WATER USE PERMIT NO. 342

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>Kualoa Ranch</th>
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<tbody>
<tr>
<td></td>
<td>P.O. Box 650</td>
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<tr>
<td></td>
<td>Ka’a’awa, HI 96730</td>
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<tr>
<td>Landowner of Source:</td>
<td>Kualoa Ranch</td>
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<tr>
<td></td>
<td>P.O. Box 650</td>
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<tr>
<td></td>
<td>Ka’a’awa, HI 96730</td>
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<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.288 mgd (Based upon a 12-month moving average)</td>
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<td>Island:</td>
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<td>Aquifer Sector/System:</td>
<td>Windward/Kahana</td>
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<td>Water Type:</td>
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<td>Original CWRM Date:</td>
<td>May 18th, 1994</td>
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<tr>
<td>Standard Conditions:</td>
<td>1-11, 13-14, 16-17, 20-23</td>
</tr>
<tr>
<td>Special Conditions:</td>
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</tbody>
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Water Source

| State Well Number(s): | 3251-01 |
| Well Name:            | Tomasu   |
| Water Source TMK Number(s): | 1st Division, 5-1-001:001 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-2 |
| Geographical Coordinates: | Latitude 21° 32' 31.0" North |
|                          | Longitude 157° 50' 49.6" West |

End Use

| End Use TMK Number(s): | 1st Division, 5-1-001:001 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG-2 |
| Beneficial Use Explanation: | Use for catfish aquaculture ponds and tanks |
Background Information

There are no water use records available for State Well No. 3251-01. Water Use Permit 342 was approved during the May 18th, 1994 Commission on Water Resource Management meeting. This water source has been in use for approximately 10-15 years by Kualoa Ranch. Standard conditions 1-11, 13-14, 16-17, & 20-23 and special condition 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: John Morgan
Site Address: 51-188 Kamehameha Hwy.
Ka’a’awa, HI 96730
Brown and Caldwell conducted a field investigation on February 13th, 2008 from 1:00 p.m. until 2:00 pm. with Mr. John Morgan. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 342

State Well No. 3251-01 is located on TMK parcel 5-1-001:001 at 21° 32' 31.0" N, 157° 50' 49.6" W, with a real time accuracy of ±18 feet. Although the well head was overgrown with dense cane grass, its location was visually verified. Water is currently being drawn from the well with an above-ground pump situated in a small pump house near the well head. Underground piping distributes the water to several aquaculture tanks and holding ponds located on the same TMK parcel. Within the pump house, there is evidence of a small water leak resulting in a pool of standing water. However, based upon visual inspection, the leak is quite minimal and does not present a significant form of water waste or water loss. Reference the Appendix for photographs of the previously described system components.

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

There was no evidence of an installed system flowmeter for State Well No. 3251-01. The lack of water use records support the conclusion that the permittee is in violation of Standard Condition (10).

Recommendations

- Update the Commission’s electronic database with the following:
  - Revise source and end use TMK in database to match WUP
  - Change contact to John Morgan @ (808) 748-3222
  - Update/crosscheck with WUP 343 – appears that entries are mixed up in database
  - Create memo field entry noting field investigation on 2/13/08

- Address issue of violation of Standard Condition (10) regarding non-reporting of water use and lack of an installed system flowmeter.
20-Year Water Use Permit Review
Water Use Permit No. 342

APPENDIX

Field Investigation Photographs
Figure 1 – Location of State Well No. 3251-01/

Figure 2 – Pump shed adjacent to well head
Figure 3 – Pump and distribution piping

Figure 4 – Aquaculture tanks (end use)
Figure 5 – Aquaculture ponds (end use)
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (10) are as follows:
   i. The applicant shall keep monthly pumpage estimates to be submitted
      annually to the Commission.
   ii. An approved flowmeter(s) need not be installed to measure monthly
       withdrawals and a monthly record of withdrawals, salinity, temperature, and
       pumping times must be kept and reported to the Commission on Water
       Resource Management on forms provided by the Commission on a yearly
       basis (attached).
   iii. An approved flowmeter(s) must be installed to measure withdrawals and a
        monthly record of withdrawals, water-levels, salinity, and temperature must
        be kept and reported to the Commission on a monthly basis in accordance
        with the Commission’s September 16, 1992 action on reporting
        requirements.
   iv. Approved flowmeters must be installed to measure monthly withdrawals
       and a monthly record of withdrawals must be kept and reported to the
       Commission on Water Resource Management on a monthly basis.
   v. An approved flowmeter(s) must be installed to measure monthly
       withdrawals and a monthly record of withdrawals, salinity, temperature, and
       pumping times must be kept and reported to the Commission on Water
       Resource Management on forms provided by the Commission on a
       quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure water withdrawals
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a
        record of the withdrawals must be kept and reported to the Department of
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 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 conservations, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter
into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period or forfeiture.

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

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

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

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

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

Variations of Standard Condition (20) are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation's Board) or into 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.
Water Use Permit Survey
(please complete one survey form for each WUP)

WUP Number: 342
Well Number(s): 3251-01

Contact Information (of the person who will be present at site visit):
Name: John Morgan
Phone (for phone interview): 748-3222
Fax: 237-8985
Email: jmorgan@kualoa.com
Best time to reach for phone interview: 9:30 AM

Property Information (of the water use/well location):
Address: 51-130 Kamehameha Hwy
City: Kaneohe
Zip: 96730
Well Location TMK (list all if multiple wells present): 5-1-01-001
Water Use TMK (list all if used on multiple lots):

Water Use/Well Information:
Is the water source currently in use? Yes [ ] No [x]
If no, please explain:

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): Artificial ponds and tanks

Is a flow meter installed and working properly? Yes [ ] No [x]
If no, please explain:

Do you submit monthly water use reports to the State? Yes [ ] No [x]
If no, please explain:

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

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

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 333-0226
msmith@brownandcald.com

Received: 12/11/07  Information Updated: 12/11/07  Phone Interview Complete: 2/7/08

For Official Use Only
Phone Interview

WUP Number: 342       Well Number(s): 3251-01

Contact Name: John Morgan       Phone Number: 749-3222

Attempt #1: Date/Time: 2/7/08 (9:40 am)       Result: Reached

Attempt #2: Date/Time: N/A       Result: N/A

Well Location TMK(s): 5-1-001:001

Water Use TMK(s): W machining

Water Source Address: 51-160 Kamehameha Hwy.

City: Ka'a'awa       Zip Code: 96730

Currently using water source?       Yes ☒ No ☐

Notes/Comments: Use for aquaculture ponds/tanks

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

Notes/Comments: ________________________________

How long have you been using this water source?: N/A

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

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

If no, explain: ___________________________________

Scheduled field investigation day/time: 2/13/08 @ 1:00 p.m.

Notes (Special directions, site conditions, potential hazards, general notes, etc.): Located at Kualoa Ranch, call upon arrival for more directions

* To be done in conjunction w/ WUP 3413

Comments To Make:

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

Interviewed By: M.S.       Date: 2/7/08       Time: 9:40 am
**Field Investigation Checklist**

**WUP Number:** __342__  **Well Number(s):** __3251 - 01__

### Water Source
- **Well Location TMK(s):** 5-1-001:001
- **Well Head GPS Coordinates:** Latitude: 21° 32' 31.0" N  Longitude: 157° 50' 49.6" W
- **Well Type:** __Well__
- **Currently using water source?** Yes ☑ No ☐
- **Notes/Comments:**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there a flow meter installed?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the flow meter operational?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes/Comments:</td>
<td></td>
<td></td>
<td>No visible flowmeter &amp; no water reports</td>
</tr>
</tbody>
</table>

### Water Use
- **Water Use TMK(s):** 5-1-001:001

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the water being used for?</td>
<td></td>
<td></td>
<td>___________________________ Use for catfish &amp; aquaculture 5-1-001:001</td>
</tr>
<tr>
<td>Is the water being used within the permitted boundaries?</td>
<td>Yes</td>
<td>No</td>
<td>___________________________</td>
</tr>
<tr>
<td>If no, explain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there any observed wasting of water or water loss?</td>
<td>Yes</td>
<td>No</td>
<td>___________________________</td>
</tr>
<tr>
<td>If no, explain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the permit conditions being complied with?</td>
<td>Yes</td>
<td>No</td>
<td>___________________________ No flowmeter installed, no monthly water use reporting</td>
</tr>
</tbody>
</table>

### Other
- **Photographs of:**
  - Water Source ☑
  - Water Meter ☐
  - Usage Area ☑
  - Pump/Motor ☑
- **General Notes/Comments:** Small leak in pump area, but nothing significant.

**Investigated By:** __M.S.__  **Date:** __2/15/06__  **Time:** __1:00 PM__
Mr. Carl Meier:

Approval of Water Use Permit for Well No. 3251-01
KAHANA Ground Water Management Area, OAHU

This letter transmits your water use permit for TOMASU Well (Well No. 3251-01) for use of 0.288 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 May 18, 1994. As part of the Commission's approval, the following special condition was added and is part of your permit under Standard Permit Condition 20:

Special Condition

1. The applicant may continue this existing use of water within the approved limit, and any delay in the issuance of the permit document shall not be a reason to interrupt the existing use.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

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 KAHANA 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 Rae M. Loui, Deputy Director, at 587-0214.

Aloha,

[Signature]

MICHAEL D. WILSON
Chairperson

Attachments
# GROUND WATER USE PERMIT

**WUP NO. 342**

## PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong> KUALOA RANCH, INC. P.O. BOX 650 KAAAWA, HI 96730</td>
<td><strong>Address</strong> KUALOA RANCH, INC. P.O. BOX 650 KAAAWA, HI 96730</td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Water Management Area</th>
<th>Aquifer Sector</th>
<th>Aquifer System</th>
<th>System Sustainable Yield</th>
<th>Well Name</th>
<th>State Well No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>OAHU</td>
<td>KAHANA</td>
<td>WINDWARD</td>
<td>KAHANA</td>
<td>13 mgd</td>
<td>TOMASU</td>
<td>3251-01</td>
</tr>
</tbody>
</table>

## PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Withdrawal (12 month moving ave.)</th>
<th>Location of water use</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL (based on irrigation for 46 acres of pasture and 4 acres of aquaculture)</td>
<td>0.288 mgd</td>
<td>TMK # 5-1-001: 001 Address 51-188 KAMEHAMEHA HWY</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 applicant 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 ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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 permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use 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 water sources in quantity, quality, or both;
   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 Homes, 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. 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.

