State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Water and Land Development
Honolulu, Hawaii

June 10, 1982

Chairman and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

RESUBMITAL
Terms of Water Withdrawal and Use Permits

The Department's Administrative Rules on ground water control require that the Board specify the period or duration of permits and the commencement and completion dates for the construction of ground water sources. After investigation and study of this matter, DOWALD is ready to make specific recommendations for adoption by the Board of Land and Natural Resources.

The Ground Water Use Law specifies that permits may be issued up to a maximum of 50 years and allows for extension of the permit after one-half of the permit period has lapsed. The staff is recommending that the duration of each permit be established at twenty (20) years with a review every five years by the Board to determine compliance with provisions of the permit. The staff feels that 20 years is a reasonable time for regulating ground water withdrawals and uses at this early stage of the program. As the Department gains experience in ground water regulation, the duration of the permits may be reviewed and adjusted as appropriate in the future.

On the commencement and completion dates, the staff recommends that a period of 24 months be established for completing the development of the ground water source. This construction period is a reasonable time for drilling, testing, and for the installation of permanent pumps and controls to fully bring the ground water source into operation. The period may be extended upon a showing of good cause and good faith performance. The permit and construction dates should commence on the date the permit is issued by the Department.

It is recommended that the above terms be standardized for all water withdrawal and use permits issued by the Board, subject to adjustments required by the Board for any permit.

RECOMMENDATION:

That the Board establish the terms of ground water withdrawal and use permits at 20 years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit and that the development of the ground water source be completed within 24 months from the date of permit issuance for all permits issued by the Board, subject to adjustments required by the Board for any permit.

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL

SUSCHI ONO, Chairman

ITEM D-1

B12
Chairman and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Certification of Ground Water Withdrawals and Uses,
Honolulu Ground Water Control Area, CAHU

The Honolulu Ground Water Control Area was designated by the Board of Land and Natural Resources on February 27, 1981 under authority of Chapter 177, HRS, and Chapter 188 of Title 13, Administrative Rules entitled "Rules for the Control of Ground Water Use in the State of Hawaii". The Department's regulatory procedures provide for water users to declare their existing water uses within a ninety-day period which ended June 4, 1981 and allows the Board 180 days to certify the declared uses.

The recommended certification of total annual, average daily, and maximum daily withdrawals for individual wells and/or well fields is tabulated in the attachment, "Certification of Ground Water Withdrawals and Uses, Honolulu Ground Water Control Area", for the Moanalua-Kaimuki Subarea and Waialae-Hawaii Kai Subareas. A comparison of the recommended quantity for certification and the sustainable yield adopted by the Board on July 24, 1981 is tabulated below:

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Sustainable Yield (mgd)</th>
<th>Recommended Certification (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moanalua-Kaimuki</td>
<td>55</td>
<td>41.827</td>
</tr>
<tr>
<td>Waialae-Hawaii Kai</td>
<td>5</td>
<td>1.100</td>
</tr>
</tbody>
</table>

The remaining ground water supplies may be withdrawn by obtaining permits from the Board of Land and Natural Resources.

RECOMMENDATION:

That the Board certify the existing withdrawals and uses for each well tabulated on the attached "Certification of Ground Water Withdrawals and Uses, Honolulu Ground Water Control Area" dated September 11, 1981, subject to any special conditions and applicable laws, rules and regulations.

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

SUSUMU ONO, Chairman
# State of Hawaii
## DEPARTMENT OF LAND AND NATURAL RESOURCES
### CERTIFICATION OF GROUND WATER WITHDRAWALS AND USES
#### Honolulu Ground Water Control Area

<table>
<thead>
<tr>
<th>User/Source</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Source Use</th>
<th>5-yr. Ave Withdrawal</th>
<th>Declared Existing Use</th>
<th>Preserved Use</th>
</tr>
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<tbody>
<tr>
<td><strong>MOANALUA-KAIMUKI Subarea</strong></td>
<td></td>
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<td></td>
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<tr>
<td><strong>Board of Water Supply</strong></td>
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<tr>
<td>Kaimuki Station</td>
<td>1748-01 to 10</td>
<td>8</td>
<td>Mun. 22.32</td>
<td>3.69</td>
<td>Mun. 14.17</td>
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<td>1847-01</td>
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<td>Mun. 1.51</td>
<td>1.31</td>
<td>Mun. 1.70</td>
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<td>Wilder Station</td>
<td>1849-13 to 16</td>
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<td>5.75</td>
<td>Mun. 10.60</td>
<td>2,088.75</td>
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<td>Beretania Station</td>
<td>1851-18, 12, 24, 31 to 35, 67</td>
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<td>Mun. 22.53</td>
<td>6.64</td>
<td>Mun. 18.14</td>
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<td>Kaahili Pump</td>
<td>1952-06 to 08, 10 to 19, 22</td>
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<td>Mun. 14.11</td>
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<td>Mun. 11.82</td>
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<td>Kaahili Shaft</td>
<td>2052-08</td>
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<td>Mun. 17.28</td>
<td>8.11</td>
<td>Mun. 17.28</td>
<td>2,960.15</td>
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<td>Moanalua Station</td>
<td>2153-10 to 12</td>
<td>2</td>
<td>Mun. 6.048</td>
<td>2.29</td>
<td>Mun. 6.048</td>
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<td><strong>Subtotal (BWS Wells)</strong></td>
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<tr>
<td>Amouron H.C. &amp; D.</td>
<td>2053-05</td>
<td>1</td>
<td>Ind. 0.576</td>
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<td>Army - Ft. Shafter</td>
<td>2053-10, 11</td>
<td>2</td>
<td>Dom. 3.6</td>
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<td>Dom. 3.6</td>
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<td>Army - Tripler</td>
<td>2153-07, 08</td>
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<td>Dom. 1.555</td>
<td>0.699</td>
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<td>Bishop Trust</td>
<td>1851-28</td>
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<td>Ind. 1.15</td>
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<td>Castle &amp; Cooke Foods</td>
<td>1952-10, 11, 12, 21</td>
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<td>Hawaii Meat Co., Ltd.</td>
<td>2053-09</td>
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<td>Ind. 0.244</td>
<td>0.242</td>
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<td>Honolulu Gas Co.</td>
<td>1952-14</td>
<td>1</td>
<td>Ind. 14.5</td>
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<td>Honolulu Int. C.C.</td>
<td>2154-01</td>
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<td>Irr. Nat. flow</td>
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<td>Kamehameha Schools</td>
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<td>Dom. 1.728</td>
<td>0.189</td>
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<td>Kawaiahao Church</td>
<td>1851-09</td>
<td>1</td>
<td>Irr. 0.100</td>
<td>No data</td>
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<td>Kokusai Kogyo</td>
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<td>Dom. 0.576</td>
<td>0.336</td>
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<td>Lorvo's Bakery</td>
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<td>Punahou School</td>
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<td>Dom. 0.720</td>
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<td>Queen's Med. Ctr</td>
<td>1851-54</td>
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<td>Dom. 1.080</td>
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<td>S.M. Damon Estate</td>
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## WAIALAE-HAWEA KAI Subarea

<table>
<thead>
<tr>
<th>User/Source</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Source Use</th>
<th>5-yr. Ave Withdrawal</th>
<th>Declared Existing Use</th>
<th>Preserved Use</th>
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<tr>
<td><strong>Board of Water Supply</strong></td>
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<tr>
<td>Aina Koa</td>
<td>1746-01</td>
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<td>Waiulua Iki Station</td>
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<td><strong>Subtotal (BWS Wells)</strong></td>
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<td>3</td>
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<tr>
<td>Waiulua Country Club</td>
<td>1646-01</td>
<td>1</td>
<td>Irr. 0.864</td>
<td>0.270</td>
<td>Irr. 0.864</td>
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<td><strong>TOTAL - Waiulua-Haweau Kai Subarea</strong></td>
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<td>4</td>
<td></td>
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<td>4.757</td>
<td>1.100</td>
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</tbody>
</table>
April 22, 1981

Mr. Richard K. Ogawa
Honolulu International (Hawaii) Inc.
1690 Ala Puumalu Street
Honolulu, Hawaii 96818

Dear Mr. Ogawa:

Honolulu Ground Water Control Area

We acknowledge receipt on April 1, 1981, your Declaration of Existing Water Withdrawal and Use in the Honolulu Ground Water Control Area. Our staff will review the data and may contact you for a field inspection of your well(s) before certification of your declared water use is made by the Board of Land and Natural Resources.

We appreciate your early filing of the declaration of existing water use.

Very truly yours,

ROBERT T. CHUCK
Manager-Chief Engineer

ES: dh
### Instructions:
This form must be properly completed, signed, and submitted for each individual well or connected battery of wells on or before June 4, 1981, in accordance with Regulation 9 of the Department. Submit the form with any attachments to Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.

### 1. WATER USER:
- **Name:** [Redacted]
- **Phone:** 833-4541
- **Mailing address:** 1690 Ala Puaamulu Street, Honolulu, Hawaii 96818

### 2. WATER USER'S WELL CONNECTED BATTERY OF WELLS:
- **User's Well Name and Location:** Honolulu International Country Club
- **Salt Lake Club:**
  - **User's Well No. (s):** [Redacted]
  - **Pump or natural flow capacity (gpm):** 310
  - **Capacity determined by (specify):** Flowmeter
  - **Water withdrawn (including accompanying statements, and to the best of our knowledge and belief, is true, correct, and complete):**
    - **Month:**
      - **Year:** 1976
      - **GPM:** [Redacted]
      - **Year pump inst./modified:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
      - **Year pump repaired:** [Redacted]
      - **Year pump metered:** 1976
    - **Date:** [Redacted]

### 3. BENEFICIAL USE OF WATER:
- **Major Use:** [Redacted]
- **Minor Use:** [Redacted]
- **Domestic:** [Redacted]
- **Irrigation:** [Redacted]
- **Agriculture:** [Redacted]
- **Military:** [Redacted]
- **Industrial:** [Redacted]

### 4. BENEFICIALLY USED WATER WITHDRAWALS:
- **All figures given in (b) are records of:** [Redacted]
- **Records available:** [Redacted]

### 5. WELL DESCRIPTION:
- **On the attached sheet, make corrections or additions thereon in red pencil as necessary and return with Declaration form. If information is readily available in another form, you may submit it in lieu of the corrected sheet.**

---

Declarations: Under penalties provided in Regulation 9 of the Department, the undersigned declare and certify that this declaration has been examined, including accompanying statements, and to the best of our knowledge and belief, it is true, correct, and complete.

**Landowner of Well Site:**
- **Name:** [Redacted]
- **Address:** [Redacted]
- **Signature:** [Redacted]

**Water User:**
- **Name:** [Redacted]
- **Address:** [Redacted]
- **Signature:** [Redacted]

**Date certified:** [Redacted]
March 16, 1981

Honolulu International Country Club
1590 Ala Puumalu Street
Honolulu, Hawaii 96818

On February 27, 1981, the Board of Land and Natural Resources designated the Honolulu and Waialua Districts as the Honolulu Ground Water Control Area and the Waialua Ground Water Control Area. By this action, the Department of Land and Natural Resources is now responsible for regulating all uses of ground water in these areas.

If you are currently using ground water from any well or spring source, you are required to declare such water use to the Department of Land and Natural Resources if you wish to continue your present use. Specifically, you must fill out, sign, and return the enclosed Declaration of Existing Water Withdrawal and Use form to the Department by June 4, 1981, in accordance with Regulation 9 of the Department of Land and Natural Resources.

According to our records, you have / well(s) located on your property (Tax Map Key ). Please complete the enclosed form and return it as soon as possible to: Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.

If you have any questions or need help in filling out the form, please call the Division of Water and Land Development at . Thank you for your cooperation.

Very truly yours,

Chairman of the Board

Enc.
WELL INFORMATION SHEET

Instructions: The following information is currently on file at the Department of Land and Natural Resources, Division of Water and Land Development. If there are any changes, please make the necessary corrections and return to the Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.

Well Number: 2154-01

Name or Location: Salt Lake

Owner or User: Damon Estate

Year drilled: 1909

Driller: McCandless

Ground Surface Elevation in feet referenced to mean sea level: 14

Casing Diameter in inches: 10

Total depth of well in feet: 294

Casing depth in feet: 103

Major Use:
- Domestic
- Disposal
- Municipal
- Unused
- Irrigation
- Sealed
- Industrial
- Observation
- Lost
- Recharge
- Other (specify)

Static Water Level in feet: 220

Chloride content of water in milligrams/liter: 64.85

Installed pump capacity in million gallons per day: ________________________

Average annual draft in million gallons per day: ________________________
WATER USE PERMIT NO. 031

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

Water User: Honolulu Country Club
1690 Ala Pu‘umalu St.
Honolulu, HI 96818

Landowner of Source: Honolulu Country Club
1690 Ala Pu‘umalu St.
Honolulu, HI 96818

Permitted Withdrawal Rate: 0.346 mgd (Based upon a 12-month moving average)

Water Management Area: Moanalua

Island: Oahu

Aquifer Sector/System: Honolulu/Moanalua

System Sustainable Yield: 18 mgd

Water Type: Fresh, Non-Potable

Original CWRM Date: September 11th, 1981

Standard Conditions: 20

Special Conditions: 51

Water Source

State Well Number(s): 2154-01

Well Name: Honolulu Int CC

Water Source TMK Number(s): N/A

State Land Use Classification(s): N/A

County Zoning Classification(s): N/A

Geographical Coordinates: Unknown

End Use

End Use TMK Number(s): 1st Division, 1-1-063:017

State Land Use Classification(s): Conservation

County Zoning Classification(s): P-1

Geographical Coordinates: Various
Beneficial Use Explanation: Use for 130 acres of golf course irrigation

Background Information

State Well No. 2154-01 was never issued a governing water use permit document. The Commission issued a certification of ground water withdrawal in September of 1981 and a resubmittal in June of 1982. The recommendations issued in these two documents (see permit file) serve as the governing conditions for Water Use Permit 031.

Consistent water use reporting records are available since at least 2003. The permittee's 12-month moving average, however, has exceeded the permitted water use allocation of 0.346 mgd for over a year. Furthermore, there are no salinity records on file for State Well No. 2154-01.

Water Use Permit 031 was approved during the September 11th, 1981 Commission on Water Resource Management meeting. This water source has been in use for approximately 30 years by the Honolulu Country Club. Standard condition 20 and special condition 51 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 the 20-year Water Use Permit Review.

Field Investigation Information

Contact: Matt Lochotzki
Site Address: 1690 Ala Pu’umalu St.
Honolulu, HI 96818

Brown and Caldwell conducted a field investigation on January 24th, 2008 from 9:00 a.m. until 10:30 a.m. with Mr. Matt Lochotzki. During this time, type of water usage was verified, flow meter installation and functionality were documented, and property TMK information was verified. The water system 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 Honolulu Country Club in the Salt Lake area. 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. 031

Water is currently being drawn by Honolulu Country Club from a well of unknown location. The entire maintenance staff, including Mr. Lochotzki, has no knowledge on the subject. Based upon GIS data, the well appears to be located on TMK parcel 1-1-075:112, which is a residential property approximately 250-ft from the golf course boundary. This TMK property was visually
inspected from the street and no well appeared to be present. However, the GPS coordinates at
the property boundary (21° 21' 15.0" N, 157° 54' 05.0" W) were nearly identical to the GPS
coordinates listed on City GIS data. If it is assumed that the City GIS data is accurate, the
estimated location of State Well 2154-01 is adjacent to a house on the TMK parcel and
approximate GPS location given above. Once again, it is important to emphasize that this well
location was not verified visually.

From the assumed well location, water appears to be sent underground onto golf course
property. Piping emerges at a small station adjacent to a holding pond. At this location, the
permittee has a small pump, a gate valve, and a flowmeter installed. The pump appears to be
broken and did not turn on when the permittee opened the gate valve. He advised that the well
is artesian and that the pump is not required for system operation. After going through the gate
valve, the water is drained into a large holding pond that doubles as a water feature for the golf
course. A separate pump house draws water from the holding pond and pumps it into the
central irrigation system. Reference the Appendix for photographs of the previously described
system components.

Based upon visual inspection of the system, all components appear to be in full working order.
The permittee 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. Water use is currently
being reporting on a monthly basis, but is in excess of the permitted allocation. Although no
salinity records are being submitted, Water Use Permit 031 does not have a condition mandating
such reporting. As such, this does not constitute an additional permit violation.

Recommendations

- Address the following discrepancies between the Commission’s electronic database and
  actual field investigation findings:
  o Landowner name and address information.
  o End use TMK parcel number
  o State land use and county zoning classifications
- Address violation of overpumpage of State Well No. 2154-01
- Follow-up with the permittee to determine the exact location of the well head.
20-Year Water Use Permit Review
Water Use Permit No. 031

APPENDIX

Field Investigation Photographs
Figure 1 – Location of gate valve, flowmeter, and influent pipe to storage pond

Figure 2 – Functioning flowmeter
Figure 3 – Pump house (right), storage pond, & usage area (typ.)

Figure 4 – Distribution pumps for irrigation system
Figure 5 – Main distribution pipe to irrigation system
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 031
Well Number(s): 2-154-01

Contact Information (Staff representative will be present at site visit):
Name: ____________________________
Phone (for phone interview): (808) 348-4469
Email: ____________________________
Best time to reach for phone interview: ____________________________

Property Information (of the water use/well location):
Address: 11090 Ala Pauanuku St.
City: Honolulu, Hawaii
Zip: 96818
Well Location TMK (list all if multiple wells present): 1-1-63:17
Water Use TMK (list all if used on multiple lots): 1-1-63:17

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"): Use for 130 acres of golf course

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): T Time: 9:00 am ☒ 12:00 pm ☐ 3:00 pm ☐
Option #2 Date (M-F): W Time: 9:00 am ☒ 12:00 pm ☐ 3:00 pm ☐
Option #3 Date (M-F): TH 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@brwncaJd.com

For Official Use Only
Received: __/__/_7/2007 Information Updated: __/__/_7/2007 Phone Interview Complete: __/__/_7/2007
Notes/Comments: ____________________________

Rayecl: ____________________________
**Phone Interview**

WUP Number: 031        Well Number(s): 2154-01

Contact Name: Matt Lochotzki        Phone Number: 366-4609

Attempt #1: Date/Time: 1/12/08 (3:03)        Result: Reached
Attempt #2: Date/Time: N/A        Result: N/A

Well Location TMK(s): 1-1-063:017
Water Use TMK(s): 1-1-063:017

Water Source Address: 1690 Ali Drive, St.
City: Honolulu        Zip Code: 96818

Currently using water source? Yes [x] No [ ]
Notes/Comments: 130 acres of golf course

How often is the water source being used? Daily [x] Weekly [ ] Monthly [ ]
Notes/Comments: ______________________________

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

Has there been any rezoning of the water source/water use properties? Yes [ ] No [x]
Have you reported the rezoning to the State? Yes [x] No [ ] N/A [ ]
If no, explain: ______________________________

Scheduled field investigation day/time: 1/24/08 @ 9:00
Notes (Special directions, site conditions, potential hazards, general notes, etc.): ______________________________

• Call when on way
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

- Don’t have LO name & address on file; Do you know who it is?? - HCC

- Honolulu Int. CC??

