SENDING COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Ms. Mary Ricks
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210

(WUP No. 778)

2. Article Number
(Transfer from service lab) 7006 2150 0003 3953 9333

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) J Thomas
B. Date of Delivery 12/5/01

C. Signature

D. Is delivery address different from item 1? Yes
   If YES, enter delivery address below:  

3. Service Type
   □ Certified Mail □ Express Mail
   □ Registered □ Return Receipt for Merchandise
   □ Insured Mail □ C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii  96809

Affn: Lenore
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Ms. Mary Ricks

c/o Kennedy-Wilson, Inc.

9601 Wilshire Blvd., Ste. 220

Beverly Hills, CA 90210
Identified Mail Provides:

mailing receipt
unique identifier for your mailpiece
record of delivery kept by the Postal Service for two years

Important Reminders:

Identified Mail may ONLY be combined with First-Class Mail®, Priority Mail®, or First-Class Packages.
Identified Mail is not available for any class of international mail.

INSURANCE COVERAGE IS PROVIDED with Certified Mail® and Registered Mail®, please consider Insured or Registered Mail.

In addition to regular postage, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt Request Form (PS Form 3811) to the article and add applicable postage to cover the cost of the return receipt, a USPS® postmark on your Certified Mail receipt is desired, please present the article to the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix the label with postage and mail.

T: Save this receipt and present it when making an inquiry.

August 2006 (Reverse) PSN 7530-02-000-9047
Ms. Mary Ricks  
c/o Kennedy-Wilson, Inc.  
9601 Wilshire Blvd., Ste. 220  
Beverly Hills, CA 90210  

Dear Ms. Ricks:

Transfer of Water Use Permit for Well No. 3410-01  
Mokuleia Ground-Water Management Area, Oahu  

This follows our August 24, 2006 letter, transmitting the subject permit. This is to clarify that Mokuleia Water LLC remains a co-permittee with landowner Dillingham Ranch Aina LLC. We apologize for any confusion this may have caused.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3410-01) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. This water use permit, WUP No. 778, supersedes WUP No. 653, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

Peter T. Young
Chairperson

Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
c/o Price, Okamoto Himeno & Lum
GROUND-WATER USE PERMIT
WUP NO. 778

PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
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<tbody>
<tr>
<td>Mokuleia Water LLC</td>
<td>Dillingham Ranch Aina LLC</td>
</tr>
<tr>
<td>820 Mililani St., Ste. 711</td>
<td>c/o Kennedy-Wilson, Inc.</td>
</tr>
<tr>
<td>Honolulu, HI 96813</td>
<td>9601 Wilshire Blvd., Ste. 220</td>
</tr>
<tr>
<td></td>
<td>Beverly Hills, CA 90210</td>
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PERMITTED SOURCE INFORMATION

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PERMITTED USE INFORMATION

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<td>State land use classification</td>
<td>NA</td>
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<tr>
<td>County zoning classification</td>
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</tr>
</tbody>
</table>

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

W. Roy Lind

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
December 11, 2006

State of Hawaii
Department of Land and Natural Resources
Commission On Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Attn: Lenore Nakama

Re: Water Shortage Plan
State Wells 3410-01, 3410-03, 3310-01, 3310-02

We are in receipt of the Transfer of Water Use Permit notice of November 30, 2006 that followed the August 24, 2006 notice. Please consider this water shortage plan for the four wells permitted on Dillingham Ranch. We will address each well individually as follows:

State Well 3410-01 This well is managed currently by North Shore Water Company, an affiliate of the Ranch owner Dillingham Ranch AINA LLC, on behalf of Mokuleia Water LLC. The well currently serves a portion of the Ranch and 120 water users Makai of Farrington Highway. Since the well serves the domestic needs of Mokuleia consumers a water shortage plan must consider continue service to the public. However, we control some of the usage on the Ranch and feel that at a minimum we could reduce average monthly volumes by 15%.

State Well 3410-03 This well is permitted for both domestic and irrigation use and the Ranch uses all the water from this well. Given that a significant portion of the usage is for pastures and horses we feel that that we could reduce average monthly volumes by 30%.

State Well 3310-01 This well is currently not in production and plans are underway to transfer the well to a different location on the Ranch. The current water shortage plan for this well can be established at 20% of capacity at this time.

State Well 3310-02 This well is currently not in production and plans are underway to transfer the well to a different location on the Ranch. The current water shortage plan for this well can be established at 20% of capacity at this time.

I have enclosed a copy of our Monthly Ground Water Use Report for September 2006 which we started submitting monthly in June 2006 upon our purchase of Dillingham Ranch. We have inadvertently left off usage for Well 3410-03 due to pump repairs that have not been completed, but will supply usage numbers for this well going forward.

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

Sincerely,

Clifford R. Smith
Ms. Mary Ricks  
c/o Kennedy-Wilson, Inc.  
9691 Wilshire Blvd., Ste. 220  
Beverly Hills, CA 90210

1. Article Addressed to:

2. Article Number  
(Transfer from service label)  
7002 2030 0006 6826 3139

3. Service Type
   - Certified Mail
   - Registered
   - Insured Mail
   - Return Receipt for Merchandise
   - C.O.D.

4. Restricted Delivery? (Extra Fee)  
   - Yes
Sender: Please print your name, address, and ZIP+4 in this box.

COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809

Aff: Lenore
Ms. Mary Ricks
Office of Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210
Certified Mail Provides:
- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:
- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.

For additional fee, Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.

- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.
August 24, 2006

776.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Mary Ricks
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210

Dear Ms. Ricks:

Transfer of Water Use Permit (WUP No. 776) for Well No. 3310-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to your June 2, 2006 letter, notifying us that the water use permits for Well Nos. 3310-01 & 02 and 3410-01 & 03 have been transferred from Western United Life Assurance Company to Dillingham Ranch Aina LLC, effective May 19, 2006. Separate water use permits will be issued for each source.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3310-01) for use of 1.250 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. This water use permit, WUP No. 776, supersedes WUP No. 651, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

LN:ss
Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
(c/o Price, Okamoto Himeno & Lum)
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 821
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT
WUP NO. 776

PERMITTEE

Permittee/Water User
Address Dillingham Ranch Aina LLC
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210

Landowner of Source
Address Same

PERMITTED SOURCE INFORMATION

Island Oahu
Water Management Area
Aquifer Sector North
Aquifer System Mokuleia
System Sustainable Yield 12
Well Name Mokuleia Homesteads Well
State Well No. 3310-01

PERMITTED USE INFORMATION

Reasonable beneficial use Agriculture; Domestic
Withdrawal (12 month moving ave.) 1.250 mgd
Location of water use
TMK # NA
State land use classification NA
County zoning classification NA

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

W. Roy Hardy
for

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
Ms. Mary Ricks  
c/o Kennedy-Wilson, Inc.  
9601 Wilshire Blvd., Ste. 220  
Beverly Hills, CA 90210

Dear Ms. Ricks:

Transfer of Water Use Permit (WUP No. 777) for Well No. 3310-02  
Mokuleia Ground-Water Management Area, Oahu

This is in response to your June 2, 2006 letter, notifying us that the water use permits for Well Nos. 3310-01 & 02 and 3410-01 & 03 have been transferred from Western United Life Assurance Company to Dillingham Ranch Aina LLC, effective May 19, 2006. Separate water use permits will be issued for each source.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3310-02) for use of 0.850 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management on December 14, 1988. This water use permit, WUP No. 777, supersedes WUP No. 652, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

LN:ss
Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
   c/o Price, Okamoto Himeno & Lum
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 821
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT
WUP NO. 777

PERMITTEE

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<td>Same</td>
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<td>c/o Kennedy-Wilson, Inc.</td>
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<tr>
<td>9601 Wilshire Blvd., Ste. 220</td>
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<tr>
<td>Beverly Hills, CA 90210</td>
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PERMITTED SOURCE INFORMATION

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<td>Mokuleia</td>
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<tr>
<td>Aquifer System</td>
<td>Mokuleia Homesteads Well</td>
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<tr>
<td>System Sustainable Yield</td>
<td>12</td>
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<tr>
<td>Well Name</td>
<td>Mokuleia Homesteads Well</td>
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<tr>
<td>State Well No.</td>
<td>3310-02</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Irrigation; Domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.850 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
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<tr>
<td>TMK #</td>
<td>NA</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GROUND WATER USE PERMIT  
Mokuleia Homesteads Well, Well No. 3310-02, WUP No. 777

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 on Water Resource Management at its December 14, 1988 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

W. Roy Hardy

______________________________

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
August 24, 2006

778.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Mary Ricks
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210

Dear Ms. Ricks:

Transfer of Water Use Permit (WUP No. 778) for Well No. 3410-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to your June 2, 2006 letter, notifying us that the water use permits for Well Nos. 3310-01 & 02 and 3410-01 & 03 have been transferred from Western United Life Assurance Company to Dillingham Ranch Aina LLC, effective May 19, 2006. Separate water use permits will be issued for each source.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3410-01) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. This water use permit, WUP No. 778, supersedes WUP No. 653, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

Peter T. Young
Chairperson

LN:ss
Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
c/o Price, Okamoto Himeno & Lum
GROUND-WATER USE PERMIT
WUP NO. 778

PERMITTEE

Permittee/Water User: WAIKULIA WATER
Address: Dillingham Ranch Aina LLC
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA 90210

Landowner of Source:
Address: Same

PERMITTED SOURCE INFORMATION

Island: Oahu
Water Management Area: Oahu
Aquifer Sector: North
Aquifer System: Mokuleia
System Sustainable Yield: 12
Well Name: Mokuleia Homesteads Well
State Well No.: 3410-01

PERMITTED USE INFORMATION

Reasonable beneficial use: Agriculture; Domestic; Irrigation
Withdrawal (12 month moving ave.): 0.500 mgd
Location of water use:
TMK #:
State land use classification:
County zoning classification:

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

W. Roy Hardy

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
Ms. Mary Ricks  
c/o Kennedy-Wilson, Inc.  
9601 Wilshire Blvd., Ste. 220  
Beverly Hills, CA  90210

Dear Ms. Ricks:

Transfer of Water Use Permit (WUP No. 779) for Well No. 3410-03  
Mokuleia Ground-Water Management Area, Oahu

This is in response to your June 2, 2006 letter, notifying us that the water use permits for Well Nos. 3310-01 & 02 and 3410-01 & 03 have been transferred from Western United Life Assurance Company to Dillingham Ranch Aina LLC, effective May 19, 2006. Separate water use permits will be issued for each source.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3410-03) for use of 1.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. This water use permit, WUP No. 779, supersedes WUP No. 654, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

Peter T. Young
Chairperson

LN:ss
Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
c/o Price, Okamoto Himeno & Lum
GROUND-WATER USE PERMIT  
WUP NO. 779

PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
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<tr>
<td>Dillingham Ranch Aina LLC</td>
<td>Same</td>
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<tr>
<td>e/o Kennedy-Wilson, Inc.</td>
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</tr>
<tr>
<td>9601 Wilshire Blvd., Ste. 220</td>
<td></td>
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<td>Beverly Hills, CA 90210</td>
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PERMITTED SOURCE INFORMATION

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<td>North</td>
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<td>Aquifer Sector</td>
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<td>Aquifer System</td>
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<td>System Sustainable Yield</td>
<td>12</td>
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<td>Well Name</td>
<td>Mokuleia Homesteads Well</td>
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<tr>
<td>State Well No.</td>
<td>3410-03</td>
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4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

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   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 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 Board of Land and Natural Resources at its September 11, 1981 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.

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

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

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

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

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

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

W. Roy Hardy

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
VIA US MAIL

June 2, 2006

Commission on Water Resource Management
PO Box 621
Honolulu, Hawaii 96809

Re: Transfer of Water Use Permits
Permits Nos. 651, 652, 653, 654

Enclosed please find fully executed Requests to Transfer Water Use permits WUP No. 651, WUP No. 652, WUP No. 653, WUP No. 654.