11. 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;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR § 13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR § 13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies' permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

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

Applicant's Signature: __________________________ Date: ____________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.
Figure 3 – Pump and distribution piping

Figure 4 – Aquaculture tanks (end use)
Figure 5 – Aquaculture ponds (end use)
Standard Conditions List

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

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

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

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

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

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

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

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

Variations of Standard Condition (8) are as follows:
   i. Modification of any permit condition shall be approved by the Commission. Modification of any permit condition without notification may result in the revocation of the water use permit.
MISSION ON WATER RESOURCE MANAGEMENT

FROM:

DATE: 1/29

SUSPENSE DATE

TO:　INIT.　TO:　INIT.　FOR:　PLEASE:

BAUER, G.　LOUI, R.　Approval　See Me
CHING, F.　NAKAMA, L.　Signature　Review & Comment
FUJII, N.　NAKANO, D.　Information　Take Action
HARDY, R.　OHYE, M.　Type Draft　Type Final
HIGA, D.　SAKODA, E.　File
HIRANO, E.　SUBIA, S.　Xerox ___ copies
ICE, C.　SWANSON, S.　
IMATA, R.　UWAINE, J.　
JINNAI, R.　YODA, K.　
KUNIMURA, I.　

WIP 342 Well no. 3251-01
343 " - 03
NONE " 3251-04 & Violation?

There is however WIP 245 to match/mismatch to Kuroki is land owner. Need to clarify letter.
January 27, 1997

Mr. Rae M. Loui  
Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Loui:

In compliance of key conditions mandated by the Commission upon approval of our water use permits, (well no. 3251-01, 3251-03, 3251-07), the following addresses the request concerning a water shortage plan.

Well no 3251-01, referred to as the Tomasu well, currently provides the only viable source of water for the aquaculture portion of our agribusiness. Should conditions arise warranting the reduction in pumped water, the aquaculture facility has several options, all of which are unfavorable and would lead to lost production or revenue. One option is to construct another pumping system at a high cost and pump directly from the Kaaawa Valley stream. The problem with this is that if a water shortage was indeed impacting the area, the stream probably wouldn’t be flowing or at best not at a level needed to sustain the facility. In addition, when pumping from the stream the facility would be subject to inducing unwanted microorganisms, bacteria and debris, all of which may affect productivity. A second option would be to hook up to the City water course. This, however, would be very expensive due to the quantity of water needed to operate our facility. In essence, our business couldn’t absorb the additional cost and still remain competitive. A third option is to simply reduce flow rates to the ponds for flushing and filling. In the even that a water shortage develops, this would likely be the option we choose to operate under. However, the current draw of 200 GPM is barely enough now to sustain adequate management practices. Flushing is a vital key to productivity and without this component crop yields will suffer dramatically.
Referring to the Saito well, or well no. 3251-03, a water shortage situation would not greatly impact our usage. This well provides water for livestock drinking and is only drawn from on an "as needed" basis to fill tanks and troughs. Should the Commission require a reduction in pumpage, it is something that could be effectively managed.

Well no. 3251-04 is located on ranch property that is leased to another individual. This well serves no purpose to daily ranch functions and should a water crisis develop it would not impact us. The current tenant uses this source only on a limited basis for small scale crop irrigation.

I hope this provides the information you seek in formulating your plan. Should you have further questions, please feel free to contact me.

Sincerely,

[Signature]
Carl Meier
Manager, Diversified Agriculture

CM:kl
1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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.” (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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 permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use 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 water sources in quantity, quality, or both;
   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 Homes, 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. 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.

11. 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;

12. The water use permit shall be subject to the Commission’s periodic review of the applicable aquifer’s sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR § 13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR § 13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies' permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

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

Applicant's Signature: [Signature]
Printed Name: [Printed Name]
Firm or Title: [Ag Mgr]
Date: 1-30-97

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

Attachment
GROUND WATER USE PERMIT
WUP NO. 343

PERMITTEE
Applicant/Water User
KUALOA RANCH, INC.
Address
P.O. BOX 650
KAAAWA, HI 96730

Landowner of Source
KUALOA RANCH, INC.
Address
P.O. BOX 650
KAAAWA, HI 96730

PERMITTED SOURCE INFORMATION
Island
OAHU
Water Management Area
KAHANA
Aquifer Sector
WINDWARD
Aquifer System
KAHANA
System Sustainable Yield
13 mgd
Well Name
SAITO
State Well No.
3251-03

PERMITTED USE INFORMATION
Reasonable beneficial use
AGRICULTURAL (based on irrigation of 50 acres of pasture)
Withdrawal (12 month moving ave.)
0.200 mgd
Location of water use
TMK #
5-1-004: 001
Address
51-188 KAMEHAMEHA HWY
State land use classification
AGRICULTURAL
County zoning classification
AG-2/COUNTRY

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 applicant 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 ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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 174C-101(a), HRS.

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   b. The interim or permanent instream flow standard, as applicable, must be amended.

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

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

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   a. Protect water sources in quantity, quality, or both;
   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 Homes, 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. 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.

11. 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;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR § 13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR § 13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies' permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

__________________________
Michael D. Wilson, 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.

Applicant's Signature: __________________________ Date: 1-30-97

Printed Name: ______________________ Firm or Title: Attachments

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.
MR. CARL MEIER
KUALOA RANCH, INC.
P.O. BOX 650
KAAAWA, HI 96730

Dear Mr. Meier:

Approval of Water Use Permit for Well No. 3251-01
KAHANA Ground Water Management Area, OAHU

This letter transmits your water use permit for TOMASU Well (Well No. 3251-01) for use of 0.288 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 May 18, 1994. As part of the Commission's approval, the following special condition was added and is part of your permit under Standard Permit Condition 20:

Special Condition

1. The applicant may continue this existing use of water within the approved limit, and any delay in the issuance of the permit document shall not be a reason to interrupt the existing use.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

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 KAHANA 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 Rae M. Loui, Deputy Director, at 587-0214.

Aloha,

Michael D. Wilson
Chairperson
GROUND WATER USE PERMIT

WUP NO. 342

PERMITTEE

Applicant/Water User

Address

KUAOLA RANCH, INC.
P.O. BOX 650
KAAAWA, HI 96730

Landowner of Source

Address

KUAOLA RANCH, INC.
P.O. BOX 650
KAAAWA, HI 96730

PERMITTED SOURCE INFORMATION

Island

OAHU

Water Management Area

KAHANA

Aquifer Sector

WINDWARD

Aquifer System

KAHANA

System Sustainable Yield

13 mgd

Well Name

TOMASU

State Well No.

3251-01

PERMITTED USE INFORMATION

Reasonable beneficial use

AGRICULTURAL (based on irrigation for 46 acres of pasture and 4 acres of aquaculture)

Withdrawal (12 month moving ave.)

0.288 mgd

Location of water use

TMK #

5-1-001: 001

Address

51-188 KAMEHAMEHA HWY

State land use classification

AGRICULTURAL

County zoning classification

AG-2/COUNTRY

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 applicant 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 ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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 permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use 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 water sources in quantity, quality, or both;
   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 Homes, 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. 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.

11. 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;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR § 13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR § 13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies’ permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

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

Applicant’s Signature: ___________________________ Date: ___________________________

Printed Name: ___________________________ Firm or Title: ___________________________

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

Attachment
MR. CARL MEIER  
KUALOA RANCH, INC.  
P.O. BOX 650  
KAAAWA, HI 96730

Dear Mr. Meier:

Approval of Water Use Permit for Well No. 3251-03  
KAHANA Ground Water Management Area, OAHU

This letter transmits your water use permit for SAITO Well (Well No. 3251-03) for use of 0.200 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 May 18, 1994. As part of the Commission’s approval, the following special condition was added and is part of your permit under Standard Permit Condition 20:

Special Condition

1. The applicant may continue this existing use of water within the approved limit, and any delay in the issuance of the permit document shall not be a reason to interrupt the existing use.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

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 KAHANA 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 Rae M. Loui, Deputy Director, at 587-0214.

Aloha,

[Signature]

for: MICHAEL D. WILSON  
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 343

PERMITTEE

Applicant/Water User
Address: KUALOA RANCH, INC.
P.O. BOX 650
KAAAWA, HI 96730

Landowner of Source
Address: KUALOA RANCH, INC.
P.O. BOX 650
KAAAWA, HI 96730

PERMITTED SOURCE INFORMATION

Island: OAHU
Water Management Area: KAHANA
Aquifer Sector: WINDWARD
Aquifer System: KAHANA
System Sustainable Yield: 13 mgd
Well Name: SAITO
State Well No.: 3251-03

PERMITTED USE INFORMATION

Reasonable beneficial use: AGRICULTURAL (based on irrigation of 50 acres of pasture)
Withdrawal (12 month moving ave.): 0.200 mgd
Location of water use
TMK #: 5-1-004: 001
Address: 51-188 KAMEHAMEHA HWY
State land use classification: AGRICULTURAL
County zoning classification: AG-2/COUNTRY

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 applicant 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 ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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
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4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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;
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6. The water use permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

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   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;
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10. 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.

11. 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;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
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16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

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18. The water use permit shall be issued only after AG review.

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

---

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

Applicant's Signature: ___________________________ Date: __________________

Printed Name: ___________________________ Firm or Title: ___________________________

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

Attachment
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: ______________________ Phone: ______________________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: [Signature]
Date: 6/10/94
MEMORANDUM

TO: Rae M. Loui, Deputy Director
    Commission on Water Resource Management

FROM: Don Hibbard, Administrator
    Historic Preservation Division

SUBJECT: Application for Water Use Permit, Kahana Ground Water
         Management Area, O'ahu
         Kualoa Ranch, Inc. for Well Nos. 3251-01 and 3251-032
         Kaaawa, Ko'olauloa, O'ahu
         TMK: 5-1-01:001 5-1-04:001

Thank you for the opportunity to review this project. The applicant proposes to use water from existing sources. Since an approved permit will not authorize any ground disturbing activities we believe that there will be "no effect" on historic sites.

EJ:jt
Mr. Carl Meier  
Kualoa Ranch, Ltd.  
P.O. Box 650  
Kaaawa, HI 96730  

Dear Mr. Meier:

Approval of Interim Water Use Permits  
Tomasu and Saito Wells (Well Nos. 3251-01 & 03)  
Kahana Ground Water Management Area, Oahu

On May 18, 1994, the Commission on Water Resource Management (Commission) approved your applications to continue the existing use of the Tomasu Well (Well No. 3251-01) and for a future use of the Saito Well (Well No. 3251-03) to irrigate fifty (50) acres of pasture.

Your existing 12-month moving average use of 0.288 million gallons per day (mgd) of fresh water from the Tomasu Well for pasture irrigation, taro cultivation, and aquacultural uses may be continued without interruption. The permit document requires the approval and signature of the Attorney General and will be issued to you once this process is complete.

Future use of the Saito Well may not exceed 0.200 mgd, on a 12-month moving average basis, and is limited to irrigation use on 50 acres of pasture. Issuance of the signed permit document is conditioned on the submittal of well component elevations and an as-built drawing of the well and pump. Please provide this information prior to any actual use of the well.