- What type of water? Artesian, Fresh
Field Investigation Checklist

WUP Number: 031  Well Number(s): 2154-01

| Water Source | | Water Use |
|--------------|------------------|
| Well Location TMK(s): 1-1-063:017 | | Water Use TMK(s): 1-1-063:017 |
| Well Head GPS Coordinates: | Latitude: N/A | Longitude: N/A |
| Well Type: Artesian | | |
| Currently using water source? | Yes | No |
| Notes/Comments: | | |
| Is there a flow meter installed? | Yes | No |
| Is the flow meter operational | Yes | No |
| Notes/Comments: | | |
| Water Use | | |
| What is the water being used for? | Irrigation |
| 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: Overpumpage violation | | |

Other

Photographs of: Water Source [ ] Usage Area [x]
Water Meter [x] Pump/Motor [x]

General Notes/Comments:
No access to the well; Staff doesn't knew where it is.

Investigated By: M.S. Date: 1/24/06 Time: 9:00 am
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (10) are as follows:
   i. The applicant shall keep monthly pumpage estimates to be submitted
      annually to the Commission.
   ii. An approved flowmeter(s) need not be installed to measure monthly
       withdrawals and a monthly record of withdrawals, salinity, temperature, and
       pumping times must be kept and reported to the Commission on Water
       Resource Management on forms provided by the Commission on a yearly
       basis (attached).
   iii. An approved flowmeter(s) must be installed to measure withdrawals and a
       monthly record of withdrawals, water-levels, salinity, and temperature must
       be kept and reported to the Commission on a monthly basis in accordance
       with the Commission's September 16, 1992 action on reporting
       requirements.
   iv. Approved flowmeters must be installed to measure monthly withdrawals
       and a monthly record of withdrawals must be kept and reported to the
       Commission on Water Resource Management on a monthly basis.
   v. An approved flowmeter(s) must be installed to measure monthly
       withdrawals and a monthly record of withdrawals, salinity, temperature, and
       pumping times must be kept and reported to the Commission on Water
       Resource Management on forms provided by the Commission on a
       quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure water withdrawals
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a
       record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a monthly basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to in form the Commission as to the nature of the emergency and the expected duration of the emergency. A water
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 [Contact Information] (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 Waikele Farm's existing irrigation system.

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

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

143. Proposed other uses will be considered at a later date.
Gentlemen:

RESUBMITTAL
Terms of Water Withdrawal and Use Permits

The Department's Administrative Rules on ground water control require that the Board specify the period or duration of permits and the commencement and completion dates for the construction of ground water sources. After investigation and study of this matter, DOWALD is ready to make specific recommendations for adoption by the Board of Land and Natural Resources.

The Ground Water Use Law specifies that permits may be issued up to a maximum of 50 years and allows for extension of the permit after one-half of the permit period has lapsed. The staff is recommending that the duration of each permit be established at twenty (20) years with a review every five years by the Board to determine compliance with provisions of the permit. The staff feels that 20 years is a reasonable time for regulating ground water withdrawals and uses at this early stage of the program. As the Department gains experience in ground water regulation, the duration of the permits may be reviewed and adjusted as appropriate in the future.

On the commencement and completion dates, the staff recommends that a period of 24 months be established for completing the development of the ground water source. This construction period is a reasonable time for drilling, testing, and for the installation of permanent pumps and controls to fully bring the ground water source into operation. The period may be extended upon a showing of good cause and good faith performance. The permit and construction dates should commence on the date the permit is issued by the Department.

It is recommended that the above terms be standardized for all water withdrawal and use permits issued by the Board, subject to adjustments required by the Board for any permit.

RECOMMENDATION:

That the Board establish the terms of ground water withdrawal and use permits at 20 years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit and that the development of the ground water source be completed within 24 months from the date of permit issuance for all permits issued by the Board, subject to adjustments required by the Board for any permit.

Respectfully submitted,

[Signature]

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL

APPROVED BY THE BOARD OF LAND & NATURAL RESOURCES AT THE MEETING HELD ON

ITEM D-1

6/10/82
State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Water and Land Development  
Honolulu, Hawaii  

September 11, 1981

Chairman and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Certification of Ground Water Withdrawals and Uses,
Honolulu Ground Water Control Area, Cahu

The Honolulu Ground Water Control Area was designated by the Board of Land and Natural Resources on February 27, 1981 under authority of Chapter 177, HRS, and Chapter 186 of Title 13, Administrative Rules entitled "Rules for the Control of Ground Water Use in the State of Hawaii". The Department's regulatory procedures provide for water users to declare their existing water uses within a ninety-day period which ended June 4, 1981 and allows the Board 180 days to certify the declared uses.

The recommended certification of total annual, average daily, and maximum daily withdrawals for individual wells and/or well fields is tabulated in the attachment, "Certification of Ground Water Withdrawals and Uses, Honolulu Ground Water Control Area", for the Moanalua-Kaimuki Subarea and Waialae-Hawaii Kai Subarea. A comparison of the recommended quantity for certification and the sustainable yield adopted by the Board on July 24, 1981 is tabulated below:

<table>
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<th>Subarea</th>
<th>Sustainable Yield (mgd)</th>
<th>Recommended Certification (mgd)</th>
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The remaining ground water supplies may be withdrawn by obtaining permits from the Board of Land and Natural Resources.

RECOMMENDATION:

That the Board certify the existing withdrawals and uses for each well tabulated on the attached "Certification of Ground Water Withdrawals and Uses, Honolulu Ground Water Control Area" dated September 11, 1981, subject to any special conditions and applicable laws, rules and regulations.

Respectfully submitted,

[Signature]

ROBERT T. GILLESPIE  
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

[Unreadable signature]

ONO, Chairman

Approved by the Board of Land & Natural Resources at the meeting held on [Unreadable date].

ITEM D-4
July 12, 2004

Mr. Mel Lima
Mel's Water Works
3075 Ala Poha Place, #510
Honolulu, HI 96818

Dear [Name]:

We acknowledge receipt, on July 7, 2004, of your check in the amount of $750.00 which is payment in full for the fine levied by the Commission on Water Resource Management for noncompliance with the conditions of the pump installation permit for Well No. 2154-01. Thank you for your prompt attention to this matter.

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

Sincerely,

[Signature]

YVONNE Y. IZU
Deputy Director

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TOTAL $750.00

REMARKS: LINE (1) Water Well No. 2154-01 (6/25/04 CWRM Meeting)
June 21, 2004

Mr. Mel Lima
Mel's Water Works
3075 Ala PohA Place, #510
Honolulu, HI 96818

Dear Mr. Lima:

Notice of Commission Action
Apparent Violations of a Pump Installation Permit (Well No. 2154-01)

This letter serves as your official notice of action taken by the Commission on Water Resource Management (Commission) on the subject violation. By a unanimous vote of the Commission at their meeting on June 16, 2004, the Commission:

1. Found Honolulu International Country Club in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

2. Imposed a fine of $1000 on Honolulu International Country Club, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 1.

3. Issued a warning to Honolulu International Country Club that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

4. Suspended any current, pending or future applications by Honolulu International Country Club until the fine is paid.


6. Imposed a fine of $500 for the violation in Recommendation 5.
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<th>Item No.</th>
<th>Description</th>
<th>Finding of violation (min. $250)</th>
<th>Occurring in WMA (min. $250)</th>
<th>Repeat violation (min. $250)</th>
<th>Gravity component</th>
<th>Mitigative component</th>
<th>TOTAL DAILY FINES</th>
<th>Compliance within 30 days (yes/no)</th>
<th>Total duration of violation</th>
<th>Alternate settlement</th>
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**NOTES**

A Item No
B Description - description of the violation, see submitter text for specific rules violated
C Finding of violation (min. $250) - where there is a violation, there is a minimum daily fine of $250
D Occurring in WMA (min. $250) - When the violation is in a designated Water Management Area, there is a minimum additional daily fine of $250
E Repeat violation (min. $250) - When the violator has committed violations in the past, there is a minimum additional daily fine of $250
F Gravity component - allows for the increase of the daily fine
G Mitigative component - allows for the decrease of the daily fine
H TOTAL DAILY FINES - the sum of the values in columns C through G
I Start date - the date where calculation of daily fines begins (date of notice of violation, or permit approval, or permit fully signed, or violation occurred, or CVRM order)
J End date - the date of the end of the violation or latest CVRM meeting or completed permit application
K Days tolled - the amount of days that are tolled, to be subtracted from the total duration of the violation
L No. of days - calculated between start and end dates and subtracting the tolled days
M Compliance within 30 days (yes/no) - if the applicant complies with the Commission staff's notice of violation requirements within 30 days
N Total duration of violation - if there was compliance with staff notice of violation within 30 days, the duration shall be one (1) day. If there was no compliance with staff notice of violation within 30 days, the duration shall be the total days of the violation. However, gravity circumstances can increase the total days even if the 30 day compliance is met.
O Alternate settlement (yes / no) - an alternate settlement in lieu of the daily fine was recommended
P Subtotal fine for one incident - per incident fine
Q No. of incidents - of violation that occurred for this investigation

**EXHIBIT 6**

Penalty Policy G-01-01
July 6, 2004

Ref: 2154-01.let

Honolulu International Country Club
1690 Puualu St.
Honolulu, HI 96818

Dear Mr. Ho:

We acknowledge receipt, on June 25, 2004, of your check in the amount of $1,500.00 which is payment in full for the fines levied by the Commission on Water Resource Management for noncompliance with the conditions of the pump installation permit for Well No. 2154-01. Thank you for your prompt attention to this matter.

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

YVONNE Y. IZU
Deputy Director

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<tr>
<th>F YR</th>
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REMARKS:  
LINE (1)  Fines for Well No. 2154-01 (6/26/04 CWRM Meeting)  
LINE (2)  
LINE (3)  
LINE (4)  
LINE (5)  
LINE (6)  
LINE (7)  
LINE (8)  
LINE (9)  
LINE (10)
June 21, 2004

Honolulu International Country Club
1690 Puumalu St.
Honolulu, HI 96818

Dear Mr. Ho:

Notice of Commission Action
Apparent Violations of a Pump Installation Permit (Well No. 2154-01)

This letter serves as your official notice of action taken by the Commission on Water Resource Management (Commission) on the subject violation. By a unanimous vote of the Commission at their meeting on June 16, 2004, the Commission:

1. Found Honolulu International Country Club in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

2. Imposed a fine of $1000 on Honolulu International Country Club, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 1.

3. Issued a warning to Honolulu International Country Club that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

4. Suspended any current, pending or future applications by Honolulu International Country Club until the fine is paid.


6. Imposed a fine of $500 for the violation in Recommendation 5.
7. Found Mel's Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

8. Imposed a fine of $750 on Mel's Water Works, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 7.

9. Issued a warning to Mel's Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

10. Suspended any current, pending or future applications by Mel's Water Works until the fine is paid.

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

Sincerely,

W. Roy Handy

YVONNE Y. IZU
Deputy Director

LN:ss
Attachment
## EXHIBIT 6
Penalty Policy G-01-01

### Notes
- **A** Item No
- **B** Description - description of the violation, see submittal text for specific rules violated
- **C** Finding of violation (min. $250) - where there is a violation, there is a minimum daily fine of $250
- **D** Occurring in WMMA (min. $250) - When the violation is in a designated Water Management Area, there is a minimum additional daily fine of $250
- **E** Repeat violation (min. $250) - When the violator has committed violations in the past, there is a minimum additional daily fine of $250
- **F** Gravity component - allows for the increase of the daily fine
- **G** Mitigative component - allows for the decrease of the daily fine
- **H** TOTAL DAILY FINES - the sum of the values in columns C through G
- **I** Start date - the date where calculation of daily fines begins (date of notice of violation, or permit approval, or permit fully signed, or violation occurred, or CWARM order)
- **J** End date - the date of the end of the violation or latest CWARM meeting or completed permit application
- **K** Days tolled - the amount of days that are tolled, to be subtracted from the total duration of the violation
- **L** No. of days - calculated between start and end dates and subtracting the tolled days
- **M** Compliance within 30 days (yes/no) - if the applicant complies with the Commission staff's notice of violation requirements within 30 days
- **N** Total duration of violation - if there was compliance with staff notice of violation within 30 days, the duration shall be one (1) day. If there was no compliance with staff notice of violation within 30 days, the duration shall be the total days of the violation. However, gravity circumstances can increase the total days even if the 30 day compliance is met.
- **O** Alternate settlement (yes / no) - alternate settlement in lieu of the daily fine was recommended
- **P** Subtotal fine for one incident - incident fine
- **Q** No. of incidents - of violation that occurred for this investigation

### Table: Penalty Policy G-01-01

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<th>Mitigative component</th>
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<th>Alternate settlement</th>
<th>Subtotal fine for one incident</th>
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**Fine for permits**

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<th>Repeat violation (min $250)</th>
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</table>

**Fine for contractors**
Honolulu International Country Club
1690 Puumalu St.
Honolulu, HI 96818

Dear Mr.:

Notice of Commission Action
Apparent Violations of a Pump Installation Permit (Well No. 2154-01)

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4. Suspended any current, pending or future applications by Honolulu International Country Club until the fine is paid.


6. Imposed a fine of $500 for the violation in Recommendation 5.
7. Found Mel’s Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

8. Imposed a fine of $750 on Mel’s Water Works, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 7.

9. Issued a warning to Mel’s Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

10. Suspended any current, pending or future applications by Mel’s Water Works until the fine is paid.

If you have any questions, please contact Lenore Nakama of Commission staff at [Redacted].

YVONNE Y. IZU
Deputy Director

LN:ss
Attachment
June 21, 2004

Ref: 2154-01.act2

Mr. [Redacted]
Mel's Water Works
3075 Ala Poha Place, #510
Honolulu, HI 96818

Dear [Redacted]

Notice of Commission Action
Apparent Violations of a Pump Installation Permit (Well No. 2154-01)

This letter serves as your official notice of action taken by the Commission on Water Resource Management (Commission) on the subject violation. By a unanimous vote of the Commission at their meeting on June 16, 2004, the Commission:

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If you have any questions, please contact Lenore Nakama of Commission staff at

YVONNE Y. IZU
Deputy Director

LN:ss
Attachment
"The transition area between the bed of the lined channel and the bed of the natural channel shall be at the same invert elevation to provide for the migration of aquatic life."

DISCUSSION:

Commissioner Frazier indicated that he understands that the stream has been altered many times before. Mr. Sakoda said that he believes it has been but the low flow part of the channel is fairly new.

MOTION: (Dela Cruz/Frazier)
To approve as presented by staff
UNANIMOUSLY APPROVED

C-1. Honolulu International Country Club, Mel's Water Works, APPARENT VIOLATIONS OF A PUMP INSTALLATION PERMIT,
Honolulu International Country Club (Well No. 2154-01), TMK 1-1-75:87 Moanalua Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATION:

Staff recommends that the Commission:

1. Find Honolulu International Country Club in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

2. Impose a fine of $1000 on Honolulu International Country Club, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 1.

3. Issue a warning to Honolulu International Country Club that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

4. Suspend any current, pending or future applications by Honolulu International Country Club until the fine is paid.


6. Impose no fines for the violation in Recommendation 5.
7. Find Mel’s Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

8. Impose a fine of $750 on Mel’s Water Works, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 7.

9. Issue a warning to Mel’s Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

10. Suspend any current, pending or future applications by Mel’s Water Works until the fine is paid.

DISCUSSION:

Chairperson Young wanted to clarify that staff’s recommendations regarding the fines were for one-time fines and not daily fines, and that future violations may be subject to daily fines of up to $1,000 per day. Staff affirmed that that is the recommendation.

Commissioner Frazier indicated that he did not agree that Honolulu International Country Club (HICC) should be relieved of a fine for noncompliance with water use reporting. Commissioner Frazier felt that because there appeared to be a considerable amount of work done by the staff, he did not agree that there should be an exemption from fines, and he also mentioned that the report showed the water use was in a particularly water-sensitive area.

Commissioner Whalen asked the staff if the permit states that there is a reporting requirement. Ms. Nakama responded that the permit does state a reporting requirement. Commissioner Whalen asked staff for the date on which the report was turned in. Ms. Nakama said that staff notified HICC of their need to report water use on May 20, 2004 and also sent a letter on the same day. HICC submitted the information on May 26, 2004. Commissioner Whalen asked if staff had previously informed HICC of the reporting requirement. Ms. Nakama indicated that, due to the limited staff resources, staff had not, and that is a reason that staff is not recommending a fine for non-reporting. Commissioner Whalen noted that HICC was able to provide an estimate of their water use and asked whether HICC kept reports. Ms. Nakama stated that HICC informed staff that it has new employees, and they did not know they were supposed to report water use to the Commission. Therefore, at that time of staff’s request, the meter had turned over a couple times. HICC looked at the prior time the meter had been read and compared that to the current metering reading, and that is how HICC came up with an estimate. Ms. Nakama indicated that HICC did not appear to have a back record or a current practice of writing water use information down.
Commissioner Whalen asked HICC if they had read the permit to see what the requirements were. Mr. Melvyn Ho from the HICC testified that he joined HICC about 3 years ago and that there was a management change at that time. Mr. Ho indicated that he passed on staff’s request for a Well Completion Report (WCR) but failed to follow through.

Commissioner Whalen relayed to Mr. Ho that environmental issues are very important, and since water is such an important aspect, she stated that these permits needed to be taken more seriously by management. She asked Mr. Ho if HICC has put anything in place so that reporting requirements will be met in the future and what HICC has done to change their operations so something like this doesn’t happen again. Mr. Ho said that he has had some staffing problems and currently feels he does have someone in place to manage the paperwork and the water resources. Mr. Ho said that he is now very aware of the permit process, and as the administrative person, he will be managing it more closely, rather than relying on another staff member.

