FACSIMILE TRANSMITTAL

To: Bill Paty
Company: Robinson Kunia Land
Fax Number: 440-2710
Phone Number:

From: Denise Mills
Date: June 18, 2009
Pages Including Header: 2
Subject: Water Use Permit No. 767 (for Well No. 2602-3)

Notes/Comments:

Aloha Bill,
Here is the letter we sent on June 21, 2007, regarding the requirement for a water shortage plan. All you need to do is fill in the far right column of the table and then return this letter to our office.

Thank you for your prompt attention to this matter. Please call if you have any further questions.

Denise Mills
Aloha Bill,

Here is the letter we sent on June 21, 2007, regarding the requirement for a water shortage plan. All you need to do is fill in the far right column of the table and then return this letter to our office.

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Denise Mills
June 21, 2007

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Suite 1930
Honolulu, HI 96813

Dear Mr. Paty:

We are writing to request that you submit a water shortage plan for the Robinson No. 1 Well (Well No. 2602-03), as required under Administrative Rule §13-171-42(c), which states:

"All permittees, unless exempted by the Commission, shall submit a water shortage plan outlining how it will reduce its own water use in case of a shortage. Every water shortage plan shall be subject to approval or modification by the Commission."

Your water shortage plan should identify what you are willing to do should the Commission declare a water shortage situation in the Waipahu-Waiawa Ground-Water Management Area. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which shall consider and incorporate appropriate provisions set forth within your water shortage plan for implementation. Therefore, your help in submitting a water shortage plan will be beneficial in the Commission's formulation of an overall Water Shortage Plan. At a minimum, we request that you identify the percent reduction (e.g. 5%, 10%, 15%, etc.) in water use that can be sustained indefinitely during a water shortage situation by filling in the table below:

<table>
<thead>
<tr>
<th>Well Name (Well No.)</th>
<th>Permitted Use</th>
<th>Allocation (mgd)</th>
<th>Percent Reduction in Water Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robinson No. 1 (2602-03)</td>
<td>Agriculture</td>
<td>0.100</td>
<td></td>
</tr>
</tbody>
</table>

After you have filled in the last column on the above table, please fax this letter to our office or make a copy of this letter and return it to us at the above address. Please retain the original for your records.

Please respond to this letter within the next fifteen (15) days. If there are any questions, please contact Lenore Nakama at _____

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

JLSK:ss
June 21, 2007

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Suite 1930
Honolulu, HI 96813

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Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

JLSK:as

6/19/09 - No water shortage plan received. Tom Nance will follow up w/ Robinson Kunia Land regarding this requirement.
Mr. Bill Paty
Robinson Kunning Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

WUP No. 767

Mr. Bill Paty
Robinson Kunning Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

WUP No. 767

2. Article Number
(Transfer from service label)

PS Form 3811, March 2001
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii  96809

Aff: Lenore
Mr. Paty:

Approval of Water Use Permit for Well No. 2602-03
Waipahu-Waiawa Ground-Water Management Area, Oahu

This letter transmits your water use permit for Robinson No. 1 Well (Well No. 2602-03) for use of 0.100 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on October 18, 2006. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

**Special Conditions**

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

b. 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.

c. 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.

d. 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.

The Commission also found that the water use permit modification application required under Special Condition d. will result in a more efficient use of water than is possible under the existing permit, and delegated the authority to the Chairperson to approve the water use permit modification application without a hearing, provided that no substantive issues are raised during the review period. If substantive issues are raised, then the staff will submit the modification application to the full Commission for action.
Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required 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. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Waipahu-Waiawa Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 921
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT
WUP NO. 767

PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>Robinson Kunia Land, LLC</td>
<td>Same</td>
</tr>
<tr>
<td>1132 Bishop St., Ste. 1930</td>
<td>Same</td>
</tr>
<tr>
<td>Honolulu, HI 96813</td>
<td>Same</td>
</tr>
</tbody>
</table>

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Oahu</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Pearl Harbor</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Waipahu-Waiawa</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>104</td>
</tr>
<tr>
<td>Well Name</td>
<td>Robinson No. 1 Well</td>
</tr>
<tr>
<td>State Well No.</td>
<td>2602-03</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Agriculture (food processing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.100 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>9-4-03:1</td>
</tr>
<tr>
<td>State land use classification</td>
<td>AG</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>AG-1 (Restricted)</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its October 18, 2006 meeting are incorporated into this permit by reference.

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

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

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

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).
11. This permit shall be subject to the Commission's periodic review of the Waipahu-Waiawa 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 Waipahu-Waiawa Aquifer System, or relevant modified aquifer(s), is reduced.

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

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

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

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances 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 conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

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

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

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

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

W. Roy Yee
PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
APPLICANT: Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

LANDOWNER: Same

SUMMARY OF REQUEST:
The applicant, Robinson Kunia Land, LLC (Robinson), requests that the Commission on Water Resource Management (Commission) approve a water use permit for 0.100 million gallons per day (mgd) of potable basal ground water from a new well for food processing by Waikele Farms, Inc. (Waikele Farms), an agricultural lessee. The proposed use of water from a new well will replace the current use of Waiahole Ditch water for the food processing use.

LOCATION MAP: See Exhibit 1

BACKGROUND:
On December 24, 1997, the Commission issued its Decision and Order in the Waiahole Ditch contested case hearing (CCH-OA95-1) granting Robinson a water use permit (WUP No. 758) for 2.490 mgd of Waiahole Ditch water for agricultural use on 1,854 acres of its Kunia lands. A portion of the water, estimated to be 0.100 mgd, is used for food processing by Waikele Farms.

On March 31, 2006, Robinson filed a water use permit application, requesting potable quality water from a new well to continue the food processing use (consisting of four food processing lines, two for
tomato and one each for bell pepper and bananas). Robinson states it would be more economical to develop and use the new well because the treated ditch water does not meet drinking water standards and more stringent quality standards for wash water are anticipated in the future.

On April 27, 2006, staff requested that additional information be submitted to comply with the heightened requirements for private commercial uses as clarified by the Supreme Court in the Waiahole Ditch contested case hearing (Exhibit 2).

On July 6, 2006, Robinson submitted additional supporting information (Exhibit 3).

On July 26, 2006, Robinson requested that the application be deferred to the Commission’s October meeting because Larry Jefts, owner of Waikele Farms, would be out of state during the months of August and September.

On September 29, 2006, staff conducted a site visit to Waikele Farms to document the existing food processing use.

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

**ANALYSIS/ISSUES:**

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

1. **Water availability**

   New sustainable yields for the Waipahu-Waiawa and Ewa-Kunia Aquifer System Areas were adopted on March 15, 2000. In adopting reduced sustainable yield estimates to account for the loss in return irrigation recharge due to the cessation of sugarcane plantation operations, the Commission also adopted Allocation and Pumpage Milestones because of the uncertainty in the actual sustainable yield of the aquifers. Actions triggered by the milestones are shown in Exhibit 4.

   Current permitted uses in this aquifer system area are shown in Exhibit 5. A summary of the current ground water conditions in the aquifer is provided in Table 1:
Table 1. Waipahu-Waiawa Aquifer System Area

<table>
<thead>
<tr>
<th>Sustainable Yield</th>
<th>104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation Milestone</td>
<td>82</td>
</tr>
<tr>
<td>Pumpage Milestone</td>
<td>62</td>
</tr>
<tr>
<td>Less: Current Allocations (shown in Exhibit 5)</td>
<td>82.534</td>
</tr>
<tr>
<td>(12-Month Moving Average Withdrawals; Exhibit 6)</td>
<td>(51.404)</td>
</tr>
<tr>
<td>Reservation to DHHL</td>
<td>1.358</td>
</tr>
<tr>
<td>Subtotal (Current Available Allocation)</td>
<td>20.108</td>
</tr>
<tr>
<td>Less: Pending Allocation Requests</td>
<td>0</td>
</tr>
<tr>
<td>Pending Reservation Request (DHHL)</td>
<td>2.303</td>
</tr>
<tr>
<td>Less: This Application</td>
<td>0.100</td>
</tr>
<tr>
<td>Subtotal (Potential Available Allocation)</td>
<td>17.705</td>
</tr>
</tbody>
</table>

1 12-Month Moving Average Withdrawal as of 12/31/2005.

Table 1 shows that we are currently over the 82 mgd Allocation Milestone but within the sustainable yield of the aquifer. The latest twelve-month moving average withdrawal from the aquifer is estimated to be 51.404 mgd (see Exhibit 6), well within the 62 mgd Pumpage Milestone.

Exhibit 4 shows that once the Allocation Milestone is reached, the Commission must initiate the development of water shortage plans for the Pearl Harbor and Honolulu Aquifer Sector Areas and complete the water shortage plans within four years. The Allocation Milestone was reached in October 2005. Therefore, the deadline for water shortage plan development is October 2009.

There is a significant amount of unused allocations in Waipahu-Waiawa that may be revoked due to four years of nonuse. Table 1 shows that revocation of 0.534 mgd would put allocations below the Allocation Milestone. Staff has been working with the permittee(s) for EP 18 (Well Nos. 2102-02, 04 to 22, 2002-03 to 22), which has an agricultural allocation for 7.969 mgd but has been using less than 3 mgd, to revoke some of the unused allocation. A two-year review
for possible revocation of unused allocation was attached as a special condition to the water use permit for EP 18 (approved in 2000). Revocation action may proceed as early as next month, depending on the outcome of staff’s discussions with the current permittee. Even though planned revocation actions in Waipahu-Waiawa will result in allocations falling below the Allocation Milestone, staff has already initiated development of a water shortage plan for the Pearl Harbor Sector Area. It is anticipated this water shortage plan will be completed within the next two years.

The status of Milestone Requirements/Actions whose deadlines have passed as of this submittal’s date are summarized below:

<table>
<thead>
<tr>
<th>Milestone Requirement/Action</th>
<th>Timeframe</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Execute WUP Revocations(^1)</td>
<td>3/15/01</td>
<td>Completed.</td>
</tr>
<tr>
<td>4.A. Develop monitoring plan, including agreement from parties for funding/construction, site selection, funding/data gathering, etc.</td>
<td>3/15/01</td>
<td>Ongoing. The USGS, CWRM, and BWS have formed a working group. A Memorandum of Agreement (MOA) to share data &amp; work towards the development of a monitoring plan, including optimization and response measures, has been drafted and signed.</td>
</tr>
<tr>
<td>4.B. Develop monitoring plan, including agreement as to the number of new monitoring wells prior to reaching the Pumpage Milestone.</td>
<td>3/15/01</td>
<td>Same as status of 4.A above. Current withdrawals are 51.404 mgd, well below the 62 mgd Pumpage Milestone.</td>
</tr>
<tr>
<td>5.A. Set other resource monitoring criteria.</td>
<td>3/15/02</td>
<td>Same as status of 4.A. above.</td>
</tr>
<tr>
<td>6. Develop infrastructure optimization plan.</td>
<td>3/15/02</td>
<td>Same as status of 4.A. above.</td>
</tr>
<tr>
<td>6.A. List of impacted infrastructure</td>
<td>3/15/01</td>
<td>Completed</td>
</tr>
<tr>
<td>6.B. Develop optimization plan to include: 1) costs and available funding, 2) affected allocation amounts, 3) optimization enforcement policy, 4) water quality considerations, 5) implementation timeline.</td>
<td>3/15/02</td>
<td>Same as status of 4.A. above.</td>
</tr>
<tr>
<td>6.C. Reach agreement/commitment from various parties.</td>
<td>3/15/03</td>
<td>Same as status of 4.A. above.</td>
</tr>
</tbody>
</table>

\(^1\) For permitted uses having 4 or more years of continuous nonuse as of March 15, 2000.
\(^2\) For water use permit applications pending as of March 15, 2000.
Except for DHHL additional reservation request, which has been administratively deferred. DHHL is being encouraged to participate in the county’s integrated resource planning process to update the Water Use and Development Plan that sets forth the broad allocation of water to land use. DHHL has an existing reservation for 1.358 mgd (WUP No. 566; see Exhibit 5) that was initially allocated in 1994 for 1.724 mgd. Since 1994, DHHL has only drawn down their reservation by 0.366 mgd.

Since the adoption of the new sustainable yields, the Commission and BWS have constructed additional deep monitor wells. Although several of the Milestone Requirements/Actions have not been fully complied with by their respective deadlines, the staff is not recommending that the Commission defer action on this application (which is an option under Note 4 of Exhibit 4) given the progress of the monitoring plan, current pumpage, the size of this request, staff’s planned revocation actions, and ongoing development of a water shortage plan. Based on the foregoing, ground water is available to accommodate this request.

(2) Reasonable-beneficial

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

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

I. Purpose of Use

The applicant is requesting the use of potable ground water for industrial use to supply four food processing lines at Waikele Farms. The water is used to wash the produce prior to packing for delivery to local markets and restaurants. The food processing lines generally consist of an initial washing station, where water is recycled for a second pass, and a final wash cycle using chlorine-treated water.

Although the application characterizes the use as industrial, the State Water Code defines "agricultural use" as "...the use of water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage". Therefore, if approved, this allocation would be considered an agricultural, rather than industrial, water use.

The Declaration of Policy, Section 174C-2(c) HRS, states that the Water Code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for various purposes, including agricultural use.

II. Quantity Justification

The applicant is requesting a total of 0.100 mgd for agricultural process water (two
processing lines for tomato, and one processing line each for bell pepper and banana). The existing food processing use is not metered separately. The quantity of water needed has been estimated based on the delivery rate of the water, which can fluctuate, but is about 45-50 gpm. The application cover letter states that the requested amount is based on running each of the four processing lines five days each week for 12 hours each day. Each processing line will use approximately 35,000 gallons during the 12-hour period. Therefore, the requested year-round average is: 

\[(4)(35,000)(5/7) = 100,000 \text{ gpd}.\]

III. Efficiency of Use

In addition to justifying the quantity of water proposed for use, applicants must also show that the use will be efficient. The applicant has stated that the wash water from the food processing lines will be recycled for irrigation use. Sumps will be installed to capture the water, and the water will be recycled by either directing it into the Waiahole Ditch (subject to the approval of the Agibusiness Development Corporation’s Board) or into the farm’s existing irrigation system. Waiekele Farms is committed to recycling virtually 100% of the water.

Additional efficiency measures include the recycling of water for a second pass within each processing line, routine checking of all water lines for leaks, and the use of low consumption sprinklers in the food processing systems.

Finally, Robinson is willing to voluntarily relinquish an equivalent amount of allocation from their Waiahole Ditch water use permit (WUP No. 758) to preclude double-counting of the water needed for this end use. (Please refer to the section entitled “Other Issues” below for additional discussion on permit modification.)

IV. Analysis of Practical Alternatives

The applicant’s current water source, Waiahole Ditch, is an alternative water source. This application is to use ground water in lieu of Waiahole Ditch water. Waiekele Farms is proposing to convert its water source from Waiahole Ditch to a new ground water well in anticipation of more stringent water quality standards for food processing. Mr. Craig Bowden, a food safety consultant to Waiekele Farms, recently conducted an inspection of the food processing and packaging operations and has recommended that Waiekele Farms convert from treated Waiahole Ditch water to a potable-quality source. The open ditches of the Waiahole system create a significant possibility of contamination by parasites, bacteria, and viruses. The existing water treatment system provides reasonable protection against parasites but allows bacteria and viruses to pass through. Conversion to a well water source will remove the threat of bacteria and viruses in advance of regulation under the Hazard Analysis and Critical Control Point, a food safety program adopted by the Food and Drug Administration.

The application cover letter states that installing and operating a new treatment system, with
Waiahole Ditch as the raw water supply, is the only alternative to the requested use of ground water. Development and use of a new ground water well will be significantly more economical, particularly with more stringent quality standards anticipated in the future.

City water is not available at the farm site. There are no other practical alternatives.

(3) Interference with other existing legal uses

There are nine other wells within 1 mile of this source (Exhibit 7). All of the nine wells are observation wells and none are being used for production purposes. One is a Board of Water Supply observation well, the other eight are owned by the U.S. Air Force. Staff does not anticipate any interference with other existing legal uses.

(4) Public interest

Public interest is defined under §174C-2 - Declaration of policy, as follows:

"(c) The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest."

This application is for an agricultural use, which is listed as a beneficial water use and consistent with the public interest.

The food processing system is a critical part of Waikele Farms' overall operations. Waikele Farms employs 200 workers. One hundred percent of the produce that passes through the food processing system is sold locally. Local markets purchase the produce, and the majority of restaurants on Oahu, with the exception of a few very high-end restaurants, also purchase the produce.

The applicant has stated that, to the best of their knowledge, no public trust purposes will be negatively impacted by this proposed water use.

If this application is approved, the applicant has agreed to voluntarily relinquish an equivalent amount of its allocation for Waiahole Ditch water (WUP No. 758). Conversion to a well water source may allow an equivalent amount of water to remain in windward streams.

The Commission has received public comments on this application, which are summarized as follows:
1. The State Land Use Commission (LUC) has confirmed the location of the parcel is within the State Land Use Agricultural District. LUC has advised that the proposed use of water for the processing of crops, including the reuse of the water for irrigation, are consistent with statutorily permitted uses and are therefore appropriate uses within the Agricultural District.

2. The State Office of Hawaiian Affairs (OHA) has commented that the applicant should provide additional information regarding the efficiency of its proposed use and should indicate what measures are being taken to ensure that the proposed use is as efficient as possible. Secondly, OHA believes that, if this proposed use is an alternative to the existing allocation from Waiahole Ditch, the Waiahole Ditch allocation should be similarly reduced. OHA also notes that there is a lack of information in the application on whether the proposed use will impact Native Hawaiian Water Rights. Under the public trust doctrine and the Code, permit applicants have the burden of justifying their proposed uses in light of protected public rights in the resource. Lastly, OHA requests that any permit issued include a condition restricting the transfer of the permit to any entity not engaged in the same proposed use.

Staff Analysis: With regard to OHA’s first comment, the applicant provided additional information on efficiency measures in writing (Exhibit 3) and verbally during staff’s September 29, 2006 site visit. With regard to OHA’s second comment, the applicant is willing to relinquish an equivalent amount of allocation from their Waiahole Ditch allocation. With regard to the burden of showing impacts to public trust purposes, the Deputy Attorneys General assigned to the Commission have advised that applicants must address this issue. If applicants are aware of public trust impacts, they must disclose such information in the application. If the applicants are not aware of any public trust impacts, this must be so stated in the application. Based on this legal advice, staff will revise its application forms to ensure that this issue is addressed by all future applicants. For this case, the applicant verbally stated to staff that they are not aware of any public trust impacts that will result from the proposed water use. Regarding the water use permit transfer restriction, the Deputy Attorneys General have advised staff that the statute and rule would need to be amended in order to enforce such a restriction on county agencies.

3. The State Historic Preservation Division (SHPD) has stated that they believe no historic properties will be affected by the proposed project. However, if historic resources, including human skeletal remains, are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the SHPD needs to be contacted immediately at (808) 692-8015.

Staff Analysis: SHPD submitted similar comments on the accompanying well construction permit application for proposed Well No. 2602-03. A copy of SHPD’s comments will be forwarded with the well construction permit, which will be administratively approved and issued if the Commission approves this water use permit. This issue is also addressed in
Standard Condition 6 of the well construction permit, which states "In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' Division of Historic Preservation".

4. The State Division of Aquatic Resources has commented that the proposed action should have no noticeable impact on the area's aquatic resources, as there are no perennial streams in the immediate vicinity.

5. The City Department of Planning and Permitting confirmed the AG-1 Restricted zoning designation and that a Special Management Area Permit is not needed. The activity being proposed, food washing, is an agricultural activity consistent with the Central Oahu Sustainable Communities Plan and is allowed in the AG-1 Restricted Agricultural District.

Based on the foregoing, staff finds that this proposed use is consistent with the public interest.

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

The State Land Use Commission (LUC) has confirmed the location of the parcel is within the State Land Use Agricultural District. LUC has advised that the proposed use of water for the processing of crops, including the reuse of the water for irrigation, are consistent with statutorily permitted uses and are therefore appropriate uses within the Agricultural District.