Please be sure to read the attached conditions of your interim water use permits. You are required to keep monthly records of your pumpage and to submit this information to the Commission once a month and you must do so on the enclosed water use report form. You should make copies of the enclosed report form as needed.

In addition, you are required to submit a water shortage plan to the Commission. Your water shortage plan should briefly describe what you are willing to do should the Commission declare a water shortage situation in the Kahana 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 input is necessary for the formulation of the Commission’s overall Water Shortage Plan.

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

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director
Chairperson and Members  
Commission on Water Resource Management  
State of Hawaii  
Honolulu, Hawaii  

May 18, 1994

Gentlemen:

Kualoa Ranch, Inc.  
Applications for Water Use Permits  
Kahana Ground Water Management Area, Oahu

Applicant: Kualoa Ranch, Inc.  
Landowner: Same

P.O. Box 650  
Kaaawa, HI 96730

Background

The applicant submitted two completed water use permit applications to the Commission on June 23, 1993. Specific information regarding the source, use, notification, objections, and field investigation(s) are described in Attachment A and the attached exhibits.

Analysis & Issues

Two water use permit applications were filed by Kualoa Ranch, Inc. as follows:

1. The application for the Tomasu Well (Well No. 3251-01) is for an existing use of fresh water from the Kahana Aquifer System for aquaculture, taro cultivation and pasture irrigation. Water flows under artesian pressure approximately 30 feet from the well head to a pipeline where two 3-hp pumps operate continuously. On a weekly basis, about 700-800 lbs. of catfish and 60 lbs. of fresh-water prawns are produced. The catfish are raised in sixteen aquacultural ponds and about 1.45 acres are used for the cultivation of fresh-water prawns.

Most of the runoff water from the catfish ponds is directed to two fields of dry land taro; some of the water is discharged into three prawn ponds. The well also supplies irrigation water for a 50-acre pasture, which is located adjacent to the aquacultural ponds. Water use is not measured. Based on continuous operation at an unverified pump capacity of 200 gpm, the estimated existing use is 288,000 gallons per day (gpd).

2. The Saito Well (Well No. 3251-03) is an unused dug source that is being proposed for irrigation use on a 50-acre pasture. The application is for 216,000 gpd. The field investigation found the well site overgrown with weeds and that the pump may need replacement. The capacity of the current pump is unknown. Although it appeared that the well has not been used for some time, the sprinklers are in place to resume watering.
Although existing uses in the Aquifer System have not been fully established through the water use permitting process, the only other application pending at this time is for existing municipal use by the Honolulu BWS Kahana Wells. This application has been deferred pending the submittal of additional required information. Therefore, the applicant's ability to develop their lands should not be hindered by the Commission policy regarding the processing of new vs. existing water use permits.

By the following analysis, staff finds that this proposed use meets each of the seven (7) criteria set forth in HRS 174C-49(a) Conditions for a permit:

(1) Water availability - Table 1 provides a summary of the current ground water conditions in the Kahana Aquifer System:

**TABLE 1. KAHAHA AQUIFER SYSTEM**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KAHANA AQUIFER SYSTEM (mgd)</th>
<th>12-MAV (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUSTAINABLE YIELD</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Less: Existing Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kualoa Ranch, Inc. (Yamamoto Well)</td>
<td>(0.005)</td>
<td>No Report</td>
</tr>
<tr>
<td>Kahana Valley S.P. (Kahana Artesian)</td>
<td>(0.008)</td>
<td>No Report</td>
</tr>
<tr>
<td>Available Allocation</td>
<td>12.987</td>
<td></td>
</tr>
<tr>
<td>Pending Completed Applications:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kualoa Ranch, Inc. (Tomasu Well)</td>
<td>0.288</td>
<td>0.288</td>
</tr>
<tr>
<td>Kualoa Ranch, Inc. (Saito Well)</td>
<td>0.216</td>
<td>No Use</td>
</tr>
<tr>
<td>Pending Incomplete Applications:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiahole Irr. Co. (Kahana Dev. Tunn)*</td>
<td>3.840</td>
<td>2.371</td>
</tr>
<tr>
<td>Honolulu BWS (Kahana Wells)</td>
<td>0.600</td>
<td>0.566</td>
</tr>
</tbody>
</table>

*Withdrawals by the Kahana Development Tunnel are not included in the sustainable yield for the Kahana Aquifer System.

Table 1 shows that the available water supply is sufficient to accommodate these uses. However, it should be noted that the 1992 Draft of the Oahu Water Management Plan (OWMP) suggests an effective sustainable yield of 0.1 mgd be used for management purposes. Because of the potential for interaction between ground and surface waters in the aquifer system, this estimate is provided to accommodate the current interim instream flow standards and is equal to the 1990 estimate of ground water withdrawals from the aquifer. However, use of the Tomasu well was in existence at the time that the standards were adopted, and should therefore be accommodated by the standard. The Saito well is adjacent to Kaaawa Stream and upgradient from a wetland area. There is no gage on Kaaawa
Stream and streamflow data do not exist for comparative purposes. At present, streamflow effects cannot be established for the Saito Well. However, following their review of these applications, the Division of Aquatic Resources has stated that no effect on instream flows are expected. Because the proposed permits are for a relatively small quantity of water, the cumulative impact of these wells will most likely be unmeasurable. For this reason, staff feels that the available water supply is sufficient to accommodate these uses.

The Honolulu BWS has requested that the total allocation for both wells be 200,000 gpd so that the available supply may be shared with a proposed municipal use by Kaaawa Shaft (Attachment C). No record of the application for the Kaaawa Shaft referenced by their letter is on file.

(2) Reasonable-beneficial - The county guideline and the OWMP do not provide an estimate for pasture irrigation requirement. However, the county guideline suggests that park-like areas on Oahu require about 4,000 gpd. For a 50-acre pasture, this amounts to about 200,000 gpd. Estimates for aquacultural use are difficult to determine, but the water requested for this use is within the range suggested by the Aquacultural Development Corp. Monthly water use reports would be a requirement of any permit granted. The approval of an interim permit for these uses would allow the allocation amounts to be refined based on the actual water usage. These proposed uses are considered beneficial and in the public interest.

(3) Interference with other existing legal uses - The effects on instream uses and flows have been discussed above. No specific objections or comments regarding interference with other existing legal uses have been filed. The permits are subject to reduction should any legal uses be affected.

(4) Public interest - Use of water for the described purposes is considered to be in the public interest.

(5) State & county general plans and land use designations - This proposed use has been shown to be consistent with the state and county general plans and land use designations. No objections to this application were raised following review of this application by other divisions of the State Dept. of Land and Natural Resources and the County Dept. of Planning, Board of Water Supply, and Office of the Mayor.

(6) County land use plans and policies - This proposed use has been shown to be consistent with county land use plans and policies. No objections to this application were raised by the Office of the Mayor, City & County of Honolulu.

(7) Interference with Hawaiian home lands rights - All permits are subject to the prior rights of Hawaiian home lands. The Dept. of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No comments or objections have been raised.
Chairperson and Members  
Commission on Water Resource Management  
May 18, 1994

RECOMMENDATION

Staff recommends:

1. That the Commission approve the issuance of an interim water use permit to Kualoa Ranch, Inc. for the reasonable and beneficial use of 288,000 gallons per day of fresh water from the Tomasu Well (Well No. 3251-01) for aquacultural use, irrigation of a 50-acre pasture, and taro cultivation, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The applicant may continue this existing use of water within the approved limit, and any delay in the issuance of the permit document shall not be a reason to interrupt the existing use.

2. That the Commission approve the issuance of an interim water use permit to Kualoa Ranch, Inc. for the reasonable and beneficial use of 200,000 gallons per day of fresh water from the Saito Well (Well No. 3251-03) for irrigation of a 50-acre pasture, subject to the standard water use permit conditions listed in Attachment B and the following special condition:
   a. The applicant shall submit well component elevations and an as-built drawing of the well prior to the issuance of the permit document.

Respectfully submitted,

[Signature]

for RAE M. LOUI  
Deputy Director

APPROVED FOR SUBMITTAL:

[Signature]  
for KEITH W. AHUE, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:
Kahana System, Windward Sector, Oahu
Sustainable Yield:
13 mgd
Existing Water Use Permits:
0.013 mgd
Available Allocation:
12.987 mgd
Total of other pending allocations:
0.600 mgd

1. WELL:
Tomasu Well (Well No. 3251-01)
Location: 51-188 Kamehameha Hwy, Oahu, TMK:5-1-4:1
Year Drilled: 1896
Casing Diameter: 9 in.
Elevations (msl = 0 ft.):
Water Level:
Ground: 14.4 ft.
Bottom of Solid Casing:
NA ft.
Bottom of Perforated:
NA ft.
Bottom of Open Hole:
-489 ft.
Total Depth: 500 ft.
Grouted Annulus Depth:
Pump Capacity: 200 gpm

2. WELL:
Saito Well (Well No. 3251-03)
Location: 51-188 Kamehameha Hwy, Oahu, TMK:5-1-4:1

No other well information available.

Use Information

1. Tomasu Well (Well No. 3251-01)
Quantity Requested: 288,000 gallons per day.
Existing Type of Water Use: Irrigation, aquaculture, taro cultivation
Place of Water Use: 51-188 Kamehameha Hwy, Kaaawa, HI 96730 at TMK: 5-1-4:1
Reported Water Usage: 288,000 gpd

ATTACHMENT A
2. Saito Well (Well No. 3251-03)
   Quantity Requested: 216,000 gallons per day.
   Proposed Type of Water Use: Irrigation
   Place of Water Use: 51-188 Kamehameha Hwy, Kaaawa, HI 96730 at TMK: 5-1-4:1
   Reported Water Usage:
   Kahana Aquifer System
   Current 12-Month Moving Average Withdrawal: 0.854 gpd
   (7% of SY)

   Nearby Surrounding Wells and Other Registered Ground Water Use

   There are five other wells within a mile of the well (see Exhibit 1). None of these wells
   are in use. Information from the registration program indicates there are possibly 37
   existing wells in the Kahana Aquifer System. Several of these wells have been initially
   field checked but many of the declarants, including the larger users, have not been
   completely field verified. Several are not in use or are rights claims. However, the 1992
   Draft of the OAHU Water Management Plan estimated that the existing withdrawals from
   the Kahana Aquifer System is 0.1 mgd as of 1990.

   Public Notice

   In accordance with HAR § 13-171-17, a public notice was published in the Star-
   Bulletin on February 22, 1994 and March 1, 1994 and copies of the notice were sent to
   the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to
   the County Council and Department of Water Supply. Copies of the completed
   application were sent to the Department of Health, Department of Hawaiian Home Lands,
   Office of Hawaiian Affairs, Aquatic Resources & Historic Preservation Divisions of 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

   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 March 15,
   1994.