On May 19, 2006 Dillingham Ranch Aina LLC purchased the Dillingham Ranch from Western United Life Assurance Company. Enclosed is a copy of the Deed transferring Title. Located on the property are 4 permitted Groundwater Wells which are referenced above and are the subject of this request.

Please contact me at (310) 887-3438 should you need additional information to process our request.

Sincerely,

Clifford R. Smith
CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
   Firm/Name: Western United Life Assurance Company
   Contact Person: Terence S. Yamamoto, Esq.
   Address: c/o Price Osihiro Himoto & Lum
   Phone: (808) 539-1113
   E-mail: tyamamoto@po.hawaii.com

   (b) LANDOWNER OF SOURCE
   Firm/Name: Same as Permittee
   Contact Person: Same
   Address: Same
   Phone: Same
   E-mail: Same

Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

Signature ____________________________ Date ________________

PERMIT TO BE TRANSFERRED TO:

2. (a) PERMITTEE
   Firm/Name: Dillingham Ranch Aina LLC
   Contact Person: Ms. Mary Ricks
   c/o Kennedy-Wilson, Inc.
   9601 Wilshire Boulevard, Suite 220
   Beverly Hills, CA 90210
   Address Attention: Ms. Mary Ricks
   Phone: ________________ Fax: ________________
   E-mail: MRicks@KennedyWilson.com

   (b) LANDOWNER OF SOURCE
   Firm/Name: Same as Permittee
   Contact Person: Same
   Address: Same
   Phone: Same
   E-mail: Same

Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same. I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and superseded.

Signature ____________________________ Date ________________

WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: WUP No. 651
   EFFECTIVE DATE OF TRANSFER: May 19, 2006

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3310-01

WUP TRANSFER FORM (01/20/2005)
CURRENT PERMIT HOLDER:
1. (a) PERMITTEE
   Firm/Name Western United Life Assurance Company
   Contact Person Terence S. Yamamoto, Esq.
   Address
   Phone E-mail tyamamoto@pohlhawaii.com
   (b) LANDOWNER OF SOURCE
   Firm/Name Same as Permittee
   Contact Person Same
   Address Same
   Phone Same E-mail Same

Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

Signature Date

PERMIT TO BE TRANSFERRED TO:
2. (a) PERMITTEE
   Firm/Name Dillingham Ranch Aina LLC
   Contact Person Ms. Mary Ricks
   c/o Kennedy-Wilson, Inc.
   9601 Wilshire Boulevard, Suite 220
   Beverly Hills, CA 90210
   Address Attention: Ms. Mary Ricks
   Phone Fax
   E-mail MRicks@KennedyWilson.com
   (b) LANDOWNER OF SOURCE
   Firm/Name Same as Permittee
   Contact Person Same
   Address Same
   Phone Same Fax Same
   E-mail Same

Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same; 1) they understand that a new water use permit will be issued to document this transfer and the old water use permit number will be void and superseded.

Signature Date May 19, 2006

WATER USE PERMIT TRANSFER INFORMATION
3. WATER USE PERMIT NO.: WUP No. 651
   EFFECTIVE DATE OF TRANSFER: May 19, 2006
4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3310-01

WUP TRANSFER FORM (01/20/2005)
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
REQUEST TO TRANSFER WATER USE PERMIT

Instructors: Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at For further information and updates to this application form, visit http://www.hawaiigov/dlnr/cwrm.

CURRENT PERMIT HOLDER:
1. (a) PERMITTEE
   Firm/Name: Western United Life Assurance Company
   Contact Person: Terence S. Yamamoto, Esq.
   C/O: Price Campos Hanana & Lim
   Address: 725 Hau St., Honolulu, HI 96813
   Phone: [redacted]
   Fax: [redacted]
   E-mail: tyamamoto@pothawaii.com

   (b) LANDOWNER OF SOURCE
   Firm/Name: Same as Permittee
   Contact Person: Same
   Address: Same
   Phone: Same
   Fax: Same
   E-mail: Same

   Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

   Signature: __________________________
   Date: May 19, 2006

PERMIT TO BE TRANSFERRED TO:
2. (a) PERMITTEE
   Firm/Name: Dillingham Ranch Aina LLC
   Contact Person: Ms. Mary Ricks
   C/O: Kennedy-Wilson, Inc.
   9601 Wilshire Boulevard, Suite 220
   Beverly Hills, CA 90210
   Address Attention: Ms. Mary Ricks
   Phone: [redacted]
   Fax: [redacted]
   E-mail: MRicks@KennedyWilson.com

   (b) LANDOWNER OF SOURCE
   Firm/Name: Same as Permittee
   Contact Person: Same
   Address: Same
   Phone: Same
   Fax: Same
   E-mail: Same

   Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same. I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and superseded.

   Signature: __________________________
   Date: __________________________

WATER USE PERMIT TRANSFER INFORMATION
3. WATER USE PERMIT NO.: WUP No. 652
   EFFECTIVE DATE OF TRANSFER: May 19, 2006
4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3310-02

WUP TRANSFER FORM (01/20/2005)
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
REQUEST TO TRANSFER WATER USE PERMIT

For Official Use Only:

COMMISSION ON WATER RESOURCE MANAGEMENT

Instructions: Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at _______ For further information and updates to this application form, visit http://www.hawai.gov/dlnr/cwrm.

CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
   Firm/Name Western United Life Assurance Company
   Contact Person Terence S. Yamamoto, Esq.
   Address __________________________
   Phone __________________________ Fax *(808) ______
   E-mail tyamamoto@pohawaii.com

   (b) LANDOWNER OF SOURCE
   Firm/Name Same as Permittee
   Contact Person Same
   Address Same
   Phone Same Fax Same
   E-mail Same

   Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

   Signature ____________________________________________
   Date __________________________

PERMIT TO BE TRANSFERRED TO:

2. (a) PERMITTEE
   Firm/Name Dillingham Ranch Aina LLC
   Contact Person Ms. Mary Ricks
   c/o Kennedy-Wilson, Inc.
   9601 Wilshire Boulevard, Suite 220
   Beverly Hills, CA 90210
   Address Attention: Ms. Mary Ricks
   Phone __________________________ Fax __________________________
   E-mail MRicks@KennedyWilson.com

   (b) Landowner of Source
   Firm/Name Same as Permittee
   Contact Person Same
   Address Same
   Phone Same Fax Same
   E-mail Same

   Signing below indicates that the signatories swear that: 1) the conditions of use of the transferred permit including place, quantity, and purpose of the use remain the same, 2) I also understand that a new water use permit will be issued to document this transfer and the old water use permit and number will be void and cancelled.

   Signature ____________________________________________
   Date __________________________

WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: WUP No. 652  EFFECTIVE DATE OF TRANSFER: May 19, 2006

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3310-02

WUP TRANSFER FORM (01/20/2005)
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
REQUEST TO TRANSFER WATER USE PERMIT

Instructions: Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at [blank] For further information and updates to this application form, visit http://www.hawaii.gov/dlnr/cwrm.

CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
Firm/Name Mokuleia Water LLC
Contact Person
Address 820 Millani St., Suite 711 Honolulu, HI 96813
Phone __________ Fax __________ E-mail __________

SIGNING BELOW INDICATES THAT THE SIGNATORIES UNDERSTAND AND HAVE NO OBJECTION TO THIS WATER USE PERMIT TRANSFER REQUEST.

Signature __________________ Date __________

(b) LANDOWNER OF SOURCE
Firm/Name Western United Life Assurance Company
Contact Person Terence S. Yamamoto, Esq.
Address c/o ECI, 107 Richards St., #728, Hilo, HI 96720
Phone __________ Fax __________ E-mail tyamamoto@pohihiawai.com

Signature __________________ Date __________

PERMIT TO BE TRANSFERRED TO:

2. (a) PERMITTEE
Firm/Name Mokuleia Water LLC
Contact Person
Address __________
Phone __________ Fax __________ E-mail __________


Signature __________________ Date __________

(b) LANDOWNER OF SOURCE
Firm/Name Dillingham Ranch Aina LLC
Contact Person Ms. Mary Ricks
Address c/o Kennedy-Wilson, Inc., 9601 Wilshire Boulevard, Suite 220 Beverly Hills, CA 90210
Address Attention: Ms. Mary Ricks
Phone __________ Fax __________ E-mail M.Ricks@KennedyWilson.com

Signature __________________ Date __________

WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: WUP No. 653 EFFECTIVE DATE OF TRANSFER: May 19, 2006

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3410-01

WUP TRANSFER FORM (01/20/2005)
State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  
REQUEST TO TRANSFER WATER USE PERMIT  
☐ Groundwater or  ☐ Surface Water  

Instructions: Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at: For further information and updates to this application form, visit http://www.hawaii.gov/dlnr/cwrm.

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   Contact Person:  
   Address: 820 Millilani St., Suite 711 Honolulu, HI 96813  
   Phone:  Fax:  
   E-mail:  

   (b) LANDOWNER OF SOURCE  
   Firm/Name: Western United Life Assurance Company  
   Contact Person: Terence S. Yamamoto, Esq.  
   Address:  
   Phone:  Fax:  
   E-mail: tyamamoto@pohihihawaii.com  

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   Signature  
   Date  

   Signature  
   Date  

PERMIT TO BE TRANSFERRED TO:
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   Firm/Name: Mokuleia Water LLC  
   Contact Person:  
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   Firm/Name: Dillingham Ranch Aina LLC  
   Contact Person: Ms. Mary Ricks  
   c/o Kennedy-Wilson, Inc.  
   9601 Wilshire Boulevard, Suite 220  
   Beverly Hills, CA 90210  
   Address: Attention: Ms. Mary Ricks  
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   Signature  
   Date  

   Signature  
   Date: MAY 19, 2006  

WATER USE PERMIT TRANSFER INFORMATION
3. WATER USE PERMIT NO.: WUP No. 653  
   EFFECTIVE DATE OF TRANSFER: May 19, 2006  
4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3410-01
## CURRENT PERMIT HOLDER:

<table>
<thead>
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<td>Contact Person: Same</td>
</tr>
<tr>
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<td>Address: Same</td>
</tr>
<tr>
<td>Phone:</td>
<td>Phone: Same</td>
</tr>
<tr>
<td>Fax:</td>
<td>Fax: Same</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:tyamamoto@hawaii.com">tyamamoto@hawaii.com</a></td>
<td>E-mail: Same</td>
</tr>
</tbody>
</table>

Signature: [Signature]

Date: [MAY 19 2006]

---

## PERMIT TO BE TRANSFERRED TO:

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<td>Contact Person: Same</td>
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<td>Fax: Same</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:MRicks@KennedyWilson.com">MRicks@KennedyWilson.com</a></td>
<td>E-mail: Same</td>
</tr>
</tbody>
</table>

Signature: [Signature]

Date: [Signature]

---

## WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: WUP No. 654  
   EFFECTIVE DATE OF TRANSFER: May 19, 2006

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3410-03
# State of Hawaii

COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

REQUEST TO TRANSFER WATER USE PERMIT

**Groundwater** or  **Surface Water**

Instructions: Please print in ink or type and send completed application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at [949-5601]. For further information and updates to this application form, visit [http://www.hawaiigov/dlnr/cwrm](http://www.hawaiigov/dlnr/cwrm).

---

## CURRENT PERMIT HOLDER:

1. (a) PERMITTEE
   - Firm/Name: Western United Life Assurance Company
   - Contact Person: Terence S. Yamamoto, Esq.
   - Address:
   - Phone: [Redacted]  Fax: [Redacted]
   - E-mail: tyamamoto@pohlhawaii.com

   (b) LANDOWNER OF SOURCE
   - Firm/Name: Same as Permittee
   - Contact Person: Same
   - Address: Same
   - Phone: Same  Fax: Same
   - E-mail: Same

   Signing below indicates that the signatories understand and have no objection to this water use permit transfer request.