The City Department of Planning and Permitting confirmed the AG-1 Restricted zoning designation and that a Special Management Area Permit is not needed. The activity being proposed, food washing, is an agricultural activity consistent with the Central Oahu Sustainable Communities Plan and is allowed in the AG-1 Restricted Agricultural District.

Normal agency review includes:

1) the State's Department of Land and Natural Resources (DLNR) and its State Parks, Aquatic Resources, Historic Preservation, and Land Divisions; the Department of Health (DOH) with its Clean Water, Safe Drinking Water, and Wastewater Branches; the Department of Hawaiian Home Lands (DHHL), and Land Use Commission (LUC); and the Office of Hawaiian Affairs (OHA).
2) the County's Department of Planning and Permitting and the Board of Water Supply.

Comments made through this review are summarized in preceding sections. This proposed use is consistent with the state and county general plans and land use designations.

Therefore, this application is consistent with the state & county general plans and land use designations.
(6) **County land use plans and policies**

Normal County review includes the Mayor's Office, Department of Planning and Permitting and the Board of Water Supply. Comments received indicate consistency with county land use plans and policies.

Therefore, this application is consistent with the county land use plans and policies.

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

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) has reviewed this application and has indicated it has no comments or objections. Comments from the Office of Hawaiian Affairs are presented in the Public Interest section of this submittal. Standard water use permit conditions 3.g., 6., and 9.f. notify all water use permittees that their permits are subject to and cannot interfere with Hawaiian home land rights.

Therefore, this proposed permit will not interfere with Hawaiian home lands rights.

**OTHER ISSUES**

Staff is recommending that the Commission attach a special condition to require modification of the applicant’s existing water use permit for Waiahole Ditch (WUP No. 758) to reduce the allocation by an equivalent amount to preclude a double-counting of the water needed to support the food processing use.

Section 174C-57 HRS, provides for modification of water use permits. The permit modification process would involve the filing of a water use permit modification application, which is treated as an initial application subject to sections 174C-51 to 174C-56 HRS. However, section 174C-57(b)(2) HRS contains a provision that allows the Commission, at its discretion, to approve the proposed modification without a hearing, provided that proposed modification does not involve an increase in the quantity of water and provided that the proposed modification would result in a more efficient utilization of water than is possible under the existing water use permit. The proposed modification of WUP No. 758, to reduce the permitted use by 0.100 mgd, meets these criteria for approval without a hearing, and staff is recommending that the Commission delegate the authority to the Chairperson to approve the proposed modification.

The processing of the modification application would be identical to initial permit applications with respect to application notice and review. If substantive issues are raised during the review process, the staff will submit the modification application to the full Commission for action.

To ensure that WUP No. 758 is modified in a timely manner, the staff is recommending that the Commission attach a special condition to the approval of WUPA No. 767 that requires Robinson to submit a completed modification application for WUP No. 758 within 60 days for administrative
Staff Submittal
October 18, 2006

approval by the Chairperson. The enforcement of the modified WUP No. 758 would take effect when Well No. 2602-03 is operational and online. If Robinson does not submit a completed modification application by the 60-day deadline, the staff is recommending that the water use permit that is the subject of this submittal, WUPA No. 767, be deemed denied without prejudice without the need for another hearing before the Commission.

RECOMMENDATION:

This application meets the criteria for obtaining a water use permit, and staff recommends that the Commission:

1. Approve the issuance of Water Use Permit No. 767 to Robinson Kunia Land, LLC for the reasonable and beneficial use of 0.100 million gallons per day of ground water for agricultural (food processing) use from the Robinson No. 1 Well (Well No. 2602-03), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

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

   b. 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.

   c. 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.

   d. 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.

2. Find that the water use permit modification application required under Special Condition d. will result in a more efficient use of water than is possible under the existing permit, and delegate the authority to the Chairperson to approve the water use permit modification application without a hearing, provided that no substantive issues are raised during the review period. If substantive issues are raised, then the staff will submit the modification application to the full Commission for action.
Respectfully submitted,

DEAN A. NAKANO
Acting Deputy Director

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

Exhibit(s):  
1 (Location Map)  
2 (April 27, 2006 Letter from Dean A. Nakano to Mr. Bill Paty)  
3 (July 5, 2006 Letter from Tom Nance to Mr. Dean A. Nakano)  
4 (Milestones)  
5 (Current Water Use Permits)  
6 (Waipahu-Waiawa Aquifer System Area Pumpage)  
7 (Other Nearby Wells)

APPROVED FOR SUBMITTAL:

PETER T. YOUNG
Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:
- Waipahu-Waiawa System, Pearl Harbor Sector, Oahu
- Sustainable Yield: 104 mgd
- Existing Water Use Permits: 82.534 mgd
- Water Reservations: 1.358 mgd
- Available Allocation: 20.108 mgd
- Total other pending applications/reservation petitions: 2.303 mgd
- This application: 0.100 mgd

WELL:
- Robinson No. 1 Well (Well No. 2602-03)
- East Side of Poliwaiti Gulch, Oahu, TMK: 9-4-04:12
- Location: NA
- Year Drilled: 18 in.
- Casing Diameter: 18 in.
- Elevations (msl= 0 ft.)
  - Water Level: 23 ft.
  - Ground: 680 ft.
  - Bottom of Solid Casing: -80 ft.
  - Bottom of Perforated: NA ft.
  - Bottom of Open Hole: -160 ft.
- Total Depth: 840 ft.
- Grouted Annulus Depth: 550 ft.
- Pump Capacity: 185 gpm

Use Information

- Quantity Requested: 0.100 gallons per day.
- New Type of Water Use: Agricultural
- Place of Water Use: TMK: 9-4-03:1

ATTACHMENT A
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

Waipahu-Waiawa Aquifer System
12-Month Moving Average Withdrawal (See Exhibit 6): 51.404 mgd (as of 12/31/05)

Nearby Surrounding Wells

There are nine other wells within 1 mile of this source (Exhibit 7). All of the nine wells are observation wells and none are being used for production purposes. One is a Board of Water Supply observation well, the other eight are owned by the U.S. Air Force. Staff does not anticipate any interference with other existing legal uses.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on May 1, 2006 and May 8, 2006 and a copy of the notice was sent to the Mayor's office. Copies of the completed application were sent to the Department/Board of Water Supply, Department of Planning and Permitting, Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by May 22, 2006.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by May 22, 2006. No objections were filed.

Briefs in Support

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

Field Investigation

Staff conducted a site visit on September 29, 2006 to document the existing food processing water use and obtain additional information to support the proposed permit.
STANDARD WATER USE PERMIT CONDITIONS

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its October 18, 2006 meeting are incorporated into this permit by reference.

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

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. protect the water sources (quantity or quality);
   b. meet other legal obligations including other correlative rights;
   c. insure adequate conservation measures;
   d. require efficiency of water uses;

ATTACHMENT B
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).

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

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

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

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

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

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

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

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

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

19. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
April 27, 2006

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Dear Mr. Paty:

We acknowledge receipt, on March 31, 2006, of your completed water use permit application (WUPA No.767) for the Robinson No. 1 Well (Well No. 2602-03). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006. You will be required to pay for the cost of the public notice, which runs about $400. We will send you an invoice shortly after your notice is published.

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

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

Although your application is complete, given the information provided, the staff will not be able to recommend approval of your application. Please provide the following information to support your application:

1. Any measures you will institute to ensure efficient water use.
2. Metered/measured consumption data for the existing food processing use of Waiahole Ditch water, or your rationale for determining the requested water quantity.
3. Documentation to show that the quality of Waiahole Ditch water will become inadequate for the proposed use.

We have scheduled your application for Commission action at the June 21, 2006 meeting. Please submit additional supporting information no later than May 22, 2006.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

LYN:ss
Enclosure

EXHIBIT 2
Dear Mr. Nakano:

Water Use Permit Application (WUPA No. 767) for the
Robinson No. 1 Well (State No. 2602-03) Oahu, Hawaii

This letter responds to your April 27, 2006 written request for additional information in support of a water use application for potable quality groundwater for food processing by Waikele Farms, Inc., a lessee on land owned by Robinson Kunia Land, LLC. Our responses to your three specific informational requests are as follows:

Measures to Ensure Efficient Water Use. Efficient water use will be ensured in three ways. First, on a seasonal basis, water leaving each of the four food processing lines would be reused for crop irrigation. Waikele Farms estimates that, as a year-round average, approximately 50 percent of the food processing water would be reused for crop irrigation. Second, there is (and will continue to be) recycling within each processing line. Rather than the water being a "single pass" use, it is internally recycled to reduce the total water requirement. And third, low consumption sprinklers are and will continue to be used in the food processing systems.

Consumption Data and Rationale for the Requested Water Quantity. Unfortunately, the portion of Waiahole Ditch water presently used for food processing is not separately metered, so no actual consumption data are available. The basis of the requested amount is an estimate by Waikele Farms and can be summarized as follows:

- Each of the four processing lines will run for five (5) days each week and for 12 hours on each of these days.

- During the 12-hour processing period, the water delivery rate is on the order of 45 to 50 GPM. Over a 12-hour period, this amounts to about 35,000 gallons. The five days of use amounts to an average use of about 25,000 GPD if the two non-processing days each week are also considered (ie. 5/7 of 35,000 GPD).

- With four processing lines with essentially identical water requirements, the combined requirement is 100,000 GPD.
Water Quality Requirements for Food Processing. Craig Bowden, a food safety consultant to Waikele Farms, recently conducted an inspection of the farm's food processing and packaging. Mr. Bowden's primary recommendation was to convert from treated Waiahole Ditch water to a potable-quality source. The open ditches of the Waiahole conveyance system create a significant possibility of contamination by parasites, bacteria, and viruses. In Mr. Bowden's opinion, the Farm's existing treatment system provides reasonable protection against parasites but allows bacteria and viruses to pass through.

The Food and Drug Administration (FDA) has adopted a food safety program known as Hazard Analysis and Critical Control Point (HACCP). To date, HACCP has been applied to the regulation of seafoods and low-acid canned foods. The FDA is now developing regulations that would establish HACCP as the safety standard throughout other areas of the food industry. Based on the recommendation of its food safety consultant, Waikele Farms is anticipating that this will be applied to the Farm's food processing and packaging. It is seeking to convert to potable water to remove the threat of bacteria and viruses in advance of regulation under the HACCP.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land, LLC  [Email only]
    Larry Jefts - Waikele Farms, Inc.  [Email only]
**MILESTONES**

ADOPT NEW SUSTAINABLE YIELDS
FOR EWA-KUNIA AND WAIPAHU-WAIWAWA AQUIFER
SYSTEMS, PEARL HARBOR AQUIFER SECTOR, OAHU
MARCH 15, 2000

<table>
<thead>
<tr>
<th>Proposed Sustainable Yield (SY)</th>
<th>Ewa-Kunia (mgd)</th>
<th>Waipahu-Waiauna (mgd)</th>
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<tbody>
<tr>
<td></td>
<td>16</td>
<td>104</td>
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| Proposed Allocation Milestone   | 16             | 82                   |
| Proposed Pumpage Milestone      | 14             | 62                   |

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<tr>
<th>Milestone Requirements/Actions</th>
<th>Responsible Entity</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>1. Continue updating Geographic Information System (GIS) database analyses of existing and pending water uses.</td>
<td>CWRM, BWS</td>
<td>On-going</td>
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<tr>
<td>2. Execute water use permit (WUP) revocations.</td>
<td>CWRM</td>
<td>Within one year after adoption of new SY</td>
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<tr>
<td>3. Process pending WUP applications, bulk allocation requests, and reservation requests.</td>
<td>CWRM</td>
<td>Within one year after adoption of new SY</td>
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**PHASE I Monitoring Plan**

4. Develop deep well and observation well monitoring plan.
   A. Plan shall include a commitment/agreement from various parties for funding/construction, site selection, funding/data gathering, etc.
   B. Agreement shall be reached as to how many new monitoring wells (deep and/or observation) shall be in operation prior to reaching the pumpage milestone.

5. Set other resource management criteria to monitor the resource, to optimize withdrawals, and establish additional safeguards to protect the resource.
   A. Evaluate other resource management criteria to include but not be limited to chloride concentrations, water levels, location of transition zones, historical water trends, etc.
6. Develop plan to optimize existing and future water infrastructure which may be impacted by a rise in the transition zone.  

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<tbody>
<tr>
<td>A.</td>
<td>List of water infrastructure which may be impacted.</td>
<td>CWRM USGS</td>
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</table>
| B. | Evaluation of the impacted infrastructure and development of the optimization plan should include but not be limited to the following:  
  1) Cost implications and funding availability (federal, state, city, private or some type of cost sharing).  
  2) Amount of allocation affected  
  3) Evaluate if optimization should be voluntary, mandatory or dealt with on a case-by-case basis.  
  4) What quality of water (chloride concentration) is being used and is optimization necessary.  
  5) Timeline for implementation of optimization plan. | BWS CWRM | Within 2 years after adoption of new SY |
| C. | Reach agreement/commitment from various parties. | BWS CWRM | Within 3 years after adoption of new SY |

7. Initiate development of an overall water shortage plan for Pearl Harbor and Honolulu Aquifer Sectors.  

- The water shortage plan should take into account policies, goals and objectives established within the Water Resources Protection Plan and the Oahu Water Management Plan as developed through the IRP process.

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8. Initiate re-assessment of the sustainable yields for Ewa-Kunia and Waipahu-Waiawa aquifer systems.  

- Re-assessment should include but not be limited to refinement of ground water models, recharge estimates (including irrigation return component), hydraulic conductivities, model boundaries, etc.

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PHASE III Monitoring Plan

9. Complete implementation of well monitoring plan (Item 4.) which includes installing balance of new monitoring wells (deep and observation).  

10. Implement water infrastructure optimization plan (Item 6).  

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<td>NOTE:</td>
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<tr>
<td>1. If more than one responsible entity is identified, then the first agency listed is the lead entity.</td>
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<td>2. The CWRM reserves the right to administratively adjust milestone timeframe as necessary with the concurrence of responsible entity(ies). Allocation milestones may be reached prior to pumpage milestone depending upon water use permit revocations, the amount of water use permit applications processed, and bulk allocation requests and reservation requests received and granted.</td>
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<td>3. The CWRM staff will conduct biennial briefings with the CWRM, key agencies, and interested parties to assess the progress of implementing milestone requirements/actions.</td>
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<td>4. Failure to comply with milestones requirements/actions may lead to deferral of CWRM actions relating to WUP applications, bulk allocation requests and/or reservation requests.</td>
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# Aquifer System Water Use Permit Index

**ISLAND OF OAHU**

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<tr>
<th>WUP No</th>
<th>Approved Date</th>
<th>Applicant</th>
<th>Well No.</th>
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**WMA Aquifer System:** WAIPAHU-WAIAWA

**Sustainable Yield:** 104

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Monday, June 05, 2006

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Totalling 83.892

Available 20.108
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**EXHIBIT 7**
Ref: 767. site visit report

Attendees: Ryan Imata, Lenore Nakama (CWRM)
Bill Paty (Robinson Estates), Tom Nance (Consultant),
Jonathon Jefts (Waikele Farms)

Purpose: To document the existing use for WUPA No. 767
Date: September 29, 2006

1. Efficiency Measures

- Document Irrigation Reuse (50% of water reused on year-round average)
  There is currently no reuse/recycled water system in place. Waikele Farms has plans to capture and reuse the crop wash water. There are over 80 sand filters throughout the irrigation system. The water from the tomato and bell pepper processing lines will be filtered and either be discharged into the Waiahole Ditch for use by downstream farmers or used for irrigation on the farm. The water from the banana processing lines will be used to irrigate the nearby banana patch (about 150 acres).

- How is spent water connected to irrigation system?
  There is currently no connection.

- What happens to other 50%?
  Waikele Farms is now committing to reusing virtually 100% of the water.

- Explain/document how water is recycled for “2nd pass” processing line
  Waiahole Ditch water is pumped into a holding tank where the produce is washed. Water is pumped from the holding tank for a second pass wash. The final wash uses new water treated with chlorine.

- Document low consumption sprinklers
  The spray system consumes as little water as possible while still being sufficient to cleanse the produce.

- Schematic of operation, if available
  NA

- Line maintenance?
  Yes, all lines are checked for leaks periodically.

2. How is 45-50 gpm delivery rate determined?
   The rate is estimated and may fluctuate. On the date of our visit, the hose spray was estimated to be greater than 50 gpm.

3. Alternatives

- WIC & well are only alternatives? City water hookup?
There is no city water at the site.

4. Revoke WIC allocation
   Robinson/Waikele Farms will have no objections.

5. Will this use impact any public trust purposes?
   No, none that they are aware.

6. Public interest: how many jobs? supports local market for produce? Other?
   Waikele Farms employs 200 workers. 100% of the produce goes to local markets. The majority of restaurants also purchase the produce, with the exception of a handful of very high-end restaurants.
Dear Mr. Nakano:

Water Use Permit Application (WUPA No. 767) for the Robinson No. 1 Well (State No. 2602-03), Oahu, Hawaii

Mr. Larry Jefts will be out of state during the months of August and September. Due to the critical information that Mr. Jefts can provide to the Commissioners, we respectfully request that consideration of WUPA No. 767 be deferred to the Commission's October 2006 meeting.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land, LLC [Email only]
    Larry Jefts - Waikele Farms, Inc. [Email only]
Mr. Dean A. Nakano  
Acting Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii  96809  

Dear Mr. Nakano:  

Water Use Permit Application (WUPA No. 767) for the  
Robinson No. 1 Well (State No. 2602-03), Oahu, Hawaii  

This letter responds to your April 27, 2006 written request for additional information in support of a water use application for potable quality groundwater for food processing by Waikele Farms, Inc., a lessee on land owned by Robinson Kunia Land, LLC. Our responses to your three specific informational requests are as follows:

Measures to Ensure Efficient Water Use. Efficient water use will be ensured in three ways. First, on a seasonal basis, water leaving each of the four food processing lines would be reused for crop irrigation. Waikele Farms estimates that, as a year-round average, approximately 50 percent of the food processing water would be reused for crop irrigation. Second, there is (and will continue to be) recycling within each processing line. Rather than the water being a "single pass" use, it is internally recycled to reduce the total water requirement. And third, low consumption sprinklers are and will continue to be used in the food processing systems.

Consumption Data and Rationale for the Requested Water Quantity. Unfortunately, the portion of Waiahole Ditch water presently used for food processing is not separately metered, so no actual consumption data are available. The basis of the requested amount is an estimate by Waikele Farms and can be summarized as follows:

- Each of the four processing lines will run for five (5) days each week and for 12 hours on each of these days.
- During the 12-hour processing period, the water delivery rate is on the order of 45 to 50 GPM. Over a 12-hour period, this amounts to about 35,000 gallons. The five days of use amounts to an average use of about 25,000 GPD if the two non-processing days each week are also considered (i.e. 5/7 of 35,000 GPD).
- With four processing lines with essentially identical water requirements, the combined requirement is 100,000 GPD.
Water Quality Requirements for Food Processing. Craig Bowden, a food safety consultant to Waikele Farms, recently conducted an inspection of the farm's food processing and packaging. Mr. Bowden's primary recommendation was to convert from treated Waiahole Ditch water to a potable-quality source. The open ditches of the Waiahole conveyance system create a significant possibility of contamination by parasites, bacteria, and viruses. In Mr. Bowden's opinion, the Farm's existing treatment system provides reasonable protection against parasites but allows bacteria and viruses to pass through.