   To the best of staff’s knowledge there are no objectors who have property interest
   within the KAHANA Aquifer System or who will be directly and immediately affected by
   the proposed water use. All objections and/or comments to the application have been
   summarized in the previous sections

   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

   The water source and proposed / existing use was investigated on March 16,
   1993. The investigation(s) verified the applicants request for water use permit.
Chairperson and Members
Commission on Water Resource Management

STANDARD WATER USE PERMIT CONDITIONS

1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR §13-171-2).

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 HAR §13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section §13-171-2;
   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 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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 permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use 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 water sources in quantity, quality, or both;
   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 Homes, 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.

ATTACHMENT B
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. 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.

11. 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 the Commission's September 16, 1992 action on reporting requirements;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;

13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR §13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR §13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies' permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR §13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

ATTACHMENT B
March 24, 1994

Mr. Keith Ahue, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Subject: Water Use Permits for Kualoa Ranch Wells No. 3251-01 and No. 3251-03

Thank you for the opportunity to comment on the application for water use permits. Although we are not opposed to permits to use water from these wells, we remind you that we have submitted an application for a water use permit to re-activate our Kaaawa Shaft which is located only a few hundred feet away. For this reason, we request a sharing of the available water and that you allocate no more than a total of 200,000 gallons a day to include both wells, based on their proposed use for pasture irrigation.

The amounts of water requested by Kualoa Ranch for this well and their other well No. 3251-03 are 288,000 and 216,000 gallons per day, respectively. The ranch wells have no verifiable history of being used in these amounts. Well No. 3251-01 is currently being used to supply several homes and home gardens. An aquaculture pond nearby appears to be using stream water. Because of their close proximity to our shaft, adverse interference from the proposed pumpage from these wells may be expected. Water from well No. 3251-01 is of marginal quality for drinking water with chlorides exceeding 260 parts per million in the past.

Very truly yours,

KAZU HAYASHIDA
Manager and Chief Engineer

Pure Water ... man's greatest need - use it wisely
Honorable Keith Ahue, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Water Use Permit Applications
for Kualoa Ranch, Inc.
Well Nos. 3251-01 and 3251-03

Enclosed are comments from the Board of Water Supply (BWS) on the subject applications. They were received after we transmitted the agency comments to you on March 23, 1994.

Should you have any questions, please call Eugene Takahashi of our staff at 527-6022.

Sincerely,

ROBIN FOSTER
Chief Planning Officer

RF: 1h
Attachments
TO: ROBIN FOSTER, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: KAZU HAYASHIDA, MANAGER AND CHIEF ENGINEER
   BOARD OF WATER SUPPLY

SUBJECT: STATE WATER COMMISSION'S LETTER TO MAYOR FASI DATED
   FEBRUARY 14, 1994 ON THE WATER USE PERMIT APPLICATION FOR
   KUALOA RANCH WELL NO. 3251-03

We have the following comment for the Mayor's reply to the Commission on Water
Resource Management on this water use permit. We believe the requested amount of
216,000 gallons per day is excessive for the irrigation of 50 acres of pasture on the
wetter windward side of Oahu. A more reasonable amount would be about 100,000
gallons per day based on Windward golf course irrigation practices.

If you have any questions, please contact Herbert Minakami at 527-6183.

cc: Mayor Frank F. Fasi
March 22, 1994

TO: ROBIN FOSTER, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: KAZU HAYASHIDA, MANAGER AND CHIEF ENGINEER
   BOARD OF WATER SUPPLY

SUBJECT: STATE WATER COMMISSION'S LETTER TO MAYOR FASI DATED
      FEBRUARY 14, 1994 ON THE WATER USE PERMIT FOR KUALOA
      RANCH WELL NO. 3251-01

Thank you for the opportunity to comment on this water use permit. Although we are not opposed to a water use permit to use this well for pasture irrigation, we feel the requested amount of water is too great for irrigation of 50 acres of pasture at this location on windward Oahu. An average use of less than 0.1 mgd is more suitable based on Windward golf course irrigation practices.

If you have any questions, please contact Herbert Minakami at 527-6183.

cc: Mayor Frank F. Fasi
March 23, 1994

Honorable Keith Ahue, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Water Use Permit Applications
for Kualoa Ranch, Inc.
Wells No. 3251-01 and 3251-03

The comments of the Department of Land Utilization (DLU) on the subject applications are attached.

We have reviewed and have no objections to the subject applications if non-potable water is not available for the proposed aquaculture and pasture uses, interim streamflow standards are met, and the quality and quantity of the withdrawn water are not adversely affected.

The comments of the Board of Water Supply will be forwarded when they are available. Should you have any questions, please call Eugene Takahashi of our staff at 527-6022.

Sincerely,

[Signature]
ROBIN FOSTER
Chief Planning Officer

RF: lh
Attachment
March 15, 1994

MEMORANDUM

TO: ROBIN FOSTER, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: DONALD A. CLEGG, DIRECTOR
   DEPARTMENT OF LAND UTILIZATION

SUBJECT: KUALOA RANCH, INC. WATER USE PERMIT APPLICATIONS
         TAX MAP KEYS: 5-1-1: 1 and 4; and 5-1-4: 1

We have reviewed the above referenced material and have the following comments to offer:

1. Parcels identified by Tax Map Keys: 5-1-1: 1 and 4 are located in the Special Management Area, but the proposed water use is not defined as "development" and is therefore, exempt (Section 25-1.3 [2] [H] Chapter 25, Revised Ordinances of Honolulu).

2. The use of non-potable water for irrigation and aquaculture is preferred.

Should you have any questions, please contact Joan Takano of our staff at 527-5038.

Donald A. Clegg
Director of Land Utilization

DAC:jt

g:wateruse.jht
Mr. Keith Ahue, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Subject: Water Use Permits for Kualoa Ranch Wells No. 3251-01 and No. 3251-03

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The amounts of water requested by Kualoa Ranch for this well and their other well No. 3251-03 are 288,000 and 216,000 gallons per day, respectively. The ranch wells have no verifiable history of being used in these amounts. Well No. 3251-01 is currently being used to supply several homes and home gardens. An aquaculture pond nearby appears to be using stream water. Because of their close proximity to our shaft, adverse interference from the proposed pumpage from these wells may be expected. Water from well No. 3251-01 is of marginal quality for drinking water with chlorides exceeding 260 parts per million in the past.

Very truly yours,

KAZU HAYASHIDA  
Manager and Chief Engineer
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: _______________ Phone: _______________
() We have no comments
() We have no objections
() Comments attached
() Additional information requested
() Extended review period requested

Signed: _______________ Date: _______________
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    Land Management
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

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We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: Phone:

We have no comments
We have no objections
Comments attached
Additional information requested
Extended review period requested

Signed: MANABU TAGOMORI
Date: MAR 7 1994
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands
   Dr. John C. Lewin, M.D., Director
   Department of Health
   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs
   Mr. Kazu Hayashida, Manager & Chief Engineer
   Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
   Commission on Water Resource Management

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

Transmitted for your review and comment is a copy of a water use permit
application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application
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1994.

We would appreciate your review of the attached application and please return this
cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: Darrell Yagodich Phone: 586-3837

☐ We have no comments
☐ We have no objections
☐ Comments attached
☐ Additional information requested
☐ Extended review period requested

Signed: [Signature] Date: 3/18/94
FEB 14 1994

MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
    Department of Hawaiian Home Lands

    Dr. John C. Lewin, M.D., Director
    Department of Health

    Mr. Clayton H. W. Hee, Chairperson
    Office of Hawaiian Affairs

    Mr. Kazu Hayashida, Manager & Chief Engineer
    Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
    Commission on Water Resource Management

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: Darrell Yagodich Phone: 586-3837
          Planning Office
          (x) We have no comments
          (x) We have no objections
          (x) Comments attached
          (x) Additional information requested
          (x) Extended review period requested

Signed: Darrell Yagodich Date: 3/18/94
FROM: Eugene Takahashi
DATE: March 16, 1993

FAX NUMBER: 523-4950

TO: CWRM
ATTENTION: Lenore Nakama

FAX NUMBER: 587-0219

SUBJECT: WUP Kuhiwa Ranch Inc

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 2

COMMENTS: OLU comments

If you do not receive legible copies of transmitted pages, please notify our office at # 587-6022 as soon as possible.
March 15, 1994

MEMORANDUM

TO: ROBIN FOSTER, CHIEF PLANNING OFFICER
    PLANNING DEPARTMENT

FROM: DONALD A. CLEGG, DIRECTOR
    DEPARTMENT OF LAND UTILIZATION

SUBJECT: KUALOA RANCH, INC. WATER USE PERMIT APPLICATIONS
    TAX MAP KEYS: 5-1-1: 1 and 4; and 5-1-4: 1

We have reviewed the above referenced material and have the following comments to offer:

1. Parcels identified by Tax Map Keys: 5-1-1: 1 and 4 are located in the Special Management Area, but the proposed water use is not defined as "development" and is therefore, exempt (Section 25-1.2 [2] [H] Chapter 25, Revised Ordinances of Honolulu).

2. The use of non-potable water for irrigation and aquaculture is preferred.

Should you have any questions, please contact Joan Takano of our staff at 527-5038.

