>1851-68, 1851-69, 1851-76</td>
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<td><strong>Well Name:</strong></td>
<td>Amfac Center Salt</td>
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<td><strong>Water Source TMK Number(s):</strong></td>
<td>1st Division, 2-1-013:006</td>
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<td>Longitude 157° 51’ 50.4” West</td>
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End Use

End Use TMK Number(s): 1st Division, 2-1-013:006
State Land Use Classification(s): Urban
County Zoning Classification(s): BMX-4
Geographical Coordinates: Same as Source
Beneficial Use Explanation: Brackish water for HVAC cooling purposes

Background Information

Water Use Permit 603 governs the water use of State Well Nos. 1851-68, 1851-69, and 1851-76. These three wells are all salt water wells that are used for HVAC cooling purposes. There is not any available water use reporting record for any of the wells. Reference the permit file for additional information on reporting history.

Water Use Permit 603 was approved during the December 19th, 2001 Commission on Water Resource Management meeting. This water source has been in use for approximately seven years by Topa Management Company, who assumed ownership from PM Realty in October of 2001. Standard conditions 1-19 and special conditions 2, 20, & 120 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: Rory Reiley
Site Address: 745 Fort Street Lobby
Honolulu, HI 96813

Brown and Caldwell conducted a field investigation on January 28th, 2008 from 11:00 a.m. until 11:45 a.m. with an associate of Mr. Rory Reiley. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. The physical location of this site is at the Topa Financial Center located on Fort Street Mall and Queen. Reference the TMK and GIS maps in the permit file for a visual representation of the site.
Summary of Findings for Water Use Permit No. 603

State Well Nos. 1851-76 (21° 18' 29.0" N, 157° 51' 48.0" W, ± Unknown), 1851-69 (21° 18' 24.6" N, 157° 51' 46.1" W, ±17 ft), and 1851-68 (21° 18' 26.9" N, 157° 51' 50.4", ± 26 ft) are located on TMK parcel 2-1-013:006. State Well No. 1851-76 is located beneath a swimming pool in the basement of the facility. As such, the coordinates are approximated and the well was not available for visual inspection. State Well No. 1851-69 is located beneath a manhole cover on the Bishop Street side of the facility. State Well No. 1851-68 is located on the Nimitz side of the facility beneath a manhole that is adjacent to the entrance to the parking structure. Water is drawn from the three wells via several pumps in the mechanical room in the basement of the facility. The water is fed directly through several heat exchangers and then discharged into the harbor. The controls, flowmeter, and related system appurtenances are also housed in the mechanical room. Reference the Appendix for photographs of the previously described system components.

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

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

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

After inspection, it was found that the permittee has an installed, functional flowmeter. However, there are no water use records on file for any of the three wells. This non-reporting is a violation of Standard Condition (10), listed above.

Recommendations

- Update the Commission’s electronic database with the following:
  - Change permitee contact to Topa Management Co. (from PM Realty)
  - Create memo field entry noting field investigation on 1/28/08
- Address issue of non-compliance with Standard Condition (10)
20-Year Water Use Permit Review
Water Use Permit No. 603

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 1851-68 (located on Nimitz side of building)

Figure 2 – State Well No. 1851-69 (located on Bishop side of building)
Figure 5 – Flowmeter connection & control system

Figure 6 – Heat Exchangers (end use)
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (10) are as follows:

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

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

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

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

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

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

vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
viii. Although not stated as a condition of the permit § 13-168-7 HAR requires you to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:

i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

22. The applicant shall present the results of the electromagnetic resistivity survey, pump tests, and stream monitoring to a community meeting as well as to the Commission.

23. A final determination of water use quantity shall be made within five (5) years of the filing date of the application (<Insert Date>) to continue existing use.