The Food and Drug Administration (FDA) has adopted a food safety program known as Hazard Analysis and Critical Control Point (HACCP). To date, HACCP has been applied to the regulation of seafoods and low-acid canned foods. The FDA is now developing regulations that would establish HACCP as the safety standard throughout other areas of the food industry. Based on the recommendation of its food safety consultant, Waikele Farms is anticipating that this will be applied to the Farm's food processing and packaging. It is seeking to convert to potable water to remove the threat of bacteria and viruses in advance of regulation under the HACCP.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land, LLC [Email only]
Larry Jefts - Waikele Farms, Inc.   [Email only]
Dear Mr. Nakano:

Water Use Permit Application (WUPA No. 767) for the Robinson No. 1 Well (State No. 2602-03), Oahu, Hawaii

Mr. Larry Jefts will be out of state during the months of August and September. Due to the critical information that Mr. Jefts can provide to the Commissioners, we respectfully request that consideration of WUPA No. 767 be deferred to the Commission’s October 2006 meeting.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land, LLC [Email only]
Larry Jefts - Waieke Farms, Inc. [Email only]
All,

Attached is the letter addressed to Dean Nakano at the Water Commission requesting that consideration of WUPA No. 767 be deferred to the Commission's October 2006 meeting.

Tom

Tom Nance Water Resource Engineering
680 Ala Moana Boulevard - Suite 406
Honolulu, Hawaii 96813

Tel: / Fax: 

_nakano_.pdf
June 27, 2006

Ref: 2602-03.let

Mr. William W. Paty
The Mark A. Robinson Trusts
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Dear Mr. Paty:

We have received your letter deferring the 90-day deadline for action on your water use permit application for Well No. 2602-03. The deferral is to provide additional time for you to submit information needed to support your water use permit application, as outlined in our April 27, 2006 letter.

Because we have not received any new information, we will schedule your water use permit application for Commission action at a future meeting upon receipt of the information. Please be aware that time is needed for the staff to prepare a submittal and meet internal deadlines for completing submittal drafts.

If you have any questions, please contact Lenore Nakama at

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

LYN:ss
TO:  
Honorable Micah Kane, Chairperson  
Department of Hawaiian Home Lands  

Honorable Chiyome L. Fukino, M.D., Director  
Department of Health  
Attn: Mr. Harold Yee  
Attn: Acting Branch Chief, Safe Drinking Water Branch  

Mr. Clyde W. Namu'o, Administrator  
Office of Hawaiian Affairs  
Attn: Mr. Jonathan Scheuer  

Mr. Clifford Lum  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usugawa  

FROM:  
Peter T. Young, Chairperson  
Commission on Water Resource Management  

SUBJECT:  
Water Use Permit Application  
Waipahu-Waiawa Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by May 27, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss  
Attachment(s)  
Response:  

✓ We have no objections or comments  
( ) Objections attached  
( ) Only comments attached

Contact person: Ann T. Zane  
Phone: [redacted]  
Date: 5/16/06

Signed: Ann T. Zane  

MAY-18-2006 10:36AM  
ID: DLNR CWRM  
PAGE: 006  R=95%
June 7, 2006

Dear Mr. Nakano:

This is in regard to your letter of April 27, 2006, notifying the Robinson Kunia Land LLC that the application for our water use permit was scheduled for hearing on June 21, 2006.

You also requested additional information before the application could be recommended to the Water Commission for hearing.

There has been a delay in getting the necessary information and, as a result, we are willing to defer the 90-day action provision and ask that our application be rescheduled for your July meeting.

If you have any questions, please contact me at [redacted] or Mr. Tom Nance at [redacted]

Sincerely,

William W. Paty
Trustee

cc: Mr. Larry Jeffs
    Mr. Stephen Mau
    Ms. Lenore Y. Nakama
    Mr. Tom Nance
The Mark A. Robinson Trusts  
(Testamentary)  
(Inter-Vivos)  

1132 BISHOP STREET SUITE 1930 HONOLULU, HAWAII 96813 PHONE [REDACTED] FAX [REDACTED]

TRANSMITTAL

VIA FACSIMILE: (808) 587-0219
TO: COMMISSION ON WATER RESOURCE MANAGEMENT
FROM: WILLIAM W. PATY
RE: HEARING FOR APPLICATION OF WATER USE PERMIT
DATE: JUNE 7, 2006

REMARKS:

Original to: Mr. Dean A. Nakano
Copy for: Ms. Lenore Y. Nakama

One page following this cover sheet. For errors in transmission please contact Lyssa Reese at [REDACTED]
To:  bill@martroffice.com  
cc:  Roy Hardy/DLNR/StateHiUS@StateHiUS, Dean Nakano  
bcc:  
Subject:  Water Use Permit Application for Robinson Kunia Land, LLC  

Hello Mr. Paty,  

I'm preparing a submittal for the subject application. In our April 27, 2006 letter to you, we outlined 3 additional pieces of information that would be needed to support your application. I don't think we received a response from you. Office of Hawaiian Affairs has also sent some comments/questions to you that also need to be addressed.  

Because we don't have all the information we need to recommend approval of the application, our new policy is to recommend that the CWRM deny without prejudice the application. The other option is if you request to defer the 90-day deadline for action, then we won't prepare a submittal until the information comes in.  

The draft submittals are due on 6/7/06. If you wish to defer the 90-day deadline, please send us a written request and we will await the needed information from you. If you have any questions, please call me at [insert number].  

Thank you,  
Lenore
FROM: ROY

DATE: MAY 24 2006

TO: ANAKALEA, P.

INIT: KUNIMURA, I.

TO: CHING, F.

INIT: NAKAMA, L.

TO: DANBARA, S.

INIT: NAKANO, D.

TO: FUJII, N.

INIT: OHYE, M.

TO: GOODING, K.

INIT: SAKODA, E.

TO: HARDY, R.

INIT: SWANSON, S.

TO: HOAGBIN, S.

INIT: UYENO, D.

TO: ICE, C.

INIT: YODA, K.

TO: IMATA, R.

INIT: YOSHINAGA, M.

PLEASE: Approval

PLEASE: Signature

PLEASE: Information

PLEASE: See Me

PLEASE: Review & Comment

PLEASE: Take Action

PLEASE: Type Draft

PLEASE: Type Final

PLEASE: File

PLEASE: Xerox ___ copies

3rd issue

what information would be necessary to prove

Native Hawaiian Water Rights are not impacted? When does
one begin? I think Mike has stated its the right
holders responsible to speak up and the code and our
WVP conditions should provide protection for any future
claims.

transfer issue again is code related (kg needs to change).
May 22, 2006

Peter Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

RE: Water Use Permit Application (WUPA) for Robinson Kunia Land, LLC (WUPA No. 767), Waipahu Waiawa Ground Water Management Area, O'ahu, source TMK 9-4-04:12, place of use TMK 9-4-03:1.

Dear Chairperson Young and Commissioners,

The Office of Hawaiian Affairs appreciates the opportunity to comment on the above referenced WUPA. OHA's comments are offered based on our constitutional and statutory duties to review permits such as these (e.g. HRS §10-3 (4)). Water, both ground and surface, has many historic, legal, cultural, economic, and other important values to Native Hawaiians, and as such both to OHA and the future Hawaiian Nation.

OHA recognizes that unlike some other WUPA submitted to the Commission, this proposed use is small and on its surface appears to be a legitimate agricultural use of water. With that in mind, OHA has four primary comments to the WUPA as filed by the applicant / landowner.

First, OHA believes the applicant should provide additional information regarding the efficiency of its proposed use beyond the statement that "Approximately 50% of the water will be recovered for agricultural irrigation." The applicant has not indicated what measures it is undertaking to ensure that the proposed food washing is efficient as is possible, per the Code’s requirement that reasonable – beneficial uses are efficiently utilized (HRS §174C-3).

Second, OHA believes that there needs to also be an analysis of possible alternative water sources. In regards to that point, OHA would like assurance from the applicant and Commission that if this use is in any way an alternative to existing allocations being used by the applicant or their lessees for O’ahu by the Waiahole Ditch, that their allocation for water from said ditch will be similarly reduced.
Third, OHA observes that there is no consideration in this application that this proposed use will not impact Native Hawaiian Water Rights. The lack of information makes it difficult and burdensome for OHA to comment on whether the use will impact on protected Native Hawaiian Water Rights. This is a problem because the Code, the WUPA form, and the Hawaii Supreme Court make it clear to the Commission (Waiahole 94 Haw. 97, 161) that “Under the public trust and the Code, permit applicants have the burden of justifying their proposed uses in light of protected public rights in the resource.” The applicant bears the burden of showing these conditions are met; this burden does not lie with the Commission or with any party objecting to the issuance of the permit. OHA notes that the absence of any meaningful information will make evaluation of the permit by the Commission also difficult and burdensome.

Fourth and finally, OHA would like to see that the permit, if issued, is conditioned on a restriction of transfer to the Honolulu Board of Water Supply or any other individual, agency, company, or entity not engaged in the same proposed use.

Thank you for the opportunity to provide comments. If you have further questions, please contact Dr. Jonathan Likeke Scheuer at [redacted] or email him at jonathans@oha.org.

Sincerely,

Clyde W. Nāmu’o
Administrator

CC: William Paty
Robinson Kunia Land, LLC
1132 Bishop Street Suite 1930
Honolulu, Hawai‘i 96813
TO: Honorable Micah Kane, Chairperson  
Department of Hawaiian Home Lands  
Honorable Chiyome L. Fukino, M.D., Director  
Department of Health  
Attn: Mr. Harold Yee  
Attn: Acting Branch Chief, Safe Drinking Water Branch  
Mr. Clyde W. Namu'o, Administrator  
Office of Hawaiian Affairs  
Attn: Mr. Jonathan Scheuer  
Mr. Clifford Lum  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usugawa  

FROM: Peter T. Young, Chairperson  
Commission on Water Resource Management  

SUBJECT: Water Use Permit Application  
Waipahu-Waiawa Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss  
Attachment(s)  
Response:  
( ) We have no objections or comments  
( ) Objections attached  
( ) Only comments attached  

Contact person: [redacted]  
Signed: [redacted]  
Phone: [redacted]  
Date: 5/22/06
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

April 27, 2006

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at 587-4742.

Response:

( ) We have no objections or comments
( ) Objections attached
✔ Only comments attached

Contact person: ____________________________
Signed: ____________________________
Phone: ____________________________
Date: 5-22-06
MEMORANDUM

To: Dean A. Nakano, Acting Deputy Director
   Commission on Water Resource Management
From: Dan Polhemus, Administrator
   Division of Aquatic Resources
Subject: Comments on Water Use Permit Application No. 766

Comments Requested By: Lenore Y. Nakama

Summary of Project

Applicant: Robinson Kunia Land, Well No. 2602-03
Location: Waialua Ground Water Management Area, Oahu

Brief Description:

The applicant requests permission to withdraw 100,000 gallons of water per day from Well No. 2602-03 for agricultural use.

Comments:

The proposed action should have no noticeable impact on the area’s aquatic resources, as there are no perennial streams in the immediate vicinity. We therefore have no objection to the proposed request.
April 27, 2006

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

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at 587-0041.

LYN:ss
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
(✓) Only comments attached

Contact person: __________________________ Phone: __________________________

Signed: __________________________ Date: 5-22-06
May 23, 2006

Mr. Peter T. Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

Re: Water Use Permit Application No. 767
Waipahu-Waiawa Ground Water Management Area, Oahu

We have reviewed the water use application for Sugarland Farms in Kunia (WUPA No. 767) which you transmitted to us on April 27, 2006. We confirm that the application correctly lists the parcel's current zoning and Tax Map Key number, and that no Special Management Area permit is needed. Our records show that the parcel is located outside of the area subject to SMA regulations.

The activity being proposed, listed as "food washing" in the application's Table 1, is an agricultural activity consistent with the Central Oahu Sustainable Communities Plan and allowed in the AG-1 Restricted Agricultural District.

Under the Land Use Ordinance, "vegetable cleaning" is permitted in the AG-1 District either as an accessory use when conducted on the same zoning lot on which the crop is cultivated, or as "minor agricultural products processing" when the activity is on a zoning lot not used for the crop production and prepares the crops for market after harvest. As a minor ag products processing, it is subject to the following development standard: No minor ag products processing use shall be located within 50 feet of a country, residential, apartment, apartment mixed use or resort zoning district.

Should you have any questions, please call Mike Watkins of our staff at [redacted]

Very truly yours,

[Signature]
Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:js (153137)

cc: The Honorable Mufi Hannemann

p:\DivFunction\WUP\2006elog994.doc
May 18, 2006

Mr. Dean Nakano
Commission on Water Resource Management
DLNR-State of Hawai‘i
P.O. Box 621
Honolulu, Hawai‘i, 96809

Dear Mr. Nakano:

Robinson No. 1 Well (Well No. 2602-03), Kunia
Waieke Ahupu‘a‘a, ‘Ewa District, Island of O‘ahu
TMK: (1) 9-4-004:012

Thank you for the opportunity to review the aforementioned project, which we received on May 2, 2006. The proposed undertaking involves a water use permit for the construction of a new well and pump.

We believe that no historic properties will be affected by this undertaking because:

- a) intensive cultivation has altered the land
- b) residential development/urbanization has altered the land
- c) previous grubbing/grading has altered the land
- d) an acceptable archaeological assessment or inventory survey found no historic properties
- e) this project has gone through the historic review process, and mitigation has been completed
- f) other: In a letter (LOG NO: 2006.1459, DOC NO: 0605CM17) dated May 5, 2006, we determined that the new well and pump construction will have no effect on historic properties

If historic resources, including human skeletal remains, are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the SHPD needs to be contacted immediately at Please contact Dr. Chris Monahan if you have questions about this letter.

Aloha,

Chinen, Administrator
State Historic Preservation Division
CM
May 12, 2006

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Dear Mr. Paty:

Invoice for Public Notice
Water Use Permit Application for Well No. 2602-03 (WUPA No. 767)

We are attaching a copy of the Affidavit of Publication and Invoice/Receipt for the subject notice.

Please submit a check payable to the Department of Land and Natural Resources at the address shown above for the Amount Due by the Due Date specified below:

Amount Due: $273.78
Due Date: June 1, 2005

Failure to submit the full Amount Due by the Due Date will result in a rejection of your application, which will be considered null and void. If you decide to proceed with this project in the future, a new water use permit application must be made, and you will be required to pay for the costs of both this public notice and the new public notice.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

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**TOTAL** $273.78

**REMARKS:**
LINE (1) Reimbursement for Public Notice for 2802-03; WUPA 767
LINE (2)
LINE (3)
LINE (4)
LINE (5)
LINE (6)
LINE (7)
LINE (8)
LINE (9)
LINE (10)
May 12, 2006

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Dear Mr. Paty:

Invoice for Public Notice
Water Use Permit Application for Well No. 2602-03 (WUPA No. 767)

We are attaching a copy of the Affidavit of Publication and Invoice/Receipt for the subject notice.

Please submit a check payable to the Department of Land and Natural Resources at the address shown above for the Amount Due by the Due Date specified below:

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Due Date: June 1, 2005

Failure to submit the full Amount Due by the Due Date will result in a rejection of your application, which will be considered null and void. If you decide to proceed with this project in the future, a new water use permit application must be made, and you will be required to pay for the costs of both this public notice and the new public notice.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

LYN:ss
Attachment
April 27, 2006

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

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at 518-20218.

LYN:ss
Attachment(s)

Response:

☐ We have no objections or comments
☐ Objections attached
☐ Only comments attached

Contact person: Paul J. Conry
Signed: Paul J. Conry, Administrator

DIVISION OF FORESTRY AND WILDLIFE

Date: MAY - 2 2006

Phone: [Redacted]
Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

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

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at [Contact Information].

Response:

( ) We have no objections or comments
( ) Objections attached
✓ Only comments attached

Contact person: [Contact Information]
Signed: [Signature]
Date: May 1, 2006
May 8, 2006

TO: Peter T. Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources

FROM: Anthony J. H. Ching, Executive Officer

SUBJECT: Water Use Permit Application
Waipahu-Waiawa Groundwater Management Area, Oahu

We have reviewed the subject application forwarded by your transmittal dated April 27, 2006, and confirm that the Robinson No. 1 Well Site located on TMK: 9-4-04: por. 12, and further represented on the tax map, is located within the State Land Use Agricultural District.

With respect to your request as to whether the current designation is appropriate for the proposed project, please be advised that pursuant to sections 205-2(d) and 205-4.5(a) (10), Hawaii Revised Statutes, permitted activities within the Agricultural District include, among other things, buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the abovementioned [permitted agricultural] uses and are permitted under section 205-2(d). To the extent that the potable water will be used in the processing of crops with approximately 50 percent of the process water recovered for agricultural irrigation, the proposed uses appear to be consistent with the aforementioned statutorily permitted uses, and are therefore appropriate uses within the Agricultural District.

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

Please feel free to contact Bert Saruwatari of my office at [redacted] should you require clarification or any further assistance.

Enclosure
Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss
Attachment(s)

Response:

☒ We have no objections or comments, NO RECORDS
☒ Objections attached
☐ Only comments attached

Contact person: [redacted]
Signed: [redacted]
Phone: [redacted]
Date: 5-01-06
TO: Honorable Micah Kane, Chairperson
Department of Hawaiian Home Lands

Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attn: Mr. Harold Yee
Attn: Acting Branch Chief, Safe Drinking Water Branch

Mr. Clyde W. Namu’o, Administrator
Office of Hawaiian Affairs
Attn: Mr. Jonathan Scheuer

Mr. Clifford Lum
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usugawa

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

April 27, 2006

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

LYN:ss
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: Darrell Yagodich
Phone: [redacted]
Date: 5/2/2006

Signed: [Signature]
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We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

Response:

(✓) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: Daniel S. Quinn

Signed: [Signature]

Phone: [Phone number]

Date: 5/2/06
April 27, 2006

TO: Russel Tsuji, Administrator
    Land Division

FROM: Dean A. Nakano, Acting Deputy Director
       Commission on Water Resource Management

SUBJECT: Request for Comments
          Water Use Permit Application
          Waipahu-Waiau Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. **Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections.** If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss
Attachment(s)

Response:

- ☑ A water lease/permit is not required of this applicant.
- ☐ A water lease/permit has been obtained by the applicant through lease no.
- ☐ Other relevant Land Division rules/regulations, information, or recommendations are attached.
- ☐ No objections
- ☑ Other comments: Original source of private title is Mahele Award 4 issued prior to statehood.

Contact person: Gary Martin
Phone: [redacted]

Signed: [Signature]
Date: MAY 3 2006
### Advertising Invoice/Receipt

**SUSAN HOAGBIN**  
DLNR, COMM ON WATER RESOURCE MGMT  
P.O. BOX 621  
HONOLULU, HI  96809

**Cust#:** 03100351-000  
**Ad#:** 05522609  
**Phone:** (808)587-0225  
**Date:** 05/09/06  
**Prepay Date:** 04/27/06

**Jo#:** A18  
**Salesperson:** A13  
**Classification:** 1060

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**Payment Reference:**

**PO Number:**

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**PUBLIC NOTICE**

Application for Water Use Permit  
Waipahu-Waiawa Ground Water Management Area, Oahu

The following application for water use permit has been received by the Commission on Water Resource Management and is hereby made public in accordance with Section 13-171, Hawaii Administrative Rules, "Designation and Regulation of Water Management Areas."

WUPA No. 767 Robinson No. 1 Well (Well No. 2602-03)

Applicant: Robinson Kunia Land, LLC  
1132 Bishop St., Ste. 1930  
Honolulu, HI  96813

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**Total Due:** 0.00

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**COMMISSION ON WATER RESOURCE MANAGEMENT**

**US MAY 10 A9:20**

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**RECEIVED**

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**PAID**

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**PAID**
IN THE MATTER OF PUBLIC NOTICE

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII
City and County of Honolulu

Carrie Asuncion, being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of MidWeek Printing, Inc., publisher of MidWeek and the Honolulu Star-Bulletin, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

MidWeek ___________ times on ___ 

Honolulu Star-Bulletin ___________ times on ___ 
05/01/2006, 05/08/2006

And that affiant is not a party to or in any way interested in the above entitled matter.