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   - Firm/Name: Dillingham Ranch Aina LLC
   - Contact Person: Ms. Mary Ricks
   - Address: c/o Kennedy-Wilson, Inc.
     9601 Wilshire Boulevard, Suite 220
     Beverly Hills, CA 90210
   - Phone: [Redacted]  Fax: [Redacted]
   - E-mail: MRicks@KennedyWilson.com

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   - Firm/Name: Same as Permittee
   - Contact Person: Same
   - Address: Same
   - Phone: Same  Fax: Same
   - E-mail: Same

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<tbody>
<tr>
<td></td>
<td>MAY 19 2006</td>
</tr>
</tbody>
</table>

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## WATER USE PERMIT TRANSFER INFORMATION

3. WATER USE PERMIT NO.: WUP No. 654  EFFECTIVE DATE OF TRANSFER: May 19, 2006

4. WELL/STREAM DIVERSION NAME AND STATE NUMBER: Mokuleia Homesteads Well; State Well No. 3410-03

---

WUP TRANSFER FORM (01/20/2005)
QUITCLAIM DEED

THIS INDENTURE is made as of the day of May 1, 2006, by and between WESTERN UNITED LIFE ASSURANCE COMPANY, a Washington corporation in receivership for purposes of rehabilitation, whose place of business is 4424 N. Sullivan Road, PO Box 14C, Spokane Valley, Washington, 99214 hereinafter called the "Grantor", and DILLINGHAM RANCH AINA LLC, a Delaware limited liability company, whose mailing address is c/o Kennedy-Wilson, Inc., 9601 Wilshire Boulevard, Suite 220, Beverly Hills, California 90210, hereinafter called the "Grantee";

WITNESSETH:

THAT in consideration of the sum of TEN DOLLARS ($10.00) paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Grantor, and the covenants and agreements of the Grantee set forth herein, the Grantor does hereby grant, bargain, quitclaim and convey unto the Grantee, as its sole property, all of Grantor's right, title and interest in that certain real property situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, as more particularly described in Exhibit "A" attached hereto and made a part hereof, together with all improvements thereon (the "Property"), subject to the encumbrances noted therein and herein.
TO HAVE AND TO HOLD the same together with the reversions, remainders, rents, issues and profits thereof, and all rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, and all of the estate, right, title, and interest of the Grantor both at law and in equity, therein or thereto, unto the Grantee in the tenancy aforesaid, absolutely and in fee simple, forever.

AND the Grantee does hereby, for itself and its successors and assigns, covenant and agree with the Grantor, that Grantee accepts the Property in "AS IS", "WHERE IS" CONDITION, WITH ALL FAULTS.

The Receiver and/or Chief Deputy Receiver of Grantor have approved and/or executed this Deed in their fiduciary capacities as Receiver and/or Chief Deputy Receiver, and not in their individual capacities. No personal liability or obligation under this Deed shall be imposed or assessed against the Receiver and/or the Chief Deputy Receiver in their individual capacities.

IT IS MUTUALLY AGREED that the terms "Grantor" and "Grantee", or any pronoun in place thereof, as and when used hereinabove or hereinbelow, shall mean and include the masculine or feminine, the singular or plural number, individuals, trustees, partnerships, corporations, limited liability companies and their and each of their respective successors in interest and assigns.

[The remainder of this page intentionally left blank.
Signatures on following pages.]
IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents as of the day and year first above written.

WESTERN UNITED LIFE ASSURANCE COMPANY, a Washington corporation in receivership for purposes of rehabilitation

By

Name: Wayne C. Metcalf III
Title: Chief Deputy Receiver

"Grantor"

[Signatures continued on next page.]
DILLINGHAM RANCH AINA LLC,
a Delaware limited liability company

By: 68-540 Farrington, LLC,
a Delaware limited liability company,
its sole member

By: KW Dillingham Aina LLC,
a Delaware limited liability company,
its managing member

By: K-W Properties,
a California corporation,
its managing member

By:
Name: Mary Ricks
Title: Vice President

"Grantee"
On this 16th day of May, 2006, before me personally appeared WAYNE C. METCALF III, to me personally known, who, being by me duly sworn or affirmed did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

My commission expires: 11/15/2009
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On May 15, 2006, before me, Brigitte M. P. Boudress notary public, personally appeared Mary Ricks, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that such person executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]
EXHIBIT A

DESCRIPTION OF LAND

-ITEM I:-

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Grant Number 1934 to Kalawaia, et al., Royal Patent Grant Number 1976, Apana 1 to Halilo, Land Patent Grant Number 3767 to Gaspar Sylva, Royal Patent Grant Number 1777 to Kamoku and Rahela, Royal Patent Grant Number 1784 to Papa, Royal Patent Grant Number 1786 to Maawii, Royal Patent Grant Number 1783 to Kanalu, Royal Patent Grant Number 1781 to Kekauwa, Royal Patent Grant Number 1779 to Kaulea, Royal Patent Grant Number 1780 to Kaua and Kaulu, and Royal Patent Grant Number 1785 to Kahoeka and Kokoiki, being a portion of Royal Patent Grant Number 240 to William S. Emerson, and being all of Royal Patent Grant Number 456 to I. Halali, and Royal Patent Grant Number 459 to Kaanaku, et al.) situate, lying and being at Kealia and Kawaihapai, District of Waialua, City and County of Honolulu, State of Hawaii, bearing Tax Key designation (1) 6-8-002-006, and containing an area of 1,023.662 acres, more or less.

-ITEM II:-

All of that certain parcel of land situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT 2 of the "PEACOCK FLATS ACCESS ROAD SUBDIVISION", as shown on File Plan Number 2049, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 433.410 acres, more or less.

-ITEM III:-

-FIRST:-

All of that certain parcel of land situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT 1 of the "PEACOCK FLATS ACCESS ROAD SUBDIVISION", as shown on File Plan Number 2049, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 906.386 acres, more or less.
MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama
SUBJECT: Extension for Submittal of Water Shortage Plan

6/3/03 Marie Riley of White & Tom, attorneys representing Mokuliea Water LLC & Western United Life Assurance Company called to request an extension of time to submit the water shortage plan, required under the water use permit for recently transferred Well Nos. 3410-01, 3310-01, 02, & 3410-03. She said an additional month would be sufficient. I told her that I would write a Memorandum for the Record to extend the timeframe for another month to submit the water shortage plans.
• Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
• Print your name and address on the reverse so that we can return the card to you.
• Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mokuleia Water LLC
820 Mililani St. Ste. 711
Honolulu, HI 96813
Attn: Stephen Tom, Esq.

(WLP No. 653)

2. Article Number (Only from service label)

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

5. Date of Delivery

☐ Agent
☐ Addressee

☐ Yes
☐ No

PS Form

95-00-M-0952
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii  96805

Attn: Lenore Nakano
# Certified Mail Receipt

**U.S. Postal Service**

**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
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</tr>
<tr>
<td>Certified Fee</td>
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<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
<td>$0.75</td>
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<tr>
<td>Restricted Delivery Fee (Endorsement Required)</td>
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<td><strong>$4.65</strong></td>
</tr>
</tbody>
</table>

**Postmark Here**

**Postmark**

**RETURN RECEIPT**

**Sent To**

Mokuleia Water LLC  
820 Mililani St. Ste. 711  
Honolulu, HI 96813

**Certified Fee**

**Return Receipt Fee (Endorsement Required)**

**Restricted Delivery Fee (Endorsement Required)**

**Endorsement Required**

**MAY 21 2003**

**WSP No. 653**
Certified Mail Provides:

- Evidence of Postage
- A postmark for your mailpiece
- A postmark on your mailpiece
- A postmark on your mailpiece

Certified Mail ONLY be combined with First-Class Mail or Priority Mail.

- Certified Mail is available for any class of international mail.
- NO COVERAGE IS PROVIDED with Certified Mail. For coverage, use Insured or Registered Mail.

For a directory, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt Form (Form 3811) to the article and add applicable postage to cover the return of the mailpiece "Return Receipt Requested". To receive a fee waiver for a Return Receipt, a USPS postmark on your Certified Mail receipt is required.

For an additional fee, delivery may be restricted to the addressee or authorized agent. Advise the clerk or mark the mailpiece with the instruction "Restricted Delivery".

If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

Form 3811 January 2001 (Reverse)
Ref: 653.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mokuleia Water LLC
820 Millilani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3410-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to a March 7, 2003 letter from White & Tom, notifying us that the water use permit for Well No. 3410-01 has been transferred from Metropolitan Mortgage and Securities Co., Inc. to Mokuleia Water LLC/Western United Life Assurance Company, effective December 29, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3410-01) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. Please note that the current set of standard water use permit conditions, adopted by the Commission on Water Resource Management on April 16, 2003, has been attached to your water use permit. This water use permit, WUP No. 653, supersedes WUP No. 646, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
GROUND-WATER USE PERMIT
WUP NO. 653

PERMITTEE

Permittee/Water User

Mokuleia Water LLC
820 Mililani St., Ste. 711
Honolulu, HI 96813

Landowner of Source

Western United Life Assurance Co.
820 Mililani St., Ste. 711
Honolulu, HI 96813

PERMITTED SOURCE INFORMATION

Island
Oahu

Water Management Area
North

Aquifer Sector
Mokuleia

Aquifer System
Mokuleia

System Sustainable Yield
12

Well Name
Mokuleia Homesteads Well

State Well No.
3410-01

PERMITTED USE INFORMATION

Reasonable beneficial use
Domestic; Livestock; Irrigation

Withdrawal (12 month moving ave.)
0.500 mgd

Location of water use

TMK #
NA

Address
Mokuleia

State land use classification
NA

County zoning classification
NA

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

PETER T. YOUNG, Chairperson
Commission on Water Resource Management
**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
   
   Western United Life Assurance  
   820 Mililani St. Ste. 711  
   Honolulu, HI 96813
   
   Attn: Stephen Tom, Esq.

2. Article Number (Conv from service lab)

3. Service Type
   - [ ] Certified Mail
   - [ ] Express Mail
   - [ ] Registered
   - [ ] Return Receipt for Merchandise
   - [ ] Insured Mail
   - [ ] C.O.D.

4. Restricted Delivery? (Extra Fee)
   - [ ] Yes

5. PS For

6. PS For

**RECEIVED BY (PLEASE PRINT CLEARLY) :** Joyce N. Nishikawa

**DATE OF DELIVERY:** 5/2/03

**C. Signature:**

**D. Is delivery address different from item 1?**

- [ ] Yes
- [ ] No

**If YES, enter delivery address below:**

**Agent**

**Addressee**

**[Handwritten Note]**

(WS No 651, 653, 654)
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809

Attn: Lenore Nakama
Ref: 651.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Western United Life Assurance Company
820 Mililani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3310-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to a March 7, 2003 letter from White & Tom, notifying us that the water use permit for Well No. 3310-01 has been transferred from Metropolitan Mortgage and Securities Co., Inc. to Western United Life Assurance Company, effective December 29, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3310-01) for use of 1.25 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. Please note that the current set of standard water use permit conditions, adopted by the Commission on Water Resource Management on April 16, 2003, has been attached to your water use permit. This water use permit, WUP No. 651, supersedes WUP No. 644, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 301
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT
WUP NO. 651

PERMITTEE
Permittee/Water User: Western United Life Assurance Company
Address: 820 Mililani St., Ste. 711
Honolulu, HI 96813

Landowner of Source
Address: Same

PERMITTED SOURCE INFORMATION
Island: Oahu
Water Management Area
Aquifer Sector: North
Aquifer System: Mokuleia
System Sustainable Yield: 12
Well Name: Mokuleia Homesteads Well
State Well No.: 3310-01

PERMITTED USE INFORMATION
Reasonable beneficial use: Agriculture; Domestic
Withdrawal (12 month moving ave.): 1.25 mgd
Location of water use
TMK #: NA
Address: Mokuleia Homesteads
State land use classification: NA
County zoning classification: NA

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment
May 20, 2003

Ref:652.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Western United Life Assurance Company
820 Mililani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3310-02
Mokuleia Ground-Water Management Area, Oahu

This is in response to a March 7, 2003 letter from White & Tom, notifying us that the water use permit for Well No. 3310-02 has been transferred from Metropolitan Mortgage and Securities Co., Inc. to Western United Life Assurance Company, effective December 29, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3310-02) for use of 0.850 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management on December 14, 1988. Please note that the current set of standard water use permit conditions, adopted by the Commission on Water Resource Management on April 16, 2003, has been attached to your water use permit. This water use permit, WUP No. 652, supersedes WUP No. 645, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
# GROUND-WATER USE PERMIT

**WUP NO. 652**

## PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
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</thead>
<tbody>
<tr>
<td>Western United Life Assurance</td>
<td>Same</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>820 Mililani St., Ste. 711</td>
<td></td>
</tr>
<tr>
<td>Honolulu, HI 96813</td>
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## PERMITTED SOURCE INFORMATION

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<th>Island</th>
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<tbody>
<tr>
<td>Water Management Area</td>
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<tr>
<td>Aquifer Sector</td>
<td>North</td>
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<td>Aquifer System</td>
<td>Mokuleia</td>
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<td>System Sustainable Yield</td>
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<td>Well Name</td>
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<td>State Well No.</td>
<td>3310-02</td>
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## PERMITTED USE INFORMATION

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<th>Reasonable beneficial use</th>
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<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.850 mgd</td>
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<td>TMK #</td>
<td>6-8-5:3</td>
</tr>
<tr>
<td>Address</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
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</table>

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

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

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

7. The water use permit application and submittal, as amended, approved by the Commission at its December 14, 1988 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.