[Signature]
DONALD A. CLEGG
Director of Land Utilization

DAC:jt

gr:wateruse.jht
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: _____________________ Phone: _____________________

( ) We have no comments
( ) We have no objections
☑ Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: _____________________ Date: 3/17/94
MEMORANDUM

TO: Rae M. Loui, Deputy Director
    Commission on Water Resource Management

FROM: Henry Sakuda, Administrator
    Division of Aquatic Resources

SUBJECT: Comments on Water Use Permit Application for Kualoa Ranch, Inc. for
         Well No. 3251-07 in the Kahana Ground Water Management Area, Oahu

The application is for an existing well near sea level and adjacent to Kaaawa Stream to
pump approximately 288,000 gallons of fresh water per day for irrigation and aquaculture
purposes. No effect on instream flow is expected. Recent monitoring has shown that postlarvae
of all the inland goby species are recruiting to Kaaawa Stream, with Lentipes concolor (the
species once thought to be extinct on Oahu) outnumbering the other two combined. Added caution
is therefore warranted with regard to any activities which might reduce instream flows.
Because this is an existing well, any reduction of stream flows associated with pumping
probably has already occurred.
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands
   Dr. John C. Lewin, M.D., Director
   Department of Health
   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs
   Mr. Kazu Hayashida, Manager & Chief Engineer
   Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
   Commission on Water Resource Management

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: Luis A. Monique Phone: 586-3860

☐ We have no comments
☐ We have no objections
☐ Comments attached
☐ Additional information requested
☐ Extended review period requested

Signed: June Sale Date: 02/23/94
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands
   Dr. John C. Lewin, M.D., Director
   Department of Health
   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs
   Mr. Kazu Hayashida, Manager & Chief Engineer
   Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
       Commission on Water Resource Management

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: Luis A. Monrique Phone: 586-3760

☒ We have no comments
☐ We have no objections
☐ Comments attached
☐ Additional information requested
☐ Extended review period requested

Signed: Luis A. Monrique Date: 02/23/94
MEMORANDUM

FEB 14 1994

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: ________________ Phone: ____________

( ) We have no comments
( ) We have no objections
☑ Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: [Signature] Date: 2/16/94
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resource Management

FROM: Henry Sakuda, Administrator
Division of Aquatic Resources

SUBJECT: Comments on Water Use Permit Application for Kualoa Ranch, Inc. for Well No. 3251-01 in the Kahana Ground Water Management Area, Oahu

The application is for an existing well near sea level and adjacent to Kaaawa Stream to pump approximately 288,000 gallons of fresh water per day for irrigation and aquaculture purposes. No effect on instream flow is expected. Recent monitoring has shown that postlarvae of all the inland goby species are recruiting to Kaaawa Stream, with Lentipes concolor (the species once thought to be extinct on Oahu) outnumbering the other two combined. Added caution is therefore warranted with regard to any activities which might reduce instream flows. Because this is an existing well, any reduction of stream flows associated with pumping probably has already occurred.
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    Land Management
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

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We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: Phone:
( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date:
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    Land Management
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

From: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: Rae M. Loui
Phone: 587-0218

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ____________________________ Date: 2/18/94
MEMORANDUM

TO: Aquatic Resources
   Forestry and Wildlife/Natural Area Reserve System
   Historic Preservation
   Land Management
   Office of Conservation and Environmental Affairs
   State Parks
   Water and Land Development
   Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

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We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Response: Contact person: Wayne Ching
   Phone: 587-0166

☐ We have no comments
☐ We have no objections
☐ Comments attached
☐ Additional information requested
☐ Extended review period requested

Signed: MICHAEL G. BUCK
   Administrator
   Date: February 15, 1994
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-03. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

February 16, 1994

Response: Contact person: Wayne Ching Phone: 587-0166
(✓) We have no comments
(✓) We have no objections
() Comments attached
(✓) Additional information requested
( ) Extended review period requested

Signed: MICHAEL G. BUCK
Date: February 16, 1994
Administrator
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

LN:ky
Attachments

Response: Contact person: Steve Tagawa Phone: 587-0385

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date: 3/15/92

The subject well is not located within the Conservation District.
Mr. Carl Meier  
Kualoa Ranch, Inc.  
P.O. Box 650  
Kaaawa, Hi  96730

Dear Mr. Meier:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 3251-01 and 3251-03 which will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

Please be aware that there may be objections to your applications. 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 applications with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

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

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ky  
Enclosure
PUBLIC NOTICE

Applications for Water Use Permit
Ground Water Management Areas

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

**Tomasu (Well No. 3251-01)**
- **Applicant:** Kualoa Ranch, Inc.
- **P.O. Box 650**
- **Kaaawa, HI 96730**
- **Date Completed Application Received:** February 3, 1994
- **Aquifer:** Kahana System, Windward Sector, Oahu
- **Well Source:** Tomasu Well, Well No. 3251-01, at 51-188 Kamehameha Hwy., Oahu at Tax Map Key: 5-1-1:1
- **Quantity Requested:** 288,000 gallons per day.
- **Existing Water Use:** Irrigation of 46 acres of pasture, 2 acres of taro, and aquaculture (4 acres of catfish and prawn ponds)
- **Place of Water Use:** 51-188 Kamehameha Hwy., Kaaawa, HI 96730 at Tax Map Key: 5-1-1:1

**Saito (Well No. 3251-03)**
- **Applicant:** Kualoa Ranch, Inc.
- **P.O. Box 650**
- **Kaaawa, HI 96730**
- **Date Completed Application Received:** February 3, 1994
- **Aquifer:** Kahana System, Windward Sector, Oahu
- **Well Source:** Saito Well, Well No. 3251-03, at 51-188 Kamehameha Hwy., Oahu at Tax Map Key: 5-1-4:1
- **Quantity Requested:** 216,000 gallons per day.
- **New Water Use:** Irrigation of 50 acres of pasture
- **Place of Water Use:** 51-188 Kamehameha Hwy., Kaaawa, HI 96730 at Tax Map Key: 5-1-1:1

Written objections or comments on the applications for water use permits 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 permits. Written objections must be received by March 15, 1994. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
KEITH W. AHUE, Chairperson
JOHN P. KEPPELER, Deputy Director

Dated: FEB 10 1994

MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Management
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1, 1994.

We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Response: Contact person: Phone:

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date:
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
    Department of Hawaiian Home Lands

Dr. John C. Lewin, M.D., Director
Department of Health

Mr. Clayton H. W. Hee, Chairperson
Office of Hawaiian Affairs

Mr. Kazu Hayashida, Manager & Chief Engineer
Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
Commission on Water Resource Management

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

Transmitted for your review and comment is a copy of a water use permit
application for Kualoa Ranch, Inc. for Well No. 3251-01. Public notice of this application
will be published in the Honolulu Star Bulletin issues of February 22, 1994 and March 1,
1994.

We would appreciate your review of the attached application and please return this
cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: ______________________ Phone: _____________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ______________________ Date: _____________
Honorable Frank F. Fasi, Mayor  
City & County of Honolulu  
City Hall  
Honolulu, HI 96813  
Attn: Mr. Jeremy Harris  

Dear Mayor Fasi:  

Notice of an Application for a Water Use Permit  
Kahana 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 for the water use permit application for the Kualoa Ranch, Inc. for Well No. 3251-01, 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."  

We have attached a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.  

Very truly yours,  

KEITH W. AHUE  
Chairperson  

Attachment
Mr. Carl Meier
Kualoa Ranch, Inc.
P.O. Box 650
Kaaawa, HI  96730

Dear Mr. Meier:

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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 applications with the Commission within ten (10) days of the filing of an objection.
You, or the other party, must also send a copy of the response to the objector.

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

Sincerely,

RAE M. LOUI
Deputy Director

LN:ky
Enclosure
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    Land Management
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
         Water Use Permit Application
         Kualoa Ranch, Inc. for Well No. 3251-03
         Kahana Ground Water Management Area, Oahu

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

LN:ky
Attachments

Response: Contact person: __________________________ Phone: __________________________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: __________________________ Date: __________________________
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands

   Dr. John C. Lewin, M.D., Director
   Department of Health

   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs

   Mr. Kazu Hayashida, Manager & Chief Engineer
   Honolulu Board of Water Supply

FROM: Keith W. Ahue, Chairperson
       Commission on Water Resource Management

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

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We would appreciate your review of the attached application and please return this cover memo form by March 15, 1994.

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

Attachments

Response: Contact person: ________________ Phone: ________________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ___________________________ Date: ________________
REF: WRM-KY

FEB 14 1994

Honorable Frank F. Fasi, Mayor
City & County of Honolulu
City Hall
Honolulu, HI 96813

Attn: Mr. Jeremy Harris

Dear Mayor Fasi:

Notice of an Application for a Water Use Permit
Kahana 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 for the water use permit application for the Kualoa Ranch, Inc. for Well No. 3251-03, 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."

We have attached a copy of the application for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

Very truly yours,

[Signature]
KEITH W. AHUE
CHAIRPERSON

Attachment
Mr. Carl Meier  
Kualoa Ranch, Inc.  
P.O. Box 650  
Kaaawa, HI 96730  

Dear Mr. Meier:

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

We acknowledge receipt of your water use permit applications for the Tomasu and Saito Wells (Well Nos. 3251-01 & 03), on May 26, 1993. However, you must submit a filing fee of $50.00 payable to the Department of Land and Natural Resources.

Upon receipt of the filing fee, we will continue to process your application and will send you a copy of the public notice and any further information regarding your application status. In addition, we may need to visit and verify your proposed water source and use sites if we have not done so already under our registration program.

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

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:fc
KUALOA RANCH & ACTIVITY CLUB
Kaaawa, Hi 96730

DATE INVOICE NO COMMENT AMOUNT DISCOUNT NET AMOUNT
01/26/94 12694 TOMASU SAITO WELL PERMI 50.00 .00 50.00

CHECK: 001663 01/26/94 DEPT. OF LAND & NATURAL RES. CHK TOTAL: 50.00

KUALOA RANCH & ACTIVITY CLUB
P.O. BOX 650 KAAAWA, HI 96730
(808) 237-8515

FIFTY DOLLARS AND NO CENTS

PAY
TO THE ORDER OF
DEPT. OF LAND & NATURAL RES.
COMMISSION ON WATER RESOURCE MGMT.
P.O. BOX 621
HONOLULU, HI 96801

First Hawaiian Bank
Main Branch
Honolulu, Hawaii
59-101/1213

DATE AMOUNT
01/26/94 50.00

001663 NO.001663

*001663* 121301015: 01111177213

Received 2/3/94
FIELD MEMORANDUM

INSPECTED: JUNE 16, 1993

SEE FILE REF'S: KUALOA RANCH, TOMASU S, YAMAMOTO J.

PRESENT: John Morgan, Manager, Kualoa Ranch
            Carl Meier, Pat Carroll, (at aquaculture site), Kualoa Ranch
            Susan Swanson, CWRM

SOURCES: 1) TOMASU WELL, # 3251-01 - An artesian 9" cased well with two 3 hp booster
          pumps. The water is used for aquaculture and taro cultivation. GWMZ permit
          application by Kualoa Ranch requests 288,000 gpd.

          2) SAITO WELL, # 3251-03 - Unused source, GWMZ permit application by Kualoa
             Ranch requests 216,000 gpd.

          3) YAMAMOTO DUG WELL, # 3351-04 - 3 hp pump with 3 hp booster operates 4 - 7
             hours twice per week to irrigate two acres of papaya. GWMZ permit application filed
             requesting 4,000 gpd.

          4) KAAAWA SPRING DIVERSION, DIV. # 3250-02, used for cattle drinking water to fill
             10,000 gallon tank.

          5) KAAAWA INSTREAM USE -- Cattle drink directly from stream.

LOCATION: Kaaawa, Oahu TMK: 5-1-1:1

FIELD NOTES: Most of the sources on Kualoa Ranch land have already been inspected for the Water
Use Declaration Program. Because the Windward area has been declared a Ground Water Management Zone,
GWMZ permit applications have been filed for Tomasu, Saito and Yamamoto Wells. This memo describes the
five remaining sources to be inspected: Tomasu Well (3251-01); Saito Well (Well # 3251-03), Yamamoto
Well (Well # 3351-04), Kaaawa Spring Diversion Dam (Div. # 3250-02 ) and Kaaawa instream uses.