Subscribed to and sworn before me this ___ day of ___ A.D. 20___

Notary Public of the First Judicial Circuit
State of Hawaii

My commission expires October 07, 2006

Ad# 05522609
PUBLIC NOTICE

Application for Water Use Permit
Waipahu-Waiawa Ground Water Management Area, Oahu

The following application for water use permit has been received by the Commission on Water Resource Management and is hereby made public in accordance with Section 13-171, Hawaii Administrative Rules, "Designation and Regulation of Water Management Areas."

WUPA No. 767 Robinson No. 1 Well (Well No. 2602-03)

Applicant: Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Landowner: Same

Date Application Filed as Complete: March 31, 2006

Hydrologic Unit: Aquifer Areas: Waipahu-Waiawa System, Pearl Harbor Sector, Oahu

Water Source: Robinson No. 1 Well (Well No. 2602-03) at East Side of Poliwai Gulch, Oahu,
Tax Map Key 9-4-04:12

Quantity Requested: 0.100 million gallons per day

New Use: Food Processing

Place of Water Use: Waikele Farms, Kunia at Tax Map Key: 9-4-03:1

Written objections or comments on the above application may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter (provide TMK information); (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Written objections must be received by May 22, 2006. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

DEAN A. NAKANO, Acting Deputy Director for
PETER T. YOUNG, Chairperson

Dated: April 25, 2006

Publish in: Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006
We acknowledge receipt, on March 31, 2006, of your completed water use permit application (WUPA No.767) for the Robinson No. 1 Well (Well No. 2602-03). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006. You will be required to pay for the cost of the public notice, which runs about $400. We will send you an invoice shortly after your notice is published.

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

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

Although your application is complete, given the information provided, the staff will not be able to recommend approval of your application. Please provide the following information to support your application:

1. Any measures you will institute to ensure efficient water use.
2. Metered/measured consumption data for the existing food processing use of Waiahole Ditch water, or your rationale for determining the requested water quantity.
3. Documentation to show that the quality of Waiahole Ditch water will become inadequate for the proposed use.

We have scheduled your application for Commission action at the June 21, 2006 meeting. Please submit additional supporting information no later than May 22, 2006.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director
TRANSMITTED for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
TO: Russell Tsuji, Administrator
Land Division

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

April 27, 2006

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at [Contact Information]

LYN:ss
Attachment(s)

Response:

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

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

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

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

( ) No objections

( ) Other comments:

Contact person: ____________________________ Phone: ____________________________

Signed: ____________________________ Date: ____________________________
TO: Honorable Micah Kane, Chairperson
Department of Hawaiian Home Lands

Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attn: Mr. Harold Yee
Attn: Acting Branch Chief, Safe Drinking Water Branch

Mr. Clyde W. Namu'o, Administrator
Office of Hawaiian Affairs
Attn: Mr. Jonathan Scheuer

Mr. Clifford Lum
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usugawa

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

April 27, 2006

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
April 27, 2006

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

FROM: Peter T. Young, Chairperson
       Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
          Waipahu-Waiawa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

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

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by May 22, 2006, which is the legal deadline for objections. If we do not receive your comments by this date, we will assume you have no objections to this application.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Y. Nakama at [Contact Information]

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
TO: Mr. Henry Eng, FAICP, Director  
Department of Planning and Permitting  
City and County of Honolulu  

FROM: Peter T. Young, Chairperson  
Commission on Water Resource Management  

SUBJECT: WATER USE PERMIT APPLICATION  
Waipahu-Waiawa Ground Water Management Area, Oahu  

For your review and record, we are forwarding a copy of the application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03, for confirmation of the zoning designation for the proposed uses on the attached application, confirmation of the consistency of the proposed projects with the current zoning designation, and any special management area issues. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006. **Please respond by returning this cover memo form by May 22, 2006, which is the legal deadline for objections.** If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss  
Attachment(s)

Response:

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

( ) This well project ( ) requires ( ) does not require a SMA. If a SMA is required it ( ) has ( ) has not been approved and ( ) is ( ) is not currently active.

( ) Comments attached

Contact person: ______________________________ Phone: ______________________________

Signed: ______________________________ Date: ______________________________
Honorable Mufi Hanneman, Mayor
City & County of Honolulu
City Hall
Honolulu, HI  96813

Dear Mayor Hanneman:

Notice of an Application for Water Use Permit
Waipahu-Waiawa Ground Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice and water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03, which will be published in the Honolulu Star Bulletin.

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

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

In accordance with the procedure that has been established between our staff and the City’s Department of Planning and Permitting (DPP), we have sent copies of the application to DPP and the Board of Water Supply for their review and comments. We look forward to receiving the City’s review comments from DPP and BWS within the next sixty (60) days, on whether this water use is consistent with the City’s plans, policies, land use designations and zoning.

Sincerely,

Peter T. Young
Chairperson

LYN:ss
Enclosures
TO:  Other Interested Parties
FROM:  Dean A. Nakano, Acting Deputy Director  Commission on Water Resource Management
SUBJECT:  Request for Comments
Water Use Permit Application
Waipahu-Waiawa Ground Water Management Area, Oahu

In addition to serving you notice as required by 174C-52 (a), Hawaii Revised Statutes, we transmit for your review and comment a copy of a water use permit application (WUPA No. 767) for Robinson Kunia Land, LLC for Well No. 2602-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of May 1, 2006 and May 8, 2006.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18, Hawaii Administrative Rules and must be filed by the May 22, 2006 deadline. If we do not receive your comments by this date, we will assume you have no objections to this application.

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

LYN:ss
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
Dear Mr. Nakano:

Attached for your review and approval are the above-referenced permit applications, filing fees, and related attachments for the Robinson No. 1 well on Oahu, Hawaii. Two aspects of these permit applications require further explanation:

**Intended Water Use and Basis of the Requested Use Amount.** The new well will provide potable quality water for food processing by Waikele Farms, Inc., an agricultural lessee on land owned by Robinson Kunia Land, LLC. Waikele Farms has four food processing lines, two for tomato and one each for bell pepper and bananas. The total requested use amount is 100,000 GPD. This amount is based on running each of the four processing lines five days each week for 12 hours each day. Each processing line will use approximately 35,000 gallons during the 12-hour period. Therefore, the requested, year-round average amount is: \[(4)(35,000 \text{ Gallons})(5/7) = 100,000 \text{ GPD}\]. It is also important to note that whenever possible, the processed water will be recovered for irrigation reuse. Waikele Farms estimates that 50 percent of the processed water will be recovered for reuse as a year-round average.

**Alternatives to the Requested Groundwater Use.** At present, the water supply for food processing is provided by Waiahole Ditch. Although the ditch water is treated prior to such use, the treatment process and the quality of its product water do not meet drinking water standards. Installing and operating a new treatment system, with Waiahole Ditch as the raw water supply, is the only alternative to the requested use of groundwater. It would be significantly more economical to develop and use the requested new well, particularly with anticipated more stringent quality standards in the future.

If you have any questions regarding these permit applications, please feel free to contact Bill Paty at Robinson Kunia Land, LLC, Larry Jefts at Waikele Farms, Inc., or me. Thank you for your consideration of these applications.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land, LLC
Larry Jefts - Waikele Farms, Inc.

Attachments
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT
3-13-06
Groundwater or Surface Water
05-11-06

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 440-2710. For further information and updates to this application form, visit http://www.hawaii.gov/dlnr/cwrm.

PERMITTEE INFORMATION
1. (a) APPLICANT
Firm/Name: Robinson Kunia Land, LLC
Contact Person: Bill Paty
Address: 1132 Bishop Street - Suite 1930
Phone: 440-2710
Fax: 440-2710
E-mail: ______________________
(b) LANDOWNER OF SOURCE
Firm/Name: Robinson Kunia Land, LLC
Contact Person: Bill Paty
Address: 1132 Bishop Street - Suite 1930
Phone: 440-2710
Fax: 440-2710
E-mail: ______________________

SOURCE INFORMATION
2. WATER MANAGEMENT AREA:
Waipahu-Waialua
Oahu
3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:
(b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME:
Robinson No. 1
(c) LOCATION: Address
Paliwai Gulch
Tax Map Key: 9 _ 4 _ 04 _ 12
(Attach and show source location on a USGS map, scale 1"=2000', and a property tax map)
4. SOURCE TYPE (check one): Stream
Basal
Dike-confined
Perched
Caprock
4. SOURCE TYPE (check one): Well & Pump
Diverted Surface
Other (explain)
5. METHOD OF TAKING WATER (check one):
Artesian
Weir
Orifice
Other (explain)
6. SPECIAL MANAGEMENT AREA PERMIT (SMAP)
Required, SMA # ____________________________ date approved
Not Required (attach documentation from applicable County agency) ______________
I have not checked with the county about whether or not an SMA Permit is required. I understand that checking with the County prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

USE INFORMATION
7. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)
(a) PUC-Regulated Private System
(b) Non-PUC-Regulated Private System
(c) Tax Map Key: Please complete Table 1 on back of application and shade applicable portion of property tax map.
8. QUANTITY OF WATER REQUESTED: 100,000 gallons per day (averaged over 1 year)
9. METHOD OF MEASUREMENT:
Flowmeter
Open-pipe
Weir
Orifice
Other (explain)
10. QUALITY OF WATER REQUESTED:
Fresh
Brackish
Salt
Potable
Non-Potable
11. PROPOSED USE: Municipal (including hotels, stores, etc.)
Individual Domestic
Industrial (Food Processing)
Military
Irrigation
Other (explain)
12. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 6:00 a.m. to 6:00 p.m. weekdays (primarily)
13. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
(a) Can be accommodated with the available water source.
(b) Is a reasonable-beneficial use *.
(c) Will not interfere with any existing legal use.
(d) Is consistent with the public interest.
(e) Is consistent with state and county general plans and land use designations.
(f) Is consistent with county land use plans and general policies.
(g) Will not interfere with the rights of the Department of Hawaiian Home Lands.
* Section 13-171-2, Hawaii Revised Statutes = "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.
14. REMARKS, EXPLANATIONS:
Approximately 50% of the process water will be recovered for agricultural irrigation.
15. By checking this box, you acknowledge that you are responsible for paying the public notice fee associated with this application, and you will follow later instructions by staff regarding payment of these fees. If you do not check this box, your application will not be accepted as complete.

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

Applicant (print) Robinson Kunia Land, LLC
Signature ____________________________ Date 3/15/06
Landowner (print) Robinson Kunia Land, LLC
Signature ____________________________ Date 3/15/06
WUPA FORM (06/02/2006)
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<tbody>
<tr>
<td><strong>PROJECT NAME &amp; PHASES (Include address if applicable)</strong></td>
<td><strong>EXISTING</strong> or <strong>NEW USE (If existing, fill in date of first use)</strong></td>
<td><strong>POTABLE</strong> or <strong>NONPOTABLE</strong></td>
<td><strong>TMK</strong></td>
<td><strong>STATE LUD</strong></td>
<td><strong>CURRENT COUNTY ZONING CODE</strong></td>
<td><strong>SPECIAL MANAGEMENT AREA PERMIT REQUIRED? (Y/N)</strong></td>
<td><strong>UNITS</strong> or <strong>NET ACRES</strong></td>
<td><strong>GPD/UNIT or GPD/ACRE</strong></td>
<td><strong>4-YEAR CUMULATIVE PROJECTED DEMAND</strong></td>
<td><strong>ULTIMATE DEMAND GPD (TO BUILD OUT)</strong></td>
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<td>1</td>
<td>Sugarland Farms Food Washing</td>
<td>Existing</td>
<td>Potable</td>
<td>9-4-03:1</td>
<td>Ag</td>
<td>Ag-1 (Restricted)</td>
<td>No</td>
<td>4 Processing Lines</td>
<td>See Below</td>
<td>100,000</td>
<td>2007 (year)</td>
<td>2008 (year)</td>
<td>2009 (year)</td>
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**TOTAL GPD**

**Instructions for completing Table 1:** Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated.

**Water Use Rate Basis:**
1. Four food processing lines, two for tomato, one for bell pepper, and one for bananas.
2. Each processing line will use approximately 35,000 GPD over 12 hours each day for five days per week.

Therefore, \[ \text{Avg GPD} = (4) (35,000) \frac{(5/7)}{12} = 100,000 \]
WATER USE PERMIT NO. 767

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

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Robinson Kunia Land LLC</th>
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<tbody>
<tr>
<td></td>
<td>1132 Bishop St., Suite 1930</td>
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<td></td>
<td>Honolulu, HI 96813</td>
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<tr>
<td>Landowner of Source:</td>
<td>Robinson Kunia Land LLC</td>
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<tr>
<td></td>
<td>1132 Bishop St., Suite 1930</td>
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<td>Permitted Withdrawal Rate:</td>
<td>0.100 mgd (Based upon a 12-month moving average)</td>
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<td>Water Management Area:</td>
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<td>Island:</td>
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<td>Aquifer Sector/System:</td>
<td>Pearl Harbor/Waipahu-Waiawa</td>
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<td>System Sustainable Yield:</td>
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<td>Water Type:</td>
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<td>Original CWRM Date:</td>
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<td>Standard Conditions:</td>
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<td>Special Conditions:</td>
<td>1-2, 139-140</td>
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Water Source

| State Well Number(s): | 2602-03 |
| Well Name: | Robinson No. 1 |
| Water Source TMK Number(s): | 1st Division, 9-4-004:012 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-1 |
| Geographical Coordinates: | N/A |

End Use

| End Use TMK Number(s): | 1st Division, 9-4-003:001 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-1 |
| Beneficial Use Explanation: | Use for agricultural food processing |
Background Information

Water Use Permit 767 was approved during the October 18th, 2006 Commission on Water Resource Management meeting. There are no water use or salinity records on file for State Well No. 2602-03. Standard conditions 1-19 and special conditions 1-2 & 139-140 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Field Investigation Information

No field investigation was conducted for Water Use Permit 767. Brown and Caldwell attempted to contact the permittee on three different occasions via standard mail. Cover letters accompanied by survey forms were sent out on November 21st, 2007, February 20th, 2008, and July 15th, 2008. All three letters were sent to 1132 Bishop Street, Suite 1930, Honolulu, HI 96813. Since no response was received by the end of the field investigation phase of this project, Brown and Caldwell was not able to verify any of the information listed in this report. Reference the permit file for supporting documentation relevant to this contact process.

Summary of Findings for Water Use Permit No. 767

Although no field investigation was completed for this Water Use Permit, information pertinent to permit compliance was gathered during the research phase of this project.

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

(10) An approved flowmeter must be installed to measure monthly withdrawals and a month 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.

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

Recommendations

• Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  o No discrepancies found
• Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels.
• Address issue of lack of response in regards to the Commission's attempt to contact the permittee during this permit review process.
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 [contact information] 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 (l-fonolulu).

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.
November 21st, 2007

WUP Holder
Robinson Kunia Land, LLC
1132 Bishop St., Suite #1930
Honolulu, HI 96813

Subject: WUP 767

Water Use Permit Review

In accordance with 13-171-22(b) of the Hawaii Revised Statutes, the Commission on Water Resource Management is required to conduct a 20 year permit review of issued permits to determine permit compliance. As a permit holder, we are contacting you to conduct a review of your water use permit.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time within the time period given, and a representative from Brown and Caldwell will contact you to make further field visit arrangements.

We thank you for your cooperation in promoting beneficial and reasonable use of our ground water while protecting our limited natural supply.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

RI:ss
February 20th, 2008

Water Use Permit Holder
Robinson Kunia Land, LLC
1132 Bishop St., Suite 1930
Honolulu, HI 93813

Subject: WUP’s 767, 758, 804

Second Notice of Water Use Permit Review

In accordance with §174C-56 of the Hawaii Revised Statutes and 13-171-22(b), Hawaii Administrative Rules, the Commission on Water Resource Management is required to conduct a 20-year permit review of issued permits to determine permit compliance and prepare a formal report to legislature for public review. As a water use permit holder, we are notifying you of this statutory requirement and are asking for your help in the review of your water use permit.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time within the time period given, and return the form via mail to Brown and Caldwell. A representative from Brown and Caldwell will then contact you to make further field visit arrangements.

Please note that this is the second notice that we are sending to attempt to make contact with you. If we cannot conduct a field investigation to verify your water use, we may commence proceedings to revoke your permit. Once your permit is revoked, you will no longer be able to use ground water from your well. Upon revocation, any water use without a valid permit will be subject to fines of up to $5,000 per day. As such, it is in your best interest to return the form to Brown and Caldwell as soon as possible.

We thank you for your cooperation in promoting beneficial and reasonable use of our ground water while protecting our limited natural supply.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director
July 15, 2008

Robinson Kunia Land LLC
1132 Bishop Street, Suite 1930
Honolulu, HI 96813

Dear Sir or Madam:

3rd Notice of Water Use Permit Permit Review

In accordance with §174C-56 of the Hawaii Revised Statutes and 13-171-22(b), Hawaii Administrative Rules, the Commission on Water Resource Management is required to conduct a 20-year permit review of issued water use permits to determine permit compliance and prepare a formal report to the 2009 legislature for public review. We are notifying you of this statutory requirement as you are a water use permit holder and are asking for your help in the review of your water use permit. For your reference, your Water Use Permit number is Water Use Permit Nos. 619, 804, 758 & 767). This notice is our third attempt at contacting you for this statutory review, which must be completed soon to be ready for the beginning of the 2009 legislative session.

As part of the permit review, we must perform field investigations for verification purposes. We have contracted with Brown and Caldwell to conduct such field investigations. Please fill out the enclosed survey form, indicating the best date and time your field investigation can be conducted, and return the form via mail to Brown and Caldwell no later than July 18th, 2008. A representative from Brown and Caldwell will then contact you to make field visit arrangements.

If we cannot conduct a field investigation to verify your water use, we may commence proceedings to revoke your permit. Once your permit is revoked, you will no longer be able to use ground water from your well without applying for and obtaining a new water use permit. Upon revocation, any water use without a valid permit will be subject to fines of up to $5,000 per day. As such, it is in your best interest to return the form to Brown and Caldwell as soon as possible.

We thank you for your cooperation in promoting reasonable and beneficial use and protection of our public trust ground water resources.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

RI:ss
Enclosure
WATER SOURCE
October 24, 2006

Mr. Bill Paty
Robinson Kunia Land, LLC
1132 Bishop St., Ste. 1930
Honolulu, HI 96813

Dear Mr. Paty:

Approval of Water Use Permit for Well No. 2602-03

Waipahu-Waiawa Ground-Water Management Area, Oahu

This letter transmits your water use permit for Robinson No. 1 Well (Well No.2602-03) for use of 0.100 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on October 18, 2006. As part of the Commission’s approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

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

b. 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.

c. 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.

d. 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.

The Commission also found that the water use permit modification application required under Special Condition d. will result in a more efficient use of water than is possible under the existing permit, and delegated the authority to the Chairperson to approve the water use permit modification application without a hearing, provided that no substantive issues are raised during the review period. If substantive issues are raised, then the staff will submit the modification application to the full Commission for action.
Mr. Bill Paty  
Page 2  
October 24, 2006  

Enclosed with this letter of approval are the following:  

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required 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. You should make copies of the enclosed report form as needed.  

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Waipahu-Waiawa Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.  

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

Sincerely,  

Peter T. Young  
Chairperson  

Attachments
# GROUND-WATER USE PERMIT

**WUP NO. 767**

## PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robinson Kunia Land, LLC</td>
<td>Same</td>
</tr>
<tr>
<td>1132 Bishop St., Ste. 1930</td>
<td></td>
</tr>
<tr>
<td>Honolulu, HI 96813</td>
<td></td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

- **Island**: Oahu  
- **Water Management Area**: Oahu  
- **Aquifer Sector**: Pearl Harbor  
- **Aquifer System**: Waipahu-Waiawa  
- **System Sustainable Yield**: 104  
- **Well Name**: Robinson No. 1 Well  
- **State Well No.**: 2602-03

## PERMITTED USE INFORMATION

- **Reasonable beneficial use**: Agriculture (food processing)  
- **Withdrawal (12 month moving ave.)**: 0.100 mgd  
- **Location of water use**:
  - **TMK #**: 9-4-03:1  
  - **State land use classification**: AG  
  - **County zoning classification**: AG-1 (Restricted)

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its October 18, 2006 meeting are incorporated into this permit by reference.