Mr. Mel Lima from Mel’s Water Works testified that he was only hired to install the water pump and that he did not sell the pump or the meter to HICC. Mr. Lima said that he signed the permit because he was the licensed contractor, but that all HICC needed to do was complete the WCR by filling in the data and sending it in to the Commission since he had already signed form. Mr. Lima said that when he received a call from Ms. Nakama, he did the best that he could. He said he went to the job site, took pictures, and then emailed Ms. Nakama. Mr. Lima stated that he would have attended the last Commission meeting but was informed by staff that the item would be withdrawn. Mr. Lima continued by saying that he just installed the pump, had no idea that they were in violation, and that the follow-up should have been done by HICC.

Mr. Lima said that the last time he came before the Commission was for a violation of the permit for BWS’ Waipahu Wells and that, at that time, BWS took full responsibility. Mr. Lima indicated that he is here to protect his interest and to also show that he did everything in his power to correct the issues.

Commissioner Whalen asked Mr. Lima if he is aware of the contractor’s legal requirements based on his experience with the BWS violation. Mr. Lima said that he was aware of it, but time had passed and he thought all the paperwork was completed. Mr. Lima said that he should have followed up since he did not get a copy of the report. Mr. Lima said that he did not receive any warning so he didn’t follow up and then forgot about it. He said that knowing it was a simple task to correct it, he would have corrected it. Mr. Lima said that he did not know this became an issue.

Commissioner Frazier asked Mr. Lima what primary business he is in. Mr. Lima replied that he is in the pump installation business. Mr. Lima stated that their company gave up drilling in 1999. Commissioner Frazier asked Mr. Lima if the
rules have changed much since he's been in the pump installation business. Mr. Lima indicated that it hasn't. Commissioner Frazier asked if Mr. Lima was aware of the rules from the BWS violation experience. Mr. Lima said that he is.

Commissioner Frazier indicated that he was not satisfied with the staff recommendation. He felt that there should be a single fine for failure to submit timely water use reports, and did not agree that any mitigation component should apply. Commissioner Frazier moved to amend Recommendation 6 by adding an additional $500.00 fine to be included to the $1,000.00 fine against the permittee (in Recommendation 2).

AMENDED RECOMMENDATION:

To amend Recommendation 6 by imposing a $500.00 fine for the violation described in Recommendation 5.

MOTION: (Frazier/Whalen)
To approve as amended
UNANIMOUSLY APPROVED AS AMENDED

D-1. Waiawa Development LLC / Kamehameha Schools, APPLICATION FOR WATER USE PERMITS, Gentry Waiawa Wells 1 & 2 (Well Nos. 2658-07 & 08), TMK 9-6-05:3, WUP Nos. 692 & 693, New (Golf Course Irrigation) Use for 0.600 mgd Per Well (Total 1.2 mgd), Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Deputy Director Izu

DISCUSSION:

Dr. Jonathan Scheuer from the Office of Hawaiian Affairs (OHA) provided written testimony and requested that the Commission reject the application due to its incompleteness. Dr. Scheuer said if that is not possible, he requests that a public hearing be scheduled, but only after the applicant has made additional information available to the Commission, OHA, and any other interested parties, and after sufficient time has passed such that all interested parties are able to evaluate the application in light of the new information, such as an integrated water use plan.

Dr. Scheuer noted that Deputy Director Izu mentioned that the applicant's representative has expressed an interest in meeting with OHA and that OHA is interested in meeting with the applicant to discuss these matters. However, OHA feels any additional information should become public record and not just delivered from the applicant to OHA.
Chairperson Young mentioned Dr. Scheuer's suggestion that funding for the Water Plan update be derived from a proportional fee assessed to applicants as they come in, and asked how a proportional fee would be assessed without knowing how many applicants there will eventually be. Dr. Scheuer said that the counties already fund improvements that need to be done in an area by assessing fees to applicants, and counties don't know in advance how many applicants there will be. County applicants pay a fee that will go towards the construction of a park, school, or some project that has a nexus between the proposed use and the application. Chairperson Young asked Dr. Scheuer if the Commission has the right to do this. Dr. Scheuer said that under the Commission rules, the Commission has the right to assess fees to fund the Commission's mandate to protect watersheds and water resources.

Ms. Kapua Sproat, attorney for Earthjustice, said that Kamehameha Schools, not OHA or the public, bears the burden of establishing that the water use permit application satisfies all the requirements of the law and urged the Commission to deem the application incomplete and either return it for revision or rule that a public hearing be held. However, Ms. Sproat also requested that any hearing be delayed until Kamehameha Schools provides all the necessary information. Ms. Sproat continued by saying that, in the event the application is incomplete, the Commission has the time to seek additional information from Kamehameha Schools, so the burden is not on the Commission or the public.

Ms. Sproat asked that the Commission avoid the same mistake made in the water permit application by Kamehameha Schools in January 1999, when the Commission accepted the water use permit, but when parties objected, the Commission ruled that a public hearing be held and empowered the Chairperson to seek additional information from Kamehameha Schools. The Chairperson sent a letter to Kamehameha Schools detailing all the required information and asked that their response be turned in 7 days prior to the public hearing, which was then scheduled. However, Kamehameha Schools turned in an insufficient response that did not adequately address all the issues. When the public hearing was held, it was very well attended, but a large portion of the testimony was that there was insufficient information to support the proposed permit. Ms. Sproat encourages the Commission to empower the Deputy Director, staff and AG to obtain enough information before the public hearing is noticed.

NON-ACTION ITEM

D-2. Hawaiian Commercial and Sugar Company, APPLICATION FOR A WATER USE PERMIT, Iao Tunnel (Well No. 5330-02), TMK 3-4-34:34, WUP No. 691, Existing (Agricultural) Use for 100,000 mgd, Iao Ground Water Management Area, Maui

PRESENTATION OF SUBMITTAL: Charley Ice

DISCUSSION:
ref: 2154-01.sub2

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

June 16, 2004
Honolulu, Oahu

Honolulu International Country Club
Mel’s Water Works
APPARENT VIOLATIONS OF A PUMP INSTALLATION PERMIT
Honolulu International Country Club (Well No. 2154-01), TMK 1-1-75:87
Moanalua Ground Water Management Area, Oahu

PERMITTEE:
Honolulu Country Club
1690 Puualu Street
Honolulu, HI 96818

LANDOWNER:
Honolulu Country Club
1690 Puualu Street
Honolulu, HI 96818

CONTRACTOR:
Mel’s Water Works
3075 Ala Poha Place, #510
Honolulu, HI 96818

 SUMMARY OF APPARENT VIOLATIONS:

The permittee received a pump installation permit from the Commission to install a 500 gpm pump in an existing artesian well for golf course irrigation. Standard Condition 5 of the pump installation permit required the submittal of a Well Completion Report – Part II (WCR2) within sixty (60) days after the pump is installed in the well. On September 2, 2003, staff became aware that a pump had been installed in the well and initiated administrative actions to obtain the WCR2. On May 17, 2004, the permittee submitted the WCR2.

In addition, Standard Condition 3 of the pump installation permit requires the permittee to submit monthly water use reports. Water use reports had not been submitted since January 1, 2002. On May 26, 2004, the permittee submitted an estimate of total water use over for the period from March 2002 to May 26, 2004.
LOCATION MAP: See Exhibit 1

BACKGROUND:

On February 27, 1981, the Board of Land and Natural Resources (BLNR) designated the Honolulu District as the Honolulu Ground Water Control Area under Hawaii Revised Statutes (HRS) Chapter 177, Ground Water Use Act.

On April 1, 1981, Honolulu International Country Club (HICC) submitted its Declaration of Existing Water Withdrawal and Use for their existing use of an artesian well, Well No. 2154-01, for golf course irrigation.

On April 29, 1981, the staff conducted a site visit and documented the existing use of Well No. 2154-01. Ground water flowing from the well is routed to a pond on the golf course, that acts as a reservoir. Water is pumped from the pond to the irrigation system.

On September 11, 1981, the BLNR certified existing ground water withdrawals and uses in the Honolulu Ground Water Control Area, including HICC’s use of 0.346 mgd.

On April 12, 1989, HICC registered their existing well and declared their use in accordance with §174C-26 HRS (Filing of declaration) and §174C-83 (Registration of all existing wells).

Effective July 1, 1989, HRS Chapter 177 was repealed and replaced with HRS Chapter 174C, State Water Code. Pursuant to HRS §174C-41(c), the designated Honolulu Ground Water Control Area was continued as a water management area. According to the current Water Resources Protection Plan, Well No. 2154-01 is located in the Moanalua Ground Water Management Area of the Honolulu Sector.

On September 23, 1991, a notice was sent to HICC to report their water usage in accordance with §13-168-7 HAR (Report of water use).

On September 28, 2001, HICC submitted an application for a pump installation permit to the Commission. According to HICC’s consultant, the artesian well lost pressure to the point where a pump in the well is now required to induce adequate water flow.

On November 16, 2001, a pump installation was issued (Exhibit 2). The permit expiration date was October 31, 2003.

On September 2, 2003, the staff called HICC to follow up on the soon-to-expire permit and was informed by Melvyn Ho, the contact person for HICC, that a pump had been installed under the permit. The staff informed Mr. Ho that a fully executed permit should be returned to the Commission, along with the required WCR2 for the installed pump. The staff faxed a copy of the permit for execution and a blank WCR2 (Exhibit 3).

On November 3, 2003, the staff called Mr. Ho again. Mr. Ho requested that we resend the permit copy and WCR2. The staff resent the September 2, 2003 fax with the attachments.
On November 17, 2003, the staff called Mr. Ho again. Mr. Ho said the paperwork was in the mail. Later the same day, staff received a WCR2, signed by Mr. Ho and Mel Lima of Mel's Water Works, a licensed pump installer. However, no other information was provided on the form, including the installation date. A partially executed permit, signed by Mr. Ho but not the licensed contractor, was also submitted.

On November 18, 2003, staff sent another fax to Mr. Ho, transmitting a copy of the signed, but otherwise blank, WCR2 and requested that he complete the form with his contractor's assistance. Staff also reiterated our need for a fully executed permit and sent the partially executed permit for the contractor to sign.

On December 11, 2003, the staff left a message for Mr. Ho to return our call. The call was not returned.

On December 22, 2003, the staff called and spoke with Mr. Ho, who said he will follow up on the WCR2 and permit.

On February 5, 2004, the staff called the contractor, Mel Lima of Mel's Water Works. Mr. Lima stated that he did install the pump, but he did not purchase the pump and could not provide any information to fill out the WCR2. Staff asked Mr. Lima if he could provide information on the intake depth or pump capacity. Mr. Lima stated that he couldn't provide any WCR2 information. Mr. Lima suggested staff contact Beylik Drilling and speak with Bill Moore or Toni Gonzalez because they sold HICC the pump and would know all the information needed to complete the WCR2.

On February 6, 2004, the staff called Bill Moore of Beylik Drilling. Mr. Moore stated that Beylik gave a quote to HICC, but didn't sell the pump to HICC because the price was too high. Mr. Moore said Ms. Gonzalez knows nothing about the job because he handled it. Mr. Moore said he worked with a person named Karen (last name unknown) at HICC for the quote.

On February 6, 2004, the staff called HICC and asked to speak to Karen. The telephone receptionist said there's no Karen that works at HICC. The personnel director at HICC confirmed that there is no Karen employed by HICC.

On February 9, 2004, the staff sent a fax to Mr. Ho, again attaching the WCR2 and partially executed permit, requesting completion of the documents within one week.

On February 18, 2004, the staff sent a certified notice for the apparent violation of the pump installation permit to HICC (Exhibit 4).

As of the March 20, 2004 deadline for response to the certified notice, no response had been received from HICC. Therefore, the apparent violation was scheduled for action on the May 19, 2004 Commission meeting agenda.

On May 17, 2004, the Commission received and accepted the WCR2.
At the May 19, 2004 Commission meeting, the staff recommended that the agenda item be withdrawn because compliance with the requirements of the pump installation permit had been achieved on May 17, 2004. However, the Commission did not accept staff's withdrawal recommendation and requested to hear and discuss the submittal. Because the permittee and contractor were not present at the meeting, the Commission deferred action and directed staff to resubmit the item at the June 16, 2004 meeting.

On May 20, 2004, the staff verified that HICC had been delinquent in reporting water use since January 1, 2002. A Notice of Commission Action was sent on the same day, notifying HICC of the Commission's deferral action and requesting that HICC submit the past reports of monthly water use by May 26, 2000.

On May 26, 2004, an estimate of total water use since about March, 2002 was delivered by Dave Kowalczyk, HICC's Head Golf Professional.

ANALYSIS/ISSUES:

I. Failure to Submit a Timely Well Completion Report Part II

HRS §174C-82 states:

"In addition to its other powers and duties, the commission shall:. . . (3) Require well completion reports, as provided in section 174C-85..."

HRS §174C-84(d) states:

"Every permit shall direct the well driller and pump installation contractor to file a well completion report, as provided in section 174C-83."

HRS §174C-85 states:

"Within thirty days after completion of the well, the well driller and pump installation contractor shall file with the Commission a written report containing such information prescribed by the commission..."

The cover letter to the permit (Exhibit 2) clearly states in bold type the requirement to submit a completed WCR2 and advises that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The cover letter also emphasizes the need to return a fully executed permit prior to the start of any work. Standard Condition 5 of the permit contains the requirement for submittal of a WCR2 and the deadline for submittal.

The Moanalua Ground-Water Management Area is overallocated by almost 2 mgd. Current permitted uses, shown in Exhibit 7, total 19.96 mgd, while the sustainable yield of the aquifer is estimated to be only 18 mgd. This over-allocation has existed since 1981, when existing uses were certified by the BLNR under Chapter 177. The certification of existing uses predated the
establishment of the Moanalua Aquifer System and its sustainable yield, which was set lower than actual existing uses at the time.

The staff is continuing to work on strategies to resolve this over-allocation situation. These strategies include boundary modification; re-allocation of permitted use from over-allocated aquifers to aquifers with available sustainable yields; development and implementation of monitoring and optimization plan; and continuing review of sustainable yield figures. However, because the aquifer is currently over-allocated, staff oversight and monitoring of the aquifer is warranted. The staff’s ability to adequately monitor the situation is frustrated if we are unable to obtain information on existing pump capacities and intake elevations in the aquifer.

II. Failure to Submit Timely Water Use Reports

HAR 13-168-7 states:

"The owner or operator of any well or stream diversion works from which water is being used shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly (calendar or work schedule) basis."

HICC had not reported water use since January 1, 2002. According to Dave Kowalczek of HICC, both he and the golf course superintendent, Tim Brubaker, are fairly new, and they were not aware that the submittal of monthly water use reports was required. Mr. Kowalczek apologized and stated that regular reports of monthly water use would be forthcoming from now on. A monthly record could not be recreated, but the superintendent was able to provide an estimate of 300,000,000 gallons of water used over an approximate 26-month period of missing record (March 2002 to May 26, 2004). This works out to about 0.378 mgd on average.

Mr. Kowalczek confirmed that they have a valve on the artesian well, and they are able to shut off the flow when water is not needed. Depending on the water table elevation, the pump may or may not need to be turned on. Staff informed Mr. Kowalczek that the allocation for the well is 0.346 mgd. Mr. Kowalczek claimed that neither he nor the superintendent were aware that they had an allocation and that there was a limit on their water use. They thought that they could use whatever they could get out of the well. Mr. Kowalczek assured staff that, from now on, HICC will not exceed 0.346 mgd on a twelve-month moving average basis.

Staff is not recommending that HICC be found in violation for possibly exceeding their water use permit allocation, because the use estimate is a soft number. However, the failure to report water use is a clearer violation. Although our records do not show any communication with HICC regarding water use reporting during the period in question (January 1, 2002 to present), the requirement to report water use is stated in §13-168-7 HAR and Standard Condition 3 of the Pump Installation Permit. Copies of the water use reporting form were transmitted with the pump installation permit.
III. Enforcement Policy

The current staff enforcement policy establishes compliance as the primary goal of enforcement actions and requires Commission action if 1) an after-the-fact permit is needed (unpermitted work), or 2) if fines are being levied. Because compliance had been achieved, the staff had recommended withdrawal of the agenda item at the May 19, 2004 Commission meeting. However, the Commission felt that compliance at such a late date, two days before the Commission meeting, should be discouraged. The Commission expressed concerns that withdrawal of the agenda item would send the wrong message to the regulated community. Following the guidance of the Commission, the staff is resubmitting this item with a recommendation for nominal fines.

The Commission had also inquired as to staff’s ability to impose administrative fines. A bill passed by the 2004 legislature established the Civil Resource Violation System. The bill allows for the imposition of administrative fines. Administrative rules to implement the statute must first be developed. Staff is researching the application of the bill to Commission enforcement actions along with the rest of the Department of Land and Natural Resources divisions.

IV. Penalty Calculation

HRS §174C-15 provides for the imposition of a fine, not to exceed $1000, for any person who violates any provision of Chapter 174C. For a continuing offense, each day during which the offense is committed is a separate violation. On April 18, 2001, the Commission adopted a revised Penalty Guideline (Exhibit 5) to provide a more detailed and consistent manner in which to levy fines.

1) Permittee:

A. Failure to submit a timely Well Completion Report Part II

Alternative 1 - Permit Warning Notice:

The cover letter to the permit states that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The permit approval date is October 31, 2001. Standard Condition 5 of the permit requires the submittal of the WCR2 within sixty (60) days after completion of work (i.e., the date the pump was installed). As of September 2, 2003, a pump had been installed in the well. The WCR2 should have been submitted by November 1, 2003, but was not received until May 17, 2004. Thus, the permittee was 197 days delinquent in submitting the WCR2, and at $1000 per day, a fine of $197,000 may be assessed.

Alternative 2 - Penalty Guideline:

1. Minimum Fine
Under the Penalty Guideline, the minimum penalty figure for a first-time violation in a water management area is $500 per day ($250 for the violation and $250 for occurring in a water management area).
2. Mitigation Component
Mitigative factors may be considered to reduce or eliminate the fine. Examples of mitigative factors are shown in Exhibit 5 (IV.B.1.). The staff finds that no mitigative factors apply.

3. Gravity Component
Gravity factors may be considered to increase the fine. Examples of gravity factors are shown in Exhibit 5 (IV.B.2.). The staff finds that HICC’s 1) failure to correct the violation once noticed and 2) failure to meet the deadlines set by the staff are applicable. Therefore, the minimum fine may be increased by a total of $500 ($250 per gravity factor), for a total fine of $1000 per day.

4. Calculation of the Number of Days for the Recommended Fine:
The Penalty Guideline provides for daily assessment of the minimum fine if one or more of the gravity components are met. In this case, a violation has occurred where a permit has been issued. Under the Penalty Guideline, in such a case, daily fines may be assessed in a number of ways (see Exhibit 5, IV.C.3.). However, because compliance has been achieved at this point, the staff is not recommending that the minimum fine be assessed on a daily basis. (A summary of the penalty calculation is contained in Exhibit 6.)