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   a. Protect the water sources (quantity or quality);
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   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;
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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).

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

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

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

Attachment
May 20, 2003

Ref: 654.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Western United Life Assurance Company
820 Millilani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3410-03
Mokuleia Ground-Water Management Area, Oahu

This is in response to a March 7, 2003 letter from White & Tom, notifying us that the water use permit for Well No. 3410-03 has been transferred from Metropolitan Mortgage and Securities Co., Inc. to Western United Life Assurance Company, effective December 29, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No.3410-03) for use of 1.5 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. Please note that the current set of standard water use permit conditions, adopted by the Commission on Water Resource Management on April 16, 2003, has been attached to your water use permit. This water use permit, WUP No. 654, supersedes WUP No. 647, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
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If you have any questions, please call Lenore Y. Nakama of the Commission staff at [Contact Information]

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
# GROUND-WATER USE PERMIT

**WUP NO. 654**

## PERMITTEE

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</table>

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

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

19. Special conditions in the attached cover transmittal letter are incorporated herein by reference.
March 7, 2003

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

☑ Mr. Ernest Lau, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

Re: Transfer of Water Use Permits; Mokuleia, Oahu

Dear Mr. Young and Mr. Lau:

This letter will acknowledge and respond to Mr. Young’s letters dated February 10, 2003, enclosing transfers of Water Use Permits for Wells Nos. 3310-01, 3310-02, 3410-01 and 3410-03, Mokuleia Ground-Water Management Area, from Malani, Inc., to Metropolitan Mortgage & Securities Co., Inc., and to Linnel Nishioka’s letter to A. Bernard Bays, President of Malani, Inc., dated November 19, 2002, regarding those wells and others located on property located at Mokuleia, Oahu, Hawaii, and familiarly known as the Dillingham Ranch (the “property”). A copy of that letter is enclosed for your convenient reference.

Western United Life Assurance Company, a Washington corporation, is now the owner of the property, purchased from Metropolitan Mortgage & Securities Co., Inc., in a transaction that closed December 29, 2002.

Pursuant to §174C-59, Haw. Rev. Stat., we herewith inform the Commission on Water Resource Management that all of the wells mentioned in Mr. Bays’ October 8, 2002, notice of transfer of water use permits from Malani, Inc., to Metropolitan Mortgage & Securities, Inc., have been subsequently transferred along with the real property on which they are located to Western United Life Assurance Company. The October 8, 2002, notice made reference to a number of wells, four of which comprise the wells that are the subject of Mr. Young’s above-
mentioned letters of February 10, 2003. The others are the subject of Ms. Nishioka’s aforementioned letter, and require resolution of factual matters between the parties, according to that letter.

Metropolitan Mortgage & Securities Co., Inc., here requests that the Commission transfer Water Use Permits for Wells Nos. 3310-01, 3310-02, and 3410-03 to Western United Life Assurance Company, and substitute Western United Life Assurance Company as landowner on the Water Use Permit for Well No. 3410-01, held by Mokuleia Water, LLC. There are no changes in the conditions of the permits, including a change in use.

For its part, Western United Life Assurance Company steps into the shoes of Metropolitan Mortgage, and states its intention to provide all information and resolve the remaining well issues with the Commission, as described in Ms. Nishioka’s letter of November 19, 2002, as soon as it has completed its well studies on the property.

Please contact the undersigned, if you have a question or comment regarding these matters.

Very truly yours,

WHITE & TOM, ATTORNEYS AT LAW
A LAW CORPORATION

By MARIE E. RILEY

MER:jin
Enclosure
cc: Michael Kennedy
   A. Bernard Bays, Esq.
Mr. A. Bernard Bays, President
Malani, Inc.
Alii Place, Floor 16
1099 Alakea Street
Honolulu, HI 96813

Dear Mr. Bays:

Transfer of Water Use Permits, Mokuleia, Oahu, Hawaii

This is in response to an October 8, 2002 letter, notifying us of the transfers of water use permits effective July 30, 2002, from 1) Sankyo Tsusho Co., Ltd., dba Mokuleia Land Co., to Malani, Inc. (Malani) and 2) Malani to Metropolitan Mortgage and Securities Co., Inc. (Metropolitan), for various parcels located at Tax Map Key (1)6-8-2, 3, and 8.

Many of the sources identified in Exhibit B do not have water use permits, and therefore, no transfers are possible. For those sources that have been permitted for use, we have assigned the following Water Use Permit Nos. (WUP No.) for administrative tracking purposes to reflect Malani’s brief ownership:

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<th>Well No.</th>
<th>WUP No.</th>
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<tr>
<td>3310-01</td>
<td>639</td>
</tr>
<tr>
<td>3310-02</td>
<td>640</td>
</tr>
<tr>
<td>3410-01 &amp; 03</td>
<td>641</td>
</tr>
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Because the water use permits have been transferred from Malani to Metropolitan, we will issue new water use permits to Metropolitan and will work with Metropolitan to address outstanding issues regarding the wells and permitted uses, which we list below for your information:

1. Our records show that no water use reports have been submitted for the above sources. Monthly reporting of water use is a requirement under Administrative Rule 13-168-7. The lack of regular reports of water use creates a presumption of nonuse of the water, which is a ground for revocation of the water use permits pursuant to Administrative Rule 13-171-24(4). Further, our field investigations on February 4, 1992 and May 28, 1992 found Well Nos. 3310-01 & 02 to be unused.
2. Our field investigations also documented the fact that Well Nos. 3410-01 & 3410-03 are stand-alone sources, i.e., not physically connected to a single water system. Assuming that these wells are still found to be in use at this time, we would recommend that the water use permit for the wells be separated into two individual permits.

3. Well No. 3410-05 was proposed to be sealed in 1981. We would appreciate an update as to the status of the proposed well sealing.

Again, we intend to follow up on the above issues with Metropolitan. However, in order to effectuate the transfer to Metropolitan, we request you provide the following additional information:

1. The name of a contact person at Metropolitan and the address, telephone number, fax number and email address, if available.

2. Confirmation that the water use permit for Well No. 3410-01 is to be transferred jointly to Mokuleia Water LLC, the owner of the water system, and Metropolitan, the landowner at the source. If so, please provide the name of a contact person at Mokuleia and the address, telephone number, fax number and email address, if available.

Upon our receipt of the additional information, we will complete the water use permit transfers and work with Metropolitan to address other outstanding issues.

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

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ss
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
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<tr>
<td>Certified Fee</td>
<td>$2.30</td>
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<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
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</tr>
<tr>
<td>Restricted Delivery Fee (Endorsement Required)</td>
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</tr>
<tr>
<td>Total Postage &amp; Fees</td>
<td>$5.34</td>
</tr>
</tbody>
</table>

**Sent To:** Metropolitan Mortgage & Securities Co., Inc.

**Address:**
820 MiliMali St., Ste. 711

**City, State, ZIP:** Honolulu, HI 96813

Postmark: FEB 10 2003
Certificates provides:
- A tracking number
- A unique number for your mailpiece
- A proof of delivery
- A receipt is permanently kept by the Postal Service for two years

Important reminders:
- Certificate may ONLY be combined with First-Class Mail or Priority Mail.
- Coverage is not available for any class of international mail.
- FULL LIABILITY COVERAGE IS PROVIDED with Certified Mail. For an additional fee, consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the service. The mailpiece “Return Receipt Requested”. To receive a fee waiver for a subsequent return receipt, a USPS postmark on your Certified Mail receipt is required.
- Electronic delivery may be restricted to the addressee or addressee’s authorized agent. Advise the clerk or mark the mailpiece with the notation “Restricted Delivery”.
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, January 2001 (Reverse) 102595-01-M-1049
February 10, 2003

Ref: 644.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Metropolitan Mortgage and Securities Co., Inc.
820 Millilani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3310-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to an October 8, 2002 letter from Carlsmith Ball LLP, notifying us that the water use permit for Well No. 3310-01 has been transferred from Malani, Inc. to Metropolitan Mortgage and Securities Co., Inc., effective July 30, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3310-01) for use of 1.25 million gallons per day (mgd) of water that was approved by the Board of Land and Natural Resources (BLNR) on September 11, 1981.

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

Sincerely,

[Signature]
Peter T. Young
Chairperson

Attachments
GROUND-WATER USE PERMIT
WUP NO. 644

PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Metropolitan Mortgage and Securities Co., Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>820 Mililani St., Ste. 711</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
<tr>
<td>Landowner of Source</td>
<td>Same</td>
</tr>
<tr>
<td>Address</td>
<td>Same</td>
</tr>
</tbody>
</table>

PERMITTED SOURCE INFORMATION

| Island                        | Oahu                                           |
| Water Management Area         |                                                |
| Aquifer Sector                | North                                          |
| Aquifer System                | Mokuleia                                       |
| System Sustainable Yield      | 12                                             |
| Well Name                     | Mokuleia Homesteads                            |
| State Well No.                | 3310-01                                        |

PERMITTED USE INFORMATION

| Reasonable beneficial use     | Agriculture; Domestic                         |
| Withdrawal (12 month moving ave.) | 1.25 Mgd                                       |
| Location of water use         |                                                |
| TMK #                         | NA                                             |
| Address                       | Mokuleia Homesteads                            |
| State land use classification | NA                                             |
| County zoning classification  | NA                                             |

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The approval is subject to any special conditions and applicable laws, rules and regulations

PETER T. YOUNG, Chairperson
Commission on Water Resource Management
February 10, 2003

Ref: 645.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Metropolitan Mortgage and Securities Co., Inc.
820 Mililani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3310-02
Mokuleia Ground-Water Management Area, Oahu

This is in response to an October 8, 2002 letter from Carlsimth Ball LLP, notifying us that the water use permit for Well No. 3310-01 has been transferred from Malani, Inc. to Metropolitan Mortgage and Securities Co., Inc., effective July 30, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3310-02) for use of 0.850 million gallons per day (mgd) of water that was approved by the Commission on Water Resource Management on December 14, 1988.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
GROUND-WATER USE PERMIT
WUP NO. 645

PERMITTEE

Permittee/Water User: Metropolitan Mortgage and Securities Co., Inc.
Address: 820 Mililani St., Ste. 711
Honolulu, HI 96813

Landowner of Source
Address: Same

PERMITTED SOURCE INFORMATION

Island: Oahu
Water Management Area: Oahu
Aquifer Sector: North
Aquifer System: Mokuleia
System Sustainable Yield: 12
Well Name: Mokuleia Homesteads
State Well No.: 3310-02

PERMITTED USE INFORMATION

Reasonable beneficial use: Golf Course Irrigation; Domestic
Withdrawal (12 month moving ave.): 0.850 Mgd
Location of water use:
TMK #: 6-8-5:3
Address: Mokuleia
State land use classification: NA
County zoning classification: NA

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The approval is subject to any special conditions and applicable laws, rules and regulations.