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

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

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

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).
11. This permit shall be subject to the Commission's periodic review of the Waipahu-Waiawa 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 Waipahu-Waiawa Aquifer System, or relevant modified aquifer(s), is reduced.

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

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

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

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances 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 conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

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

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

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

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

W. Roy Hardy

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
MEMO and ROUTE SLIP (ver. 5/11/10)  
WCR 1 Check for Well No. 2602-03 (GW regulation route)  

04/11/11

## 1. From Roy  
- **Initial entry in to well index**  
- **Ingrid's spreadsheet updated needed/done**  

### Pump Tests Check

- **Step-Drawdown Test:** followed WCPI Stds analysis attached  
  - □ □ □ <70 gpm no test required  
- **Constant Rate Test:** followed WCPI Stds analysis attached  
  - □ □ □ <50 gpm no test required  

### Potential Well Interference:
- □ □ □  

### Potential Stream Impacts:
- □ □  
  - If yes, stream name(s): [Redacted]  

### Additional Testing or Data Required:
- □ □  

### Pump Test Comments Attached:
- □ □  

### Proposed Pump Capacity is OK:
- □ □  

---

## 2. Well Log Check  
Geology Code for Well Index: Tk  
Fm Name: Jeremy (initial)

## 3. Construction Check  
- **Charley/Ryan** (initial)  

- **data complete**  
  - □ □ □  
- **followed Special Cond & elevations**  
  - □ □ □  
- **location unchanged from WCPI/PA?**  
  - □ □ □  
- **If yes, is SMA, CD, TMK changed?**  
  - □ □ □  

---

## Attachments

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>COVER LETTER</td>
</tr>
<tr>
<td>2</td>
<td>COUNTY COMMENTS (DWS/SMA)</td>
</tr>
<tr>
<td>3</td>
<td>DOH COMMENTS</td>
</tr>
<tr>
<td>4</td>
<td>DLNR COMMENTS (LD/OCC/DHP)</td>
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<tr>
<td>5</td>
<td>WCR 1 Accept</td>
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<tr>
<td>6</td>
<td>WELL CONST. COMPLETION CERTIFICATE</td>
</tr>
<tr>
<td>7</td>
<td>USGS MAP UPDATED</td>
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<tr>
<td>8</td>
<td>PARCEL CHECK</td>
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<tr>
<td>9</td>
<td>WELL DATABASE INPUT CHECK</td>
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<tr>
<td>10</td>
<td>PUMP TEST WORKSHEET</td>
</tr>
<tr>
<td>11</td>
<td>WELL As-Built CHECK PRINT</td>
</tr>
</tbody>
</table>

---

## 4. Roy  
- **check** (Entered WCR 1/WCCC accept date into database)

## 5. Susan H.  
- **(initial) finalize**

## 6. Bill  
- **(initial) signature**

## 7. Charley/Ryan  
- **File & Enter PIP issue date if attached/required**
Mr. Bill Paty  
Robinson Kunia Land LLC  
1132 Bishop Street, Suite 1930  
Honolulu, HI 96813  

Dear Mr. Paty:

Certificate of Well Construction Completion for Well No. 2602-03 (TMK 9-4-004:012)

We are pleased to inform you that the Well Construction work permitted for the Robinson Well (Well No. 2602-03) is complete and acceptable.

To protect Hawaii's natural ground water resources for the benefit of all, the following requirements apply to the use of your well:

1. Before this well can be pumped on a regular basis, a certificate of pump installation completion must be obtained.
2. If the well is not in use it must be properly capped.
3. If the well is to be abandoned then the landowner must cause a licensed contractor to apply for a well abandonment permit in accordance with §13-168-12(f), HAR, prior to any well sealing or plugging work.
4. In the event that the well operator and/or landowner changes, the Commission shall be notified prior to the change.
5. In the event the benchmark in the concrete base of the well is altered in any way, an updated version of the Well Elevation page of the Well Completion Report Part I shall be submitted to the Commission. If a licensed surveyor had estimated the original benchmark elevation then a licensed surveyor must establish the new benchmark elevation. The Well Elevation portion of the Well Completion Report Part I can be obtained by contacting Commission staff or at our website at www.hawaii.gov/dlnr/cwrmlresources-permits.htm.

Because ground water in Hawaii is a public trust, and adverse effects at one well may affect other water resources, any violation of the above conditions or any other provision of the Hawaii Administrative Rules may be subject to fines of up to $5,000 per day. The Commission needs your help and asks that you do your part in utilizing this shared resource. We prefer to work with you in meeting the goal of protecting our ground water resources together.

If you have any questions, please contact Ryan Imata of the Commission staff at __________

Sincerely,

WILLIAM M. TAM  
Deputy Director

RI: ss  
c: Water Resources International
October 31, 2011

Mr. Blaise Clay
Water Resources International
P.O. Box 44520
Kamuela, HI 96743

Dear Mr. Clay:

Well Completion Report Part I for Well No. 2602-03

We received your Well Completion Report Part I for the Robinson Well (Well No. 2602-03) on January 20, 2011 and acknowledge that it is complete.

This completes your obligation under the well construction permit. A certificate of well construction completion will be issued to the well operator/landowner and you will receive a copy. This certificate transfers responsibility of specific aspects of well usage and maintenance from you to the well operator/landowner.

If you have any questions, please contact Ryan Imata of the Commission staff at [redacted] or toll-free at [redacted] (Hawaii), extension 70255.

Sincerely,

WILLIAM M. TAM
Deputy Director

RI:ss

c: Robinson Kunia Land LLC
## Well Check Program
4/1/04 - Revised for update to Well Standards (February 2004)

### Data Input

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
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<tbody>
<tr>
<td>Well Number</td>
<td>2602-03</td>
</tr>
<tr>
<td>Well Name</td>
<td>Robinson</td>
</tr>
<tr>
<td>Ground Elevation</td>
<td>688.35</td>
</tr>
<tr>
<td>Cement Grout</td>
<td>755</td>
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<tr>
<td>Grouting Method</td>
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<tr>
<td>Water Level</td>
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<tr>
<td>Depth to water</td>
<td>668.66</td>
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<tr>
<td>Public Water Supply Well?</td>
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<tr>
<td>Solid Casing Material</td>
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<td>Solid Casing Specification</td>
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<tr>
<td>Solid Casing Length</td>
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</tr>
<tr>
<td>Solid Casing Diameter</td>
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<tr>
<td>Solid Casing Wall Thickness</td>
<td>0.375</td>
</tr>
<tr>
<td>Open Casing Length</td>
<td>0</td>
</tr>
</tbody>
</table>

### Results

#### Well Depth

- **Theoretical Thickness of Aquifer**: 807.29
- **1/4 Aquifer Thickness**: 201.8225

**Depth of Well below Sea Level**: -166.65

#### Well Casing

- **Minimum Wall Thickness**
  - Material: steel
  - Minimum Thickness per standards: 0.3125
  - Wall Thickness Provided: 0.375
    - **no standard**
  - Minimum Length of Solid Casing: 90% of ground to top of aquifer
    - Length of solid casing Provided: 601.794
    - **okay**
  - Casing Material: ASTM A139
    - **in compliance**
  - (for pvc only - check for 200' limit)
    - **okay**

#### Annular Space

- **Depth of Grouting**
  - Calculated Depth of Grouting: 468.062
  - **Depth of Grouting provided**: 755
    - **okay**
  - Minimum Annular Space required: 1.5
  - Thickness of Annular Space: 3.5
    - **okay**
WATER RESOURCES INTERNATIONAL, INC.
P.O. Box 44520
Kamuela, Hawaii 96743
Tel: (808) Fax: (808)

LETTER OF TRANSMITTAL

Date: January 18, 2011 WRI Job No. J-604

RE: Robinson No. 1 Kunia

Island of Oahu
Well No. 2602-03

TO: COMMISSION WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

ATTN: KEN KAWAHARA, P.E.

GENTLEMEN:

WE ARE SENDING YOU ☑ Attached ☐ Under separate cover via _____________ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1/18/11</td>
<td>18</td>
<td>Well Completion Report - Part 1 - Original</td>
</tr>
</tbody>
</table>

THESE ARE TRANSMITTED as checked below:

☑ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐
☐ FOR BIDS DUE ____________________________________ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO WRI Honolulu, e-mail
Tom Nance – e-mail
WRI Kawaihae - Copy

SIGNED ____________________________
Lauren Carbone
Executive Assistant
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART I
Well Construction

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 [Phone number]. For updates to this form or additional information, please visit our website at http://www.state.hi.us/dlnr/cwrm/

1. State Well No.: 2602-03  
   Well Name: Robinson Well #1  
   Island: Oahu

2. Address: Kunia, Oahu, Hawaii  
   Tax Map Key: 9-4-004:012


4. Drilling method used during construction: ☑ Rotary  ☐ Percussion  ☐ Other (describe)

5. Date Well Construction (drilled, cased, grouted) completed: 11/09/2010  
   Attach Completed Driller's Log

6. Was the subject well cored? ☐ Yes  ☑ No

7. Step-Drawdown Test completed? ☑ Yes  ☐ No  
   Attach Step-Drawdown Test form (12/17/97 SDPTD Form)

8. Constant Rate Aquifer Test completed? ☑ Yes  ☐ No  
   Attach Constant Rate Aquifer Test form (12/17/97 CRPTD Form)

<table>
<thead>
<tr>
<th>Water Level Data:</th>
<th>Reference point elevation</th>
<th>Depth to water (feet)</th>
<th>Water Level ft. above mean sea level (see note below)</th>
<th>Date/time of measurement</th>
</tr>
</thead>
</table>
| 9. Initial encountered during drilling | 688.35  
   Ground = ft. msl | 668.66 | 19.69 | 7/8/10 |
| 10. Just prior to casing installation | 688.35  
   Ground = ft. msl | 668.66 | 19.69 | 10/00am - 4pm |
| 11. After casing installation | If this reference point is not the benchmark, the difference between the benchmark and this point is: N/A ft.  
   (this information should be filled in on the driller's log) | 668.66 | 19.69 | 10/19/10 - 4:30pm |
| Chloride: 21 ppm, Temperature: 71°F | | | |

Note: For all elevations referenced to mean sea level, take the ground elevation (surveyed or estimated if survey not required at this time) and subtract the depth to the water level.

12. As-built section filled in completely ☑

13. Photograph of well and concrete pad showing benchmark on concrete pad attached ☑

14. GPS coordinates provided in degrees, minutes, seconds ☑

15. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)


Licensed Driller (print) Blaise Clay  
C-57 Lic. No. 17737

Signature Date January 18, 2011
12. AS-BUILT WELL SECTION

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

Minimum of 2' Radius & 4' Thick Concrete Pad

Ground Elevation: 688.35 ft., msl * Surveyed □ Estimated

Bench mark elevation:
688.68 ft., msl*
□ (Surveyed to nearest 0.01 ft.)
□ (Estimated)

Grouting method:
□ Positive displacement (if annular space is less than two inches, attach photo of tremie)
□ Other

Annular space between hole and casing (1.5' for positive displacement, 3' for other methods):
3.5 in.

Rock or Gravel Packing:
N/A ft.
Material:
□ Crushed Basalt
□ Rounded Gravel

Water Level Elevation:
19.69 ft., msl*
(Item 11 from page 1)

Hole Diameter: 25 in.

Elevation at top of casing ______ ft., msl*
(to nearest 0.01 ft.)

Cement Grout: 755 ft.
(min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

Minimum of 2' Radius & 4' Thick Concrete Pad

Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev))
Length: 755 ft.
Nominal Diameter: _____ in.
Wall Thickness: _______ in.
Bottom Elevation: _____ ft., msl

Open Casing:
□ Perforated □ Screen

Length: _____ ft.
Nominal Diameter: _______ in.
Wall Thickness: _______ in.
Bottom Elevation: _____ ft., msl

Open Hole:
Length: 100' ft.
Diameter: 16" ft.
Bottom Elevation: -166.65 ft., msl

Solid Casing Material:
Carbon Steel: compliant with (check one or more):
□ ANSI/WWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
And compliant with (check one or more):
□ ASTM A242 or A606 □ Type E □ Type S □ Grade B □ Other
Stainless Steel: (check one):
□ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one):
□ Schedule 40 □ Schedule 80
PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
□ Schedule 40 □ Schedule 80 □ Schedule 120
Thermoset Plastic: (check one)
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrifugally Cast Resin Pipe conforming to ASTM D2997
□ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
□ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
□ PTFE Fluorocarbon Tubing conforming to ASTM D3296
□ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:
Carbon Steel: compliant with (check one or more):
□ ANSI/WWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
And compliant with (check one or more):
□ ASTM A242 or A606 □ Type E □ Type S □ Grade B □ Other
Stainless Steel: (check one):
□ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one):
□ Schedule 40 □ Schedule 80
PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
□ Schedule 40 □ Schedule 80 □ Schedule 120
Thermoset Plastic: (check one)
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrifugally Cast Resin Pipe conforming to ASTM D2997
□ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
□ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
□ PTFE Fluorocarbon Tubing conforming to ASTM D3296
□ FEP Fluorocarbon Tubing conforming to ASTM D3296

WCR1 Form 6/12/07 Page 2 of 5
## DRILLER'S LOG

**WELL NUMBER:** 6004  
In addition to the driller's log, a geologic log was prepared, please submit with this form

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<th>Dates</th>
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**Remarks:**
In addition to the driller's log, if a geologic log was prepared, please submit with this form.

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Remarks:
Lost Circulate at 280
Came Back at 395
Lost Circulate at 415
In addition to the driller’s log, if a geologic log was prepared, please submit with this form.

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Remarks:

Note: 626 A7 9 psig Came up 30 psig Holding 7/16/10

Note: Starting Shift for psig at 9 psig 7/17/10.
In addition to the driller's log, a geologic log was prepared, please submit with this form.

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Remarks: Note, Curved Above Back 671 Post.
Robinson Well #1
21° 26' 41" N
158° 02' 24" W
(NAD 83)

Well Elevation
Benchmark Elevation = 688.68 feet
("0" Cut)

Notes:
Elevations are referred to Mean Sea Level (M.S.L.) from USGS Benchmark T-13 having an elevation of 52.80 feet.

Well Location
Well Name:
Robinson Well #1
at Waikiki, Ewa, Oahu, Hawaii
Tax Map Key: 9-4-03: 1 (1st Div.)

RYAN M. SUZUKI
LICENSED PROFESSIONAL LAND SURVEYOR
No. 10059

This map was prepared by me or under my direct supervision

Licensed Professional Land Surveyor Certificate Number 10059

Ryan M. Suzuki Exp. Date 4/30/12
420 Waikamilo Road Suite 411
Honolulu, Hawaii 96817
January 6, 2011

Job #1-21127-0-S
FB #8239
FN: Robinson Well 1.dwg

Scale: 1" = 2000'
Attach photos of completed well and concrete pad

NAD83:
Latitude: ___ degrees ___ min ___ sec
Longitude: ___ degrees ___ min ___ sec

SKETCH OF WELL LOCATION
(Referenced to permanent landmark, i.e. building, road, fence, etc.)
Provide Latitude and Longitude of well referenced to NAD83 to nearest second
Attach photos of completed well and concrete pad showing benchmark location.

I certify that the elevation shown above:

1) Was done in accordance with acceptable surveying practices
2) Is accurate to the nearest 0.01 ft.
3) Is referenced to mean sea level

Benchmark Elevation 688.68
Robinson Well #1
### STEP-DRADOWN PUMP TEST DATA

(not required for wells producing < 100,000 gpd or 70 gpm)

Pumped Well No. **2602-03**

Pumped Well Name **Robinson #1**

Target Q ____________ gpm

Distance between Obs. & Pumped Well ______ ft.

Reference pt. for depth to water 691.22 ft. msl

Static Water Level @ start of test 19.69 ft. msl

Water level measurements by: □ electrical sounder  □ pressure transducer  □ airline

START TEST Date: **1/8/10**  Time of day: **8:00 AM**

Flow Meter Reading Start: **00205.338** gallons

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<p>| Step 45                | 677.01             | 5.5                             |                                          | 1503                                     |    |    |                |         |
| 1                      | 677.90             | 6.4                             |                                          |                                          |    |    |                |         |
| 1.5                    | 678.48             | 6.9                             |                                          |                                          |    |    |                |         |
| 2                      | 680.85             | 9.3                             |                                          |                                          |    |    |                |         |
| 2.5                    | 681.30             | 9.8                             |                                          |                                          |    |    |                |         |
| 3                      | 681.60             | 10.0                            |                                          | 2013                                     |    |    |                |         |
| 4                      | 681.91             | 10.4                            |                                          |                                          |    |    |                |         |
| 5                      | 682.60             | 10.6                            |                                          | 2110                                     |    |    |                |         |
| 6                      | 682.40             | 10.6                            |                                          |                                          |    |    |                |         |
| 8                      | 682.12             | 21.8                            |                                          |                                          |    |    |                |         |
| 10                     | 682.25             | 21.9                            |                                          |                                          |    |    |                |         |
| 15                     | 681.24             | 9.7                             | 2041                                     |                                          |    |    |                |         |
| 20                     | 681.11             | 9.6                             | 2046                                     |                                          |    |    |                |         |
| 25                     | 681.24             | 9.7                             | 2047                                     | 252                                      | 21 |    | 72.6           |         |
| 30                     | 681.20             | 9.7                             |                                          | 252                                      |    |    | 73.8           |         |
| 35                     | 681.17             | 9.6                             |                                          |                                          |    |    |                |         |</p>
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Max possible duration, water level or quality did not stabilize for any 24 period.

Begin recovery data next page
Flow meter reading at end of pumped period: 404.780

Remarks

1 Starting pumping rate Q
2 Minimum length of step period of constant pumping rate
3 Minimum mandatory Chloride (Cl) measurement/sampling at end of every step
4 Use same ending drawdown figure as start for recovery
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Pump off, start recovery

END TEST  Date: 12/16/10  Time of day: 12:15
ADDITIONAL REMARKS: ________________________________

Person in charge of pump test (print): Tracy Underwood

Signature: _______________________________________

The signature above indicates that the data reported on this form is accurate and true to the best of the person's knowledge who operated this pump test.
### CONSTANT-RATE PUMP TEST DATA
(not required for wells producing < 50 gpm)

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START TEST Date: **12/4/10** Time of day: **1:00 PM**

Flow Meter Reading Start: **40760** gallons

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END TEST Date: **12/10/10** Time of day: **2:30 PM**

ADDITIONAL REMARKS: _______________________

Person in charge of pump test (print): Tracy Underwood

Signature: Tracy Underwood

The signature above indicates that the data reported on this form is accurate and true to the best of the person's knowledge who operated this pump test.

**Note:** Tom Pence met with Comision, and due to 5005am planned Permanent Pump & Ext Test @ 7:00 am, 48 hr test was approved!
COMMISSION ON WATER RESOURCE MANAGEMENT
ROUTE SLIP FOR PERMIT ISSUANCE 1/22/10

FROM: RYAN
DATE: 4/12/10
SUSPENSE DATE: ________________

TO: CHENG, C.
INIT: 4
TO: KAWAHARA, K.
INIT: Approval
FOR: Signature
PLEASE: See Me

TO: CHONG, R.
INIT: KIMURA, J.
FOR: Information
PLEASE: 1
Review & Comment

TO: DANBARA, S.
INIT: KUNIMURA, I.
FOR: OHYE, L.
PLEASE: 3
Take Action

TO: ENGLAND, D.
INIT: OSHIRO, K.
FOR: 
PLEASE: 

TO: FUJII, N.
INIT: 
FOR: 
PLEASE: 

TO: HARDY, R.
INIT: UYENO, D.
FOR: 
PLEASE: 

TO: HOAGBIN, S.
INIT: YODA, K.
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TO: ICE, C.
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FOR: 
PLEASE: 

TO: IMATA, R.
INIT: 
FOR: 
PLEASE: 

WELL NUMBER  2602-03
WELL NAME  Robinson

application type  BOTH
1 WCP COVER LETTER  
2 WCP  
3 WELL CHECK PRINTOUT  
proposed well section issues? 