B. Failure to submit timely Water Use Reports

Alternative 1 - Permit Warning Notice:
The cover letter to the permit states that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The permit approval date is October 31, 2001. Standard Condition 3 of the permit specifies monthly reporting requirements to comply with §13-168-7 HAR. Monthly water use reports had not been submitted from January 1, 2002 to May 26, 2004. Thus, the permittee was 846 days delinquent in submitting water use reports, and at $1000 per day, a fine of $846,000 may be assessed.

Alternative 2 - Penalty Guideline:

1. Minimum Fine
Under the Penalty Guideline, the minimum penalty figure for a first-time violation in a water management area is $500 per day ($250 for the violation and $250 for occurring in a water management area).

2. Mitigation Component
Mitigative factors may be considered to reduce or eliminate the fine. Examples of mitigative factors are shown in Exhibit 5 (IV.B.1.). A notice of violation was not sent for this violation until May 20, 2004 following the Commission’s deferral of this WCR2 violation. The permittee immediately complied by sending in estimates on May 26, 2004. The staff finds that HICC’s 1) good faith effort to remedy the violation once noticed, and 2) diligent and speedy effort to remedy the violation once noticed apply. Therefore, the minimum fine may
be reduced by a total of $500 ($250 per mitigation factor), which would eliminate any fines for this violation.

3. Gravity Component
Gravity factors may be considered to increase the fine. Examples of gravity factors are shown in Exhibit 5 (IV.B.2.). The staff finds that no gravity factors apply.

4. Calculation of the Number of Days for the Recommended Fine:
The Penalty Guideline provides for daily assessment of the minimum fine if one or more of the gravity components are met. For this violation, the staff finds no gravity components were met and is not recommending any fines.

2) Licensed Contractor:
A. Failure to submit a timely Well Completion Report Part II

Alternative 1 - Permit Warning Notice:
The cover letter to the permit states that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The permit approval date is October 31, 2001. Standard Condition 5 of the permit requires the submittal of the WCR2 within sixty (60) days after completion of work (i.e., the date the pump was installed). As of September 2, 2003, a pump had been installed in the well. The WCR2 should have been submitted by November 1, 2003, but was not received until May 17, 2004. Thus, the permittee was 197 days delinquent in submitting the WCR2, and at $1000 per day, a fine of $197,000 may be assessed.

Alternative 2 – Penalty Guideline:

1. Minimum Fine
Under the Penalty Guideline, the minimum penalty figure for a first-time violation in a water management area is $500 per day ($250 for the violation and $250 for occurring in a water management area).

2. Mitigation Component
Mitigative factors may be considered to reduce or eliminate the fine. Examples of mitigative factors are shown in Exhibit 5 (IV.B.1.). The staff finds that no mitigative factors apply.

3. Gravity Component
Gravity factors may be considered to increase the fine. Examples of gravity factors are shown in Exhibit 5 (IV.B.2.). Staff had previously recommended that Mel's Water Works be found in violation for installing five (5) pumps without a permit in the Waipahu III Wells (Well Nos. 2400-09 to 11). At the Commission meeting on June 20, 2001, Mel Lima of Mel's Water Works testified that, although he installed the pumps, he did so under a general contract, had no idea of the liabilities, and assumed the Board of Water Supply (the permittee) was responsible for all the necessary paperwork. A representative from the Board of Water
Supply also came forward and accepted full responsibility. Based on these testimonies, the Commission found that, in this particular instance, the Board of Water Supply as the permittee should be the responsible party and Mel's Water Works was not found to be in violation of the Water Code. Although Mel's Water Works was previously recommended to be in violation, he is not a repeat violator. However, this previous enforcement action may be considered evidence that the contractor should have known about the need for permits and well completion reports and the potential for violations, which is a gravity factor. Therefore, the minimum fine may be increased by a total of $250, for a total fine of $750 per day.

4. Calculation of the Number of Days for the Recommended Fine:
The Penalty Guideline provides for daily assessment of the minimum fine if one or more of the gravity components are met. In this case, a violation has occurred where a permit has been issued. Under the Penalty Guideline, in such a case, daily fines may be assessed in a number of ways (see Exhibit 5, IV.C.3.). However, the staff is not recommending that the minimum fine be assessed on a daily basis at this time. (A summary of the penalty calculation is contained in Exhibit 6.)

RECOMMENDATION:

Staff recommends that the Commission:

1. Find Honolulu International Country Club in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

2. Impose a fine of $1000 on Honolulu International Country Club, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 1.

3. Issue a warning to Honolulu International Country Club that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

4. Suspend any current, pending or future applications by Honolulu International Country Club until the fine is paid.


6. Impose no fines for the violation in Recommendation 5.

7. Find Mel's Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

8. Impose a fine of $750 on Mel's Water Works, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 7.
9. Issue a warning to Mel’s Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.

10. Suspend any current, pending or future applications by Mel’s Water Works until the fine is paid.

Exhibit(s):  
1 (Location Map)  
2 (Pump Installation Permit for Well No. 2154-01)  
3 (September 2, 2003 facsimile from CWRM to HICC)  
4 (February 18, 2004 Notice of Apparent Violation)  
5 (Penalty Guideline)  
6 (Penalty Calculation Worksheet)  
7 (Current Water Use Permits)

APPROVED FOR SUBMITTAL:

PETER T. YOUNG  
Chairperson
Mr. Ho:
Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Dear Mr. Ho:

Pump Installation Permit
Honolulu International Country Club (Well No. 2154-01)

Enclosed are two (2) originals of your approved Pump Installation Permit for the captioned well(s) that authorize permanent pump installation work for your well(s). As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 11:

Special Conditions

1. Attached for your information is a copy of the Department of Health's (DOH) review comments.

The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the pump installation contractor submits a completed Part II of the Well Completion Report form (enclosed) within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

Please sign and have the contractor sign both permit originals and return one for our files. A copy of the Well Completion Report (Part II) and a copy of your water use report form are enclosed for your use.

IMPORTANT - Pump installation shall not commence until a fully signed permit is returned to the Commission. Except for the monthly water use report form, please provide copies of all the information in this packet to your pump installation contractor.

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

Aloha,

GILBERT S. COLOMA-AGARAN
Chairperson

Enclosure
c. Mel's Water Works Hawaii, Inc.

Exhibit 2
In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works"; this document permits the pump installation for Honolulu International Country Club (Well No. 2154-01) at 1690 Ala Puuonui Street, Oahu, TMK 1-17537, subject to the Hawaii Well Construction & Pump Installation Standards (12/29/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 521, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The pump installation permit shall be for installation of a 560 gpm rated capacity, or less, pump in the well.

3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, on forms provided by the Chairperson (attached).

4. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established in-channel flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of competence for a well. The permittee, well operator, and/or well owner are notified and by this provision understands that this quantity of water taken from the well could be reduced by the Commission in the future. This permit is not an authorization that the pump capacity is permitted here or even some lesser amount is guaranteed in the future.

5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.

6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

7. The pump installation permit and any related staff submitted approved by the Commission are incorporated into this permit by reference. The said permit is subject to the Hawaii Well Construction & Pump Installation Standards (12/29/97). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

8. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-120 prior to any well sealing or plugging work.

10. The permittee, its successors, and assigns shall indemnity, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assignee, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Date of Approval: October 31, 2001
Expiration Date: October 31, 2003

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

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that if I do not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit conditions may be grounds for revocation of the permit and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: __________________________
Printed Name: Honolulu Country Club
Director, Administration

Installer's Signature: __________________________
Printed Name: C-57, C-874, or A License #: C-18234
Mel's Waterwork

Date: 11/14/03

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments

C:
USGS
Department of Health, Safe Drinking Water & Wastewater Branch
Honolulu Board of Water Supply
Mel's Water Works Hawaii, Inc.
To: [Redacted]

Company: Honolulu Country Club

Fax Number: 833-2801

Phone Number: 441-9400

From: Lenore Y. Nakama

Date: September 2, 2003

Pages Including Header: 5

Subject: Pump Installation Permit

Notes/Comments:

Hi [Redacted],

As discussed on the phone, we are sending you another copy of the permit. Please sign the permit, and have the contractor (Mel's Water Works) also sign, then return the fully executed permit to us.

We are also enclosing a copy of the Completion Report for the installed pump. Please have your contractor fill it out and sign it. We will need your signature on the Completion Report also.

Thank you for your time on the telephone, and also your time and effort to get these papers back to us. Please call me if you have any questions or any problems with it.

Aloha,

Lenore

11/3/03 Thanks!

11/17/03 said paperwork is in the mail.
State of Hawai‘i
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART II
Pump Installation

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

1. State Well No.: 2154-01  Well Name: Honolulu Int'l Country Club  Island: Oahu
2. Address: [redacted]  Tax Map Key: 1-1-75:87
3. Pump Installation Company: [redacted]
4. Date Pump Installed: [redacted]

5. PERMANENT PUMP INFORMATION
   Pump Type, Make, Serial No.:
   Motor Type, H.P., Voltage, rpm:
   Type of flow meter: [redacted] which measures in
                     Model Number [redacted] Serial Number [redacted]
   Pump type (check one):
   □ Deep Well Turbine  □ Rotary  □ Propeller
   □ Submersible  □ Rotary-Displacement  □ Reciprocating
   □ Centrifugal  □ Rotary-Gear  □ Impulse

6. Method of flow measurement:
   □ Flowmeter  Manufacturer [redacted] Make [redacted] Size [redacted]
   □ Weir  □ Open Pipe  □ Orifice*  □ Other*, explain below
*attach schematic

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

8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.

9. Other remarks/comments:

   [redacted]

Pump Installation Contractor (print) [redacted]  C-57/C-57a/A Lic. No. [redacted]
Signature [redacted]  Date [redacted]

Permittee (print) [redacted]
Signature [redacted]  Date [redacted]
Bench mark elevation surveyed to nearest 0.01 ft. = ___ ft. mean sea level

Elevation of top of chase tube ___ ft. mean sea level

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

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

If airline installed, bottom of airline elevation = _____ ft. mean sea level
February 18, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Notice of Apparent Violation
Pump Installation Permit for Well No. 2154-01

This follows numerous attempts by my staff to work with you to obtain a fully executed copy of the above-referenced permit and the Well Completion Report Part II that is required under Standard Condition 5 of the permit.

Our record shows that the staff initiated contact with you to obtain the needed documents on September 2, 2003. Numerous telephone calls were made to you followed by faxes in the months of November and December, 2003; and February, 2004.

This certified notice is our final attempt to rectify this issue administratively. Please complete and submit 1) a fully executed permit and 2) a completed Well Completion Report Part II (attached) within thirty days from the date of this letter. Failure to do so will result in a staff submittal to the Commission at their following monthly meeting recommending that Honolulu Country Club be found in violation for failure to meet the conditions of the Pump Installation Permit. A fine(s) will also be recommended pursuant to the Commission’s Penalty Calculation Guideline (attached). We will also be contacting you to schedule a field investigation of your water source.

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

Sincerely,

[Signature]

ERNEST Y.W. LAU
Deputy Director

Exhibit 4
ADMINISTRATIVE AND CIVIL PENALTY GUIDELINE (G01-01)
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

I. GOALS

This penalty guideline seeks to provide a logical and consistent means to assess penalties and guide the settlement of Commission on Water Resource Management (Commission) enforcement cases. The Commission and staff should use this system to:

A. Deter violations;
B. Remove the economic benefit of violations;
C. Provide fair treatment of the regulated community; and
D. Offer the violator a chance to undertake a beneficial alternative, under proper conditions, in a partial or total replacement of a cash penalty.

II. LEGAL AUTHORITY

Hawaii Revised Statutes (HRS) § 174C-15 provides for fines of up to $1,000 for any violation of any provision of HRS § 174C. For a continuing offense, each day during which the offense is committed is a separate violation.

Administrative Rule § 13-167-10 provides for fines of up to $1,000 for any violation of any provision of Title 13, any permit condition or limitation established pursuant to Title 13, or for negligent or willful failure to comply with any final order of the Commission. For a continuing offense, each day during which the offense is committed is a separate violation.

III. APPLICABILITY

A. This guideline applies to the Commission programs, which include but are not limited to:

1. Measuring and reporting of water data;
2. Well Construction and Pump Installation Permits;
3. Stream Diversion Works Permits;
4. Stream Channel Alteration Permits;
5. Instream Use Protection Program;
6. Instream Flow Standards;
7. Water Use Permits;
8. Violations of any permit issued by the Commission;
9. Violations for failure to comply with final orders issued by the Commission; and

B. This guideline is only for use by Commission personnel. The guideline is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the Commission on Water Resource Management, Department of Land and Natural Resources or the State of Hawaii. The Commission’s staff reserves the right to act at variance with this guideline and to change it at any time without notice. The Commission’s staff expects to change this guideline as it gains experience with the guideline's implementation.

IV. PENALTY CALCULATION METHOD

A. The Commission's staff shall calculate an initial minimum penalty figure for daily fines for settlement purposes based on the following:

1. Finding of violation = $250 per day/incident
2. Occurring in Water Management Area = $250 per day/incident
3. Repeat Violation = $250 per day/incident

(A repeat violation is deemed to occur when the party has previously been found to be a violator by the Commission. A repeat violation is tied to the party involved and is irrespective of the nature of the violation.)

B. Adjustments to Initial Minimum Penalty Figure in Section A: Mitigative and Gravity Factors.

Reduction or enhancement of any recommended fine will be made based on: (1) the degree of risk or actual harm to water resources or the environment and (2) specific factors listed below. Where the risk or actual harm is slight, reduction of the recommended fine should be considered and where the risk or actual harm is great, enhancement of the recommended fine should be imposed.

1. Mitigation Component

Mitigative factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more mitigative factors can reduce or eliminate the fine or alternative penalty recommendation. Mitigative factors include but are not limited to: insignificant impact on the resource, attempt to remedy the violation without notice, good faith effort to remedy violation once noticed, self reporting in a timely manner, and diligent and speedy effort to remedy the violation once noticed.
2. Gravity Component

Gravity factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more gravity factors can enhance the fine or alternative penalty recommendation. Gravity factors include but are not limited to: significant risk of or actual damage or harm to the water resources or the environment, multiple or repeat violations of the code or regulations, evidence that the violator should have known about the violation, refusal to correct the violation once noticed, failure to meet deadlines as set by the Commission or its staff.

C. Calculation of the Number of Days for the Recommended Fine.

1. If one or more of the gravity components are met, a daily fine may be imposed. Those fines shall accrue on the following basis:

1. Violation where no permit is issued and no prior permits have been issued or no permit is required.

   The date the violation has occurred.

2. Violation where no permit is issued but prior permits have been issued.

   The date the violation has occurred.

3. Violation where permit has been issued

   Either:
   a. The date the violation has occurred
   b. The date of permit approval
   c. The date permit issued
   d. The date of Commission meeting for conditions or deadlines imposed by the Commission not contained in a permit

4. Tolling. In calculating a recommendation for the imposition of a daily fine, the time may be tolled for upon the filing of a permit application, satisfactory progress in addressing the violation, or for good cause.

5. End. In calculating a recommendation for the imposition of a daily fine, the period of the violation ends upon: (1) satisfactory resolution of the violation, or (2) removal or remedy of the violation.

D. No staff recommendation shall exceed the maximum amount allowable in Section 174C-15, HRS.
V. ALTERNATIVE SETTLEMENT

The following considerations will guide the Commission’s staff recommendation in deciding whether to allow a project to substitute for or be credited against a cash penalty. However, any finding of a violation by the Commission shall result in a minimum one-time $500 cash fine in addition to an alternative settlement. Failure to successfully meet the alternative will result in re-institution of the fines as calculated in IV.

1. The project must be something that the violator was not required to do anyway, either because of legal or other obligation. Projects committed to, or started before a settlement is finally agreed upon may be eligible for credit, but such projects must be carefully examined to determine the extent to which they resulted from the enforcement case or were due to other factors, or prior plans or commitments. In some cases, partial credit may be appropriate.

2. The project must result in new water resources (including aquatic biota) information, provide water resources education, or benefit the water resources of the state.

3. The project may consist of corrective action to be completed within a timeframe established by the Commission. Failure to abide by the timeframe will result in re-institution of the fines as calculated in IV.

VI. FUTURE APPLICATIONS

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

Deputy Director
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Finding of violation (min $250)</th>
<th>Occurring in WMA (min $250)</th>
<th>Repeat violation (min $250)</th>
<th>Gravity component</th>
<th>Mitigative component</th>
<th>TOTAL DAILY FINES</th>
<th>Start date</th>
<th>End date</th>
<th>Total Days Tolled/N</th>
<th>o. of days</th>
<th>Compliance within 30 days (yes/no)</th>
<th>Total duration of violation</th>
<th>Alternate settlement</th>
<th>Subtotal fine for one incident</th>
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NOTES
A Item No
B Description - description of the violation, see submittal text for specific rules violated
C Finding of violation (min. $250) - where there is a violation, there is a minimum daily fine of $250
D Occurring in WMA (min. $250) - When the violation is in a designated Water Management Area, there is a minimum additional daily fine of $250
E Repeat violation (min. $250) - When the violator has committed violations in the past, there is a minimum additional daily fine of $250
F Gravity component - allows for the increase of the daily fine
G Mitigative component - allows for the decrease of the daily fine
H TOTAL DAILY FINES - the sum of the values in columns C through G
I Start date - the date where calculation of daily fines begins (date of notice of violation, or permit approval, or permit fully signed, or violation occurred, or CVRM order)
J End date - the date of the end of the violation or latest CVRM meeting or completed permit application
K Days tolled - the amount of days that are tolled, to be subtracted from the total duration of the violation
L No. of days - calculated between start and end dates and subtracting the tolled days
M Compliance within 30 days (yes/no) - if the applicant complies with the Commission staff's notice of violation requirements within 30 days
N Total duration of violation - if there was compliance with staff notice of violation requirements within 30 days, the duration shall be one (1) day. If there was no compliance with staff notice of violation within 30 days, the duration shall be the total days of the violation. However, gravity circumstances can increase the total days even if the 30 day compliance is met.
O Alternate settlement (yes/no) - an alternate settlement in lieu of the daily fine was recommended
P Subtotal fine for one incident - per incident fine
Q No. of incidents - of violation that occurred for this investigation

EXHIBIT 6
Penalty Policy G-01-01
Aquifer System Water Use Permit Index (non-saltwater)

**ISLAND OF OAHU**

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Summary for 'SYSTEM' = MOANALUA (11 detail records)

Totalling 19.96
MEMORANDUM FOR THE RECORD

From: Lenore Nakama
Subject: Water Use Reports for Honolulu Country Club (2154-01)

6/20/04 [Redacted], Head Golf Professional (Head Golf Professional), delivered their estimate of water use. They were unable to recreate a monthly record, but are able to provide the total flow past the meter for the entire period of missing record, January 1, 2002 to present.