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

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

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

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

Attachment
February 10, 2003

Ref: 646.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mokuleia Water LLC
820 Mililani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3410-01
Mokuleia Ground-Water Management Area, Oahu

This is in response to an October 8, 2002 letter from Carlsmith Ball LLP, notifying us that the water use permit for Well No. 3410-01 has been transferred from Malani, Inc. to Mokuleia Water LLC/Metropolitan Mortgage and Securities Co., Inc., effective July 30, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3410-01) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981.

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

Sincerely,

[Signature]
Peter T. Young
Chairperson

Attachments
GROUND-WATER USE PERMIT
WUP NO. 646

PERMITTEE

Permittee/Water User
Mokuleia Water LLC
820 Mililani St., Ste. 711
Honolulu, HI 96813

Landowner of Source
Metropolitan Mortgage and Securities Co., Inc.
820 Mililani St., Ste. 711
Honolulu, HI 96813

PERMITTED SOURCE INFORMATION

Island
Oahu

Water Management Area

Aquifer Sector
North

Aquifer System
Mokuleia

System Sustainable Yield
12

Well Name
Mokuleia Homesteads

State Well No.
3410-01

PERMITTED USE INFORMATION

Reasonable beneficial use
Domestic; Livestock; Irrigation

Withdrawal (12 month moving ave.)
0.500 Mgd

Location of water use

TMK #
NA

Address
Mokuleia

State land use classification
NA

County zoning classification
NA

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The approval is subject to any special conditions and applicable laws, rules and regulations.

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
February 10, 2003

Ref: 647.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Metropolitan Mortgage and Securities Co., Inc.
820 Mililani St., Ste. 711
Honolulu, HI 96813

Attn: Stephen Tom, Esq.

Dear Mr. Tom:

Transfer of Water Use Permit for Well No. 3410-03
Mokuleia Ground-Water Management Area, Oahu

This is in response to an October 8, 2002 letter from Carlsmith Ball LLP, notifying us that the water use permit for Well No. 3410-03 has been transferred from Malani, Inc. to Metropolitan Mortgage and Securities Co., Inc., effective July 30, 2002.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3410-03) for use of 1.5 million gallons per day (mgd) of water that was approved by the Board of Land and Natural Resources (BLNR) on September 11, 1981.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments
GROUND-WATER USE PERMIT
WUP NO. 647

PERMITTEE

<table>
<thead>
<tr>
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<th>Landowner of Source</th>
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<td>Water Management Area</td>
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<tr>
<td>Aquifer System</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>12</td>
</tr>
<tr>
<td>Well Name</td>
<td>Mokuleia Homesteads</td>
</tr>
<tr>
<td>State Well No.</td>
<td>3410-03</td>
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<tr>
<th>Reasonable beneficial use</th>
<th>Agriculture; Domestic</th>
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<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>1.5 Mgd</td>
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<tr>
<td>Location of water use</td>
<td></td>
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1. The approval is subject to any special conditions and applicable laws, rules and regulations.

[Signature]

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
December 3, 2002

Commission on Water Resource Management
Kalanimoku Building, Room 227
1151 Punchbowl Street
Honolulu, Hawaii 96813

Re: Transfer of Water Permits; Mokuleia, Oahu, Hawaii

Dear Linnel and Lenore:

Pursuant to your request of November 19, 2002, we would like to provide you with contact information for Metropolitan Mortgage and Securities Co., Inc. ("Metropolitan") and Mokuleia Water LLC ("Mokuleia").

Metropolitan Mortgage and Securities Co., Inc.
820 Mililani Street, Suite 711
Honolulu, Hawaii 96813
Attn: Stephen Tom, Esq.
(808) _______ (fax)
stephentom2000@aol.com

Mokuleia Water LLC
820 Mililani Street, Suite 711
Honolulu, Hawaii 96813
Attn: Stephen Tom, Esq.
(808) _______ (fax)
stephentom2000@aol.com

Mr. Stephen Tom is local counsel for Metropolitan and requests that he be copied on any correspondence relating to the water permits at the address provided above for Mokuleia.

Please contact the undersigned with any questions.

Sincerely,

MALANI, INC., a Hawaii corporation

By A. Bernard Bays
A. Bernard Bays
Its President

ABB:im

cc: Stephen Tom, Esq.
November 19, 2002

Ref:mokuleia wells.let

Mr. A. Bernard Bays, President
Malani, Inc.
Alii Place, Floor 16
1099 Alakea Street
Honolulu, HI 96813

Dear Mr. Bays:

Transfer of Water Use Permits, Mokuleia, Oahu, Hawaii

This is in response to an October 8, 2002 letter, notifying us of the transfers of water use permits, effective July 30, 2002, from 1) Sankyo Tsusho Co., Ltd., dba Mokuleia Land Co., to Malani, Inc. (Malani) and 2) Malani to Metropolitan Mortgage and Securities Co., Inc. (Metropolitan), for various parcels located at Tax Map Key (1)6-8-2, 3, and 8.

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2. Our field investigations also documented the fact that Well Nos. 3410-01 & 3410-03 are stand-alone sources, i.e., not physically connected to a single water system. Assuming that these wells are still found to be in use at this time, we would recommend that the water use permit for the wells be separated into two individual permits.

3. Well No. 3410-05 was proposed to be sealed in 1981. We would appreciate an update as to the status of the proposed well sealing.

Again, we intend to follow up on the above issues with Metropolitan. However, in order to effectuate the transfer to Metropolitan, we request you provide the following additional information:

1. The name of a contact person at Metropolitan and the address, telephone number, fax number and email address, if available.

2. Confirmation that the water use permit for Well No. 3410-01 is to be transferred jointly to Mokuleia Water LLC, the owner of the water system, and Metropolitan, the landowner at the source. If so, please provide the name of a contact person at Mokuleia and the address, telephone number, fax number and email address, if available.

Upon our receipt of the additional information, we will complete the water use permit transfers and work with Metropolitan to address other outstanding issues.

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

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ss
Commission on Water Resource Management  
Kalanimoku Building, Room 227  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

July 31, 2002

Re: Transfer of Water Permits; Mokuleia, Oahu, Hawaii

Dear Commission Staff,

Please be informed that Malani, Inc., a Hawaii corporation, ("Malani"), is the fee simple owner of certain lands located at Mokuleia, Oahu, Hawaii (the "Property"), more particularly described in Exhibit A attached hereto. Malani will sell the Property to Metropolitan Mortgage and Securities Co., Inc., a Washington corporation ("Metropolitan") and others, on or about July 30, 2002. Malani will also sell the water system in connection with State Well No. 3410-01 to Mokuleia Water LLC, a Hawaii limited liability company ("Mokuleia").

Pursuant to Section 174C-59, Malani hereby notifies the Water Commission that, as part of the closing, it will transfer any and all well and water permits related to the Property to Metropolitan, excepting the water use permit and any and all other permits relating to State Well No. 3410-01, so long as the place, quantity and purpose of use will remain the same by Metropolitan. These permits may include, but are not limited to those listed in Exhibit B attached hereto.

Malani further notifies the Water Commission that it will transfer the water use permit and any and all other permits relating to State Well No. 3410-01 to Mokuleia, so long as the place, quantity and purpose of the use will remain the same by Mokuleia.

Please contact the undersigned with any questions.

Sincerely,

MALANI, INC., a Hawaii corporation

By

Name: A. Bernard Bays  
Its: President

cc: Stephen D. Tom, Esq.
October 8, 2002

VIA HAND DELIVERY

Commission on Water Resource Management
Kalanimoku Building, Room 9
Punchbowl Street
Honolulu, Hawaii 96813

Re: Transfer of Water Permits/Mokuleia, Hawaii

Gentlemen:

Pursuant to Hawaii Revised Statutes § 174C-59 and Hawaii Administrative Rules § 13-171-25, we hereby notify the Commission of the transfer of certain water permits and property as more particularly described in the following letters:

1. Letter dated July 31, 2002 to Commission on Water Resource Management from Sankyo Tsusho Company, Ltd.; and


Except for providing the enclosed notifications to the Commission, and subject to the restrictions in Hawaii Revised Statutes § 174C-59, we understand that no further actions are required in order to effect the transfer of the subject permits. If there are any other actions required, please let us know at your earliest convenience.

Very truly yours,

Karl K. Kobayashi
Jon T. Yamamura

KK:agd
1476959.1.055647-00002

cc: Malani, Inc.
Metropolitan Mortgage & Securities Co., Inc.
Commission on Water Resource Management  
Kalanimoku Building, Room 227  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

Re: Transfer of Water Permits; Mokuleia, Oahu, Hawaii

Dear Commission Staff,

Please be informed that Sankyo Tsusho Co., Ltd., a Japan corporation, doing business as Mokuleia Land Company ("Sankyo"), is the fee simple owner of certain lands located at Mokuleia, Oahu, Hawaii (the "Property"), more particularly described in Exhibit A attached hereto. Sankyo will sell the Property to Malani, Inc., a Hawaii corporation ("Malani"), on or about July 30, 2002.

Pursuant to Section 174C-59, Sankyo hereby notifies the Water Commission that, as part of the closing, it will transfer any and all well and water permits related to the Property to Malani, so long as the place, quantity and purpose of use will remain the same by Malani. These permits may include, but are not limited to those listed in Exhibit B attached hereto.

Please contact Sankyo's attorney, Mr. Bruce Noborikawa, with any questions.

Sincerely,

SANKYO TSUSHO CO., LTD., a Japan corporation

By

[Signature]

Name: Jun Gi Hong  
Its: President

cc: Bruce Noborikawa, Esq.  
A. Bernard Bays, Esq.
EXHIBIT A

All of those certain parcels of land identified as Tax Map Key Nos.:

(1) 6-8-2-6
(1) 6-8-2-9
(1) 6-8-2-10
(1) 6-8-2-14
(1) 6-8-2-16
(1) 6-8-3-5
(1) 6-8-3-6
(1) 6-8-3-15
(1) 6-8-3-16
(1) 6-8-3-17
(1) 6-8-3-19
(1) 6-8-3-20
(1) 6-8-3-21
(1) 6-8-3-30
(1) 6-8-3-31
(1) 6-8-3-33
(1) 6-8-3-34
(1) 6-8-3-35
(1) 6-8-3-38
(1) 6-8-3-39
(1) 6-8-3-40
(1) 6-8-8-22
EXHIBIT B

Any and all well or water permits relating to wells, which are located on the Property, and identified as State Well Nos.:

3410-01
3410-02
3410-03
3410-04
3410-05
3410-06
3410-07
3410-08
3410-09
3410-10
3410-12
3310-01
3310-02
3310-03
EXHIBIT A

All of those certain parcels of land identified as Tax Map Key Nos.:

(1) 6-8-2-6
(1) 6-8-2-9
(1) 6-8-2-10
(1) 6-8-2-14
(1) 6-8-2-16
(1) 6-8-3-5
(1) 6-8-3-6
(1) 6-8-3-15
(1) 6-8-3-16
(1) 6-8-3-17
(1) 6-8-3-19
(1) 6-8-3-20
(1) 6-8-3-21
(1) 6-8-3-30
(1) 6-8-3-31
(1) 6-8-3-33
(1) 6-8-3-34
(1) 6-8-3-35
(1) 6-8-3-38
(1) 6-8-3-39
(1) 6-8-3-40
(1) 6-8-8-22
EXHIBIT B

Any and all well or water permits relating to wells, which are located on the Property, and identified as State Well Nos.:

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<thead>
<tr>
<th>Permit No.</th>
<th>Date Issued</th>
<th>Date Drilled</th>
<th>Date Completed</th>
<th>Remarks</th>
</tr>
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<tr>
<td>3410-02</td>
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<tr>
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<tr>
<td>3410-09</td>
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<td>3410-10</td>
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<tr>
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<td>8/20/65</td>
<td>6/8/63</td>
<td>6/8/65</td>
<td></td>
</tr>
</tbody>
</table>

*Note: All wells were verified by Calsmith bore field tests.*

Date: 32/4/92

(C) 1992
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Waialua Sugar Company
Voluntary Reduction of Permitted Water Use in the
Waialua Aquifer System, Waialua Ground Water Management Area
Waialua, Oahu

Background: Present authorized uses of ground water in the Waialua Aquifer System of the Waialua Ground Water Management Area (GWMA) total 43.114 mgd. The sustainable yield for the Waialua Aquifer System (formerly called the Waialua Subarea) was originally 60 mgd when the Board of Land and Natural Resources adopted the sustainable yield in July 1981. The Commission on Water Resource Management, in October 1991, accepted an updated table of sustainable yields for Oahu. Under the updated table, the sustainable yield for the Waialua Aquifer System was reduced from 60 mgd to 40 mgd. The new sustainable yield was formally adopted by the Commission on March 17, 1993. Authorized uses now exceed the sustainable yield by 3.114 mgd.