4 PIP COVER LETTER  
5 PIP  

COMMENTS: date rec’d issues? if checked, send to applicant
6 SDWB  
7 WWB  
8 CBW  
9 HEER  
10 LD  
11 HP  
12 LUC  
13 OCCL  
14 SMA  
15 BWS (Oahu)  

NOTES:
DRILLER  0
#N/A

phone  #N/A
#N/A
#N/A

fax  #N/A

cell  #N/A

TMK  9-4-004:012
PUMP CAPACITY  0
WELL OWNER  0
LAND OWNER  0
COMMENT DEADLINE  3/30/00
May 10, 2010

Mr. Blaise Clay
Water Resources International, Inc.
1100 Alakea Street, Suite 2900
Honolulu, HI 96813

Dear Mr. Clay:

Well Construction Permit
Robinson #1 Well (Well No. 2602-03)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for a permanent pump. As part of the Chairperson’s approval, the following special conditions were added and are part of your permit under Permit Condition 17:

**Special Conditions**

1. Attached for your information are copies of the Department of Health’s (DOH) review comments. Please note DOH’s requirements related to discharge of effluent from well drilling and testing activities. Also, please contact the Noise Radiation and Indoor Air Quality Branch at [phone number] to check compliance with construction noise permit requirements for this project.

Please refer to the Permit Processes Worksheet (transmitted with your acknowledgement letter) for further information regarding the process of drilling a well and installing a pump.

No withdrawal of water shall be made other than for testing purposes until a certificate of pump installation completion has been issued by the Commission.

Please sign both permit originals and return one copy to the Commission office for our files. For copies of the aquifer pump test worksheet, please call staff or visit www.state.hi.us/dlnr/cwrm/forms.htm.

**IMPORTANT** - Drilling work shall not commence until a fully signed permit is returned to the Commission. The permit shall be prominently displayed or made available at the construction site during construction. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Ryan Imata of the Commission staff at [phone number] or toll-free at [phone number] (Hawaii), [phone number] (Kauai), [phone number] (Maui), or [phone number] (Lanai & Molokai), extension 70255.

Sincerely,

Laura H. Thielen
Chairperson

Enclosures

C: Robinson Kunia Land LLC (with applicable comments – DOH SDWB, WWB, CWB)
USGS
Honolulu BWS
WELL CONSTRUCTION PERMIT

Robinson #1 Well, Well No. 2602-03

Note: This permit shall be prominently displayed at the construction 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 construction and testing of Robinson #1 Well (Well No. 2602-03) at TMK 9-4-004:012, Oahu, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

1. The Chairperson of 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 authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules (HAR).

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrmlresources_permits.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

4. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson. If it can be shown that the well does not tap basal ground water then this condition may be waived after consultation with and acceptance by Commission staff. However, in no instance can the well be drilled deeper than one-half (1/2) of the theoretical thickness without Commission approval.

5. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources’ State Historic Preservation Division. Work may recommence only after written concurrence by the State Historic Preservation Division.

7. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwrmlresources_permits.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and, if relevant, any related staff submittal approved by the Commission are incorporated into this permit by reference.

11. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

12. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

13. The work proposed in the well construction 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 the date the permit expires.

14. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project then the permittee must apply for a well abandonment permit in accordance with §13-168-12(f), HAR, prior to any well sealing or plugging work.

15. 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.

16. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with §13-168-12(f), HAR.

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

Date of Approval: April 29, 2010
Expiration Date: April 29, 2012

LAURA H. THIELLEN, 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 have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller’s Signature: ___________________________ C-57 License #: C-17737 Date: ___________________________

Printed Name: Blaise Clay Firm or Title: Water Resources International, Inc.

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

Attachment
May 10, 2010

Mr. Blaise Clay
Water Resources International Inc.
1100 Alakea Street, Suite 2900
Honolulu, HI 96813

Dear Mr. Clay:

Pump Installation Permit
Robinson #1 Well (Well No. 2602-03)

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 14:

Special Conditions

1. If the elevation benchmark needs to be altered, the permittee, well operator, and/or well owner shall ensure that the benchmark is transferred (or the well resurveyed) and documentation of the new benchmark shall be submitted to the Commission within sixty (60) days after the pump is installed.

2. Attached for your information are copies of the Department of Health's (DOH) review comments. Please note DOH's requirements related to discharge of effluent from well drilling and testing activities. Also, please contact the Noise Radiation and Indoor Air Quality Branch at [Contact Information] to check compliance with construction noise permit requirements for this project.

3. The permittee shall conduct aquifer pump tests in accordance with the Hawaii Well Construction and Pump Installation Standards (revised February 2004) on the latest aquifer pump test data forms, which are available by contacting staff or on the web at [Website].

The permittee is responsible for all conditions of the permit. This includes ensuring the submission of a completed Well Completion Report Part II form within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

Please sign both permit originals and return one copy to the Commission office for our files.

IMPORTANT - Pump installation shall not commence until a fully signed permit is returned to the Commission.

If you have any questions, please call Ryan Imata of the Commission staff at [Contact Information].

Sincerely,

[Signature]
LAURA H. THIELEN
Chairperson

Enclosure

c: Robinson Kunia Land LLC (with applicable comments – DOH SDWB, WWB, CWB)
USGS
Honolulu BWS
PUMP INSTALLATION PERMIT
Robinson #1 Well, Well No. 2602-03

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 Robinson #1 Well (Well No. 2602-03) at TMK 9-4-004:012, Oahu, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) 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 (HAR).

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 185 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwrm/resources_permits.htm for current form).

8. 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.

9. The pump installation permit application and, if relevant, any related staff submittal approved by the Commission are incorporated into this permit by reference.

10. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

11. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

12. 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 the date the permit expires.

13. 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.

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

Date of Approval: April 29, 2010
Expiration Date: April 29, 2012

LAURA H. THIELLEN, 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 understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: ___________________________ C-57, C-57a, or A License #: C-17737 Date: ___________________________
Printed Name: Blaise Clay Firm or Title: Water Resources International Inc.

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

Attachments
Well Check Program  
4/1/04 - Revised for update to Well Standards (February 2004)

<table>
<thead>
<tr>
<th>Data Input</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Well Number</strong></td>
</tr>
<tr>
<td><strong>Well Name</strong></td>
</tr>
<tr>
<td><strong>Ground Elevation</strong></td>
</tr>
<tr>
<td><strong>Cement Grout</strong></td>
</tr>
<tr>
<td><strong>Grouting Method</strong></td>
</tr>
<tr>
<td><strong>Hole Diameter</strong></td>
</tr>
<tr>
<td><strong>Total Depth</strong></td>
</tr>
<tr>
<td><strong>Water Level</strong></td>
</tr>
<tr>
<td><strong>Public Water Supply Well?</strong></td>
</tr>
<tr>
<td><strong>Solid Casing Material</strong></td>
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<tr>
<td><strong>Solid Casing Specification</strong></td>
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<tr>
<td><strong>Solid Casing Length</strong></td>
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<tr>
<td><strong>Solid Casing Diameter</strong></td>
</tr>
<tr>
<td><strong>Solid Casing Wall Thickness</strong></td>
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<tr>
<td><strong>Open Casing Length</strong></td>
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<table>
<thead>
<tr>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Well Depth</strong></td>
</tr>
<tr>
<td>Theoretical Thickness of Aquifer</td>
</tr>
<tr>
<td>1/4 Aquifer Thickness</td>
</tr>
<tr>
<td>Depth of Well below Sea Level</td>
</tr>
<tr>
<td><strong>Well Casing</strong></td>
</tr>
<tr>
<td>Minimum Wall Thickness</td>
</tr>
<tr>
<td><strong>Material</strong></td>
</tr>
<tr>
<td>Minimum Thickness per standards</td>
</tr>
<tr>
<td>Wall Thickness Provided</td>
</tr>
<tr>
<td>Minimum Length of Solid Casing</td>
</tr>
<tr>
<td>90% of ground to top of aquifer</td>
</tr>
<tr>
<td>Length of solid casing Provided</td>
</tr>
<tr>
<td><strong>Casing Material</strong></td>
</tr>
<tr>
<td>(for pvc only - check for 200' limit)</td>
</tr>
<tr>
<td><strong>Annular Space</strong></td>
</tr>
<tr>
<td>Depth of Grouting</td>
</tr>
<tr>
<td>Calculated Depth of Grouting</td>
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<tr>
<td>Depth of Grouting provided</td>
</tr>
<tr>
<td>Minimum Annular Space required</td>
</tr>
<tr>
<td>Thickness of Annular Space</td>
</tr>
</tbody>
</table>
STATE OF HAWAII
DEPARTMENT OF HEALTH

HAZARD EVALUATION AND EMERGENCY RESPONSE OFFICE

DATE: 4/7/2010 NO. OF PAGES: 11

TO: Ryan Imeta

COMPANY: CWRM

TELEPHONE: [Redacted] FAX: [Redacted]

FROM: Richard Palmer

TELEPHONE: (808) [Redacted] FAX: [Redacted]

COMMENTS:

OK
March 25, 2010

TO: Honorable Chiyoue L. Fukino, M.D., Director
Attention: Acting Chief, Wastewater Branch
Stuart Yamada, Chief, Safe Drinking Water Branch
Alec Wong, Chief, Clean Water Branch
Dr. Keith Kawaoka, Office of Hazard Evaluation and Emergency Response

FROM: Laura H. Thelen, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson #1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 April 29, 2010.** 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 Ryan Imata of the Commission staff at

RI:ss
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 more than 15 service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 29, Rules Relating to Potable Water Systems, §11-28-29.

[ ] 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 prevention devices by physically removing 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 located near the proposed well site (information attached).

[ ] An NPDES permit is required.

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

[ ] In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: Richard Palmer
Phone: [Redacted]

Signed: Richard Palmer
Date: 5 April 2010
March 25, 2010

TO: Honorable Chiyome L. Fukino, M.D., Director
    Department of Health
    Attention: Acting Chief, Wastewater Branch
    Stuart Yamada, Chief, Safe Drinking Water Branch
    Alec Wong, Chief, Clean Water Branch
    Dr. Keith Kawaoaka, Office of Hazard Evaluation and Emergency Response

FROM: Laura H. Thielen, Chairperson
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
          Robinson #1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 April 29, 2010. 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 Ryan Imata of the Commission staff at 587-0255.

RI: ss
Attachment(s)

RESPONSE:

This well qualifies as a source which will serve as a source of possible water to a public water system (defined as serving 25 or more people at least 60 days per year or less than 25 people or more people at least 60 days per year or 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 39, Rules Relating to Potable Water Systems, §11-39-25.

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 portable and non-portable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating portable and non-portable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-portable systems with warning signs to prevent inadvertent consumption of non-portable 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 or objections.

Contact Person: MICHAEL MIZANIZU
Phone: [Redacted]
Date: 4/1/10

Signed: [Redacted]
STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

Wastewater Branch
919 Ala Moana Blvd. Room 309
Honolulu, Hawaii 96814-4920

Phone               Fax

STATE MESSENGER DELIVERY

Date:[lconscious]

To: Commission on Water Resource Management
   Department of Land & Natural Resources
   State of Hawaii

Attn: [conscious]

From: Lori Morikami, Planner
      Planning & Design Section
water commission route.wpd sam as of 06-21-2007

Email: lori.morikami@doh.hawaii.gov

Subject: Well Construction/Pump Installation Permit/Water Use Permit for
         Well No. 2002-03 ROBINSON #1
         Well No. __________________
         Well No. __________________
         Well No. __________________

Please find enclosed the application of the above subject project.
July 3, 2008

Ms. Cheryl Okuma
Director, Department of Environmental Management
County of Maui
One Main Plaza, Suite 100
2200 Main Street
Wailuku, Maui

Dear Ms. Okuma:

Subject: Water Pollution Control Revolving Fund (WPCRF) Final Loan Agreement
Central Maui Landfill Gas Collection and Flare Construction
Project No. NPS0052

We hereby transmit the Final Loan Agreement for the subject project. The SRF loan is for $3,662,324.

Please sign and return all four (4) sets (original and three copies) of the attached WPCRF Final Loan Agreements to:

State of Hawaii
Department of Health
Environmental Management Division
Wastewater Branch
919 Ala Moana Blvd. Suite 309
Honolulu, Hawaii 96814

Attn: Adrian Lau

Ms. April Matsumura has been assigned as the project officer for your project. If you have any questions on the overall objectives of this agreement, please contact her at [redacted] If you have questions relating to fiscal and administrative matters, please contact Mr. Adrian Lau at the same number.

We would like to thank you in advance for your support of the State WPCRF Program.

Sincerely,

THOMAS E. ARIZUMI, P.E.
Planning and Design Section
Department of Health

Ms. April Matsumura, WWB

A fully executed copy of the Final Loan Agreement will be returned to your office by certified mail.

Ms. April Matsumura has been assigned as the project officer for your project. If you have any questions on the overall objectives of this agreement, please contact her at [redacted] If you have questions relating to fiscal and administrative matters, please contact Mr. Adrian Lau at the same number.

We would like to thank you in advance for your support of the State WPCRF Program.

Sincerely,

THOMAS E. ARIZUMI, P.E.
Planning and Design Section
Department of Health

Ms. April Matsumura, WWB

A fully executed copy of the Final Loan Agreement will be returned to your office by certified mail.

Ms. April Matsumura has been assigned as the project officer for your project. If you have any questions on the overall objectives of this agreement, please contact her at [redacted] If you have questions relating to fiscal and administrative matters, please contact Mr. Adrian Lau at the same number.

We would like to thank you in advance for your support of the State WPCRF Program.

Sincerely,

THOMAS E. ARIZUMI, P.E.
TO: Honorable Chiyome L. Fukino, M.D., Director Department of Health
   Attention: Acting Chief, Wastewater Branch
   Stuart Yamada, Chief, Safe Drinking Water Branch
   Alec Wong, Chief, Clean Water Branch
   Dr. Keith Kawaoka, Office of Hazard Evaluation and Emergency Response

FROM: Laura H. Thielen, Chairperson Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application Robinson #1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 April 29, 2010. 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 Ryan Imata of the Commission staff at...

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 II, 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.

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: Johnny Ong, Eng. on Oahu

Signed: Date: 3-31-2010

[Signature]

[Note: The signature and date are not visible in the image provided.]
March 25, 2010

TO: Morris Atta, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson #1 Well (Well No. 2602-03) TMK 9-4-004:012

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by April 29, 2010. If we do not receive comments or a request for additional review time by this date, we will assume 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 Ryan Imata of the Commission staff at___

RI:ss
Attachment(s)

RESPONSE:

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

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

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

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

[ ] No objections

XX Other comments: Original source of private title is Mahele Award 4 issued prior to statehood.

Contact Person: Gary Martin Phone: [redacted]

Signed: Gary Martin Date: 3/31/10
March 25, 2010

TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Acting Chief, Wastewater Branch
              Stuart Yamada, Chief, Safe Drinking Water Branch
              Alec Wong, Chief, Clean Water Branch
              Dr. Keith Kawaoka, Office of Hazard Evaluation and Emergency Response

FROM: Laura H. Thielen, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson #1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 April 29, 2010. 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 Ryan Imata of the Commission staff at 5....

RI: ss
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of possible water to a public water system (defined as serving 25 or more people a 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, §§1-30-25.

[ ] 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 utilizing 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 possible and non-possible purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating possible and non-possible systems by an air gap or an approved backflow preventer, and by clearly labeling all non-possible systems 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.

[ ] In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

[ ] No comments/objections.

Contact Person: Donna L. Seo

Phone

Signed: Donna L. Seo

Date: 3-30-10
Subject: Well Construction/Pump Installation Permit Application(s)

The Department of Health, Clean Water Branch (CWB) 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 (HAR), Title 11, Chapter 55, Appendix I, effective October 22, 2007, and compiled June 15, 2009. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewater, and well purge wastewater. This general permit does not cover well pump testing. The applicable Notice of Intent (NOI) Forms and filing fee shall be submitted at least 30 calendar days before the start of discharge to the:

Department of Health
Clean Water Branch
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4920

The CWB-NOI Forms are available online at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/pni-index.html. Inquiries may be directed to the CWB at [redacted] or by fax [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 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 the 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.
3. For Construction Activities Disturbing One (1) or More Acres of Total Land Area

By HAR, Title 11, Chapter 55, Appendix C, effective October 22, 2007, and compiled June 15, 2009, an NPDES permit or Notice of General Permit Coverage is required before the start of the construction activities that result in the disturbance of one (1) or more acres of total land area, including clearing, grading, and excavation. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NOI (see Comment No. 1, above) shall be submitted 30 calendar days before the start of construction activities.
The Department of Health, Clean Water Branch (CWB) has the following comments:

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Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules (HAR), Title 11, Chapter 55, Appendix I, effective October 22, 2007, and compiled June 15, 2009. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewater, and well purge wastewater. This general permit does not cover well pump testing. The applicable Notice of Intent (NOI) Forms and filing fee shall be submitted at least 30 calendar days before the start of discharge to the:

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Honolulu, Hawaii 96814-4920

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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 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 the 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.
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March 25, 2010

TO: Dr. Puualakalani Aiu, Administrator
    Historic Preservation

FROM: Ken C. Kawahara, P.E., Deputy Director
       Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Robinson #1 Well (Well No. 2602-03) TMK: 9-4-004:012

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by April 29, 2010. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application or request additional review time, please contact Ryan Imata of the Commission staff at [Redacted]. If you require additional information regarding specific information that can be provided by the applicant, please contact the applicant directly at the contact information provided on the application form.

RESPONSE:

[ ] This is a [ ] public (county or state) project [ ] private project and [ ] will [ ] may disturb historic sites.

We concur that the work described under this permit will not disturb historic sites.

[ ] We do not concur that the work described under this permit will not disturb historic sites. We require the following for our concurrence:

Contact Person: Nancy McMahon

Phone: [Redacted]

Signed: Nancy McMahon

Date: 4/1/10
Mr. Ken Kawahara  
Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii  96809

Dear Mr. Kawahara:

Well Construction Permit Application for the  
Robinson No. 1, State No. 2602-03, in Kunia, Oahu  

Attached is a Well Construction/Pump Installation permit application, filing fee, and other attachments for the Robinson No. 1 well (State No. 2602-03) in Kunia. A permit for this well was originally granted in October 18, 2006 and expired on October 18, 2008. Based on a conversation with Roy Hardy of your staff, an extension of the expired permit was not possible. For this reason, we are applying for a new permit.

Contractor selection is currently underway but has not yet been completed. Because of this, the permit application does not have a drilling contractor’s signature. After the contractor is selected in the next several weeks, he will be instructed to go to your office and sign the application. In the interim, please begin processing the application as if a Letter of Assurance were to be issued. If you have any questions, please feel free to call me or Bill Paty of Robinson Kunia Land, LLC at [redacted] Thank you for your attention to this matter.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land

Attachments
** Twenty-five ONLY **

DOLLARS $25.00

TO THE ORDER OF

Dept. of Land & Natural Resources

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT
3-10-10

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by 10 copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 808-681-9020. For further information and updates to this application form, visit http://www.hawaii.gov/dlnr/wrm.