24. The applicant shall implement, by December 31, 1995, a biological and hydraulic monitoring program for a minimum 2-year period that: 1) documents the existing operating procedure, 2) seeks to identify the impacts of all operating alternatives on Waikolu Stream, and 3) seeks to identify the effectiveness of weir modifications (Dam No. 1). This program shall incorporate the three new wells, Wells #4-6 (Well Nos. 0855-06, -05, &-04, respectively), which may be pumped within the approved limits, for monitoring and testing purposes only. Further, semi-annual reports summarizing data and preliminary findings shall be submitted to the Commission. It is suggested that the Department of Agriculture work with the State Division of Aquatic Resources and other affected agencies to prepare the monitoring program in light of the difficult technical questions raised by this application. A particular concern is the coordination of this monitoring program with the ongoing National Park Service study by Anne Brasher. A draft of this plan shall be submitted to the Commission staff within ninety (90) days for technical review and comment. Results of the monitoring program shall be used to make recommendations to the Commission on any additional use of the wells, and shall be made readily available to all interested parties.

25. That the Commission approves the well construction permit for the Kamiloloa-Waialoa Well (Well No. 0759-01), subject to the standard well construction conditions and the special conditions for the pumping well for the aquifer tests.

26. That the Commission authorizes the Chairperson to approve and issue a pump installation permit upon acceptance of adequate pump test result, subject to the standard pump installation conditions.

27. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

28. The applicant shall follow the agreed monitoring plan.

29. If pesticides used by the applicant are found in ground or surface water and can be traced to the applicant's use, the CWRM may revoke the permit immediately upon such finding.
30. Issuance of the interim permit shall be withheld until the reservation of water for DHHL is set by rule. Applicant may continue this existing use within the approved limits.

31. The applicant shall submit well modification and pump installation permit applications for administrative approval by chairperson prior to beginning any work required to complete well.

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

45. The permittee shall contact the Department of Health, Clean Water Branch and obtain the necessary discharge permit(s).

46. Permit shall be interim and replaces existing WUP for 2051-07 & 11.

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

48. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

49. (The permittee) may report monthly pumpage on yearly basis.

50. Prior to issuance of any permits, must submit filing fee for after-the-fact pump installation permit.

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

53. The use authorized by the permit must not interfered substantially and materially with existing individual household uses and existing uses.

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

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

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

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

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

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

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

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

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

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

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

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

66. WUP No. <Insert #> is revoked.

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143. Proposed other uses will be considered at a later date.
**Water Use Permit Survey**

(please complete one survey form for each WUP)

**WUP Number:** 603 / **Well Number(s):** 1851-66, 69, 74

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

Name: Ray Reiley, Chief Engineer
Phone (for phone interview): 531-6244 x 4034 / Fax: 599-5776
Email: 

Best time to reach for phone interview: 8-5 M-F

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

Address: 745 Fort St., Kakaako
City: Honolulu / Zip: 96813

Well Location TMK (list all if multiple wells present): 

Water Use TMK (list all if used on multiple lots): 2-1-13:06

**Water Use/Well Information:**

Is the water source currently in use? Yes □ No □

If no, please explain:

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

Brackish water for HVAC cooling

Is a flow meter installed and working properly? Yes □ No □

If no, please explain:

Do you submit monthly water use reports to the State? Yes □ No □

If no, please explain:

**Field Investigations:**

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

Option #1: Date (M-F): □ M-F □ Time: 9:00 am □ 12:00 pm □ 3:00 pm □
Option #2: Date (M-F): □ M-F □ Time: 9:00 am □ 12:00 pm □ 3:00 pm □
Option #3: Date (M-F): □ M-F □ Time: 9:00 am □ 12:00 pm □ 3:00 pm □

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:

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

For Official Use Only

Received: 11/20/07 / Information Updated: 11/20/07 / Phone Interview Complete: 1/23/08

Notes/Comments: / need to update contact information in database - see attached
Phone Interview