He mentioned that artesian flow varies depending on the water table elevation, but at times, natural flow can exceed 0.4 mgd. Currently, the pump has been contributing very little to the flow, many days, they don't need to pump at all. Therefore, even though their permitted use is 0.346 mgd, they may report greater than that, depending on the artesian flow.

Dave said the golf course superintendent, Ted, is new. Ted was not aware that they were supposed to be submitting water use reports. Dave apologized and said it was an oversight on their part, not intentional. Dave promised that they will submit monthly reports from now on.

5/26/04 Called Dave. Confirmed that they do have a value on the well so artesian flow can be stopped when not needed.

Informed Dave that the avg. monthly flow past the meter (300,000,000 gallons over 26 mos.) works out to 0.378 mgd, which exceeds their allocation. Dave said both he and Tim are fairly new and were not aware that they were limited by an allocation. He said they thought they could use whatever they could get out of the well. Dave said they will mimic the allocation limit from now on.
Our last reading on the meter was March 31, 2002. The amount was 52,674,300 gallons pumped. Our current reading is 52,584,300 gallons. Over a 26 month period I estimated we used aprox. 300,000,000 gallons of water to irrigate. This number worked out nearly perfect with our current meter reading. The meter had to turn over 3 times.

4,378 mgd

RECEIVED
04 MAY 2012 PZ: 4 -
May 20, 2004

Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Dear [Name]

Notice of Commission Action

Honolulu International Country Club
Mel’s Water Works
APPARENT VIOLATION OF A PUMP INSTALLATION PERMIT
Honolulu International Country Club (Well No. 2154-01), TMK 1-1-75:87
Moanalua Ground Water Management Area, Oahu

This letter serves as your official notice of action taken by the Commission on Water Resource Management (Commission) on the subject violation. By a unanimous vote of the Commission at their meeting on May 19, 2004, the Commission deferred action to the June 16, 2004 meeting.

Because full compliance with requirements of the pump installation permit had been achieved on May 17, 2004, the staff recommended withdrawal of the subject agenda item. However, the Commission did not accept the staff’s withdrawal recommendation and requested to hear the submittal.

In their discussion, the Commission inquired as to actual pumpage data. Our records indicate that you have not reported water use since December 2001. Please provide your actual pumpage data from January 1, 2002 to present. Because the submittal needs to be prepared three weeks in advance of the Commission meeting, please provide the data no later than May 26, 2004 so that you will be in compliance with this requirement of the Water Code when the Commission meets on June 16, 2004.

We will send you a copy of the staff submittal when that document is finalized, no later than six (6) days prior to the Commission meeting.

If you have any questions, please contact Lenore Nakama of Commission Staff at [Phone Number].

Sincerely,

W. Roy Handy

YVONNE Y. IZU
Deputy Director

LN:ss

c: Mel’s Water Works
Ref: 2154-01.sub

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

May 19, 2004
Honolulu, Oahu

Honolulu International Country Club
Mel's Water Works

APPARENT VIOLATION OF A PUMP INSTALLATION PERMIT
Honolulu International Country Club (Well No. 2154-01), TMK 1-1-75:87
Moanalua Ground Water Management Area, Oahu

PERMITTEE:
Honolulu Country Club
1690 Puualu Street
Honolulu, HI 96818

LANDOWNER:
Honolulu Country Club
1690 Puualu Street
Honolulu, HI 96818

CONTRACTOR:
Mel's Water Works
3075 Ala Poha Place, #510
Honolulu, HI 96818

SUMMARY OF APPARENT VIOLATION:
The permittee received a pump installation permit from the Commission to install a 500 gpm pump in an existing well for golf course irrigation. A standard condition of all pump installation permits is the submittal of a Well Completion Report – Part II (WCR2) within sixty (60) days after the pump is installed in the well. The permit expired on October 31, 2003, and administrative attempts to obtain a WCR2 from the permittee have been unsuccessful to date.

LOCATION MAP: See Exhibit 1

Item G2
BACKGROUND:

On February 27, 1981, the Board of Land and Natural Resources (BLNR) designated the Honolulu District as the Honolulu Ground Water Control Area under Hawaii Revised Statutes (HRS) Chapter 177, Ground Water Use Act.

On April 1, 1981, Honolulu International Country Club (HICC) submitted its Declaration of Existing Water Withdrawal and Use for their existing use of an artesian well, Well No. 2154-01, for golf course irrigation.

On April 29, 1981, the staff conducted a site visit and documented the existing use of Well No. 2154-01. Ground water flowing from the well is routed to a pond on the golf course, that acts as a reservoir. Water is pumped from the pond to the irrigation system.

On September 11, 1981, the BLNR certified existing ground water withdrawals and uses in the Honolulu Ground Water Control Area, including HICC’s use of 0.346 mgd.

Effective July 1, 1989, HRS Chapter 177 was repealed and replaced with HRS Chapter 174C, State Water Code. Pursuant to HRS §174C-41(c), the designated Honolulu Ground Water Control Area was continued as a water management area. According to the current Water Resources Protection Plan, Well No. 2154-01 is located in the Moanalua Ground Water Management Area of the Honolulu Sector.

On September 28, 2001, HICC submitted an application for a pump installation permit to the Commission. According to HICC’s consultant, the artesian well lost pressure to the point where a pump in the well is now required to induce adequate water flow.

On November 16, 2001, a pump installation was issued (Exhibit 2). The permit expiration date was October 31, 2003.

On September 2, 2003, the staff called HICC to follow up on the soon-to-expire permit and was informed by Melvyn Ho, the contact person for HICC, that a pump had been installed under the permit. The staff informed Mr. Ho that a fully executed permit should be returned to the Commission, along with the required WCR2 for the installed pump. The staff faxed a copy of the permit for execution and a blank WCR2 (Exhibit 3).

On November 3, 2003, the staff called Mr. Ho again. Mr. Ho requested that we resend the permit copy and WCR2. The staff resent the September 2, 2003 fax with the attachments.

On November 17, 2003, the staff called Mr. Ho again. Mr. Ho said the paperwork was in the mail. Later the same day, staff received a WCR2, signed by Mr. Ho and Mel Lima of Mel’s Water Works, a licensed pump installer. However, no other information was provided on the form, including the installation date. A partially executed permit, signed by Mr. Ho but not the licensed contractor, was also submitted.
On November 18, 2003, staff sent another fax to Mr. Ho, transmitting a copy of the signed, but otherwise blank, WCR2 and requested that he complete the form with his contractor’s assistance. Staff also reiterated our need for a fully executed permit and sent the partially executed permit for the contractor to sign.

On December 11, 2003, the staff left a message for Mr. Ho to return our call. The call was not returned.

On December 22, 2003, the staff called and spoke with Mr. Ho, who said he will follow up on the WCR2 and permit.

On February 5, 2004, the staff called the contractor, Mel Lima of Mel’s Water Works. Mr. Lima stated that he did install the pump, but he did not purchase the pump and could not provide any information to fill out the WCR2. Staff asked Mr. Lima if he could provide information on the intake depth or pump capacity. Mr. Lima stated that he couldn’t provide any WCR2 information. Mr. Lima suggested staff contact Beylik Drilling and speak with Bill Moore or Toni Gonzalez because they sold HICC the pump and would know all the information needed to complete the WCR2.

On February 6, 2004, the staff called Bill Moore of Beylik Drilling. Mr. Moore stated that Beylik gave a quote to HICC, but didn’t sell the pump to HICC because the price was too high. Mr. Moore said Ms. Gonzalez knows nothing about the job because he handled it. Mr. Moore said he worked with a person named Karen (last name unknown) at HICC for the quote.

On February 6, 2004, the staff called HICC and asked to speak to Karen. The telephone receptionist said there’s no Karen that works at HICC. The personnel director at HICC confirmed that there is no Karen employed by HICC.

On February 9, 2004, the staff sent a fax to Mr. Ho, again attaching the WCR2 and partially executed permit, requesting completion of the documents within one week.

On February 18, 2004, the staff sent a certified notice for the apparent violation of the pump installation permit to HICC (Exhibit 4).

As of the March 20, 2004 deadline for response to the certified notice, and to date, no response has been received from HICC.

**ANALYSIS/ISSUES:**

I. APPARENT VIOLATION

HRS §174C-82 states:

"In addition to its other powers and duties, the commission shall: ... (3) Require well completion reports, as provided in section 174C-85..."
HRS §174C-84(d) states:

"Every permit shall direct the well driller and pump installation contractor to file a well completion report, as provided in section 174C-85."

HRS §174C-85 states:

"Within thirty days after completion of the well, the well driller and pump installation contractor shall file with the Commission a written report containing such information prescribed by the commission..."

The cover letter to the permit (Exhibit 2) clearly states in bold type the requirement to submit a completed WCR2 and advises that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The cover letter also emphasizes the need to return a fully executed permit prior to the start of any work. Standard Condition 5 of the permit contains the requirement for submittal of a WCR2.

The staff is recommending that HICC and the installer, Mel's Water Works, be found in violation of HRS §174C-85 and Standard Condition 5 of the pump installation permit for failure to return completed Well Completion Report within sixty (60) days after completion of the work. Under the current ground-water regulatory scheme, fines are assessed against both the permittee and contractor as equal responsible parties.

The Moanalua Ground-Water Management Area is overallocated by almost 2 mgd. Current permitted uses, shown in Exhibit 7, total 19.96 mgd, while the sustainable yield of the aquifer is estimated to be only 18 mgd. This over-allocation has existed since 1981, when existing uses were certified by the BLNR under Chapter 177. The certification of existing uses predated the establishment of the Moanalua Aquifer System and its sustainable yield, which was set lower than actual existing uses at the time.

The staff is continuing to work on strategies to resolve this over-allocation situation. These strategies include boundary modification; re-allocation of permitted use from over-allocated aquifers to aquifers with available sustainable yields; development and implementation of monitoring and optimization plan; and continuing review of sustainable yield figures. However, because the aquifer is currently over-allocated, staff oversight and monitoring of the aquifer is warranted. The staff's ability to adequately monitor the situation is frustrated if we are unable to obtain information on existing pump capacities and intake elevations in the aquifer.

II. PENALTY CALCULATION

HRS §174C-15 provides for the imposition of a fine, not to exceed $1000, for any person who violates any provision of Chapter 174C. For a continuing offense, each day during which the offense is committed is a separate violation. On April 18, 2001, the Commission adopted a revised Penalty Guideline (Exhibit 5) to provide a more detailed and consistent manner in which to levy fines.
Alternative 1 - Permit Warning Notice:

The cover letter to the permit states that fines of up to $1000 per day may be assessed for any violations of the permit conditions starting from the permit approval date. The permit approval date is October 31, 2001. Under this scenario, 931 days have passed, and at $1000 per day, a fine of $931,000 may be assessed.

Alternative 2 – Penalty Guideline:

1. Minimum Fine
On April 18, 2001, the Commission adopted a revised Penalty Guideline (Exhibit 5). Under the Penalty Guideline, the minimum penalty figure for a first-time violation in a water management area is $500 per day ($250 for the violation and $250 for occurring in a water management area).

2. Mitigative Component
Mitigative factors may be considered to reduce or eliminate the fine. Examples of mitigative factors are shown in Exhibit 5 (IV.B.1.). The staff finds that no mitigative factors apply.

3. Gravity Component
Gravity factors may be considered to increase the fine. Examples of gravity factors are shown in Exhibit 5 (IV.B.2.). The staff finds that the HICC's 1) refusal to correct the violation once noticed and 2) failure to meet the deadlines set by the staff are applicable. Therefore, the minimum fine may be increased by a total of $500 ($250 per gravity factor), for a total fine of $1000 per day.

4. Calculation of the Number of Days for the Recommended Fine:
The Penalty Guideline provides for daily assessment of the minimum fine if one or more of the gravity components are met. In this case, a violation has occurred where a permit has been issued. Under the Penalty Guideline, in such a case, daily fines may be assessed in a number of ways (see Exhibit 5, IV.C.3.). However, the staff is not recommending that the minimum fine be assessed on a daily basis at this time. (A summary of the penalty calculation is contained in Exhibit 6.)

Rather, the staff is recommending that, in addition to a one-time fine of $1000 as computed under Alternative 2 above, the Commission impose a daily fine of $100 for each day that a completed WCR2 is not submitted to the Commission, beginning on May 19, 2004. The staff still desires the WCR2 information, which we believe is crucial to the Commission’s ability to carry out its public trust responsibility to properly manage and care for the state’s ground water resources.

The staff had previously recommended that Mel’s Water Works be found in violation for installing five (5) pumps without a permit in the Waipahu III Wells (Well Nos. 2400-09 to 11). At the Commission meeting on June 20, 2001, Mel Lima of Mel’s Water Works testified that, although he installed the pumps, he did so under a general contract, had no idea of the liabilities, and assumed the Board of Water Supply (the permittee) was responsible for all the necessary paperwork. A
representative from the Board of Water Supply also came forward and accepted full responsibility. Based on these testimonies, the Commission found that, in this particular instance, the Board of Water Supply as the permittee should be the responsible party and Mel's Water Works was not found to be in violation of the Water Code. Therefore, although Mel's Water Works was previously recommended to be in violation, he is not a repeat violator.

RECOMMENDATION:

Staff recommends that the Commission:

1. Find Honolulu International Country Club and Mel's Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.

2. Impose separate fines of $1000 each on both Honolulu International Country Club and Mel's Water Works, as summarized in Exhibit 6, payable within thirty (30) days.

3. Impose additional separate daily fines of $100 each on both Honolulu International Country Club and Mel's Water Works for each day beyond May 19, 2004 that a completed Well Completion Report – Part II is not returned to the Commission.

4. Order Honolulu International Country Club and Mel's Water Works to return a fully executed pump installation permit to the Commission within thirty (30) days.

5. Order Honolulu International Country Club to permit staff to access the well site for the purposes of verifying the Well Completion Report – Part II information, provided that reasonable advance notice (10 working days) is given to Honolulu International Country Club.

6. Issue a warning to Honolulu International Country Club and Mel's Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to $1000 per day.
7. Suspend any current, pending or future applications by the permittee or contractor until the fines are paid and the permittee and contractor complete the WCR2 and return a fully executed permit.

Respectfully submitted,

EDWIN T. SAKODA
Acting Deputy Director

Exhibit(s): 1 (Location Map)
2 (Pump Installation Permit for Well No. 2154-01)
3 (September 2, 2003 facsimile from CWRM to HICC)
4 (February 18, 2004 Notice of Apparent Violation)
5 (Penalty Guideline)
6 (Penalty Calculation Worksheet)
7 (Current Water Use Permits)

APPROVED FOR SUBMITTAL:

PETER T. YOUNG
Chairperson

Staff recommend that the submittal be withdrawn from the agenda because compliance had been achieved on 5/17/04. However, the Curran instead deferred action to the June 16, 2004 mtg.

Frasier: What is actual water use? Staff replied that water use records were still being compiled, though it appeared that the permittee may be delinquent in their reporting. Frasier also said that the address permittee & contractor separately in the submittal.

Whitten: What about admin penalties? What message are we sending to the regulated community if submittal is withdrawn. Curran decision to impose penalties, not the staff's.

Younes said an enforcement policy is needed. A new bill recently approved pending for admin civil penalties. Will research if applies to curbs.
Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Dear Mr. Ho:

Pump Installation Permit
Honolulu International Country Club (Well No. 2154-01)

Enclosed are two (2) originals of your approved Pump Installation Permit for the captioned well(s) that authorize permanent pump installation work for your well(s). As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 11:

**Special Conditions**

1. Attached for your information is a copy of the Department of Health's (DOH) review comments.

The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the pump installation contractor submits a completed Part II of the Well Completion Report form (enclosed) within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

Please sign and have the contractor sign both permit originals and return one for our files. A copy of the Well Completion Report (Part II) and a copy of your water use report form are enclosed for your use.

**IMPORTANT** - Pump installation shall not commence until a fully signed permit is returned to the Commission. Except for the monthly water use report form, please provide copies of all the information in this packet to your pump installation contractor.

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

Aloha,

GILBERT S. COLOMA-AGARAN
Chairperson

Enclosure

Exhibit 2
In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Honolulu International Country Club (Well No. 2154-01) at 1690 Ala Puumalu Street, Oahu, TMK 1-1-75:87, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The pump installation permit shall be for installation of a 500 gpm rated capacity, or less, pump in the well.

3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, on forms provided by the Chairperson (attached).

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

5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.

6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

7. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. The this permit is also subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

8. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

10. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Date of Approval: October 31, 2001
Expiration Date: October 31, 2003

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

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: ________________________________ Date: __________

Printed Name: ________________________ Firm or Title: __________________________

Installer's Signature: __________________________ C-57, C-57a, or A License #: __________ Date: __________

Printed Name: ___________________________ Firm or Title: __________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments
C:
USGS
Department of Health/ Safe Drinking Water & Wastewater Branch
Honolulu Board of Water Supply
Mel's Water Works Hawaii, Inc.
To: [Redacted]

Company: Honolulu Country Club

Fax Number: [Redacted]

Phone Number: [Redacted]

From: Lenore Y. Nakama

Date: September 2, 2003

Subject: Pump Installation Permit

Notes/Comments:

Hi Melvyn,

As discussed on the phone, we are sending you another copy of the permit. Please sign the permit, and have the contractor (Mel's Water Works) also sign, then return the fully executed permit to us.

We are also enclosing a copy of the Completion Report for the installed pump. Please have your contractor fill it out and sign it. We will need your signature on the Completion Report also.

Thank you for your time on the telephone, and also your time and effort to get these papers back to us. Please call me if you have any questions or any problems with it.

Aloha,

Lenore

11/3/03 Thanks, Melvyn!

11/17/03 Melvyn said paperwork is in the mail.
1. State Well No.: **2154-01**  
   Well Name: **Honolulu Int'l Country Club**  
   Island: **Oahu**

2. Address: **1690 Ala Puumalu Street**  
   Tax Map Key: **1-1-75:87**

3. Pump Installation Company: 

4. Date Pump Installed: 

5. PERMANENT PUMP INFORMATION
   
   Pump Type, Make, Serial No.: 
   
   Rated Capacity: ____________________ gpm  
   at head of: ______________________ ft. 
   