WELL LOCATION INFORMATION

1. STATE WELL NO. (if already assigned) Not Yet Assigned
2. WELL NAME Robinson No. 1
3. ISLAND Oahu
4. TMI 9 4 04 12 zone sec ft sec
The following must be attached before this application is accepted as complete:
• Property tax map, showing well location referenced to established property boundaries
• Photograph of the proposed well site
• A schematic diagram showing the well site, access road and proposed well infrastructure

5. WELL OPERATOR'S NAME/COMPANY Robinson Kunia Land, LLC
6. LANDOWNER'S NAME/COMPANY Robinson Kunia Land, LLC
7. WELL OPERATOR'S Contact Bill Paty
8. LANDOWNER'S Contact Bill Paty

Well Operator's Making Address:
132 Bishop Street - Suite 1930
Honolulu, Hawaii 96813
Well Operator's Phone
Well Operator's Fax
Well Operator's E-mail bill@martroffice.com
Landowner's Phone Landowner's Fax Landowner's E-mail bill@martroffice.com

PROPOSED WELL CONSTRUCTION

7. Proposed Work
• Construct New Well
• Modify Existing Well
• Abandon/Seal Well
8. Construction Type
• Drilled
• Dog
• Shaft
• Tunnel

9. Is this well part of a battery of wells? ☐ Yes ☐ No

10. Proposed Work
• Install New Pump
• Replace Pump

11. Proposed Pumping Rate, gpm (gallons per minute)
185

12. Proposed Amount of Withdrawal, gpd (gallons per day)
100,000

13. Method of flow measurement ☐ Flowmeter ☐ Other (explain)

14. Proposed Surveyor name and license number (a surveyor is required for all Well Construction Permits and may be required for some Pump Installation Permits)
Ryan Suzuki - RM Towill Corporation, License No 10059

PROPOSED PUMP INSTALLATION

15. Municipal (water systems serving greater than 25 individuals or 15 service connections) ☐
16. Domestic Number of units to be served: ________
17. Industrial (describe) ☐
18. Irrigation (describe crop and no. of acres) ☐
19. Military (describe) ☐
20. Other (describe) ☐ Water will be used for washing during food processing at Waikieie Farms.

OTHER LEGAL REQUIREMENTS

21. Conservation District Use Permit (CDUP) ☐
☐ Required, CDUP # ___ date approved ___
☐ Not Required (attach documentation from CDUP)
☐ I have not checked with CDUP, about whether or not a CDUP is required. I understand that checking with CDUP prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

☐ Well is not in Conservation District
☐ I have not checked if well is in or out of Conservation District. I understand that checking if the well is in a Conservation District may expedite my review. I further understand that issues raised may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

22. Special Management Area Permit (SMAP) ☐
☐ Required, SMAP # ___ date approved ___
☐ Not Required (attach documentation from applicable County agency)
☐ I have not checked with the County about whether or not an SMA Permit is required. I understand that checking with the County prior to making this application may expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

23. State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources ☐
☐ I have consulted with the SHPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation from the SHPD.
☐ I have not consulted with the SHPD regarding potential impacts of well construction activities on historic sites. I understand that checking with the SHPD prior to making this application may expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued. Additionally, the history of past land use is attached.

24. Water Use Permit No. (if applicable) ________

Additional remarks, explanations, etc. (attach additional sheet if more space is needed)

Well water of potable quality is required to meet food safety requirements.

Note: Signing below indicates that the signatures understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatures understand that upon permit approval: 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/reabandonment report within 80 days after the completion date of the permitted work; 3) In the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to $5000/day.

25. WELL DRILLER (Must be filed if application is for Well Construction)

WATER RESOURCE MANAGER __________ 7-8-09
Licenses business name __________ 5-7-09 License No. __________
Signature __________ 4-9-10
License business name __________-C-575, SMA License No. __________
Address __________
Phone __________ Fax __________ E-mail __________

26. PUMP INSTALLER (Must be filled if application is for Pump Installation)

PUMP INSTALLER __________ 7-3-09
License business name __________-C-576, SMA License No. __________
Signature __________ Date __________
Address __________
Phone __________ Fax __________ E-mail __________

WCPI Application Form 05/20/2009
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 Elevation - Ground Level) / 4
Example: Estimated + 2 ft, Water Level Elev. = Bottom Elevation of Well Limit = (2 - 14) = 18.5 ft.

Solid Casing: (ASTM D1527: (check one)
- Schedule 40
- Schedule 80
- Schedule 120
- Other

PVC Plastic conforming to ASTM F480 and (ASTM D1765 or ASTM D2241): (check one)
- Schedule 40
- Schedule 80
- Schedule 120

Thermoset Plastic: (check one)
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinfroced Plastic Mortar Pressure Pipe conforming to ASTM DS517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C905
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon tubing conforming to ASTM D3296

Open Casing Material:
Carbon Steel: (check one or more)
- ANSI/AWWA C200
- API Spec. 5L
- ASTM A53
- ASTM A139

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

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

PVC Plastic conforming to ASTM F480 and (ASTM D1765 or ASTM D2241): (check one)
- Schedule 40
- Schedule 80
- Schedule 120

Thermoset Plastic: (check one)
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM DS517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C905
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon tubing conforming to ASTM D3296

PROPOSED WELL SECTION
(Hole Diameter: 25 in)
Elevation at top of casing 582 ft., msl*
Minimum of 2° Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.25 ft.)
Ground Elevation: 680 ft., msl*

Grouting method:
- Positive displacement
- Other

Annular space between hole and casing (1.5" for positive displacement, 3" for other methods): 3 in

Rock or Gravel Packing:
- None
- Crushed Basalt
- Rounded Gravel

Total Depth 840 ft.

Estimated Water Level Elevation: 23 ft., msl*

* 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.

Robinson No. 1

INSTALLATION STANDARDS
To ensure that your as-built is in compliance with applicable standards, which are
- Positive displacement
- Other

Solid Casing: (± 90% x (Ground Elev.-Water Level Elev))
- Total Length: 760 ft.
- Nominal Diameter: 18 in.
- Wall Thickness: 0.375 in.
- Bottom Elevation: -80 ft., msl*

Open Casing:
- Perforated
- Screen

Open Hole:
- Length: 80 ft.
- Diameter: 17 in.
- Bottom Elevation: -160 ft., msl*

SCHEDULE OF REPAIRS

Example:
Elev. - Bottom Elevation of Well Limit = ( 2 - 14/4 ) = 18.5 ft.
Robinson No. 1 Well would be located on the right side of the line of power poles and between the first and second of the poles in the photograph.
FROM: **RYAN** 
DATE: **15-Mar-10** 
SUSPENSE DATE: **22-Mar-10**

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<td>NAKAMA, L.</td>
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**WELL NUMBER** 2602-03  **WELL NAME** Robinson No. 1  **WUP Number**: 767

- **WELL CONSTRUCTION**
- **PUMP INSTALLATION**
- **DHP/CDUP/SMA pre-screen**

**ATTACHMENTS FOR APPLICATION PROCESSING** - Both applicant & staff generated
1. TRANS. LETTER
2. PERMIT PROCESS TABLE
3. CWRM MAP
4. APPL. FORM (11 COPIES)
5. USGS MAPS (11 COPIES)
6. TAX MAPS (11 COPIES)
7. PARCEL OWNER VERIF.
8. CONTRACTOR VERIF.
9. ALL INFO FILLED IN
10. BACKGROUND CHECK
11. $25 FEE DEPOSIT SLIP
12. DHP/CDUP/SMA pre-screen

- **MLS PRINTOUT** (SMA map printout http://gis.hicentral.com/website/parcelzoning/viewer.htm, or INGRID'S SMA/CD MAP)
- **DCCA LICENSE SCREEN PRINTOUT**
- **not in CD or SMA**

**FOLDER:**
- MADE NEW FILE FOLDER, ATTACHED
- FILE FOLDER ALREADY MADE, IN FILE CABINET

**INCOMPLETE ACTION DATES:**

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Expiration letter actually sent 6/17/09 for original.

Check and reprinting at our office.

Bishop Est. 9-11-09 to 12 = Robinson

History never showed Bishop Est.

In file, 767 = Robinson

Kunimura
March 25, 2010

Mr. Bill Paty
Robinson Kunia Land LLC
1132 Bishop Street, Suite 1930
Honolulu, HI 96813

Dear Mr. Paty:

Well Construction/Pump Installation Permit Application for Well No. 2602-03

We have received your Well Construction/Pump Installation permit application and filing fee for the Robinson #1 Well well (Well No. 2602-03). However, pursuant to the State Water Code, HRS §174C-84(a), the Commission on Water Resource Management can only issue well construction and pump installation permits to contractors who hold valid a C-57, C-57a, or A (for pump installation only) license issued by the State of Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division. Because you have not identified a qualifying contractor, your application will not be accepted as complete until a qualifying contractor signs and completes sections 24 & 25 on the application form.

However, we can process your incomplete application for review. If the review warrants the issuance of a permit, we will send such notice to you and give you the option to receive a letter of assurance in lieu of the permit. A letter of assurance, if issued, will state that we will issue the permits after your contractor signs the original application, subject to the following conditions: (a) the contractor has no outstanding issues with the Commission; (b) there have been no significant changes to the application, proposed well site or well construction plan; (c) there have been no significant changes to applicable laws, rules, regulations; and (d) there have been no significant changes to hydrologic conditions at the proposed well site.

For your information, the attached table describes the process, responsible parties, and deadline requirements for drilling or modifying a well and installing, modifying, or replacing a pump.

By this acceptance letter, we are also notifying the well operator/landowner that water may not be pumped for purposes other than testing until the certificate of well construction/pump installation completion letter is issued to the well operator and landowner. Additionally, the permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity. No certificate of pump installation will be issued until the Commission has determined that the pump capacity will not have adverse effects on the aquifer, other nearby wells, or streams. In other words, you may need to remove the pump and install a smaller pump at the Commission’s discretion before you can withdraw water for purposes other than testing.

If you have any questions about your permit application, please contact Ryan Imata of the Commission staff at

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

Attachment

c: Tom Nance
March 25, 2010

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Acting Chief, Wastewater Branch
Stuart Yamada, Chief, Safe Drinking Water Branch
Alec Wong, Chief, Clean Water Branch
Dr. Keith Kawaoka, Office of Hazard Evaluation and Emergency Response

FROM: Laura H. Thielen, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
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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.

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[ ] 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 [redacted] 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.

[ ] In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

[ ] No comments/objections

Contact Person: ___________________________ Phone: __________________

Signed: ___________________________ Date: __________________
March 25, 2010

TO: Morris Atta, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson #1 Well (Well No. 2602-03) TMK 9-4-004:012

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. **Please respond by returning this cover memo form by April 29, 2010.** If we do not receive comments or a request for additional review time by this date, we will assume 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 Ryan Imata of the Commission staff at ____________________.

RI: ss
Attachment(s)

RESPONSE:

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

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

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

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

[ ] No objections

[ ] Other comments:

Contact Person: ____________________ Phone: ____________________

Signed: ____________________ Date: ____________________
March 25, 2010

TO:  Dr. Puaalaokalani Aiu, Administrator
     Historic Preservation

FROM: Ken C. Kawahara, P.E., Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Robinson #1 Well (Well No. 2602-03) TMK: 9-4-004:012

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by April 29, 2010. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application or request additional review time, please contact Ryan Imata of the Commission staff at [redacted] If you require additional information regarding specific information that can be provided by the applicant, please contact the applicant directly at the contact information provided on the application form.

RI: ss
Attachment(s)

RESPONSE:

[ ] This is a [ ] public (county or state) project [ ] private project and [ ] will [ ] may disturb historic sites.

[ ] We concur that the work described under this permit will not disturb historic sites.

[ ] We do not concur that the work described under this permit will not disturb historic sites. We require the following for our concurrence:

Contact Person: _________________________ Phone: ________________

Signed: _____________________________ Date: ________________
March 25, 2010

Mr. Wayne M. Hashiro, P.E., Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, HI 96843

Dear Mr. Hashiro:

Well Construction/Pump Installation Permit Review
Well Construction/Pump Installation Permit Application
Robinson #1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application. If you have any comments on this application, please submit them by April 29, 2010. If we do not receive comments we will assume you have no comments.

If you have any questions about this permit application, please contact Ryan Imata of the Commission staff at [Contact Information]

Sincerely,

Laura H. ThieLEN
Chairperson

Attachment
Assessed values and Building Details reflect tax year 2010 for Oahu, and 2009 for all other islands. Taxes reflect
tax year 2009.

Search criteria: TMK Taxkey 1-9-4-4-12

<table>
<thead>
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<th>Subdiv/Condo Tnr</th>
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<th>Owner</th>
<th>Lessee</th>
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<td>1-9-4-4-12</td>
<td>F KUNIA ROBINSON</td>
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This information has been supplied by third parties and has not been independently verified by Hawaii
Information Service and is, therefore, not guaranteed.

Copyright ©3/22/2010 by Hawaii Information Service
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**TOTAL** | | | | | | | $ 50.00 | |

**REMARKS:**

LINE (1) Kalihiwai Oasisi
LINE (2) Robinson No. 1 Well
LINE (3)
LINE (4)
LINE (5)
LINE (6)
LINE (7)
LINE (8)
LINE (9)
LINE (10)
Mr. Ken Kawahara  
Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Kawahara:

Well Construction Permit Application for the  
Robinson No. 1, State No. 2602-03, in Kunia, Oahu  

Attached is a Well Construction/Pump Installation permit application, filing fee, and other attachments for the Robinson No. 1 well (State No. 2602-03) in Kunia. A permit for this well was originally granted in October 18, 2006 and expired on October 18, 2008. Based on a conversation with Roy Hardy of your staff, an extension of the expired permit was not possible. For this reason, we are applying for a new permit.

Contractor selection is currently underway but has not yet been completed. Because of this, the permit application does not have a drilling contractor's signature. After the contractor is selected in the next several weeks, he will be instructed to go to your office and sign the application. In the interim, please begin processing the application as if a Letter of Assurance were to be issued. If you have any questions, please feel free to call me or Bill Paty of Robinson Kunia Land, LLC at[^1] Thank you for your attention to this matter.

Sincerely,

Tom Nance

cc: Bill Paty - Robinson Kunia Land

Attachments
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT

WELL LOCATION INFORMATION

1. STATE WELL NO. (if already assigned) Not Yet Assigned
2. WELL NAME Robinson No. 1
3. ISLAND Oahu
4. TMK
5. LAND OWNER'S NAME/COMPANY Robinson Kunia Land, LLC
6. LAND OWNER'S CONTACT Bill Paty
7. OWNER'S MAILING ADDRESS 1132 Bishop Street - Suite 1930 Honolulu, Hawaii 96813
8. OWNER'S PHONE Phone
9. OWNER'S FAX Fax
10. OWNER'S E-MAIL bill@martroffice.com
11. PROPOSED USE
21. Conservation District Use
22. Water Use
23. Irrigation
24. Water Use

OTHER LEGAL REQUIREMENTS

21. Conservation District Use Permit (CDUP)
22. Special Management Area Permit (SMAP)
23. State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources
24. Water Use Permit No. (if applicable)

ADDITIONAL REQUIREMENTS

Scheduling of the permit approval: 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) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to $5000/day.

Licensee business name
Signature
Print
Date
Address
Phone
Fax
E-mail

Licensee business name
Signature
Print
Date
Address
Phone
Fax
E-mail
PROPOSED WELL SECTION

(Please attach schematic if different from diagram provided below)

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 Level - (1/4 Aquifer Thickness) + 18.5 ft.

Example: Estimated + 2 ft. Water Level Elev. = Bottom Elevation of Well Limit = (2 - (1/4 * 85) + 18.5) = 13.5 ft.

Solid Casing Material:
- Carbon Steel: compliant with (check one or more): [ ] ANSI/AWWA C200 [ ] API Spec. 5L [ ] ASTM A53 [ ] ASTM A199
- And compliant with (check one or more): [ ] ASTM A242 (or A606) [ ] Type E [ ] Type S [ ] Grade B [ ] Other
- Stainless Steel: (check one): [ ] ASTM A409 (production wells) [ ] ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) [ ] Schedule 40 [ ] Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): [ ] Schedule 40 [ ] Schedule 80 [ ] Schedule 120

Thermoset Plastic: (check one)
- Filament Wound Resin Pipe conforming to ASTM D2996
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:
- Carbon Steel: compliant with (check one or more): [ ] ANSI/WWA C200 [ ] API Spec. 5L [ ] ASTM A53 [ ] ASTM A199
- And compliant with (check one or more): [ ] ASTM A242 (or A606) [ ] Type E [ ] Type S [ ] Grade B [ ] Other
- Stainless Steel: (check one): [ ] ASTM A409 (production wells) [ ] ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) [ ] Schedule 40 [ ] Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): [ ] Schedule 40 [ ] Schedule 80 [ ] Schedule 120

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- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Robinson No. 1
Robinson No. 1 Well would be located on the right side of the line of power poles and between the first and second of the poles in the photograph.
June 17, 2009

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Expiration of Well Construction Permit for
Well No. 2602-03, TMK (1) 9-4-004:012, Oahu

This is notice that the well construction permit for the Robinson #1 Well (Well No. 2602-03) expired on October 18, 2008. We have no record showing that the well construction work was done during the time allowed by your permit. If you did complete the well construction work, you must submit the well completion report on the Commission's form (Well Completion Report – Part I) within 30 days from the date of this letter.

If the well was not constructed and the well owner/operator wishes to have a well constructed in the future, you must apply for a new well construction permit before starting that work.

Any well construction or pump installation work that is done without a valid permit and failure to adhere to any of the Commission’s permit conditions are violations of the state water code (HRS Chapter 174C) and may be subject to fines of up to $5,000 per day.

If you have any questions, please contact Denise Mills of the Commission staff at [contact information redacted].

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

DEM:ss

c: Larry Jefts - Waikele Farms, LLC
Bill Paty - Robinson Kunia Land, LLC
<table>
<thead>
<tr>
<th>Approved</th>
<th>Well No.</th>
<th>Well Name</th>
<th>Applicant</th>
<th>Driller</th>
<th>Pump Inst.</th>
<th>Type</th>
<th>Issued</th>
<th>Signed</th>
<th>WCR1</th>
<th>Accept</th>
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</thead>
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**Cancel - expired 10/16/08**

No extension requested.

CC: Larry Jeffs - Waieke Farms, Inc.

WP 804

WP 767 - see B&E report (20-yr review, attached)

**6/17/09**

Call from Tom Nance - asking if WPC was extended. Expired on 10/16/08 - no record of extension request on file. I told Tom that they would have to apply for new permit if still plan to drill the well. Also told him PIP never issued.
This report has been prepared in accordance with 13-171-22(b) of the Hawaii Revised Statutes requiring a 20-year review of issued water use permits to determine permit compliance. Following is a summary of permit information, site characteristics, methodology, findings, and recommendations for this State permit file.

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Robinson Kunia Land LLC</th>
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<tbody>
<tr>
<td>Landowner of Source:</td>
<td>Robinson Kunia Land LLC</td>
</tr>
<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.100 mgd</td>
</tr>
<tr>
<td>Water Management Area:</td>
<td>Waipahu-Waiawa</td>
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<tr>
<td>Island:</td>
<td>Oahu</td>
</tr>
<tr>
<td>Aquifer Sector/System:</td>
<td>Pearl Harbor/Waipahu-Waiawa</td>
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<td>System Sustainable Yield:</td>
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<td>Water Type:</td>
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<tr>
<td>Original CWRM Date:</td>
<td>October 18th, 2006</td>
</tr>
<tr>
<td>Standard Conditions:</td>
<td>1-19</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>1-2, 139-140</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 2602-03 |
| Well Name:            | Robinson No. 1 |
| Water Source TMK Number(s): | 1st Division, 9-4-004:012 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-1 |
| Geographical Coordinates: | N/A |

End Use

| End Use TMK Number(s): | 1st Division, 9-4-003:001 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-1 |
| Beneficial Use Explanation: | Use for agricultural food processing |
Background Information

Water Use Permit 767 was approved during the October 18th, 2006 Commission on Water Resource Management meeting. There are no water use or salinity records on file for State Well No. 2602-03. Standard conditions 1-19 and special conditions 1-2 & 139-140 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Field Investigation Information

No field investigation was conducted for Water Use Permit 767. Brown and Caldwell attempted to contact the permittee on three different occasions via standard mail. Cover letters accompanied by survey forms were sent out on November 21st, 2007, February 20th, 2008, and July 15th, 2008. All three letters were sent to 1132 Bishop Street, Suite 1930, Honolulu, HI 96813. Since no response was received by the end of the field investigation phase of this project, Brown and Caldwell was not able to verify any of the information listed in this report. Reference the permit file for supporting documentation relevant to this contact process.