During the inspection, Carl Meier mentioned that they also withdraw water from Kaaawa Stream on an
occasional basis to fill the 2,000 gallon tank in the "upper Kaaawa pasture." The use is described with the
section entitled, Kaaawa Instream, because they withdraw water from the same general area the cattle drink
from when they are in the "lower pasture." Kualoa Ranch no longer owns a sixth well, # 3351-03. I asked
Mr. Morgan to send our office a brief letter documenting that for our records.

In addition to the water use declarations that Kualoa Ranch had filed, some of the lessees (the water users)
also filed declarations for the same sources. Mr. Shizuo Tomasu, (File Ref: TOMASU S) filed a water use
declaration for a spring (cased Well # 3251-01). Mr. Jiro Yamamoto (File Ref. YAMAMOTO J) filed a water
use declaration for Well # 3351-04, a dug well.
Kualoa Ranch follows a practice of "high intensive grazing", a management technique to maximize using the available grasslands. The number of beef cattle Kualoa Ranch keeps at one time varies between 800 to 1200, in addition to horses and goats. Perhaps 350 cattle would be confined to an area smaller than 50 acres, called a cell, for periods of one or two weeks, then they would be moved to the next pasture. If the cattle were in a large area, the cattle would be selective, only eating the best grasses, using the resource unevenly. If the cattle are in a smaller pasture, they graze the area more uniformly. After cycling through all the available pastures, the cattle are moved to the original pasture. This cycle of intensive grazing and moving to the next pasture, goes on throughout the year. Carl Meier estimated that each head of cattle consumes about 45 gallons per day.

I met John Morgan and Carl Meier at Kualoa Ranch at 11 am on June 16, 1993 to inspect the remaining sources on Kualoa Ranch property. During the field inspection, Mr. Morgan was called back to his office so Carl Meier accompanied me on the rest of the field inspection. The field inspection was complete at approximately 3 pm. The following pages and photographs document the five sources mentioned above. Copies of pertinent materials will be included to the appropriate water use declaration files and/or well file.
FIELD INSPECTION INFORMATION CHECKLIST

TOMASU WELL  # 3251-01

PART I: USE OF WATER  Declarant's File Reference: KUALOA RANCH

1. Tax Map Key where the water is used: TMK 5-1-4:1

   Does the declarant own this land?  YES

2. What is the water used for? Aquaculture: 15 Chinese catfish ponds, one pond Channel catfish, 1.45 acres of fresh water prawns, 2 fields of taro, irrigation of 50 acres of pasture, also Shimizu Tomasu's small garden. The ranch produces 700-800 lbs of catfish per week; 60 lbs of prawns per week.

3. Is the quantity of water use being measured?  NO

4. If this person takes from a multi-user pipe or ditch system? NO

PART II: WATER SOURCE  Well Name: Tomasu Well, # 3251-01

1. Where does the water come from/what kind of source is this? 9' cased artesian well, dating back to early 1900’s.

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs.

   How is the water taken?  Water flows approx. 30' from well head to pipeline where two 3 - hp pumps operate 24 hours/day.

   What is the capacity for taking (gpm)?  unknown, estimated by John Morgan at 200 gpm/24 hours day.

   How often is it taken (used)?  24 hour/day

3. Tax Map Key at the source:  TMK: 5-1-4:1

   Determine declarant's relation to source.

   Does the declarant:
   1) Operate and maintain the source?  YES
   2) Own the land at the source?  YES
   3) Use the water from this source?  YES
   4) Own the land where the water is being used?  YES

4. Does any one else also use water from this source?  No

Comments:  The pumpage from the well is split between the prawn ponds and the catfish ponds. Waste
A small amount of water is continuously flowing through 2" diameter pipes into the Chinese catfish tanks. Fifteen 18’ diameter tanks by 3’6" high are filled with approximately 18 inches of water and contain numerous 12”- 15” Chinese catfish.

The Chinese catfish are marketed at Filipino markets when they reach 1/2 lb. They estimate that it takes 8-9 months to grow a catfish from spawning to 1/2 lb size. They harvest 700-800 lbs of catfish per week.

Runoff water from the prawn ponds flows into a pond to the south in a natural low area. Kualoa Ranch has stocked the pond with channel catfish. When the fish are large enough Kualoa Ranch is planning to offer public fishing for a fee.

John Morgan estimated the output of the well at 200 gpm. No meter is installed on the well. The flow, being artesian, probably varies with the height of the water table. Paul Haraguchi has recently requested pumpage estimates for this well from Kualoa Ranch. Kualoa Ranch's GWMZ permit application listed the water as nonpotable. In the well registry, the major use of the well was listed as irrigation, with a maximum chlorides 241 mg/l.
Tomasu Well, # 3251-01

An artesian 9" cased well with two 3hp booster pumps. The water is used 24 hours/day to raise channel and Chinese catfish, fresh water prawns and taro.

See Photos # 1 - 13

I inspected Tomasu Well, # 3251-01, on Kaaawa Valley Road on 6/16/93 at approx. 11:30 am. I was accompanied by John Morgan, Kualoa Ranch Manager, and Carl Meier, a employee of Kualoa Ranch. Kualoa Ranch filed water use declarations for "Tomasu Well" and Well 3251-01. After field inspecting the well, it became apparent that Kualoa Ranch had filed two declarations for the same well. Mr. Shimizu Tomasu, one of Kualoa Ranch's lessees also filed a water use declaration in 1989.

The well is located beside Shimizu Tomasu's home. I had met Mr. Shimizu Tomasu eight months earlier when I had inspected the stream diversion that irrigates his brother, Bob Tomasu's, papaya farm. I asked him several questions about the well, but evidently he was unable to hear or understand me. He is 92 years old.

Mr. Tomasu's personal use of the well water is minimal. He irrigates a small garden patch alongside his house. His access to the well water comes from a faucet and garden hose extending from the pump house into a porcelain sink. The water was continuous running into the sink and into the small fishpond. He has several taro plants, onions and flowers bordering the house.

The well is an artesian well, with a 9" diameter casing that is capped and reduced to a 4" outflow pipe. The water flows through a canister-shaped filter to the pumphouse approx. 30' away with two 3 hp pumps that are both used 24 hours/day. I photographed the well twice within eight months. During that time, the second 3 hp pump was installed in the pumphouse to run simultaneously with the previous 3 hp pump. The older pump is a Baldor, 3 hp electric pump, serial # 13537 with a 2" outflow pipe.

Ed Sakoda, of CWRM staff, said that while a permit is required to install a pump on the well head, that an artesian well, with pumps 20-30' away from the well head, might be more of a "booster pump". In any case, no pump installation permit was submitted to install the 2nd 3 hp pump.

In the GWMZ permit application filed in May 1993, Kualoa Ranch stated that the water is used for "50 acres of pasture, aquaculture, prawns." They are requesting 288,000 gallons per day which works out to 200 gpm, 24 hours/day.

Most of the water from Tomasu well is used approx. 1/3 mile on a hillside to the southeast in Kualoa Ranch's aquaculture business. They raise Chinese and Channel Catfish, prawns and taro. The water flows approx 1/3 mile from Tomasu Well, where some is diverted to the prawn ponds and the rest of the water flows into the catfish tanks. Runoff from the catfish tanks flows into two fields of dry land taro, some flows into three prawn ponds. Two of the ponds are .6 acre, the other pond is .25 acre in size. A fully stocked prawn pond was estimated to hold 600,000 prawns. Paddle wheels float in the pond to aerate the water. Water is constantly flowing into the prawn ponds, it also aerates the water. They estimate that it takes 12 months to grow a prawn to harvesting size. Kualoa Ranch harvests about 60 lbs of prawns per week. We looked at the chinese catfish, taro, prawn and channel catfish operations.

There is pasture around the catfish tanks with a dozen or so goats grazing to keep down the grass. The goats no doubt drink water from Tomasu well. Kualoa Ranch moves cattle each week from one pasture to the next. Mr. Meier stated in a phone conversation that the 50 acres of pasture irrigated by this well is adjacent to the aquaculture area and there may be some overlap in acreage with the 50 acres pasture irrigation requested for Saito Well. In other areas of the ranch, they irrigate as much pasture acreage as there is leftover water available to irrigate with.
FIELD MEMORANDUM

INSPECTED: JUNE 16, 1993
SEE FILE REF'S: KUALOA RANCH, TOMASU S, YAMAMOTO J.
PRESIDENT:
John Morgan, Manager, Kualoa Ranch
Carl Meier, Pat Carroll (@ aquaculture site), Kualoa Ranch
Susan Swanson, CWRM

SOURCES:
1) TOMASU WELL, # 3251-01 - An artesian 9" cased well with two 3 hp booster pumps. The water is used for aquaculture and taro cultivation. GWMZ permit application by Kualoa Ranch requests 288,000 gpd.
2) SAITO WELL, # 3251-03, - Unused source, GWMZ permit application by Kualoa Ranch requests 216,000 gpd.
3) YAMAMOTO DUG WELL, # 3351-04 - 3 hp pump with 3 hp booster operates 4 - 7 hours twice per week to irrigate two acres of papaya. GWMZ permit application filed requesting 4,000 gpd.
4) KAAAWA SPRING DIVERSION, DIV. # 3250-02, used for cattle drinking water to fill 10,000 gallon tank.
5) KAAAWA INSTREAM USE -- Cattle drink directly from stream.

LOCATION: Kaaawa, Oahu TMK: 5-1-1:1

FIELD NOTES: Most of the sources on Kualoa Ranch land have already been inspected for the Water Use Declaration Program. Because the Windward area has been declared a Ground Water Management Zone, GWMZ permit applications have been filed for Tomasu, Saito and Yamamoto Wells. This memo describes the five remaining sources to be inspected: Tomasu Well (3251-01); Saito Well (Well # 3251-03), Yamamoto Well (Well # 3351-04), Kaaawa Spring Diversion Dam (Div. # 3250-02 ) and Kaaawa instream uses.

During the inspection, Carl Meier mentioned that they also withdraw water from Kaaawa Stream on an occasional basis to fill the 2,000 gallon tank in the "upper Kaaawa pasture." The use is described with the section entitled, Kaaawa Instream, because they withdraw water from the same general area the cattle drink from when they are in the "lower pasture." Kualoa Ranch no longer owns a sixth well, # 3351-03. I asked Mr. Morgan to send our office a brief letter documenting that for our records.