The Commission staff has reviewed the authorized uses versus the actual uses in the entire Waialua GWMA. Allocations in the Waialua Aquifer System are as follows:

- Waialua Sugar Company: 39.940 mgd
- Honolulu BWS: 2.730 mgd
- Private Users: 0.444 mgd
- Total: 43.114 mgd

Preliminary review of Waialua Sugar Company's pumpage data indicates that they have used less than 30 mgd of their 40 mgd allocation over the last five years (see attached graph). Water use by the Honolulu BWS and private users has not changed significantly.

Waialua Sugar Company calculated their irrigation requirements using the same methodology that Oahu Sugar Company used to determine their irrigation requirements in the Pearl Harbor area. Irrigation requirements were calculated for dry years (1983 - 1986) and wet years (1988 - 1991). Pumping required was calculated to be about 46 to 48 mgd for dry years and about 35 to 36 mgd for wet years.

Waialua Sugar Company has reviewed their water use over the past 20 years and, based on historical water use, conversion to drip irrigation, and other factors, has voluntarily reduced its permitted water use in the Waialua Aquifer System from 39.9 mgd to 36.0 mgd effective June 1, 1993. This voluntary reduction reduces the allocations in the Waialua Aquifer System to 39.174 mgd, which is less than the sustainable yield of 40 mgd, and allows an additional 0.826 mgd to be allocated.

In voluntarily reducing its allocation, Waialua Sugar Company states that they "want to be on record that sugar production is highly dependent upon water; without adequate water, yields will suffer. We cannot afford to short ourselves of water. As we understand, we can exceed the permitted use during dry periods as may be required" (See attached letter).
RECOMMENDATION:

That the Commission accept Waialua Sugar Company's voluntary reduction of permitted use in the Waialua Aquifer System, from 39.940 to 36.0 mgd. The 3.94 mgd reduction will be taken from sources in the Waialua Aquifer System presently being determined by Waialua Sugar Company. Staff will be working with them to determine the source-by-source reductions and will bring the results to the Commission for approval.

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL

KEITH W. AHUE, Chairperson
WAIALUA AQUIFER SYSTEM
WSCO. Use Vs. Allocation

WUP = 39.940 mgd
11.418 mgd

monthly use
12-mon mov ave
Ms. Rae Loui  
Deputy Director  
State Water Commission  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

We have had several meetings over the past months to discuss Waialua Sugar Company's permitted water use from the Waialua aquifer. Waialua Sugar has a permitted use of 39.9 million gallons per day. When you add the permitted use of the City Water Department, you have a combined use which is higher than the sustainable yield.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Waialua Sugar Company</td>
<td>39.9</td>
</tr>
<tr>
<td>Board of Water Supply</td>
<td>1.2</td>
</tr>
<tr>
<td>Total Sustainable Yield</td>
<td>40.0</td>
</tr>
<tr>
<td>Over Permitted Use</td>
<td>(3.1)</td>
</tr>
</tbody>
</table>

We have reviewed our water use over the past 20 years and while we have peaked at times over our permitted use, it appears we could reduce the permitted use given recent historical water use, conversion to drip irrigation and other factors.

Before going further, we want to be on record that sugar production is highly dependent upon water; without adequate water, yields will suffer. We cannot afford to short ourselves of water. As we understand, we can exceed the permitted use during dry periods as may be required.

Based on the above discussions and research into this matter, Waialua Sugar Company is voluntarily reducing its permitted water use in the Waialua aquifer from our current 39.9 million gallons per day to 36.0 million gallons per day effective June 1/93.

Sincerely,

Michael F. O'Brien  
President  
Dole Food Hawaii

cc: M. Agader  
    J. A. Russell  
    G. Yim
ITEM 1  
MINUTES OF THE MAY 19, 1993 MEETING

Unanimously approved as submitted (Cox/Nakata).

ITEM 2  
OLD BUSINESS/REPORTS

Ms. Loui reported on two follow up items:

1) Guidelines for modification of the water use permits
   Staff finds that Administrative Rules 171-23 are clear regarding changes that require modification. Therefore, it was felt that guidelines are not necessary.

2) Guidelines for Emergency permits
   Still being worked on. Eventually, amendments to the Administrative Rules will be made to more clearly address emergency permits.

ITEM 3  
WAIALUA SUGAR COMPANY, VOLUNTARY REDUCTION OF PERMITTED WATER USE IN THE WAIALUA GROUND WATER MANAGEMENT AREA, WAIALUA, OAHU

Mr. Sakoda submitted amended recommendations for the Commission review and action (see attached).

Mr. Cox had the following questions:

1) Are the statements regarding "dry years and "wet years" correct for that area and time?
   Rainfall data provided by Climate Center was utilized, it was jointly determined that these were wet and dry years based on actual rainfall information.

2) In terms of the water level in the aquifer, what has happened during the periods noted?
   The water level data for the Waialua Aquifer is not that good. No problems have been expressed. USGS is drilling in that area to get more data.

3) What length of time is being discussed in Waialua Sugar Company's (Waialua Sugar) statement: "We cannot afford to short ourselves of water. As we understand, we can exceed the permitted use during dry periods as may be required."
   No specifics have been set, it would be on a case by case basis.

Mr. Nakata asked:

1) Why was there a discrepancy in the amount of pumpage?
   Mr. Sakoda replied that Waialua Sugar was still in the process of converting from furrow to drip. During that time, fields lie fallow longer than normal.

2) What percentage of the acreage was under drip irrigation?
Milton Agadar, Waialua Sugar Irrigation Superintendent stated that approximately 90% is fed by drip irrigation from the Waialua Aquifer.

Mr. Martin provided testimony (see Commission file) urging the Commission to review all data presently available and consider imposing further allocation reductions. He also felt specific quantitative guidelines and protocols for administering dry period extractions need to be part of the State Water Resource Protection Plan and water use permit conditions.

Mr. Cox commented that unless more information was available he would be uncomfortable in trying set a time for the dry period because it would vary considerably from aquifer to aquifer. Mr. Sakoda agreed that a generalized guideline would be difficult to make because every situation would be different.

In regards to the word "voluntary", Mrs. Black suggested "agreement" because if there is no water, how could it be a "voluntary reduction". Mr. Sakoda stated that it is voluntary because the Water Code provides that a water user can voluntarily give up or reduce their allocation without going through the public hearing process.

Mr. Ing asked how the data was obtained for the graph and if all the active pumps were metered. Mr. Sakoda said data was submitted monthly by Waialua Sugar. Mr. Agadar responded that all the pumps are metered.

Mr. Ing asked why the 12-month moving average of pumping was used and if this was an industry practice. In Hawaii, 12-month moving averages have been used by the water industry.

Unanimously approved as amended (Cox/Nakata).

ITEM 4

HOUSING FINANCE AND DEVELOPMENT CORPORATION
APPLICATION FOR A WELL CONSTRUCTION PERMIT, KEOPU-HFDC WELL 1 (WELL NO. 3957-03), NORTH KONA, HAWAII

The following items were discussed:

1) The nearby Haseko Well is not being pumped but is proposed to be pumped at 700 gallons per minute.

2) This well would be required to follow the CWRM's pump test protocol, which is a seven day test. The best data possible will be obtained for input into the Groundwater Model currently being developed jointly by USGS/CWRM.

3) If the HFDC wells interfere with the Haseko well, the Hawaii County BWS would not award the full amount of water commitments to the wells.

4) There have been mixed results of the testing of the high level wells. Some have stabilized quickly while others have not.

Mr. Martin expressed concerns regarding ceded lands, the effects on other wells due to a first come-first serve process, and requirements for a water license.

Mr. Tam said public lands are set aside by executive order for county and other state department uses. Setting aside or transferring water to a sub-agency of the state for public purposes is not a transfer to a private entity. Therefore, the use by the counties of state lands for providing municipal water supply does not require a license under the Land Board or the Commission.

Unanimously approved (Cox/Nakata).
be a critical one, determining whether or not they can develop the residential units. He mentioned he did not see an approval for an exploratory well to be necessarily a foot in the door. DOH would be reviewing any subsequent applications very carefully.

Mr. Fujimura commented that on permits accumulating, he hoped that the zoning people would not take a granting of exploratory well permits to mean anything for or against the development. The Water Code was not intended to accelerate development or hinder development; land zone is supposed to take a precedence. Mr. Fujimura moved for approval, stating he did not want anyone to think that he was approving recreational agriculture.

Mr. Cox seconded the motion and added that he had the same kind of a comment and that an exploration well is a desirable thing to learn more about our water resources.

Mr. Nakata said he would be voting against this application because when the bill was passed to permit golf courses on agricultural land, assurances were given that this was not the foot in the door for development.

Mr. Paty followed by saying that in this situation, the Commission would gain in the information available. An exploratory well is, as Mr. Fujimura said, not in any way a commitment to it. We gain information as a result of it and on that basis, we have a better understanding and can deal with it. He also added that lacking that information there would be a big gap in that whole area where we would have no basic water information, and felt this would be overall a help to us on most commissions.

Dr. Anderson added that one of the major concerns the Department of Health had with regard to the proposed golf course project was the potential for pesticides, fertilizers, etc. to leach into the ground; irregardless of whether they went ahead with the housing project. Adding to the Chairperson's position, he felt the information gained through drilling a well to further explore the hydrology of the area would help the DOH make more informed decisions on the potential for pesticides, etc. to leach. They would require that as part of the permitting process should the water resource prove to be available.

Mr. Paty called for a vote. Chairperson Paty, Messrs. Cox and Fujimura voted "Aye". Mr. Nakata voted "No". Motion died for lack of majority vote.

**ITEM 6**
SEIBU HAWAII, INC. APPLICATION FOR WELL CONSTRUCTION PERMIT, SEIBU IRRIGATION WELL #12, MAKENA, MAUI

Mr. Cox asked for a verification that this is a replacement well and why is it being replaced. Mr. Eric Maehara, representing Seibu, confirmed that this well is a replacement because the previous well was not successfully completed.

Unanimously approved (Fujimura/Cox).

**ITEM 7**
SANKYO TSUSHO CO., LTD. DBA MOKULEIA LAND COMPANY APPLICATION FOR WATER USE PERMIT, MOKULEIA WELL, MOKULEIA, OAHU

Mr. Cox asked if staff had looked into the precaution of pesticide use of the golf course. Mr. Lum replied the golf course is almost entirely on the slope wash and any leaching would migrate downward and would not reach the basalt. In answer to Mr. Nakata's question if there were any other kinds of development in the area, Mr. Lum replied he was not aware of any. How
long is the interim permit good for, asked Mr. Fujimura. Mr. Lum said it is
good for five years and they are given two years to have the golf course
built and drawing water. Dr. Anderson commented generally that the
Department of Health has concerns relating to pesticides and fertilizer
contamination of potential drinking water sources. He explained that
studies are being made to determine the risks in regards to leaching of
chemicals which could impact water quality.

Unanimously approved (Cox/Fujimura).