WUP Number: 603 Well Number(s): 1851-68-69-76

Contact Name: Rory Reiley Phone Number: 531-0444 (x6034)
Attempt #1: Date/Time: 1/22/08 Result: Left Message
Attempt #2: Date/Time: 1/23/08 Result: Repeated

Well Location TMK(s): 2-1-013-006
Water Use TMK(s): 2-1-013-006

Water Source Address: 745 Fort St. Lobby
City: Honolulu Zip Code: 96813

Currently using water source? Yes ☐ No ☐

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

How long have you been using this water source?: 7 years

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

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

If no, explain: ____________________________

Scheduled field investigation day/time: 1/28/08 @ 11:00 a.m.

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

- Call cell before visit (740-1461)
Comments To Make:

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

- Update permittee contact? ✓

- How long have you been using the source?
  
  Approx 7 years
Field Investigation Checklist

WUP Number: 603  Well Number(s): 1351-62 - 69 - 76

Water Source
Well Location TMK(s): 2-1-013-006
Well Head GPS Coordinates:  Latitude: See Below  Longitude: See Below
Well Type: Well pump, salt, Non-Potable
Currently using water source?  Yes ☒  No ☐
Notes/Comments: Since 2001

Is there a flow meter installed?  Yes ☒  No ☐
Is the flow meter operational?  Yes ☒  No ☐
Notes/Comments:

Water Use
Water Use TMK(s): 2-1-013-006
What is the water being used for? HVAC Cooling

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

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

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

Other
Photographs of: Water Source ☒  Water Meter ☒  Usage Area ☒  Pump/Motor ☒
General Notes/Comments: Pumped in (3 locations) Heat exchangers - Motor

Well 1 (Nmt) 21°16'20.9" N / 157°51'60.4" W (± 20 ft)
Well 2 (Bldr) 21°16'24.0" N / 157°51'46.1" W (± 17 ft)
Well 3 (Pool)  Unavailable
21°16'20.8" N / 157°51'48.6" W

Investigated By: M.S.  Date: 1/28/06  Time: 11:05 a.m.
January 4, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Duesenburg Investment Company
c/o Ms. Paula K. Orr
PM Realty Group
745 Fort Street Lobby
Honolulu, HI 96813

Dear Ms. Orr:

Notice of Action
Approval of After-the-Fact Water Use Permit for Well Nos. 1851-68,69,76
Nuuanu (Caprock) Ground-Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the subject applications. By a unanimous vote of the Commission at their meeting on December 19, 2001, the Commission:

1. Found Duesenburg Investment Company in violation for pumping Well Nos. 1851-68,69,76 without a water use permit in a designated water management area.
2. Assessed no fines for the violation.
3. Approved your application for an after-the-fact water use permit.

This letter transmits your after-the-fact water use permit for Amfac Center (Salt) Wells (Well Nos. 1851-68,69,76) for use of 4.032 million gallons per day (mgd) of salt water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on December 19, 2001. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

**Special Conditions**

1. In the event the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
2. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.
3. Standard Condition 16 is waived for salt water wells.

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

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

Aloha,

[Signature]

GILBERT S. COLOMA-AGARAN
Chairperson

Attachments
# Ground-Water Use Permit

## Permittee

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Duesenburg Investment Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>C/o PM Realty Group</td>
</tr>
<tr>
<td></td>
<td>745 Fort Street Lobby</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

## Permitted Source Information

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Honolulu</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Honolulu</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Nuuanu (Caprock)</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>Amfac Center (Salt)</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1851-68,69,76</td>
</tr>
</tbody>
</table>

## Permitted Use Information

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Cooling water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>4.032 Mgd (salt)</td>
</tr>
<tr>
<td>Location of water use</td>
<td>Amfac Center</td>
</tr>
<tr>
<td>TMK #</td>
<td>2-1-13:06</td>
</tr>
<tr>
<td>Address</td>
<td>Urban</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>BMX-4</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its December 19, 2001 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

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