In addition to the water use declarations that Kualoa Ranch had filed, some of the lessees (the water users) also filed declarations for the same sources. Mr. Shizuo Tomasu, (File Ref: TOMASU S) filed a water use declaration for a spring (cased Well # 3251-01). Mr. Jiro Yamamoto (File Ref. YAMAMOTO J) filed a water use declaration for Well # 3351-04, a dug well.
Kualoa Ranch follows a practice of "high intensive grazing", a management technique to maximize using the available grasslands. The number of beef cattle Kualoa Ranch keeps at one time varies between 800 to 1200, in addition to horses and goats. Perhaps 350 cattle would be confined to an area smaller than 50 acres, called a cell, for periods of one or two weeks, then they would be moved to the next pasture. If the cattle were in a large area, the cattle would be selective, only eating the best grasses, using the resource unevenly. If the cattle are in a smaller pasture, they graze the area more uniformly. After cycling through all the available pastures, the cattle are moved to the original pasture. This cycle of intensive grazing and moving to the next pasture, goes on throughout the year. Carl Meier estimated that each head of cattle consumes about 45 gallons per day.

I met John Morgan and Carl Meier at Kualoa Ranch at 11 am on June 16, 1993 to inspect the remaining sources on Kualoa Ranch property. During the field inspection, Mr. Morgan was called back to his office so Carl Meier accompanied me on the rest of the field inspection. The field inspection was complete at approximately 3 pm. The following pages and photographs document the five sources mentioned above. Copies of pertinent materials will be included to the appropriate water use declaration files and/or well file.
FIELD INSPECTION INFORMATION CHECKLIST

SAITO WELL # 3251-03

PART I: USE OF WATER

Declarant’s File Reference: KUALOA RANCH

1. Tax Map Key where the water is used: TMK 5-1-1:1

   Does the declarant own this land? YES

2. What is the water used for? NO CURRENT USE. A REQUEST HAS BEEN MADE FOR 216,000 GALLONS/DAY FOR IRRIGATION OF 50 ACRES OF PASTURE.

3. Is the quantity of water use being measured? NO

4. If this person takes from a multi-user pipe or ditch system? NO

PART II: WATER SOURCE

Saito Dug Well State Well # 3251-03

1. Where does the water come from/what kind of source is this? 6’ diameter dug well—the water level is at least 20’ below the ground surface. The dug well is enclosed in a barbed wire enclosure.

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs.

   How is the water taken? No current use from this source. On Kualoa Ranch, the cattle are rotated between the various pastures, returning to the same pasture every six or more weeks. They graze there for a week and then are moved to other fields to avoid overgrazing.

   What is the capacity for taking (gpm)? unknown

   How often is it taken (used)? currently not used.

3. Tax Map Key at the source: TMK: 5-1-1:1

   Determine declarant’s relation to source.

   Does the declarant:
   1) Operate and maintain the source? well not used for a long time. Pump may need to be replaced, weeds overgrown over dug well.
   2) Own the land at the source? yes
   3) Use the water from this source? No
   4) Own the land where the water is being used? YES

4. Does any one else also use water from this source? No

Verified By: Susan Swanson  Date of Inspection: June 16, 1993
SAITO WELL, # 3251-03

SAITO DUG WELL is an unused dug well. A 4" intake from GORMAN RUPP/WISCONSIN PUMP (possibly 3 hp) is located in a pumphouse near the well.

See Photos # 1 - 4

Our inspection was on June 16, 1993. Saito well is a six foot diameter rock-lined dug well, overgrown with weeds, located in a fenced enclosure in a pasture. We removed some of the weeds obstructing the dug well to take photographs. The water level was at least 20' feet below the top of the well.

Inside the pumphouse, is a Gorman Rupp/Wisconsin pump (possible 3 hp) gasoline-powered pump. A 4" flexible intake hose is reduced to a 3" outflow pipe which runs underground to the sprinkler system.

Mr. Meier said they had irrigated pasture from this well in the past and expected to use it again. The sprinklers are in place to resume watering. A herd of 350 cattle graze in other pastures further up the valley, each head of cattle needs at least 45 gallons per day of drinking water.

Kualoa Ranch requested 216,000 gpd in their GWMZ permit application to irrigate 50 acres. I questioned Carl Meier about this because he had mentioned earlier that they would like to irrigate 150 acres. He said that while they would like to irrigate as much as possible, but, does not know how much water is actually available from this source. Mr. Meier suggested that 50 acres might be a more realistic estimate.

Kualoa Ranch's GWMZ permit application requests water for an "existing use". From the appearance of the well and pump, this well does not appear to have been used for some time.
May 24, 1993

Mr. Roy Hardy
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Hardy:

In accordance with the Ground Water Management Area Designations for Windward Oahu, attached are two applications for ground water use permits for Kualoa Ranch Inc.

Sincerely,

John Morgan
President

Attached
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
Firm/Name: Kualoa Ranch Inc.
Contact Person: Carl Meier Ph: 237-8519
Address: 650 Box 650
KAAAWA, HI 96730
(b) LANDOWNER
Firm/Name: Kualoa Ranch Inc.
Contact Person: John Morgan Ph: 237-8529
Address: R.O. Box 650
KAAAWA, HI 96730

2. WATER MANAGEMENT AREA: Kualoa - KAAAWA (N) ISLAND: OAHU

3. (a) EXISTING SOURCE NAME AND STATE NUMBER: S251-01
(Tell or stream diversion name/number)

4. SOURCE LOCATION: Address 51-188 Kam Hwy KAAAWA HI 96730
(Tax Map Key 51-1011)
(Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

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

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
(a) Address 51-188 Kam Hwy KAAAWA HI 96730
(Tax Map Key 51-1011)
(b) Land Use District (check one): □ Urban □ Agriculture □ Conservation □ Rural
(c) County Zoning (describe): H-20 COUNTRY

8. QUANTITY OF WATER REQUESTED: 288,000 gallons per day

9. METHOD OF MEASUREMENT: □ Flowmeter □ Open-pipe □ Weir □ Office □ Other (explain)

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

11. PROPOSED USE: □ Municipal (including hotels, stores, etc.) □ Domestic (individual, noncommercial, etc.) □ Irrigation Pasture
□ Industrial □ Military □ Other (explain) AGRICULTURE

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain): None

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: 50 PASTURE (acres) (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: By Request (indicate month of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
(a) Impact on Sustainable yield (?): No Effect
(b) Permanent or Intermittent Instream Flow Standards affected (?): No
(c) Hawaiian Home Land uses affected (?): No
(d) Other existing legal uses affected (?): No
(e) Other:

16. REMARKS, EXPLANATIONS:

NOTES: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, a permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that, upon permit approval, a water shortage plan must be submitted and the Commission reserves one.
APPLICATION FOR WATER USE PERMIT

PERMITTEE INFORMATION
1. (a) APPLICANT
   Firm/Name: Kula'oa Ranch, Inc.
   Contact Person: Carl McIlvaine, 937-8559
   Address: P.O. Box 650, Kula, Maui, 96730

2. (b) LANDOWNER OF SOURCE
   Firm/Name: Kula'oa Ranch, Inc.
   Contact Person: John Morgan, 937-8559
   Address: P.O. Box 650, Kula, Maui, 96730

SOURCE INFORMATION
3. WATER MANAGEMENT AREA: Kula'oa
   ISLAND: MAUI

4. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: 265-03
   ISLAND: MAUI

5. (b) PROPOSED (NEW) WELL/DIVERSION NAME:

(c) LOCATION: Address 57-138 Kam Hwy Kanahua, Wailuku, Maui, 96730
   Tax Map Key: 5-1-4 (Attach a USGS map, scale 1" = 2000', and a property tax map showing source location referenced to established property boundaries)

USE INFORMATION
6. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Proposed use of water is: [ ] Existing [ ] New [ ] Both existing & new uses
   (b) Tax Map Key: 5-1-4 [ ] If location of use is over multiple TMKs, please complete Table 1 on back of application
   (c) Address: 57-138 Kam Hwy Kanahua, Wailuku, Maui, 96730
   (d) Current Land Use District (check one):
   [ ] Urban [ ] Agriculture [ ] Conservation [ ] Rural
   (e) Current County Zoning Code: MA-2 "County"

7. QUANTITY OF WATER REQUESTED: 216,000 gallons per day

8. METHOD OF MEASUREMENT: [ ] Flowmeter [ ] Open-pipe [ ] Weir [ ] Office [ ] Other (explain)

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

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

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: None

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: 50 PASTURE

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24/7 (daytime hours of operation, 6 a.m. to 2 p.m.)

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:
    (a) Impact on Sustainable yield (?): NO EFFECT
    (b) Instream Flow Standards affected (?): NO
    (c) Hawaiian Home Lands use affected (?): NO
    (d) Other existing legal uses affected (?): NO
    (e) Other (pending permits, EIS, etc.)(?)

15. REMARKS, EXPLANATIONS:

NOTE: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, a permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that, upon permit approval, a water shortage plan must be submitted should the Commission require one.

Applicant (print) Kula'oa Ranch, Inc. Landowner (print) Kula'oa Ranch, Inc.
Signature ______________________________ Signature ______________________________
Date 5/24/93 Date 5/24/93

For Official Use Only:
Date Received ____________________________ Date Accepted ____________________________
Hydrologic Unit No. ____________________________ Diversion Works No. ____________________________
State Well No. ____________________________

*completed with by phone call to John Morgan 6/23/93
20-Year Water Use Permit Review
Water Use Permit No. 343

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 3251-03

Figure 2 – Old well pump
Figure 3 - Distribution pipe into irrigation system

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

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

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

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

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

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

**Variations of Standard Condition (20) are as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use.

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143. Proposed other uses will be considered at a later date.
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 345 Well Number(s): 325-1-05

Contact Information (of the person who will be present at site visit):
Name: John Morgan
Phone (for phone interview): 265-3232 Fax: 237-8725
Email: jmorgan@kualoa.com
Best time to reach for phone interview: 9:30 AM

Property Information (of the water use/well location):
Address: 57-185 Kekuu Hwy
City: Kaneohe Zip: 96740
Well Location TMK (list all if multiple wells present): 57-04:001
Water Use TMK (list all if used on multiple lots):

Water Use/Well Information:
Is the water source currently in use? Yes [ ] No [X]
If no, please explain: It has been raining and we do not need to recycle our pastures at this time.