ITEM 8 CITY AND COUNTY OF HONOLULU APPLICATION FOR A STREAM
CHANNEL ALTERATION PERMIT, MAINTENANCE ACCESS RAMP FOR
FIVE OAHU STREAMS

Unanimously approved (Nakata/Cox).

ITEM 9 PAREN, INC.'S APPLICATION FOR A STREAM CHANNEL ALTERATION
PERMIT AND A DIVERSION WORKS CONSTRUCTION PERMIT, WAIPAHU
DRAINAGE CANAL, WAIPAHU, OAHU

Since the water being used is already covered under a groundwater use
permit, the application is for a "reuse" of water. Mr. George Matsumoto
recommended the permits be approved with the following amendments:

1) Delete Recommendation Part A(2) which reads, "The applicant shall first
seek and obtain from the Commission a waiver of the applicable interim
instream flow standard".

2) Delete Recommendation Part A(5) which reads, "the requirements for
securing a water use permit from the Commission and with".

3) Insert A(9) "The applicant obtain assurances that there will be another
source of irrigation water supply for the golf course if the water is not
available from the pump supply".

4) Delete Recommendation Part B(5) which reads, "with the requirement
for securing a water use permit from the Commission and".

Mr. Cox questioned whether this was a "stream" under the definitions of
streams in the rules, because by his understanding it did not sound like a
stream. Mr. Nakata replied that it was a well that is the source of water
for the farm. Ms. Samuels said it was her understanding that these were
once artesian sources, but they are now pumped sources. Mr. Cox replied
that this raises the question of eventually changing the permit for the use of
the groundwater from watercress farming to golf course irrigation. Mr. Cox
commented that it seems like a good project because it will utilize a poor
water source. Mr. Tagomori added that the Board of Water Supply endorses
the reuse of this water for golf course irrigation.

Unanimously approved (Cox/Nakata).

ITEM 10 RESUBMITTAL OF AKIRA ISHIDA'S APPLICATION FOR A STREAM
CHANNEL ALTERATION PERMIT, WAIHEE STREAM, OAHU

Mr. Nakata asked what the impact would be on slope portion of the
streambed on the Kaneohe side where the 20-inch main cuts across the
driveway and also on the Kahuiki side. Mr. Matsumoto answered that staff
is recommending the roadway pavement be reinforced to prevent scouring
such as in the past. To prevent scouring, as well as to allow fish to move
upstream (a concern by the U.S. Fish and Wildlife Service), the downstream
portion would be reinforced with rubble masonry apron. Mr. Nakata
Sankyo Tsusho Co., Ltd. dba Mokuleia Land Company
Application for Water Use Permit
Mokuleia Well, Mokuleia, Oahu

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

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

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

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

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

Water Availability

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

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

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

RECOMMENDATION:

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

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

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

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

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

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

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVED FOR SUBMITTAL:

WILLIAM W. PATY, Chairperson
October 20, 1981

MEMORANDUM FOR THE RECORD

FROM: Manabu Tagomori

SUBJECT: Mokuleia Homesteads Well 3310-03

I discussed with Russ Smith the status of the application to withdraw water from Mokuleia Homesteads Well 3310-03 filed with DLNR by Russ Smith in behalf of Mokuleia Homesteads.

Russ indicated that since he cannot meet the one-year requirement to have the well in production, he would consent to withdraw his application for subsequent reprocessing.

Also Well 3310-03 is intended to serve as a backup to existing Mokuleia Wells. No additional withdrawals are needed over and above the quantities certified by the BLNR on Sept. 11, 1981. The new application will merely ask the Mokuleia Homesteads to serve as a backup well.

Russ asked for a letter so that he could respond for the record.

MANABU TAGOMORI

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

September 11, 1981

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

Gentlemen:

Certification of Ground Water Withdrawals and Uses,
Waialua Ground Water Control Area, Oahu

The Waialua Ground Water Control Area was designated by the Board of Land and Natural Resources on February 27, 1981 under authority of Chapter 177, ERS, and Chapter 158 of Title 13, Administrative Rules entitled "Rules for the Control of Ground Water Use in the State of Hawaii". The Department's regulatory procedures provide for water users to declare their existing water uses within a ninety-day period which ended June 4, 1981 and allows the Board 180 days to certify the declared uses.

The recommended certification of total annual, average daily, and maximum daily withdrawals for individual wells and/or well fields is tabulated in the attachment, "Certification of Ground Water Withdrawals and Uses, Waialua Ground Water Control Area", for the Waialua, Mokuleia, and Kawailoa Subareas. A comparison of the recommended quantity for certification and the sustainable yield adopted by the Board on July 21, 1981 is tabulated below:

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Sustainable Yield (mgd)</th>
<th>Recommended Certification (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waialua</td>
<td>60</td>
<td>61.812</td>
</tr>
<tr>
<td>Mokuleia</td>
<td>20</td>
<td>7.753</td>
</tr>
<tr>
<td>Kawailoa</td>
<td>10</td>
<td>5.360</td>
</tr>
</tbody>
</table>

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

RECOMMENDATION:

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

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

ECO
SUSUMU OGO, Chairman

Approved by the Board of Land & Natural Resources at the meeting held on 9/1/81

ITEM 3-5

C8
<table>
<thead>
<tr>
<th>Source/Owner</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Use</th>
<th>3-yr. Average Use (mgd)</th>
<th>Maximum Use (mgd)</th>
<th>Total Annual Use (mgd)</th>
<th>Average Use (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Wai`alua Sugar Co.</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pump 1</td>
<td>3407-04, 05, 06, 14, 15</td>
<td>5</td>
<td>Agr.</td>
<td>6.0</td>
<td>2.33 Agr.</td>
<td>6.0</td>
<td>850.45</td>
</tr>
<tr>
<td>Pump 2</td>
<td>3307-01 to 06, 06 to 10</td>
<td>9</td>
<td>Agr./ Dom.</td>
<td>10.0</td>
<td>4.37 Agr./ Dom.</td>
<td>10.0</td>
<td>1,595.05</td>
</tr>
<tr>
<td>Pump 2A</td>
<td>3307-07, 11 to 14</td>
<td>5</td>
<td>Agr./ Dom.</td>
<td>7.0</td>
<td>4.45 Agr./ Dom.</td>
<td>7.0</td>
<td>1,108.89</td>
</tr>
<tr>
<td>Pump 3</td>
<td>35-5-01 to 10</td>
<td>20</td>
<td>Agr./ Dom.</td>
<td>7.0</td>
<td>3.16 Agr./ Dom.</td>
<td>7.0</td>
<td>1,113.98</td>
</tr>
<tr>
<td>Pump 7</td>
<td>3407-11, 12, 10, 13</td>
<td>4</td>
<td>Agr./ Dom.</td>
<td>5.5</td>
<td>3.93 Agr./ Dom.</td>
<td>5.5</td>
<td>1,368.75</td>
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<tr>
<td>Pump 8</td>
<td>3306-03, 04</td>
<td>2</td>
<td>Agr./ Dom.</td>
<td>3.0</td>
<td>1.66 Agr./ Dom.</td>
<td>3.0</td>
<td>605.90</td>
</tr>
<tr>
<td>Pump 9</td>
<td>3406-02</td>
<td>1</td>
<td>Agr.</td>
<td>0.75</td>
<td>0.16 Agr.</td>
<td>0.75</td>
<td>58.4</td>
</tr>
<tr>
<td>Pump 10</td>
<td>3306-01 to 12</td>
<td>12</td>
<td>Agr.</td>
<td>12.0</td>
<td>6.62 Agr.</td>
<td>12.0</td>
<td>2,416.30</td>
</tr>
<tr>
<td>Pump 17</td>
<td>3404-02</td>
<td>1</td>
<td>Agr./ Dom.</td>
<td>15.0</td>
<td>8.63 Agr./ Dom.</td>
<td>15.0</td>
<td>2,992.37</td>
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<tr>
<td><strong>Mill Pumps</strong></td>
<td>3407-07 to 10, 16, 17, 20, 21</td>
<td>8</td>
<td>Agr.</td>
<td>19.0</td>
<td>6.62 Agr.</td>
<td>19.0</td>
<td>1,699.95</td>
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<tr>
<td>Pump 24</td>
<td>3102-02</td>
<td>1</td>
<td>Agr.</td>
<td>4.50</td>
<td>2.58 Agr.</td>
<td>4.50</td>
<td>941.70</td>
</tr>
<tr>
<td>Pump 25</td>
<td>3203-01</td>
<td>1</td>
<td>Agr.</td>
<td>4.50</td>
<td>3.10 Agr.</td>
<td>4.50</td>
<td>1,131.50</td>
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<tr>
<td>Pump 26</td>
<td>3203-02</td>
<td>1</td>
<td>Agr.</td>
<td>6.50</td>
<td>2.76 Agr.</td>
<td>6.50</td>
<td>1,007.40</td>
</tr>
<tr>
<td><strong>Subtotal (Wai`alua Sugar Co.)</strong></td>
<td></td>
<td>70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>89.75</td>
<td>48.38</td>
<td>89.75</td>
<td>17,658.70</td>
<td>48.38</td>
<td></td>
</tr>
</tbody>
</table>

**Board of Water Supply**

<table>
<thead>
<tr>
<th>Source</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Use</th>
<th>3-yr. Average Use (mgd)</th>
<th>Maximum Use (mgd)</th>
<th>Total Annual Use (mgd)</th>
<th>Average Use (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wai`alua Wells</td>
<td>3405-01, 02</td>
<td>2</td>
<td>Mun.</td>
<td>4.22</td>
<td>1.72 Mun.</td>
<td>4.22</td>
<td>631.45</td>
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</table>

**Private Users**

<table>
<thead>
<tr>
<th>Source</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Use</th>
<th>3-yr. Average Use (mgd)</th>
<th>Maximum Use (mgd)</th>
<th>Total Annual Use (mgd)</th>
<th>Average Use (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kawaguchi, Howard</td>
<td>3506-07</td>
<td>1</td>
<td>Agr.</td>
<td>0.180</td>
<td>0.058 Agr.</td>
<td>0.180</td>
<td>21.17</td>
</tr>
<tr>
<td>Kawamata, Kengo</td>
<td>3406-03</td>
<td>1</td>
<td>Agr.</td>
<td>0.040</td>
<td>0.040 Agr.</td>
<td>0.040</td>
<td>4.65</td>
</tr>
<tr>
<td>Kunihilo, Shizuo</td>
<td>3406-06, 3407-02</td>
<td>2</td>
<td>Agr.</td>
<td>Nat. flow</td>
<td>No data Agr.</td>
<td>Nat. flow</td>
<td>73.0</td>
</tr>
<tr>
<td>Oceanic Properties</td>
<td>3405-03, 04</td>
<td>2</td>
<td>Mun.</td>
<td>2.016</td>
<td>No data Mun.</td>
<td>2.016</td>
<td>365.0</td>
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<tr>
<td>Polynesian Shores</td>
<td>3406-08</td>
<td>1</td>
<td>Oth.</td>
<td>0.144</td>
<td>0.144 Oth.</td>
<td>0.144</td>
<td>22.56</td>
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<td><strong>Subtotal (Private Users)</strong></td>
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<td>1</td>
<td>2.34</td>
<td>0.202</td>
<td>2.34</td>
<td>548.22</td>
<td>1.502</td>
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<td><strong>TOTAL - Wai`alua Subarea</strong></td>
<td></td>
<td>79</td>
<td>96.41</td>
<td>50.312</td>
<td>96.41</td>
<td>18,939.38</td>
<td>51.612</td>
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</table>

*For Agr./Dom. uses, specific quantities for each use are to be promulgated when additional information becomes available.*
## Waialua GWCA