   Motor Type, H.P., Voltage, rpm: 
   
   Type of flow meter: 
   
   Model Number ____________________  
   Serial Number ____________________

6. Method of flow measurement:
   
   □ Flowmeter  
   Manufacturer ____________________  
   Make ____________________  
   Size ____________________

   □ Weir  
   □ Open Pipe  
   □ Orifice*  
   □ Other*, explain below

   *attach schematic

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

8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.

9. Other remarks/comments:

   ____________________________________________
   ____________________________________________
   ____________________________________________

Pump Installation Contractor (print) ______________________ C-57/C-57a/A Lic. No. ________

Signature ___________________________  
Date ____________________________

Permittee (print) ____________________________

Signature ___________________________  
Date ____________________________
Bench mark elevation surveyed to nearest 0.01 ft. = _____ ft. mean sea level

Elevation of top of chase tube = _____ ft. mean sea level

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

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

If airline installed, bottom of airline elevation = _____ ft. mean sea level
February 18, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Notice of Apparent Violation
Pump Installation Permit for Well No. 2154-01

This follows numerous attempts by my staff to work with you to obtain a fully executed copy of the above-referenced permit and the Well Completion Report Part II that is required under Standard Condition 5 of the permit.

Our record shows that the staff initiated contact with you to obtain the needed documents on September 2, 2003. Numerous telephone calls were made to you followed by faxes in the months of November and December, 2003; and February, 2004.

This certified notice is our final attempt to rectify this issue administratively. Please complete and submit 1) a fully executed permit and 2) a completed Well Completion Report Part II (attached) within thirty days from the date of this letter. Failure to do so will result in a staff submittal to the Commission at their following monthly meeting recommending that Honolulu Country Club be found in violation for failure to meet the conditions of the Pump Installation Permit. A fine(s) will also be recommended pursuant to the Commission's Penalty Calculation Guideline (attached). We will also be contacting you to schedule a field investigation of your water source.

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

Sincerely,

ERNEST Y.W. LAU
Deputy Director

Exhibit 4
I. GOALS

This penalty guideline seeks to provide a logical and consistent means to assess penalties and guide the settlement of Commission on Water Resource Management (Commission) enforcement cases. The Commission and staff should use this system to:

A. Deter violations;
B. Remove the economic benefit of violations;
C. Provide fair treatment of the regulated community; and
D. Offer the violator a chance to undertake a beneficial alternative, under proper conditions, in a partial or total replacement of a cash penalty.

II. LEGAL AUTHORITY

Hawaii Revised Statutes (HRS) § 174C-15 provides for fines of up to $1,000 for any violation of any provision of HRS § 174C. For a continuing offense, each day during which the offense is committed is a separate violation.

Administrative Rule § 13-167-10 provides for fines of up to $1,000 for any violation of any provision of Title 13, any permit condition or limitation established pursuant to Title 13, or for negligent or willful failure to comply with any final order of the Commission. For a continuing offense, each day during which the offense is committed is a separate violation.

III. APPLICABILITY

A. This guideline applies to the Commission programs, which include but are not limited to:

1. Measuring and reporting of water data;
2. Well Construction and Pump Installation Permits;
3. Stream Diversion Works Permits;
4. Stream Channel Alteration Permits;
5. Instream Use Protection Program;
6. Instream Flow Standards;
7. Water Use Permits;
8. Violations of any permit issued by the Commission;
9. Violations for failure to comply with final orders issued by the Commission; and

B. This guideline is only for use by Commission personnel. The guideline is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the Commission on Water Resource Management, Department of Land and Natural Resources or the State of Hawaii. The Commission's staff reserves the right to act at variance with this guideline and to change it at any time without notice. The Commission's staff expects to change this guideline as it gains experience with the guideline's implementation.

IV. PENALTY CALCULATION METHOD

A. The Commission's staff shall calculate an initial minimum penalty figure for daily fines for settlement purposes based on the following:

1. Finding of violation = $250 per day/incident
2. Occurring in Water Management Area = $250 per day/incident
3. Repeat Violation = $250 per day/incident

(A repeat violation is deemed to occur when the party has previously been found to be a violator by the Commission. A repeat violation is tied to the party involved and is irrespective of the nature of the violation.)

B. Adjustments to Initial Minimum Penalty Figure in Section A: Mitigative and Gravity Factors.

Reduction or enhancement of any recommended fine will be made based on: (1) the degree of risk or actual harm to water resources or the environment and (2) specific factors listed below. Where the risk or actual harm is slight, reduction of the recommended fine should be considered and where the risk or actual harm is great, enhancement of the recommended fine should be imposed.

1. Mitigation Component

Mitigative factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more mitigative factors can reduce or eliminate the fine or alternative penalty recommendation. Mitigative factors include but are not limited to: insignificant impact on the resource, attempt to remedy the violation without notice, good faith effort to remedy violation once noticed, self reporting in a timely manner, and diligent and speedy effort to remedy the violation once noticed.
2. Gravity Component

Gravity factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more gravity factors can enhance the fine or alternative penalty recommendation. Gravity factors include but are not limited to: significant risk of or actual damage or harm to the water resources or the environment, multiple or repeat violations of the code or regulations, evidence that the violator should have known about the violation, refusal to correct the violation once noticed, failure to meet deadlines as set by the Commission or its staff.

C. Calculation of the Number of Days for the Recommended Fine.

1. If one or more of the gravity components are met, a daily fine may be imposed. Those fines shall accrue on the following basis:

   1. Violation where no permit is issued and no prior permits have been issued or no permit is required.
      The date the violation has occurred.
   2. Violation where no permit is issued but prior permits have been issued
      The date the violation has occurred.
   3. Violation where permit has been issued
      Either:
      a. The date the violation has occurred
      b. The date of permit approval
      c. The date permit issued
      d. The date of Commission meeting for conditions or deadlines imposed by the Commission not contained in a permit

4. Tolling. In calculating a recommendation for the imposition of a daily fine, the time may be tolled for upon the filing of a permit application, satisfactory progress in addressing the violation, or for good cause.

5. End. In calculating a recommendation for the imposition of a daily fine, the period of the violation ends upon: (1) satisfactory resolution of the violation, or (2) removal or remedy of the violation.

D. No staff recommendation shall exceed the maximum amount allowable in Section 174C-15, HRS.
V. ALTERNATIVE SETTLEMENT

The following considerations will guide the Commission’s staff recommendation in deciding whether to allow a project to substitute for or be credited against a cash penalty. However, any finding of a violation by the Commission shall result in a minimum one-time $500 cash fine in addition to an alternative settlement. Failure to successfully meet the alternative will result in re-institution of the fines as calculated in IV.

1. The project must be something that the violator was not required to do anyway, either because of legal or other obligation. Projects committed to, or started before a settlement is finally agreed upon may be eligible for credit, but such projects must be carefully examined to determine the extent to which they resulted from the enforcement case or were due to other factors, or prior plans or commitments. In some cases, partial credit may be appropriate.

2. The project must result in new water resources (including aquatic biota) information, provide water resources education, or benefit the water resources of the state.

3. The project may consist of corrective action to be completed within a timeframe established by the Commission. Failure to abide by the timeframe will result in re-institution of the fines as calculated in IV.

VI. FUTURE APPLICATIONS

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

LINNEL T. NISHIOKA
Deputy Director
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Finding of violation (min $250)</th>
<th>Occurring in WMA (min $250)</th>
<th>Repeat violation (min $250)</th>
<th>Gravity component</th>
<th>Mitigative component</th>
<th>TOTAL DAILY FINES</th>
<th>Start date</th>
<th>End date</th>
<th>Total Days Talled</th>
<th>No. of days</th>
<th>Compliance within 30 days (yes/no)</th>
<th>Total duration of violation</th>
<th>Alternate settlement for one incident</th>
<th>No. of incidents</th>
<th>Subtotal fines for one incident</th>
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</thead>
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<tr>
<td>1</td>
<td>Non-compliance with Pump Installation Permit Condition</td>
<td>$250</td>
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<td>$500</td>
<td>$1,000</td>
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<td>$0</td>
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<td>No</td>
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<td>$0</td>
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<tr>
<td>3</td>
<td>Occurring in WMA</td>
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<td>TOTAL DAILY FINES</td>
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<td>$0</td>
<td>No</td>
<td></td>
<td>$0</td>
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</tbody>
</table>

**NOTES**

A Item No - description - description of the violation, see submittal text for specific rules violated
B Finding of violation (min $250) - where there is a violation, there is a minimum daily fine of $250
C Occurring in WMA (min $250) - When the violation is in a designated Water Management Area, there is a minimum additional daily fine of $250
D Repeat violation (min $250) - When the violator has committed violations in the past, there is a minimum additional daily fine of $250
E Gravity component - allows for the increase of the daily fine
F Mitigative component - allows for the decrease of the daily fine
G TOTAL DAILY FINES - the sum of the values in columns C through G
H Start date - the date where calculation of daily fines begins (date of notice of violation, or permit approval, or permit fully signed, or violation occurred, or CWRM order)
I End date - the date of the end of the violation or latest CWRM meeting or completed permit application
J Days tallied - the amount of days that are tallied, to be subtracted from the total duration of the violation
K No. of days - calculated between start and end dates and subtracting the tallied days
L Compliance within 30 days (yes/no) - if the applicant complies with the Commission staff's notice of violation requirements within 30 days
M Total duration of violation - if there was compliance with staff notice of violation within 30 days, the duration shall be one (1) day. If there was no compliance with staff notice of violation within 30 days, the duration shall be the total days of the violation. However, gravity circumstances can increase the total days even if the 30 day compliance is met.
N Alternate settlement (yes / no) - an alternate settlement in lieu of the daily fine was recommended
O Subtotal fine for one incident - per incident fine
P No. of incidents - of violation that occurred for this investigation
Q Subtotal fines - the subtotal of fines, calculated by multiplying (per incident fine) * (no. of incidents)

**Exhibit 6**

Penalty Policy G-01-01
Aquifer System Water Use Permit Index

ISLAND OF OAHU

<table>
<thead>
<tr>
<th>WUP No</th>
<th>Approved</th>
<th>Applicant</th>
<th>Well No.</th>
<th>Well Name</th>
<th>Sustainable Yield</th>
<th>12-MAV (mgd)</th>
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</thead>
<tbody>
<tr>
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<td>MOANALUA</td>
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<tr>
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<td>2153-08</td>
<td>TRIPLER</td>
<td>0</td>
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</tr>
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<td>HONOLULU INT CC</td>
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</tr>
</tbody>
</table>

Summary for 'SYSTEM' = MOANALUA (11 detail records)

Totalling 19.96
May 19, 2004

Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Dear Mr. Ho:

Well Completion Report for Well No. 2154-01

We acknowledge our receipt and acceptance, on May 17, 2004, of all the information required to complete the Well Completion Report Part II for the Honolulu International Country Club Well (Well No. 2154-01).

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

EDWIN T. SAKODA
Acting Deputy Director

LYN:ss
Go ahead and tell the permittee that it will be withdrawn. I believe the Commission's goal has been compliance rather than punishment, therefore, I think it unlikely that they'd want to impose a fine after the violation has been cured. If I'm wrong, we'll ask the Commission to defer till next meeting because the permittee was led to believe that the matter would be withdrawn and told no need to show up.

Lenore Y Nakama

Hi Yvonne,

Item G.2. is a permit enforcement action recommending a finding of a violation and fines. The permittee/contractor finally met all the requirements of the permit today. Therefore, there is no longer any outstanding permit issues. We are thinking about withdrawing the item at the meeting. Question: Can the CWRM override staff's withdrawal and still take action anyway? (The reason I'm asking is that the permittee and contractor will probably want to try to be at the meeting if there is a possibility that the CWRM can still take an action.) thanks, Lenore
water meter,
see attachment.
Aloha...mel
Hi Mel,

Thanks for sending the pictures, we won't be needing any other schematics or diagrams. The only thing we are still looking for is flowmeter info: 1) type, 2) measurement units, 3) model # & 4) serial #. Also, if you could highlight where the flowmeter is located on the picture below (does the meter capture all the flow from the well whether it is pumped water or artesian). A picture of the meter would be great.

Aloha,
Lenore

Hi Lenora,

E-mail back info. neede.

aloha...Mel

5/17/04 Mel Lima called.

Type: Sprarling
Serial #: 104240
Hi Lenora,

E-mail back info. neede.

aloha...Mel

5/14/04 Pin Kog's
survey branch,
no need as-built
diagram. Notice
is good enough.
State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  
WELL COMPLETION REPORT - PART II  
Pump Installation  

Instructions: Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 521, Honolulu, Hawaii 96818. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulation Branch at 808-586-0255. For updates to this form or additional information, please visit our website at http://www.hawaii.gov/cwrp.

<table>
<thead>
<tr>
<th>1. State Well No.:</th>
<th>2164-01</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Address:</td>
<td>1780 Ala Moana Blvd, Honolulu, HI 96814</td>
</tr>
<tr>
<td>3. Pump Installation Company:</td>
<td>Mel's Watermark</td>
</tr>
<tr>
<td>4. Date Pump Installed:</td>
<td>11/9/03</td>
</tr>
<tr>
<td>5. PERMANENT PUMP INFORMATION</td>
<td></td>
</tr>
<tr>
<td>Pump Type, Make, Serial No.:</td>
<td>Self-Priming Centrifugal, Berkeley DATIFELS, SN: 169697-01</td>
</tr>
<tr>
<td>Rated Capacity:</td>
<td>400 gpm at head of 20 ft</td>
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<tr>
<td>Motor Type, H.P., Voltage, rpm:</td>
<td>Baldor, 3 HP, 230-460V/3ph/1760 RPM</td>
</tr>
<tr>
<td>Type of flow meter:</td>
<td>Sparling 6&quot; which measures in 100 gallons per hour</td>
</tr>
<tr>
<td>Pump type (check one):</td>
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</tr>
<tr>
<td>□ Deep Well Turbine:</td>
<td>□ Rotary</td>
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<tr>
<td>□ Submersible:</td>
<td>□ Rotary-Displacement</td>
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<td>□ Reciprocating</td>
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<td>6. Method of flow measurement:</td>
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<tr>
<td>□ Flowmeter:</td>
<td>Manufacturer: Sparling Make: 104540 Size: 6&quot;</td>
</tr>
<tr>
<td>□ Weir:</td>
<td>□ Open Pipe:</td>
</tr>
<tr>
<td>□ Office:</td>
<td>□ Other*, explain below</td>
</tr>
<tr>
<td>Attach schematic:</td>
<td></td>
</tr>
<tr>
<td>7. Fill in the as-built section on the other side of this sheet.</td>
<td></td>
</tr>
<tr>
<td>8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.</td>
<td></td>
</tr>
<tr>
<td>9. Other remarks/comments:</td>
<td></td>
</tr>
</tbody>
</table>

Pump Installation Contractor (print): [Redacted]
Signature: [Redacted]
Date: 11/9/03

Permittee (print): [Redacted]
Signature: [Redacted]
Date: 11/10/03

* 5/17/04, 11am, Dr. Lima, W
Lenore:

Attached is completed Well Completion Report- Part II.

Added information:

6. Flowmeter

   Manufacturer Sparling    Make 104240    size 6"

Additional photos of site work to be faxed to you by Mel Lima.

Thank you for your patience in this matter.

Melvyn

PH. 441-9408
Hi

Please fill in all the blanks on the Well Completion Report – Part II (WCR2). In addition, the back page of the WCR2 (as-built section) was not transmitted; this also needs to be filled in and submitted to us. I spoke with my supervisor who agreed to pull the submittal from the agenda if we receive a completed WCR2 by 9:00 am tomorrow morning. Please fax ASAP.

I will be at a conference for the rest of today and all of tomorrow.

Thanks,

Lenore
February 18, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Notice of Apparent Violation
Pump Installation Permit for Well No. 2154-01

This follows numerous attempts by my staff to work with you to obtain a fully executed copy of the above-referenced permit and the Well Completion Report Part II that is required under Standard Condition 5 of the permit.

Our record shows that the staff initiated contact with you to obtain the needed documents on September 2, 2003. Numerous telephone calls were made to you followed by faxes in the months of November and December, 2003; and February, 2004.

This certified notice is our final attempt to rectify this issue administratively. Please complete and submit 1) a fully executed permit and 2) a completed Well Completion Report Part II (attached) within thirty days from the date of this letter. Failure to do so will result in a staff submittal to the Commission at their following monthly meeting recommending that Honolulu Country Club be found in violation for failure to meet the conditions of the Pump Installation Permit. A fine(s) will also be recommended pursuant to the Commission's Penalty Calculation Guideline (attached). We will also be contacting you to schedule a field investigation of your water source.

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

Sincerely,

ERNEST Y.W. LAU
Deputy Director

LN:ss
Attachments
WELL COMPLETION REPORT - PART II

Pump Installation

State of Hawai‘i
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

1. State Well No.: 2154-01
   Well Name: Honolulu Int'l Country Club
   Island: Oahu

2. Address: 1690 Ala Puumalu Street
   Tax Map Key: 1-1-75:87

3. Pump Installation Company: "Mel's Water Works"

4. Date Pump Installed: 4/25/02

5. PERMANENT PUMP INFORMATION
   Pump Type, Make, Serial No.: Self-Priming Centrifugal, Berkeley B4TPKLS, SN: 696T-01
   Rated Capacity: 400 gpm at head of 20' ft
   Motor Type, H.P., Voltage, rpm: Baldor, 3 HP, 230-460V/3ph/1760 RPM
   Type of flow meter: which measures in
   Model Number __________ Serial Number 10-240 9/17/04

6. Method of flow measurement:
   Flowmeter Manufacturer Make Size __________
   Weir Open Pipe Orifice Other, explain below
   *attach schematic

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

8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.

9. Other remarks/comments:

   "..."

Pump Installation Contractor (print) [Redacted]
Signature ___________________________ Date 11/9/03
C-57/C-57a/A Lic. No. C-18254

Permittee (print) Honolulu Country Club
Signature ___________________________ Date 11/10/03

For Official Use Only:
RECEIVED NOV 17 8:49

COMMISSION ON WATER RESOURCES MANAGEMENT
In accordance with the Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Honolulu International Country Club Well No. 2154-01 at 1690 Ala Puumalu Street, Oahu, TMK 1-1-75-37, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-108-15, Hawaii Administrative Rules.

2. The pump installation permit shall be for installation of a 500 gpm rated capacity, or less, pump in the well.

3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, in forms provided by the Chairperson (attached).

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

5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.

6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

7. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. The this permit is also subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97). If the HWCMRS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

8. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-188-12(1) prior to any well sealing or plugging work.