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): Trajectories pastures for livestock

Is a flow meter installed and working properly? Yes [ ] No [X]
If no, please explain:

Do you submit monthly water use reports to the State? Yes [ ] No [X]
If no, please explain:

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

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

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2561
Fax: (808) 533-0226
mcsmith@browncald.com

For Official Use Only
Received: 12/11/07 Information Updated: 12/11/07 Phone Interview Complete: 2/4/08

Notes/Comments: ____________________________
**Phone Interview**

**WUP Number:** 342  
**Well Number(s):** 3251-03

**Contact Name:** John Morgan  
**Phone Number:** 748-3222

**Attempt #1:**  
- Date/Time: 2/17/08 (9:40 am)  
- Result: Reached

**Attempt #2:**  
- Date/Time: N/A  
- Result: N/A

**Well Location TMK(s):** S-1-004.001  
**Water Use TMK(s):** Various

**Water Source Address:** 51-186 Kamehameha Hwy.  
**City:** Kaaawa  
**Zip Code:** 96730

**Currently using water source?**  
- Yes [ ]  
- No [ ]

**Notes/Comments:** Use for irrigation of pastures and livestock.

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**How often is the water source being used?**  
- Daily [ ]  
- Weekly [X]  
- Monthly [ ]

**Notes/Comments:** Used more during dry season and less during the rainy months.

---

**How long have you been using this water source?**

**Has there been any rezoning of the water source/water use properties?**  
- Yes [ ]  
- No [X]

**Have you reported the rezoning to the State?**  
- Yes [ ]  
- No [ ]  
- N/A [X]

**If no, explain:**

---

**Scheduled field investigation day/time:** 2/17/08 @ 1:00 p.m.

**Notes (Special directions, site conditions, potential hazards, general notes, etc.):** Located at Kualoa Ranch; call when arriving

- To be done in conjunction w/ WUP 341Z

---

**Comments To Make:**

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

**Interviewed By:** MS  
**Date:** 2/17/08  
**Time:** 9:40 am
### Field Investigation Checklist

**WUP Number:** 343  
**Well Number(s):** 3251-03

#### Water Source

<table>
<thead>
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<th>Field</th>
<th>Value</th>
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<tbody>
<tr>
<td>Well Location TMK(s):</td>
<td>5-1-024:001</td>
</tr>
<tr>
<td>Well Head GPS Coordinates:</td>
<td>Latitude: 21°32'18.2&quot;N  Longitude: 107°50'51.2&quot;W</td>
</tr>
<tr>
<td>Well Type:</td>
<td>Dug Well</td>
</tr>
</tbody>
</table>

Currently using water source?  
Yes ☐  No ☒

Is there a flow meter installed?  
Yes ☐  No ☒

Is the flow meter operational?  
Yes ☐  No ☒

**Notes/Comments:** Not in use

#### Water Use

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Use TMK(s):</td>
<td>5-1-024:001  5-1-001:001</td>
</tr>
</tbody>
</table>

What is the water being used for?  
Irrigation of corn fields  Irrigation of pasture for livestock

Is the water being used within the permitted boundaries?  
Yes ☐  No ☒

If no, explain: N/A - None in use

Is there any observed wasting of water or water loss?  
Yes ☐  No ☒

If no, explain:  

Are the permit conditions being complied with?  
Yes ☐  No ☒

If no, explain:  

**Other**

<table>
<thead>
<tr>
<th>Photographs of:</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Source</td>
<td>☒</td>
</tr>
<tr>
<td>Water Meter</td>
<td>☐</td>
</tr>
<tr>
<td>Usage Area</td>
<td>☒</td>
</tr>
<tr>
<td>Pump/Motor</td>
<td>☒</td>
</tr>
</tbody>
</table>

**General Notes/Comments:** Water source not currently in use. Permittee has expressed that they want to add on to water rights for future use.

---

**Investigated By:** M.S.  
**Date:** 2/13/08  
**Time:** 1:00 pm
Mr. Carl Meier  
Kualoa Ranch, Inc.  
P.O. Box 650  
Kaaawa, HI 96730

Dear Mr. Meier:

Approval of Water Use Permit for Well No. 3251-03  
KAHANA Ground Water Management Area, OAHU

This letter transmits your water use permit for SAITO Well (Well No. 3251-03) for use of 0.200 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 May 18, 1994. As part of the Commission’s approval, the following special condition was added and is part of your permit under Standard Permit Condition 20:

**Special Condition**

1. The applicant may continue this existing use of water within the approved limit, and any delay in the issuance of the permit document shall not be a reason to interrupt the existing use.

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. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

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 KAHANA 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 Rae M. Loui, Deputy Director, at 587-0214.

Aloha,

Michael D. Wilson  
Chairperson

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

GROUND WATER USE PERMIT  
WUP NO. 343

PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>KUALOA RANCH, INC.</td>
<td>KUALOA RANCH, INC.</td>
</tr>
<tr>
<td>P.O. BOX 650</td>
<td>P.O. BOX 650</td>
</tr>
<tr>
<td>KAAAWA, HI 96730</td>
<td>KAAAWA, HI 96730</td>
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</tbody>
</table>

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
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<tbody>
<tr>
<td>Water Management Area</td>
<td>KAHANA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>WINDWARD</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>KAHANA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>13 mgd</td>
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<tr>
<td>Well Name</td>
<td>SAITO</td>
</tr>
<tr>
<td>State Well No.</td>
<td>3251-03</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>AGRICULTURAL (based on irrigation of 50 acres of pasture)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.200 mgd</td>
</tr>
</tbody>
</table>

Location of water use

<table>
<thead>
<tr>
<th>TMK #</th>
<th>5-1-004: 001</th>
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</thead>
<tbody>
<tr>
<td>Address</td>
<td>51-188 KAMEHAMEHA HWY</td>
</tr>
<tr>
<td>State land use classification</td>
<td>AGRICULTURAL</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>AG-2/COUNTRY</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 applicant 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 ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. 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." (HAR § 13-171-2)

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 HAR § 13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section § 13-171-2;
   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 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards or policies as determined by the Commission. 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 permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its May 18, 1994 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use 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 water sources in quantity, quality, or both;
   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 Homes, 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. 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.

11. 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;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAHANA Aquifer System, or relevant modified aquifer, is reduced;
13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR § 13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR § 13-171-25. 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.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall comply with all applicable laws, rules, ordinances, and other agencies' permits and conditions pertaining to water use or the water resource.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of the permit to assist the Commission in fulfilling 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 KAHANA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

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

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

Applicant's Signature: ___________________________ Date: ______________

Printed Name: ___________________________ Firm or Title: ___________________________

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

Attachment
ITEM 3 DEFERRAL - EXTENSION OF TEMPORARY WATER USE PERMITS, WELL CONSTRUCTION/PUMP INSTALLATION AND WATER USE PERMIT APPLICATIONS, EWA CAPROCK GROUND WATER MANAGEMENT AREA, OAHU

Campbell Estate - (2005-08)
State of Hawaii, Housing Finance & Development Corp. - (2003-01 to 05)
Hawaii Prince Golf Club - (1900-02, 17 to 20, 1901-03)
Gentry Pacific, Ltd. - (2001-03, 07, 08, & 2002-12)
Gentry Development Co. - (2001-04 & 05, 2001-09)
City and County of Honolulu, Dept. of Housing & Community Development - (2002-13 & 2102-23)

Mr. Ing asked to be excused from participating on this item since his law firm represents one of the applicants.

Ms. Nakama said that currently there is no established network for collecting data to assess the current/future trends in the water availability but monitoring will be started shortly. Staff had anticipated that the applicants would on their own initiative collect additional data that would go into models that are being developed which would help to better understand the resource. To date, none of the applicants have generated additional data.

Ms. Nakama also corrected the last recommendation to read as "7" instead of another "6".

Mr. Cox expressed concern on:

1) Lack of data which he and Dr. Lewin had requested last year as part of the condition.

2) Missing information on the chlorides in the water data submitted.

Ms. Donna Goth of Campbell Estate explained that the data generation and participation was not possible because the wells are currently under construction, including the monitoring well. They are expected to be completed at the end of this year and as soon as data are generated, they will be submitted. In regards to the up-dated four-year projections, they do not anticipate an increase over their current allocation.

Mr. Tom Nance, representing Gentry, Ltd., submitted testimony (see file). He stated that the deferral was a surprise since monthly water reports (although the water levels were not submitted, that could be done), alternate source plan, conservation plan, and up-dated four-year projections have been submitted.

Mr. Nance requested that the 30-day period for submittal of information be extended to a 60-day period. Ms. Loui said that staff needs time to analyze data before the submittals are finalized and presented for Commission action. Mr. Cox agreed that the 30-day period should be kept.

Mr. Cox asked what would be done in regards to the water shortage plan. Ms. Nakama stated that staff would be approaching users for the information.

Unanimously approved 1) with the understanding that the applicants will cooperate with staff to get more information on the resource and 2) with the correction of the numbering in the conditions (Nakata/Cox).
ITEM 4  KUALOA RANCH, INC., APPLICATIONS FOR WATER USE PERMITS, KAHANA GROUND WATER MANAGEMENT AREA (3251-01 & 03), OAHU

Mr. Cox recalled that the Board of Water Supply (BWS) had stated they had submitted an application for this water and asked if staff had followed up on this. Ms. Nakama replied that there was no application from BWS in the file. Mr. Chester Lao from BWS stated that he did not recall an application but would check at their office and get back to staff.

Unanimously approved (Cox/Ing).

ITEM 5  CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, CONSTRUCTION OF A REINFORCED CONCRETE LINING, KAPUNAHALA STREAM, KANEHOE

Unanimously approved (Cox/Nakata).

ITEM 6  KAUPULEHU LAND COMPANY, APPLICATION FOR PUMP INSTALLATION PERMITS, KAUPULEHU IRRIGATION WELLS 1 & 2, WELL NOS. 4757-01 & 02, KAUPULEHU, HAWAII

Mr. Ing was excused from participation in this application since his law firm represents the landowner.

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ITEM 7  U.S. GEOLOGICAL SURVEY, APPLICATION FOR A WELL CONSTRUCTION PERMIT, DISCOVERY HARBOR OFFSITE EXPLORATORY WELL, WELL NO. 0337-01, NAALEHU, HAWAII

ITEM 8  U.S. GEOLOGICAL SURVEY, APPLICATION FOR A WELL CONSTRUCTION PERMIT, WAIHINU EXPLORATORY WELL, WELL NO. 0437-01, WAIHINU, HAWAII

ITEM 9  U.S. GEOLOGICAL SURVEY, APPLICATION FOR A WELL CONSTRUCTION PERMIT, PAAUO MAUKA EXPLORATORY WELL, WELL NO. 6226-01, PAAUO, HAWAII

ITEM 10  U.S. GEOLOGICAL SURVEY, APPLICATION FOR A WELL CONSTRUCTION PERMIT, KAUMANA ESTATES EXPLORATORY WELL, WELL NO. 4010-01, KAUMANA, HAWAII

ITEM 11  U.S. GEOLOGICAL SURVEY, APPLICATION FOR A WELL CONSTRUCTION PERMIT, KAIEIE MAUKA EXPLORATORY WELL, WELL NO. 4708-02, PAPAIKO, HAWAII

Mr. Sakoda asked the Commission to act on the USGS applications together since they were all similar exploratory wells for data gathering. Mr. Ing asked how the sites were selected. Mr. Sakoda replied that the three Counties
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DEFERRAL - EXTENSION OF TEMPORARY WATER USE PERMITS, WELL CONSTRUCTION/PUMP INSTALLATION AND WATER USE PERMIT APPLICATIONS, EWA CAPROCK GROUND WATER MANAGEMENT AREA, OAHU

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