Summary of Findings for Water Use Permit No. 767

Although no field investigation was completed for this Water Use Permit, information pertinent to permit compliance was gathered during the research phase of this project.

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

(10) An approved flowmeter must be installed to measure monthly withdrawals and a month 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.

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

Recommendations

Address the following discrepancies between the Commission's electronic database and actual field investigation findings:

- No discrepancies found → No field investigation so how could this be? There is no well, according to our records.

- No water shortage plan. CWRM sent reminder letter on 4/21/07 with no response from Robinson Kunita Land on 6/17/09.
• Address violation of Standard Condition (10) regarding non-reporting of water use and salinity levels.
• Address issue of lack of response in regards to the Commission's attempt to contact the permittee during this permit review process.
Ref:2602-03.wcp

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Well Construction Permit
Robinson No. 1 Well (Well No. 2602-03)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for a permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

Special Conditions

1. Attached for your information are copies of the Department of Health's (DOH) review comments. Please note DOH's requirements related to discharge of effluent from well drilling and testing activities.

2. Attached for your information is a copy of the State Department of Land and Natural Resources Historic Preservation Division's comments related to historic sites.

Please refer to the Permit Processes Worksheet (transmitted with your acknowledgement letter) for further information regarding the process of drilling a well and installing a pump.

No withdrawal of water shall be made other than for testing purposes until a certificate of pump installation completion has been issued by the Commission.

Please sign both permit originals and return one for our files. For copies of the aquifer pump test worksheet, please call staff or visit www.state.hi.us/dlnr/cwrml/forms.htm.

IMPORTANT - Drilling work shall not commence until a fully signed permit is returned to the Commission. The permit shall be prominently displayed or made available at the construction site during construction. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Lenore Nakama of the Commission staff at [redacted] or toll-free at 974-4000 (Hawaii), [redacted] (Kauai), [redacted] (Maui), or [redacted] (Lanai & Molokai), extension 70218.

Sincerely,

Peter T. Young
Chairperson

Enclosures

C: Bill Paty, Robinson Kunia Land, LLC (with applicable comments – DOH SDWB, CWB, DHP, DWS)
USGS
Honolulu BWS
WELL CONSTRUCTION PERMIT

Robinson No. 1 Well, Well No. 2602-03

Note: This permit shall be prominently displayed at the construction 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 construction and testing of Robinson No. 1 Well (Well No. 2602-03) at TMK 9-4-04:12, Oahu, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

1. The Chairperson of 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 authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrmlforms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

4. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

5. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' Division of Historic Preservation.

7. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwrmlforms.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A permit to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

12. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project the permittee must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well scaling or plugging work.

13. 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.

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).

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

Date of Approval: October 18, 2006
Expiration Date: October 18, 2008

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 have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: Paul Frandsen
C-57 License #: C-13131
Date: 

Printed Name: Paul Frandsen
Firm or Title: American Drilling

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.
Ref:2602-03.wcp

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Well Construction Permit
Robinson No. 1 Well (Well No. 2602-03)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for a permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

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If you have any questions, please call Lenore Nakama of the Commission staff at [number] or toll-free at 974-4000 (Hawaii), [number] (Kauai), [number] (Maui), or [number] (Lanai & Molokai), extension 70218.

Sincerely,

Peter T. Young
Chairperson

Enclosures

c: Bill Paty, Robinson Kunia Land, LLC (with applicable comments – DOH SDWB, CWB, DHP, DWS)
USGS
Honolulu BWS
WELL CONSTRUCTION PERMIT
Robinson No. 1 Well, Well No. 2602-03

Note: This permit shall be prominently displayed at the construction 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 construction and testing of Robinson No. 1 Well (Well No. 2602-03) at TMK 9-4-04:12, Oahu, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

1. The Chairperson of 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 authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.
2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.
3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrm/forms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.
4. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.
5. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.
6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' Division of Historic Preservation.
7. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.
8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwrm/forms.htm for current form).
9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.
10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.
11. The work proposed in the well construction 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 the date the permit expires.
12. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project then the permittee must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.
13. 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.
14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).
15. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

W. Roy Young
Chairperson

Date of Approval: October 18, 2006
Expiration Date: October 18, 2008

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 have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: __________________________ C-57 License #: C-13131 Firm or Title: American Drilling

Printed Name: Paul Frandsen Date: __________________________

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

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<tr>
<td>Well Name</td>
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<tr>
<td>Open Casing Length</td>
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</table>

### Results

#### Well Depth

| Theoretical Thickness of Aquifer | 943 |
| 1/4 Aquifer Thickness           | 235.75 |
| Depth of Well below Sea Level   | -160 okay |

#### Well Casing

| Minimum Wall Thickness Material | steel |
| Minimum Thickness per standards | 0.3125 |
| Wall Thickness Provided         | 0.375 okay |
| Minimum Length of Solid Casing  | 591.3 |
| Length of solid casing Provided | 760 okay |
| Casing Material                 | ASTM A139 in compliance |
| (for pvc only - check for 200' limit) | okay |

#### Annular Space

| Depth of Grouting Calculated Depth of Grouting | 459.9 |
| Depth of Grouting provided                    | 550 okay |
| Minimum Annular Space required                | 1.5 |
| Thickness of Annular Space                    | 3.5 okay |
Mr. Dean Nakano, Acting Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Nakano:

Subject: Larry Jeffs Permit Application for Well Number 2602-03

Thank you for the opportunity to comment on this permit application, which is for a well to take water from the Waipahu-Waiawa Sector of the Pearl Harbor Aquifer. In general, we have no objection to the well, but we have the following comment:

For a well capacity to furnish 0.100 mgd a day, the well and casing diameter appear to be over sized at 18 inches when a smaller size would suffice. If the washing of harvested produce is to occur in a short time the larger dimensions are justified. Otherwise, the excessive dimension appears to be an unnecessary expenditure.

If you have any questions, contact Chester Lao at [Redacted]

Very truly yours,

CLIFFORD P. LUM  
Manager and Chief Engineer

cc: Department of Planning and Permitting
TO: Honorable Chiyome Fukino, M.D., Director  
Department of Health  
Attention: Director’s Office  
Harold Yee, Wastewater Branch  
Acting Branch Chief, Safe Drinking Water Branch  
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson  
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application  
Robinson No. 1 Well (Well No. 2602-03)

April 24, 2006

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 May 22, 2006. 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 Y. Nakama of the Commission staff at [Redacted].

Lyn:ss
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, §§1-20-29.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or fewer people at least 60 days per year or has 15 or more 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-contaminations and backflow prevention by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable pipes 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 potable wastewater contamination [ ] [ ] is not located near the proposed well site (information attached).

[ ] An IDPR’S permit is required.

[ ] Other relevant: ODH regulations, information, or recommendations are attached.

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

[ ] No comments/objections

Contact Person: Ann T. Zane  
Phone: [Redacted]

Signed: Ann T. Zane  
Date: 5/16/06
May 12, 2006

Mr. Dean Nakano
Commission on Water Resource Management
DLNR-State of Hawai‘i
P.O. Box 621
Honolulu, Hawai‘i, 96809

Dear Mr. Nakano:

Robinson No. 1 Well (Well No. 2602-03), Kunia Waikele Ahupua‘a, ‘Ewa District, Island of O‘ahu
TMK: (1) 9-4-004:012

Thank you for the opportunity to review the aforementioned project, which we received on April 27, 2006. The proposed undertaking involves the construction of a new well and pump.

We believe that no historic properties will be affected by this undertaking because:

- a) intensive cultivation has altered the land
- b) residential development/urbanization has altered the land
- c) previous grubbing/grading has altered the land
- d) an acceptable archaeological assessment or inventory survey found no historic properties
- e) this project has gone through the historic review process, and mitigation has been completed
- f) other: The small size of the area of potential effect; proposed maximum diameter of the drilling-hole is approximately two (2) feet. Soils in the project area have been previously disturbed by commercial agriculture.

If historic resources, including human skeletal remains, are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the SHPD needs to be contacted immediately at

Aloha,

Melanie Chinen, Administrator
State Historic Preservation Division

CM
April 24, 2006

TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Director’s Office
   Harold Yee, Wastewater Branch
   Acting Branch Chief, Safe Drinking Water Branch

FROM: Peter T. Young, Chairperson
   Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
   Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 May 22, 2006. 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 Y. Nakama of the Commission staff at .

LYN:ss
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.

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: Lori Nonkami

Signed: Oli Nonkami

Phone: [redacted]

Date: 04-28-06
April 24, 2006

TO: Russell Tsuji, Administrator
Land Division

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by May 22, 2006. If we do not receive comments or a request for additional review time by this date, we will assume 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 Y. Nakama of the Commission staff at [Contact Information]

RESPONSE:

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

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

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

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

[ ] No objections

[XX] Other comments: Original source of private title is Mahele Award 4 issued prior to 1855.

Contact Person: Gary Martin Phone: [Phone Number]

Signed: [Signature] Date: APR 26 2006
TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Director’s Office
   Harold Yee, Wastewater Branch
   Acting Branch Chief, Safe Drinking Water Branch
   Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
   Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
   Robinson No. 1 Well (Well No. 2602-02)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 May 22, 2006. 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 Y. Nakama of the Commission staff at [email]

LYN: ss
Attachment(s)

RESPONSE:

This well qualifies as a source which will serve as a source of possible water to a public water system (defined as serving 25 or more people at least 60 days per year or less than 15 or more service connections) and must receive Director of Health approval prior to 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 serves less than 60 days per year or 15 service connections) and the well water is used for drinking, the private owner should test for microbiological and chemical presence before using the water 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 order to implement.

If the well is used to supply both portable and non-portable purposes in a single system, the user shall eliminate cross-connections and backflow preventors by physically separating portable and non-portable systems by air gap or an approved backflow preventor, and by clearly labeling all non-portable spigots with warning signs to prevent inadvertent consumption of non-portable water. Backflow preventors 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 water contamination in 11.1 is not located near the proposed well site (information attached).

An NPDES permit is required.

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

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: Alec Wong
Phone: [Redacted]
Date: 4/17/06

Signed: [Signature]
Date: [Signature]
he Department of Health, Clean Water Branch has the following comments:

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 (808) 586-4352.

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
April 24, 2006

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Well Construction/Pump Installation Permit Application for Well No. 2602-03

We acknowledge receipt, on March 31, 2006, of your completed Well Construction/Pump Installation permit application and filing fee for the Robinson No. 1 Well (Well No. 2602-03). You can expect your application to be processed within ninety (90) days from this date.

Because the proposed well is located in a water management area, we are not able to issue any well construction or pump installation permits until a water use permit has been obtained, unless you would like to proceed with exploratory drilling at your own risk. Please let us know if you would like to proceed in this manner.

We are assuming that you are also the pump installation contractor for this well development project. Please let us know if this is not the case.

For your information, the attached table describes the process, responsible parties, and deadline requirements for drilling or modifying a well and installing, modifying, or replacing a pump.

By this acceptance letter, we are also notifying the well operator/landowner that water may not be pumped for purposes other than testing until the certificate of well construction/pump installation completion letter is issued to the well operator and landowner. Additionally, the permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity. No certificate of pump installation will be issued until the Commission has determined that the pump capacity will not have adverse effects on the aquifer, other nearby wells, or streams. In other words, you may need to remove the pump and install a smaller pump at the Commission’s discretion before you can withdraw water for purposes other than testing.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

LYN:ss
Attachment

c: Larry Jeffs, Waiekele Farms, Inc.
    Bill Paty, Robinson Kunia Land, LLC
April 24, 2006

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Director’s Office
Harold Yee, Wastewater Branch
Acting Branch Chief, Safe Drinking Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit 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 May 22, 2006. 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 Y. Nakama of the Commission staff at [redacted].

RESPONSE:

[1] 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.

[2] 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.

[3] 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.

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

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


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

[8] In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

[9] No comments/objections

Contact Person: __________________________ Phone: ______________

Signed: ___________________________ Date: ______________
April 24, 2006

TO: Russell Tsuji, Administrator
Land Division

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by May 22, 2006. If we do not receive comments or a request for additional review time by this date, we will assume 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 Y. Nakama of the Commission staff at

LYN:ss
Attachment(s)

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

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

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

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

[ ] No objections

[ ] Other comments:

Contact Person: ____________________________ Phone: _______________

Signed: ____________________________ Date: __________
April 24, 2006

TO: Melanie Chinen, Administrator
    Historic Preservation

FROM: Dean A. Nakano, Acting Deputy Director
    Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by May 22, 2006. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application or request additional review time, please contact Lenore Y. Nakama of the Commission staff at [Contact Information]. If you require additional information regarding specific information that can be provided by the applicant, please contact the applicant directly at the contact information provided on the application form.

LYN:ss
Attachment(s)

RESPONSE:

[ ] This is a [ ] public (county or state) project [ ] private project and [ ] will [ ] may disturb historic sites.

[ ] We concur that the work described under this permit will not disturb historic sites.

[ ] We do not concur that the work described under this permit will not disturb historic sites. We require the following for our concurrence:

Contact Person: ____________________________ Phone: ____________________________

Signed: ____________________________ Date: ____________________________
April 24, 2006

Mr. Clifford Lum, Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, HI 96843

Dear Mr. Lum:

Well Construction/Pump Installation Permit Review
Well Construction/Pump Installation Permit Application
Robinson No. 1 Well (Well No. 2602-03)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application. If you have any comments on this application, please submit them by May 22, 2006. If we do not receive comments we will assume you have no comments.

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

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

LYN:ss
## Document: Department of Land and Natural Resources

**UAC or Attached Worksheet**

**Date:** April 25, 2006

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<td>(10)</td>
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</tbody>
</table>

**Total:** $50.00

**Remarks:**

- **Line (1):** Well No. 2602-03 (WUPA & WCPA)
- **Line (2):** Well No. 1805-17 & 18
- **Line (3):**
- **Line (4):**
- **Line (5):**
- **Line (6):**
- **Line (7):**
- **Line (8):**
- **Line (9):**
- **Line (10):**
**PUBLIC RECORD DATA**

<table>
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<th>Taxkey</th>
<th>Subdiv/Condo Tnr</th>
<th>Address</th>
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<th>Bds</th>
<th>Bths</th>
<th>Land area</th>
<th>Liv area</th>
<th>Last Sale</th>
<th>Instr</th>
<th>Price</th>
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<tr>
<td>1-9-4-12</td>
<td>F KUNIA</td>
<td>ROBINSON</td>
<td>KUNIA LAND LLC</td>
<td>535.00 ac</td>
<td>0 8/4/2005</td>
<td>QD</td>
<td>$407,691</td>
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This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.
There was 1 specific license class on this licensee!

***** LICENSE CLASS FOR THIS LICENSEE *****

LIC: CT-13131  PAUL E FRANDSEN

<table>
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<th>CLASS CODE</th>
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<Back  New Search->

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

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Hawaii State homepage | DCCA | Professional and Vocational Licensing Division

http://pvl.ehawaii.gov/pvlsearch/app?_f=n&_a=LC&licno=13131&lictp=CT&off=0&nm=...  4/13/2006
## WELL LOCATION INFORMATION

1. **STATE WELL NO.**
   - If already assigned: ______
   - Not yet assigned: ______

2. **WELL NAME**
   - ______

3. **ISLAND**
   - Oahu

4. **TMK**
   - 9-4-04-12

   - Zone: ______
   - Mic: ______
   - Parc: ______

   - The following must be attached before this application is accepted as complete:
     - A portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quadrangle
     - Property tax map, showing well location referenced to established property boundaries
     - Photograph of the proposed well site
     - A schematic diagram showing the well site, access road and proposed well infrastructure

5. **WELL OPERATOR’S NAME/COMPANY**
   - Waikiki Farms, Inc.
   - Well Operator’s Contact: ______

6. **LANDOWNER’S NAME/COMPANY**
   - Robinson Kunia Land, LLC
   - Landowner’s Contact: ______

   - Well Operator’s Mailing Address
     - P.O. Box 27
     - Kunia, Oahu, Hawaii 96759
   - Landowner’s Mailing Address
     - Landowner’s Phone: ______
     - Landowner’s Fax: ______
     - Landowner’s E-mail: ______

### PROPOSED WELL CONSTRUCTION

<table>
<thead>
<tr>
<th>7. Proposed Work</th>
<th>8. Construction Type</th>
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</thead>
<tbody>
<tr>
<td>□ Construct New Well</td>
<td>□ Drilled</td>
</tr>
<tr>
<td>□ Modify Existing Well</td>
<td>□ Dug</td>
</tr>
<tr>
<td>□ Abandon/Seal Well</td>
<td>□ Shaft</td>
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<tr>
<td>□ Abandon/Seal Well</td>
<td>□ Tunnel</td>
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### PROPOSED PUMP INSTALLATION

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>□ Install New Pump</td>
<td>(gallons per minute)</td>
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<tr>
<td>□ Replace Pump</td>
<td>185</td>
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<table>
<thead>
<tr>
<th>12. Proposed Amount of Withdrawal, gpd (gallons per day)</th>
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</thead>
<tbody>
<tr>
<td>100,000</td>
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<table>
<thead>
<tr>
<th>13. Method of flow measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Flowmeter</td>
</tr>
<tr>
<td>□ Open Pipe</td>
</tr>
<tr>
<td>□ Weir</td>
</tr>
<tr>
<td>□ Orifice</td>
</tr>
<tr>
<td>□ Other (explain)</td>
</tr>
</tbody>
</table>

### OTHER LEGAL REQUIREMENTS

**If required, items 21. and 22. must be obtained before the Commission can legally issue a permit:**

21. Conservation District Use Permit (CDUP)
   - Required, CDUP # ______
   - Date approved ______
   - Not Required (attach documentation from OCCL)

22. Special Management Area Permit (SMAP)
   - Required, SMA # ______
   - Date approved ______
   - Not Required (attach documentation from applicable County agency)

23. Historic Preservation Division (HPD) of the Department of Land and Natural Resources
   - I have consulted with the HPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation from the HPD.
   - I have not consulted with the HPD regarding potential impacts of well construction activities on historic sites. I understand that checking with the HPD prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

Additional remarks, explanations, etc. (attach additional sheet if more space is needed)

Well water of potable quality is required to meet food safety requirements.

**NOTE:** Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that upon permit approval: 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) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to $5000/day.

**24. WELL DRILLER**
   - Must be filled out if application is for Well Construction

   - American Drilling
     - C-13131
     - Licensee business name: ______
     - Licensee business address: P.O. Box 2035
     - Aiea, Oahu, Hawaii 96701
     - Signature: ______
     - Print: ______
     - Date: ______

   - Phone: ______
   - Fax: ______
   - E-mail: ______

**25. PUMP INSTALLER**
   - Must be filled out if application is for Pump Installation

   - TBD
     - Licensee business name: ______
     - Licensee business address: ______
     - Signature: ______
     - Print: ______
     - Date: ______

   - Phone: ______
   - Fax: ______
   - E-mail: ______
PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below)

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 = \left( \frac{\text{Water Elevation} - \text{Ground Elevation}}{2} \right)

Example: Estimated + 2 ft. Water Level Elev. ➔ Bottom Elevation of Well Limit = \left( \frac{2 \times 100}{2} \right) = 100 ft.

Solid Casing Material:

Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
And compliant with (check one or more): □ ASTM A242 (or A606) □ Type E □ Type S □ Grade B □ Other
Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
PVC Plastic conforming to ASTM F480 and ASTM D1785 or ASTM D2241: (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
Thermoset Plastic: (check one)
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrifugally Cast Resin Pipe conforming to ASTM D2997
□ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
□ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
□ PTFE Fluorocarbon Tubing conforming to ASTM D3296
□ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:

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□ 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.

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Robinson No. 1 Well would be located on the right side of the line of power poles and between the first and second of the poles in the photograph.