10. The permittee, its successor, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Date of Approval: October 31, 2001
Expiration Date: October 31, 2003

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

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: ____________________________ Date: 11/14/03
Printed Name: Honolulu Country Club
Firm or Title: Director, Administration

Installer's Signature: ____________________________ Date: 11/19/03
Printed Name: C-57, C-57A, or A License #: 1-C-1825
Firm or Title: Mel's Waterworks

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments:

1. USGS
   Department of Health's Drinking Water & Wastewater Branch
2. Honolulu Board of Water Supply
Beylik
Drilling,
Inc. (Hawaii)

FACSIMILE TRANSMITTAL

Date: May 10, 2004
To: Honolulu Country Club
Fax: [redacted]
From: Toni Gonsalves
Subj: Pump Info for Well Completion Report

Melvyn,

We have typed in the pump info on the well completion report as well as attached a copy of the performance curve and dimensional drawing for reference.

If you have any questions, please call me.

Aloha,

Toni G

5/10
Amy H -

Today or tomorrow, pls type in on Forew and go to Commission on data. Reserve Rmt. Altv. Lenone

Thank you,

M.
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**COMPLETE THIS SECTION ON DELIVERY**

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</table>

If YES, enter delivery address below:

- Agent
- Addressee

102595-00-M-008
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Lenore
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

February 18, 2004

Ref: 2154-01 nov

PETER T. YOUNG
CHAIRPERSON
MEREDITH J. CHING
CLAYTON W. DELA CRUZ
JAMES A. FRAZIER
CHIYOME L. FUKINO, M.D.
STEPHANIE A. WHALEN

ERNEST Y.W. LAU
DEPUTY DIRECTOR

Notice of Apparent Violation
Pump Installation Permit for Well No. 2154-01

This follows numerous attempts by my staff to work with you to obtain a fully executed copy of the above-referenced permit and the Well Completion Report Part II that is required under Standard Condition 5 of the permit.

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This certified notice is our final attempt to rectify this issue administratively. Please complete and submit 1) a fully executed permit and 2) a completed Well Completion Report Part II (attached) within thirty days from the date of this letter. Failure to do so will result in a staff submittal to the Commission at their following monthly meeting recommending that Honolulu Country Club be found in violation for failure to meet the conditions of the Pump Installation Permit. A fine(s) will also be recommended pursuant to the Commission's Penalty Calculation Guideline (attached). We will also be contacting you to schedule a field investigation of your water source.

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

Sincerely,

ERNEST Y.W. LAU
Deputy Director

LN:ss
Attachments
FACSIMILE TRANSMITTAL

To: [Redacted]  
Company: Honolulu International Country Club  
Fax Number: [Redacted]  
Phone Number: [Redacted]  

From: Lenore Y. Nakama  
Date: February 9, 2004  
Pages Including Header: 4  
Subject: Well Completion Report Part II for Pump Installation

Notes/Comments:

Melvyn,

Here is the well completion report that needs to be submitted to our office. I am also attaching another copy of the permit which needs to be executed by the pump installer. As discussed, if we are not in receipt of the completed form by the end of this week, we would like to schedule a field investigation to see the well. I will call you to set that up, if necessary.

Please call me at [Redacted] if you have any questions.

Thanks,  
Lenore
MEMORANDUM FOR THE RECORD

Subject: Pump Installation Permit for Well No. 2154-01
From: Lenore Nakama

Summary of chronology:

11/16/01 pump permit issued
10/31/03 permit expires
9/2/03 I call Melvyn Ho of Honolulu International Country Club and confirm that the pump was installed & that Mel's Water Works did the job. I send him a fax, attaching a copy of the permit and a WCR2 form & ask him to execute the permit & submit the WCR2.
11/3/03 I call Melvyn again, he asks that I refax the wcr 2 and another copy of the permit (so he can sign). So I send another fax w/attachments.
11/17/03 I call Melvyn again, he said the paperwork is in the mail.
11/17/03 I get a copy of the wcr2 with Mel's & Melvyn's signatures, but nothing else filled in (no data)
11/18/03 I call Melvyn again and explain to him that, except for signatures, the WCR2 was not filled in. I fax the signed WCR2 and ask him to get his contractor to fill in the WCR2 form and also execute the permit.
12/11/03 Still no WCR2 or permit, I leave a message for Melvyn to call me back. He never calls back.
12/22/03 I call Melvyn again, he said he will follow up.
2/5/04 I give up on Melvyn, try calling Mel Lima of Mel's water works. Mel said he only installed the pump, but did not sell the pump to HICC, Therefore, he can't provide me w/pump info to fill in the WCR2. I ask him, if he installed the pump, could he tell me the intake depth or capacity. He said no, he doesn't know anything like that, he only installed the pump (?Mel seemed nice enough, but I don't know what he's saying, how could he not know the intake depth if he installed. i asked him 3 times to make sure, he still insisted he didn't know), but I should call Beylik drilling and talk to Bill Moore or Toni Gonzalez because they sold HICC the pump and would know all that and would be able to fill in the WCR2.
2/6/04 I call bill moore, bill said they didn't sell the pump to HICC. Beylik gave a quote but HICC said it was too high. Bill said Toni knows nothing about the job because he handled it. I ask him who he worked with at HICC, he said ask for karen.
2/6/04 I call HICC, ask to speak to Karen. Receptionist said there's no Karen there, she transfers me to HICC personnel director, who confirms there's no Karen there.
2-6-04 Bill Moore said they didn't sell the pump to HCC. Bengt gave quote, but HCC said price was too high & they were going with another company. Bill said Karen of HCC knows most about it, that's who Bill dealt with. Bill said Tony G. knows nothing about his job because he handled it.

2-6-04 Called Lisa, personnel manager for HCC. She said no Karen works there.

2-9-04 Pan Roy, set up F.I.
2-9-04 Called Melvin to set up F.I. He said to have report one time time & give him till the end of the week. If not received then call come back & see well. Fixed work to mid 3/9.
I added some comments on the water reservation issue to my two-page summary of the Court's Moloka'i decision. Please replace page two with the attached.

Larry Mike
FACSIMILE TRANSMITTAL

To: [Redacted]
Company: Honolulu Country Club
Fax Number: [Redacted]
Phone Number: 4 [Redacted]

From: Lenore Y. Nakama
Date: November 18, 2003
Pages Including Header: 4
Subject: Well Completion Report for Pump Installation

Notes/Comments:

Hi [Redacted]

I am transmitting a copy of what we recently received. Although the Well Completion Report - Part II has been fully executed, there is no information regarding the installed pump! Can you assist by having your contractor complete the form?

Also, I have also enclosed a copy of the actual permit document. Your contractor, Mel's Water Works, also needs to sign the permit.

Please call if any questions or problems. Thanks much.

Aloha,
Lenore
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART II
Pump Installation

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

1. State Well No.: 2154-01
Well Name: Honolulu Int'l Country Club
Island: Oahu

2. Address: 1690 Ala Puumalu Street
Tax Map Key: 1-1-75:87

3. Pump Installation Company:

4. Date Pump Installed: ______________

5. PERMANENT PUMP INFORMATION

   Pump Type, Make, Serial No.: __________________________
   Rated Capacity: ______________________ gpm at head of: _____ ft.
   Motor Type, H.P., Voltage, rpm: __________________________
   Type of flow meter: __________________________, which measures in __________________________
   Model Number __________________________ Serial Number __________________________

   Pump type (check one):
   - Deep Well Turbine
   - Rotary
   - Submersible
   - Rotary-Displacement
   - Propeller
   - Centrifugal
   - Rotary-Gear
   - Reciprocating
   - Impulse

6. Method of flow measurement:
   - Flowmeter Manufacturer Make Size __________________________
   - Weir Open Pipe Orifice Other*, explain below
   - *attach schematic

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

8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.

9. Other remarks/comments:

[Signature]

Pump Installation Contractor (print) [C-57/C-57a/A Lic. No. C-18254]

Permittee (print) Honolulu Country Club

[Signature]

WCR2 Form 4/28/03 Page 1 of 2
Bench mark elevation surveyed to nearest 0.01 ft. = ______ ft. mean sea level

Elevation of top of chase tube ______ ft. mean sea level

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

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

If airline installed, bottom of airline elevation = ______ ft. mean sea level
In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Honolulu International Country Club (Well No. 2154-01) at 1690 Ala Puumalu Street, Oahu, TMK 1-1-75:87, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 521, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The pump installation permit shall be for installation of a 500 gpm rated capacity, or less, pump in the well.

3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, on forms provided by the Chairperson (attached).

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

5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.

6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

7. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. The this permit is also subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97). If the HWCPHS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

8. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-165-12(f) prior to any well sealing or plugging work.

10. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Date of Approval: October 31, 2001
Expiration Date: October 31, 2003

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

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: [Signature]
Printed Name: Honolulu Country Club - Firm or Title: Director, Administration
Date: 11/14/03

Installer's Signature: [Signature]
Printed Name: C-57, C-57a, or a License #: Firm or Title: Date:

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments:

USGS
Department of Health Safe Drinking Water & Wastewater Branch
Honolulu Board of Water Supply
Mits Water Works Hawaii, Inc.
FACSIMILE TRANSMITTAL

To: [Redacted]
Company: Honolulu Country Club
Fax Number: [Redacted]
Phone Number: [Redacted]

From: Lenore Y. Nakama
Date: September 2, 2003
Pages Including Header: 5
Subject: Pump Installation Permit

Notes/Comments:

Hi [Redacted]

As discussed on the phone, we are sending you another copy of the permit. Please sign the permit, and have the contractor (Mel's Water Works) also sign, then return the fully executed permit to us.

We are also enclosing a copy of the Completion Report for the installed pump. Please have your contractor fill it out and sign it. We will need your signature on the Completion Report also.

Thank you for your time on the telephone, and also your time and effort to get these papers back to us. Please call me if you have any questions or any problems with it.

Aloha,
Lenore

8/29/03
Spoke w/Melvin Ho.
Pump was installed by
Mel's Water Works.

11/3 left msg for
Melvin

11/3/03 Thanks, Melvin!

11/7/03 Melvin said paperwork i
# State of Hawaii
## COMMISSION ON WATER RESOURCE MANAGEMENT
### Department of Land and Natural Resources

### WELL COMPLETION REPORT - PART II
#### Pump Installation

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

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<th>Honolulu Int'l Country Club</th>
<th>Island:</th>
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<td>Tax Map Key:</td>
<td>1-1-75:87</td>
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<td>4. Date Pump Installed:</td>
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<td>5. PERMANENT PUMP INFORMATION</td>
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<td>6. Method of flow measurement:</td>
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<td>Open Pipe</td>
<td>Orifice*</td>
<td>Other*, explain below</td>
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<td>*attach schematic</td>
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</table>

---

**Pump Installation Contractor (print) [Signature] C-57/C-57a/A Lic. No. [Date]**

---

**Permittee (print) [Signature] Date**
9. AS-BUILT PUMP SECTION

(Please attach as-built if different from diagram provided below)

Bench mark elevation surveyed to nearest 0.01 ft. = _____ ft. mean sea level

Elevation of top of chase tube _____ ft. mean sea level

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

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

If airline installed, bottom of airline elevation = _______ ft. mean sea level
Honolulu Country Club
1690 Puumalu Street
Honolulu, HI 96818

Dear:

Pump Installation Permit
Honolulu International Country Club (Well No. 2154-01)

Enclosed are two (2) originals of your approved Pump Installation Permit for the captioned well(s) that authorize permanent pump installation work for your well(s). As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 11:

**Special Conditions**

1. Attached for your information is a copy of the Department of Health's (DOH) review comments.

The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the pump installation contractor submits a completed Part II of the Well Completion Report form (enclosed) within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

Please sign and have the contractor sign both permit originals and return one for our files. A copy of the Well Completion Report (Part II) and a copy of your water use report form are enclosed for your use.

**IMPORTANT** - Pump Installation shall not commence until a fully signed permit is returned to the Commission. Except for the monthly water use report form, please provide copies of all the information in this packet to your pump installation contractor.

If you have any questions, please call Lenore Nakama of the Commission staff at [phone number].

Aloha,

GILBERT S. COLOMA-AGARAN
CHAIRPERSON

Enclosure

c. Mel's Water Works Hawaii, Inc.
PUMP INSTALLATION PERMIT
Honolulu International Country Club, Well No. 2154-01

Note: This permit shall be prominently displayed at the site until the work is completed

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Honolulu International Country Club (Well No. 2154-01) at 1690 Ala Puumalu Street, Oahu, TMK 1-1-75:87, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The pump installation permit shall be for installation of a 500 gpm rated capacity, or less, pump in the well.

3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, on forms provided by the Chairperson (attached).

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

5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.

6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

7. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. The this permit is also subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

8. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

10. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Date of Approval: October 31, 2001
Expiration Date: October 31, 2003
GILBERT S. COLOMA-AGARAN, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: _______________________________ Date: ___________
Printed Name: _______________________________ Firm or Title: ___________
Installer's Signature: _______________________________ C-57, C-57a, or A License #: _______________________________ Date: ___________
Printed Name: _______________________________ Firm or Title: ___________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments
- USGS
  Department of Health/ Safe Drinking Water & Wastewater Branch
  Honolulu Board of Water Supply
  Mel's Water Works Hawaii, Inc.
TO: Honorable Bruce S. Anderson, Director  
Department of Health  
Attention: Dennis Tulang, Wastewater Branch  
William Wong, Safe Drinking Water Branch  
Dr. Keith Kawaoika, Hazardous Evaluation and Emergency Response  
Aloc Wong, Clean Water Branch

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

SUBJECT: Pump Installation Permit Application  
Honolulu International Country Club (Well No. 2154-01)

Transmitted for your review and comment is a copy of the captioned well application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 31, 2001. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

LN:ky
Attachment(s)

RESPONSE:

This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Possible Water Systems, §11-20-30.

This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the property owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable supply with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

For the applicant’s information, a source of possible wastewater contamination [ ] is [ ] not located near the proposed well site (information attached).

An NPDES permit is required.

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

No comments/objections

Contact Person: __________ Phone: __________

Signed: __________ Date: 10/30/01

D#7:
The Department of Health, Clean Water Branch has the following comments:

1. **For Well-Drilling Activities**

Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Title 11, Chapter 55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920 or P.O. Box 3378, Honolulu, Hawaii 96801-3378. Inquiries may be directed to the Clean Water Branch at [REDACTED] or by fax at [REDACTED].

2. **For Well Pump Testing**

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

JS/cr
TO: Honorable Bruce S. Anderson, Director
Department of Health
Attention: Dennis Tulang, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

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

SUBJECT: Pump Installation Permit Application
Honolulu International Country Club (Well No. 2154-01)

Transmitted for your review and comment is a copy of the captioned well application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 31, 2001. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at [Redacted].

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination is not located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

X No comments/objections

Contact Person: [Redacted]
Date: 10-29-2001
Phone: [Redacted]
TO: Honorable Bruce S. Anderson, Director
Department of Health
Attention: Dennis Tulang, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawaoaka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

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

SUBJECT: Pump Installation Permit Application
Honolulu International Country Club (Well No. 2154-01)

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LN:ky
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 10 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-28.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 10 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [ ] is located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

[ ] No comments/objections

Contact Person: [ ]
Phone: [ ]

Signed: [ ]
Date: 10/31/01
The Department of Health, Safe Drinking Water Branch has the following additional comments for the Pump Installation Permit Application for the Honolulu International Country Club Well (Well No. 3-2154-01 Oahu):

1. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water regulations. However, steps should be taken to prevent both direct human consumption of this water, and cross-connections with any potable water supply. If the user receives water from the Honolulu Board of Water Supply, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots and piping as "NON-POTABLE", to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested. The Honolulu Board of Water Supply must be notified as they may require a backflow preventer on their service connection to the Honolulu International Country Club.
MEMORANDUM FOR THE RECORD

From: Lenore Nakama
Subject: PIPA for 2154-01

This is an artesian well that has lost some pressure and now needs a pump to induce adequate water flow. We were going to require pumping tests as a condition of the proposed 500 gpm pump, but according to Tom Nance, would be very difficult to conduct a test because the well is under a siphon condition. The well (~ 13 ft) siphons to an irrigation lake (~12 ft). The pump is to be installed in the irrigation lake and would increase the suction of the siphon. Cannot get drawdown data at the well because it would break the siphon. Per Glenn, cannot do a pump test under these conditions. But, should only give them a temporary PIP; pump should be removed when water levels rise (after drought).

Tom checked water level at BWS’ well (mauka), the water level is down to 14 ft. Therefore, water level declines appear to be regional.
Mr. [Redacted]
Honolulu Country Club
1690 Puumalu St.
Honolulu, HI 96818

Dear [Redacted]:

Pump Installation Permit Application for Well No. 2154-01

We acknowledge receipt, on September 28, 2001, of your completed Pump Installation permit application and filing fee for the Honolulu International Country Club (Well No. 2154-01). You can expect your application to be processed within ninety (90) days from this date.

If you have any questions about your permit application, please contact Lenore Nakama of the Commission staff at [Redacted].

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ky
TO: Honorable Bruce S. Anderson, Director
   Department of Health
   Attention: Dennis Tulang, Wastewater Branch
   William Wong, Safe Drinking Water Branch
   Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
   Alec Wong, Clean Water Branch

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

SUBJECT: Pump Installation Permit Application
   Honolulu International Country Club (Well No. 2154-01)

Transmitted for your review and comment is a copy of the captioned well application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 31, 2001. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

LN:ky
Attachment(s)

RESPONSE:
[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.
[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.
[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.
[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.
[ ] For the applicant's information, a source of possible wastewater contamination is not located near the proposed well site (information attached).
[ ] An NPDES permit is required.
[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.
[ ] No comments/objections

Contact Person: ___________________________ Phone: ______________

Signed: ___________________________ Date: ______________
## Well Background Check

<table>
<thead>
<tr>
<th>Approved Well No.</th>
<th>Well Name</th>
<th>Applicant</th>
<th>Driller</th>
<th>Type</th>
<th>Well Construction</th>
<th>Pump Installation</th>
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<tbody>
<tr>
<td>6752-02</td>
<td>Heffner 2</td>
<td>Chandi Heffner</td>
<td>C-17980</td>
<td>BOTH</td>
<td>5/16/2000 7/25/2000</td>
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<td>F YR</td>
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REMARKS: LINE (1) PIP Appl. for Well No. 2154-01
LINE (2)
LINE (3)
LINE (4)
LICENSE CLASS SCREEN

Please click a link listed below to display the other screen.

There was 1 specific license class on this licensee!

***** LICENSE CLASS FOR THIS LICENSEE *****
LIC: CT-17980 MELVIN E LIMA

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<td>WELL DRILLING</td>
<td>01/15/93</td>
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</table>

<-Back   New Search->

EMPLOYEES LIST | EMPLOYERS LIST | INSURANCE/BOND | LICENSE CLASS

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Hawaii State homepage | DCCA | Professional and Vocational Licensing Division
**PUBLIC RECORD DATA**

**TMK # 1-1-1-75-87**

**1430 ALA HAHANUI**

**Owner:** YONEISHIGE, RICHARD T/MOLLY T  
**Tax Payer:** YONEISHIGE, RICHARD T/MOLLY T  
**Tax Bill:** 1430 ALA HAHANUI STREET, HONOLULU, HI96818 USA  
**Tenure:** Fee Simple

<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Size</th>
<th>Buildings:</th>
<th>Dwellings:</th>
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</thead>
<tbody>
<tr>
<td>Land: $295,400</td>
<td>$0</td>
<td>14,213 sq ft</td>
<td>1</td>
<td>1</td>
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<td>Buildings: $177,400</td>
<td>$60,000</td>
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<td>Total: $472,800</td>
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**SALES**

- **7/16/1984 DEED**  
  Condo Name:  
  Condo Type:  
  Condo style:  
  Floor: 0  
  View:  
  Owners: YONEISHIGE, RICHARD T/MOLLY T  
  Tax Payer: YONEISHIGE, RICHARD T/MOLLY T  
  Tax Bill: 1430 ALA HAHANUI STREET, HONOLULU, HI96818 USA  
  Assessed Value: $472,800  
  Exemption: $0  
  Buildings: 1  
  Dwellings: 1  
  PITT Code: 100  
  Zoning: R-7.5  
  Land Use: 901  
  Nbhood Code: 1141  
  Tenure: Fee Simple  
  Semi-Annual Tax: $753.36  
  Condo interest: 0%  
  Parking spaces: 0

**DEPARTMENT OF LAND UTILIZATION**

This data from the Department of Land Utilization is unofficial and is subject to change without notice. It is the user's responsibility to verify the accuracy of information from official documents which are available for inspection at the City department responsible for the data.

**CENSUS TRACT** 0.68  
**CIVIL FINES** NONE  
**DEVELOPMENT PLAN AREA** PRIMARY URBAN CENTER  
**DEVELOPMENT PLAN DESIGN** RESIDENTIAL  
**FLOOD ZONE** FIRM ZONE D  
**HEIGHT LIMIT** 25 FEET  
**HISTORIC SITE REGISTER** NONE  
**LOT RESTRICTIONS** ONE DWELLING PER LOT PER PARK DEDICATION  
**SMA/SHORELINE** NOT IN SMA  
**SPECIAL DISTRICT** NOT IN SPECIAL DISTRICT  
**STATE LAND USE** URBAN DISTRICT  
**STREET SETBACK** NONE  
**ZONING (CZC)** R-4 RESIDENTIAL DISTRICT  
**ZONING (LULU)** R-7.5 RESIDENTIAL DISTRICT

**RESIDENTIAL BUILDING DETAILS**

<table>
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<tr>
<th>TMK # 1-1-1-75-87</th>
<th>Bldg 1 of 1</th>
<th>Card 1 of 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year Built: 1988</td>
<td>Style: Contemporary</td>
<td>Bldg Type: (11) Wood House</td>
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<tr>
<td>Effective year built: 0</td>
<td>Stories: 1</td>
<td>Occupancy: Single-family</td>
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<tr>
<td>Physical condition: AV</td>
<td>Shape: Irregular</td>
<td>Framing: Double wall</td>
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<tr>
<td>Cost &amp; Design Factor: 0%</td>
<td>Roof Structure: Wood</td>
<td>Exterior Wall: Plywood</td>
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<tr>
<td>Economic Factor: 0%</td>
<td>Roof Material: Shakes</td>
<td>Interior Wall: Double wall</td>
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<tr>
<td>Percent complete: 0%</td>
<td>Roof Design: Gable</td>
<td>Flooring: Carpet</td>
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<td>Gross building value: $0</td>
<td>Foundation: Wood piers</td>
<td>Floor Construction: Wood joist</td>
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<td>Building value: $200,900</td>
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<td>Ceiling: Plaster-board</td>
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<td>Class: Dwelling</td>
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**FLOOR AREAS**

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<th></th>
<th>ROOMS</th>
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<td>LLLA</td>
<td>Family Rms 0</td>
<td>Full Baths 2</td>
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<td>1st Story</td>
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10/8/01 spoke w/ Tom name. He has perpetual easement to will on a residential.

http://webre2.hawaiiinformation.com/REsearch/Asp/Functions/Property/SearchTMK.asp?FRM: 10/8/01
To: Lenore Nakama, CWRM @ 587-0219  
From: Allen K. Hoe  
Date: Friday, October 19, 2001  
Subject: Honolulu International Country Club  
          Pump application  
Pages: 4, including this

Aloha Lenore: 

per my call I am attaching for your review and records in the above, land court references to HICC's appurtenant water rights to the artesian well and the easement allowing for the transportation of said water from the well to the golf course. For reference Lot 3428, see [¶ 1] is the golf course property and Easement 777, see [¶ 2] is the transportation corridor from the well to the golf course.

If you have any questions please call me directly.

Pau,

Allen K. Hoe

Allows HCC to sign for landowner.
All of that certain parcel of land situate at Moanalua, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

Lot 3428, area 176,961 acres, as shown on Map 546, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1074 of the Trustees under the Will and of the Estate of Samuel M. Damon, Deceased, and being a portion of the lands described in Transfer Certificate of Title No. 183,748 issued to Grantors.

EXCEPTING AND RESERVING, however, unto the Trustees under the Will and of the Estate of Samuel M. Damon, Deceased, of all artesian and other underground water and rights thereto appurtenant to said Lot 3428, except for water from the artesian well located in Lot 3244, as shown on Map 403 filed with said Land Court Application No. 1074, as reserved in Deed dated October 7, 1965, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 372554; said Trustees released all rights to enter upon the surface of said Lot 3428 to exercise said exception and reservation contained in said Document No. 372554, including any rights of ingress and egress upon said Lot 3428, by Release dated October 12, 1965, and filed as aforesaid as Document No. 373562.

TOGETHER with a non-exclusive easement appurtenant to said Lot 3428 to be used in common with the Grantors and any future owner of Lot 3429, as shown on Map 546 and described in said Transfer Certificate of Title No. 183,748, for roadway and utility purposes over, under and across Easements 887, as shown on Map 546, and reserved in said Transfer Certificate of Title No. 183,748, as shown on Map 555, as reserved in Document No. 373562, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 183,748, with said Trustees released all rights to enter upon the surface of said Lot 3428 to exercise said exception and reservation contained in said Document No. 183,748, including any rights of ingress and egress upon said Lot 3428, by Release dated October 12, 1965, and filed as aforesaid as Document No. 373562.

EXHIBIT A
by the City or other agency in connection with its acceptance of easements for sewer and/or drainage and/or water pipelines and structures and appurtenant facilities, including building restrictions generally contained therein and such special restrictions and conditions as may be deemed appropriate or necessary by said City or other agency, and such assignment or grant may be without joinder of or notice to Grantee herein; and by the acceptance of this instrument Grantee hereby covenants and agrees that it will, if, as, and when requested by Grantors, join in such assignment or grant of said easements, and all rights, structures and appurtenances thereto to the City or other agency upon said terms and conditions.

TOGETHER with an easement appurtenant to said Lot 3428 for access to Ala Napunani Street, a public highway, over and across Easement 863, as shown on Map 514, filed with said Application 1074 and as set forth by Land Court Orders numbered 38667 and 44811, excepting and reserving, however, unto Grantors the right, power and authority to delete and cancel said Easement 863 and to grant new access rights to Grantee, as an appurtenance to said Lot 3428, in conjunction with the development by Grantors of Lot 3415, as shown on Map 514, Lots 3243 and 3244, as shown on Map 403, and Lot P-2-B-1-A-8-B, as shown on Map 494, all of said Maps being filed with said Application 1074, and other lands into a residential subdivision, and by the acceptance of this instrument Grantee covenants and agrees with Grantors, as and when requested by the Grantors, to approve, consent to, and join in any petition to said Land Court for the consolidation and resubdivision of said Lots 3415, 3243, 3244 and P-2-B-1-A-8-B into residential lots, which petition shall include, among other things, the cancellation of said Easement 863 and provision for a roadway lot from said Ala Napunani Street to said Easement 867, together with access rights in favor of said Lot 3428 over and across said roadway lot, provided that upon dedication to and acceptance by the City of such roadway lot as a public highway, said access rights in favor of said Lot 3428 herein granted shall automatically terminate, Grantors hereby excepting and reserving the right to so dedicate or convey such roadway lot to the City, and such dedication and conveyance may be without the consent or joinder of or notice to the Grantee.

TOGETHER with an easement appurtenant to said Lot 3428 for the construction, reconstruction, operation, maintenance and repair of a water pipeline, well casing, valves, and other equipment and appurtenances for the extraction of water over, under and across Easement 777, said Easement 777 being over, under and across Lots 3243 and 3244, as shown on Map 403, being a portion of the lands described in and covered by Transfer Certificate of Title No. 118,077 issued to Grantors, and over, under and across Lot 3415, as shown on Map 514, being a portion of the lands described in and covered by Transfer Certificate of Title No. 153,947 issued to
Grantors, and all of the right, title, and interest which Grantors may have in and to the artesian well located within said Easement 777 and in and to the water therein or which may percolate or may be extracted therefrom, subject, however, to such applicable rules and regulations of the Board of Water Supply in respect of said artesian well, the operation and maintenance thereof, the water therefrom and the use thereof.

EXCEPTING AND RESERVING, HOWEVER, unto Grantors

(i) the right in the nature of an easement appurtenant to the lands hereinbelow mentioned to discharge storm and surface waters onto Easement 854, affecting all of said Lot 3428, as shown on Maps 494 and 514 filed with said Application 1074, from said Lots 3415, 3424, 3244, P-2-B-1-A-8-B, and 3429, as shown on Map 546 filed with said Application 1074, and that parcel of land described as Exclusion 13 of said Application 1074, being a portion of Old Moanalua Road and also a portion of R. P. 7715, Apana 2 to Lot Kamehameha, or from any portion of the aforesaid lands and for the free flowage of such storm and surface waters over, across and through said Easement 854, (ii) the right in the nature of an easement to construct, reconstruct, operate, maintain, repair and replace drainage structures and facilities within, upon, over, under and across that portion of said Lot 3428, along and near the common boundary between said Lot 3428 and said Lots 3429, 3415 and 3243 and Lots 3059, 3058, 3056 and 3055; as shown on Map 403 filed with said Application 1074; and the right and authority to designate, by appropriate petition to said Land Court, easements therefor and the right and authority to assign or grant to the City or other agency, said easements designated as aforesaid, upon or under such terms and conditions as shall be specified by the City or other agency, generally in connection with its acceptance of easements for drainage structures and facilities, including building restrictions and including also such special restrictions as may be deemed appropriate and necessary by the City or other agency, and such assignment or grant may be without the joinder or consent of or notice to Grantee herein; and by the acceptance of this instrument Grantee hereby covenants and agrees that it will, if, as and when requested by Grantors, join in or execute such petition to said Land Court and such assignment or grant of said easements and all rights, structures and appurtenances thereto to the City or other agency upon said terms and conditions; provided, however, in the event that any drainage easement hereinabove mentioned shall be offered for dedication but not accepted by the City or other agency, Grantee will, as to those easements not so accepted as aforesaid, maintain and repair (and, if necessary, replace) any structure or facility located within said easements in order that the free flowage of storm and surface waters through said easements shall continue at all times. The foregoing covenant as to maintenance, repair and replacement of easements and facilities therein not dedicated and accepted by the City or other agency shall be a covenant running with the land in perpetuity and shall bind Grantee and all future owners of said Lot 3428.
WELL & PUMP INFORMATION: (Please fill in the diagram on the back of this form.)

2. WELL NAME: Honolulu International Country Club Island: Oahu
Address 1690 Ala Puumalu Street Hon, HI 96818 Tax Map Key: 1 1 75 87
Attach the relevant portion of (a) 7.5-Minute Series USGS topographic map (scale 1:24,000) and include the name of the quad map, and (b) a property tax map, showing well location referenced to established property boundaries.

3. PROPOSED WORK:
(check all that apply)
- Construct New Well
- Install New Pump*
- Modify Existing Well*
- Modify Pump*
- Abandon/Seal*
- (State Well No.: 2154-01) (if unknown, please call Commission at 587-0225)

4. CONSTRUCTION:
- Drilled
- Dug
- Shaft
- Tunnel
Is this well part of a battery of wells? □ Yes □ No (Please describe)

5. PROPOSED PUMP INFORMATION:
Rated Pump Capacity: 500 gallons per minute
Pump Type (Check one):
- Deep Well Turbine
- Rotary
- Submersible
- Impulse
- Centrifugal
- Impulse
- Rotary-Displacement
- Reciprocating
- Shaft

6. PROPOSED USE:
(check all that apply)
- Municipal (including hotels, stores, etc.) □ Industrial
- Domestic (individual, noncommercial water system)
- Golf Course Irrigation
- No. of Acres: 177 (Gross) / 120 (Net)
- Military
- Other (explain): □

7. (a) PROPOSED AMOUNT OF WITHDRAWAL:
346,000 gallons per day
(b) METHOD OF FLOW MEASUREMENT:
- Flowmeter
- Open-pipe
- Weir
- Orifice
- Other (explain): □

OTHER IMPORTANT INFORMATION:

8. LEGAL REQUIREMENTS:
□ CDIP
□ SMAP
□ EIS
□ EA
□ None
□ Other (explain):

9. REMARKS, EXPLANATIONS:
The artesian head is no longer sufficient to deliver the required irrigation supply from the offsite well to the golf course. The end suction pump would be connected to the discharge line to boost the discharge rate.

Understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; 4) such approval shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use of permitted pump capacity.

For official use only
Latitud
Longitud
Amerc System No.
State Well No.
10. PROPOSED WELL SECTION

(Please attach schematic if different from diagram provided below)

Solid Casing: 0 (check one) ASTM F480: Compliant with (production wells)
0 API Spec. 5L: Compliant with (production wells)
0 ASTM A53: Compliant with (production wells)
0 ASTM A139: Compliant with (production wells)

Stainless Steel: (check one) 0 ASTM A409 (production wells)
0 ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) 0 Schedule 40
0 Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one) 0 Schedule 40
0 Schedule 80
0 Schedule 120

Thermoplastic: (check one) 0 Filament Wound Resin Pipe conforming to ASTM D2996
0 Centrifugally Cast Pipe conforming to ASTM D2996
0 Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
0 Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
0 PTFE Fluorocarbon Tubing conforming to ASTM D3296
0 FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing: 0 Perforated 0 Screen

Total Length: None
0 191 ft.

Nominal Diameter: None
0 10 in.

Wall Thickness: None
0 -282 ft.

Bottom Elevation: -282 ft.

Solid Casing: (90% x (Ground Elev - Water Elev))

Total Length: 103 ft.

Nominal Diameter: 10 in.

Wall Thickness: Not Known

Bottom Elevation: -91 ft.

Open Casing: None

Total Length: None

Nominal Diameter: None

Wall Thickness: None

Bottom Elevation: None

Solid Casing: Not Available

Open Casing: Not Available

Estimated Water Level Elevation: 15 ft.

Total Depth: 294 ft.

For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,
Bottom Elevation of Well Limit = (Water Elev - msl') x 0.25

Example: Estimated = 2 ft. Water Level Elev. --- Bottom Elevation of Well Limit = (2 - 18.5) x 0.25 = -16.0 ft.

Solid Casing Material: Not Known; Well Constructed in 1909

Carbon Steel: compliant with (check one or more) 0 ANSI/AWWA C200
0 API Spec. 5L 0 ASTM A53 0 ASTM A139

And compliant with (check one or more): 0 ASTM A242 0 Type E 0 Type S 0 Grade B 0 Other

Stainless Steel: (check one) 0 ASTM A409 (production wells)
0 ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) 0 Schedule 40
0 Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one) 0 Schedule 40
0 Schedule 80
0 Schedule 120

Thermoplastic: (check one) 0 Filament Wound Resin Pipe conforming to ASTM D2996
0 Centrifugally Cast Pipe conforming to ASTM D2996
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0 Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
0 PTFE Fluorocarbon Tubing conforming to ASTM D3296
0 FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:

Carbon Steel: compliant with (check one or more) 0 ANSI/AWWA C200
0 API Spec. 5L 0 ASTM A53 0 ASTM A139

And compliant with (check one or more): 0 ASTM A242 0 Type E 0 Type S 0 Grade B 0 Other

Stainless Steel: (check one) 0 ASTM A409 (production wells)
0 ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) 0 Schedule 40
0 Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one) 0 Schedule 40
0 Schedule 80
0 Schedule 120

Thermoplastic: (check one) 0 Filament Wound Resin Pipe conforming to ASTM D2996
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0 PTFE Fluorocarbon Tubing conforming to ASTM D3296
0 FEP Fluorocarbon Tubing conforming to ASTM D3296

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.
Per your request, we are transmitting 2 maps showing the location of the well. We visited the well site in 1981, and the report states that "the well is located at the end of Ala Kika St. in a new subdivision. The line runs from the well to a flowmeter near a pond on the golf course." (We have 1981 photos of the well in our files.) Please let us know if we can be of further assistance.
November 17, 1999

MEMO TO THE FILE

FROM: Neal Fujii

SUBJECT: Honolulu Country Club Water Use Permit

In a telephone conversation with Ms. Duwendolyn Matsumura (Honolulu CC maintenance staff worker) yesterday, she asked for a copy of Honolulu Country Club’s water use permit. She also asked if we knew the TMK of the well location.

This morning I faxed her a copy of the September 11, 1981 Land Board submittal and attachment: Certification of Ground Water Withdrawals and Uses, Honolulu Ground Water Control Area. I called her later to tell her that there was no “permit” and that this approved submittal documents their water use permit and permitted amount. I told her we did not know the TMK of the well location.
### United States Department of the Interior
Geological Survey

3-2154-01 (Well 157) Sam Damon Estate, Salt Lake, Moanalua, Oahu.

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Date: 8/9/66

Temp.: 21.53

Chloride: 75

Sp. Cond.: 21.7

Date: 4/22/69

Temp.: 23.88

Chloride: 85

Sp. Cond.: 420