### Declared Existing Use

<table>
<thead>
<tr>
<th>User/Source</th>
<th>State Well No.</th>
<th>Total Wells</th>
<th>Use</th>
<th>Source Capacity (mgd)</th>
<th>5-yr. Ave. Withdrawal (mgd)</th>
<th>Maximum Daily Withdrawal (mgd)</th>
<th>Total Annual Withdrawal (mgd)</th>
<th>Average Daily Withdrawal (mgd)</th>
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</thead>
<tbody>
<tr>
<td><strong>MOKULEIA Subarea</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waialua Sugar Co.</td>
<td>Pump 5</td>
<td>3413-04, 06 to 11, 13</td>
<td>0</td>
<td>Agr.</td>
<td>0.5</td>
<td>2.55</td>
<td>Agr.</td>
<td>7.0</td>
</tr>
<tr>
<td></td>
<td>Pump 11</td>
<td>3609-13</td>
<td>1</td>
<td>Agr./Dom.</td>
<td>1.5</td>
<td>0.53</td>
<td>Agr./Dom.</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td>Subtotal (Waialua Sugar Co.)</td>
<td></td>
<td>9</td>
<td></td>
<td>10.8</td>
<td>3.08</td>
<td></td>
<td>8.5</td>
</tr>
<tr>
<td><strong>PRIVATE USERS</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Army - Dillingham</td>
<td>3412-02</td>
<td>1</td>
<td>Dom.</td>
<td>0.720</td>
<td></td>
<td>No data</td>
<td>Dom.</td>
<td>0.720</td>
</tr>
<tr>
<td>Air Force - Kaena Pt.</td>
<td>3319-02</td>
<td>1</td>
<td>Uth.</td>
<td>0.086</td>
<td></td>
<td>0.018</td>
<td>Uth.</td>
<td>0.086</td>
</tr>
<tr>
<td>Mokuleia Assoc.</td>
<td>3609-16</td>
<td>1</td>
<td>Dom.</td>
<td>No data</td>
<td></td>
<td>No data</td>
<td>Dom.</td>
<td>-0-</td>
</tr>
<tr>
<td>Mokuleia Homesteads</td>
<td>3610-01</td>
<td>1</td>
<td>Agr./Dom.</td>
<td></td>
<td></td>
<td>Nat. Flow</td>
<td>0.5</td>
<td>Agr./Dom.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3610-03</td>
<td>1</td>
<td>Agr./Dom.</td>
<td></td>
<td>1.512</td>
<td>1.5</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>3610-05</td>
<td>1</td>
<td>Agr.</td>
<td>Nat. Flow</td>
<td>0.1</td>
<td>To be sealed</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>3610-01</td>
<td>1</td>
<td>Agr./Dom.</td>
<td></td>
<td>1.5</td>
<td>No data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3610-02</td>
<td>1</td>
<td>Agr./Dom.</td>
<td></td>
<td>1.5</td>
<td>No data</td>
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<tr>
<td></td>
<td>Subtotal (PRIVATE USERS)</td>
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<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL - Mokuleia Subarea</strong></td>
<td></td>
<td></td>
<td>17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>KAWAILOA Subarea</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waialua Sugar Co.</td>
<td>Pump 4</td>
<td>3605-02 to 04, 06 to 08, 11 to 13</td>
<td>9</td>
<td>Agr.</td>
<td>14.0</td>
<td>5.53</td>
<td>Agr.</td>
<td>14.0</td>
</tr>
<tr>
<td><strong>PRIVATE USER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadow Gold Farm</td>
<td>3704-01</td>
<td>1</td>
<td>Ind.</td>
<td>0.648</td>
<td></td>
<td>0.430</td>
<td>Ind.</td>
<td>0.648</td>
</tr>
<tr>
<td><strong>TOTAL - Kawailoa Subarea</strong></td>
<td></td>
<td></td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*For Agr./Dom. uses, specific quantities for each use are to be prorated when additional information becomes available.*
June 5, 1981

Mr. Russell L. Smith, Jr.
677 Aiwa Hoana, Suite 1000
Honolulu, Hawaii 96813

Dear Mr. Smith:

Waialua Ground Water Control Area

We acknowledge receipt on June 3, 1981, your Declaration of Existing Water Withdrawal and Use in the Waialua Ground Water Control Area. Our staff will review the data and may contact you for a field inspection of your well(s) before certification of your declared water use is made by the Board of Land and Natural Resources.

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

Very truly yours,

[Signature]

ROBERT T. CHUCK
Manager-Chief Engineer

ES: dh
May 4, 1981

Mr. T. Clifford Melim, Jr.
Managing Partner
Mokuleia Homesteads
333 Queen Street, Suite 605
Honolulu, Hawaii 96813

Dear Mr. Melim:

We acknowledge receipt on April 24, 1981 of your Declaration of Existing Water Withdrawal and Use forms for six wells located on Mokuleia Homesteads property. Our staff will review the data and will contact you for a field inspection of your wells before certification of your declared water use is made by the Board of Land and Natural Resources.

In reviewing our records, we find that Well 3410-10 (old well number 291-1) is also located on your property, Tax Map Key 6-8-03:5. Please complete the enclosed form and return it as soon as possible to: Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.

If you have any questions, please call the Division of Water and Land Development at [Redacted] Thank you for your cooperation.

Very truly yours,

Robert T. Chuck
Manager-Chief Engineer

Encls.

ES: ko
WELL INFORMATION SHEET

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

<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3410-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Owner or User:</td>
<td>Dillingham, H</td>
</tr>
<tr>
<td>Year drilled:</td>
<td>1946</td>
</tr>
<tr>
<td>Driller:</td>
<td>Mullin</td>
</tr>
<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td>217</td>
</tr>
<tr>
<td>Casing Diameter in inches:</td>
<td>7</td>
</tr>
<tr>
<td>Total depth of well in feet:</td>
<td>306</td>
</tr>
<tr>
<td>Casing depth in feet:</td>
<td>235</td>
</tr>
</tbody>
</table>

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

Static Water Level in feet: ________________________

Chloride content of water in milligrams/liter: 375 - 725

Installed pump capacity in million gallons per day: ________________________

Average annual draft in million gallons per day: ________________________
April 29, 1981

To:

Subject: Approval of Construction Plans

Dear Letter of March 20, 1981,

transmitting Construction Plans for
Kuleia Homesteads Agricultural
Subdivision, Increment I, and
Water Supply and Storage Facilities

unreviewed, the construction plans for
Agricultural Subdivision, Increment I,
and Storage Facilities.

is in an area that has been designated
by the State, the developer or his agent
the State Department of Land and Natural
necessary source certification and
the sources serving the project. The
be designed in conformance with all
limitations on the water sources as
m Standards.

struction plans only after a revised
orporating the above conditions, together
previous recommendations including
, have been submitted for our review

questions, please contact Richard Fujii

Very truly yours,

KAZU HAYASHIDA
Manager and Chief Engineer

KANEOHE CORPORATION
April 17, 1981

Mr. Susumu Ono, Chairman
Board of Land & Natural Resources
Department of Land and Natural Resources
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809

Dear Sir:

SUBJECT: WATER USAGE AND WATER REQUIREMENTS
Mokuleia Homesteads Lands
Mokuleia, Oahu, Hawaii
TMK: 6:8:02-6, 6:8:03-5, 11, 15,
20, 30, 31, 34 and Por. of 6

Reference is made herewith to your communication of March 16, 1981 and its enclosures concerning the action taken by the Board in designating Honolulu and Waialua Districts of Oahu as Ground Water Control Areas. Your letter was addressed to Mokuleia Ranch and Land Company. Please be advised that Mokuleia Homesteads now controls the Mokuleia Ranch Lands and we, therefore are responding to your transmittal.

The penultimate paragraph of your letter indicated that Mokuleia Homesteads (formerly Mokuleia Ranch) has 6 wells located on their property. This is correct. Wells 3410-01 (Well 288), 3410-02 (Well 291) and 3410-05 (Well 293) are located within Tax Map Key 6:8:03-20. Wells 3310-01, 3310-02 and 3310-03 are recently drilled wells within Tax Map Key Parcel 6:8:03-5 and lie inland approximately one mile from the 3410 well series.

The well information sheets provided with the March 16, 1981 letter indicated that the three indicated "old" wells produced a daily flow of 3.5 million gallons per day (0.4, 2.3 and 0.8). This was true through the early years of the twentieth century
Mr. Susumu Ono, Chairman  
Board of Land & Natural Resources  
April 17, 1981  
Page 2

up to about 1960. This was testified to by Mr. John Zapotocky on December 18, 1980 at the Waialua Public Hearing when he presented written testimony stating that actual discharge had been 3.67 million gallons per day. At the time that this discharge occurred old Wells 289, 292, and 295 were also active. They have since been sealed.

Since Mokuleia Homesteads obtained control of the Mokuleia Ranch lands, we have been actively engaged in developing an Agricultural Subdivision in the area. The development concept was given approval by Land Utilization in October 1980. It is our plan to provide water quantity to the standards established by the Honolulu Board of Water Supply and quality equal to the Environmental Protection Agency's Pure Drinking Water Act.

A short report discussing the proposed development is provided by The Russ Smith Corporation. Enclosures to the report show the results of the pump testing performed in the time frame of October 1980 through January 1981. Should there be any questions, please direct them to The Russ Smith Corporation with a carbon copy to me.

Sincerely yours,

MOKULEIA HOMESTEADS  
MELIM LTD.

T. Clifford Melim, Jr.  
Managing Partner

TCM:gyd  
Enclosures  
cc: Russ Smith
<table>
<thead>
<tr>
<th>To</th>
<th>Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manabu Tagomori</td>
<td></td>
</tr>
<tr>
<td>Albert Ching</td>
<td></td>
</tr>
<tr>
<td>Daniel Lum</td>
<td></td>
</tr>
<tr>
<td>George Matsumoto</td>
<td></td>
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<td>Nobu Kaneshiro</td>
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<td>Tom Nakama</td>
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<td>Paul Matsuo</td>
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<td>Edwin Sakoda</td>
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<td>Milton Yamasaki</td>
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<td>Randall Kurashige</td>
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<td>Neal Imada</td>
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<tr>
<td>Joe Menor</td>
<td></td>
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<tr>
<td>Mitchell Ohye</td>
<td></td>
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<tr>
<td>Doris Hamada</td>
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</tr>
</tbody>
</table>

| Please | | |
|--------| | |
| See me | | |
| Call   | | |
| Take action by ________ | | |
| Review & comment | | |
| Draft reply by ________ | | |
| Type draft | | |
| Type final | | |
| Xerox _____ copies | | |
| Mail    | | |

| For: | | |
|------| | |
| Approval | | |
| Signature | | |
| Information | | |

| Robert Chuck | | Jane Sakai | | | Bill Koyanagi |
|--------------| |------------| | | | | |
| Takeo Fujii  | | Elsie Yonamine | | | Richard Jinnai |
| James Yoshimoto | | | | | | | |

Package 1 info on way up from sub off.
April 17, 1981

Mr. Susumu Ono, Chairman
Board of Land & Natural Resources
Department of Land and Natural Resources
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809

Dear Sir:

SUBJECT: WATER USAGE AND WATER REQUIREMENTS
Mokuleia Homesteads Lands
Mokuleia, Oahu, Hawaii
TMK: 6:8:02-6, 6:8:03-5, 11, 15, 20, 30, 31, 34 and Por. of 6

Reference is made herewith to your communication of March 16, 1981 and its enclosures concerning the action taken by the Board in designating Honolulu and Waialua Districts of Oahu as Ground Water Control Areas. Your letter was addressed to Mokuleia Ranch and Land Company. Please be advised that Mokuleia Homesteads now controls the Mokuleia Ranch Lands and we, therefore are responding to your transmittal.

The penultimate paragraph of your letter indicated that Mokuleia Homesteads (formerly Mokuleia Ranch) has 6 wells located on their property. This is correct. Wells 3410-01 (Well 288), 3410-02 (Well 291) and 3410-05 (Well 293) are located within Tax Map Key 6:8:03-20. Wells 3310-01, 3310-02 and 3310-03 are recently drilled wells within Tax Map Key Parcel 6:8:03-5 and lie inland approximately one mile from the 3410 well series.

The well information sheets provided with the March 16, 1981 letter indicated that the three indicated "old" wells produced a daily flow of 3.5 million gallons per day (0.4, 2.3 and 0.8). This was true through the early years of the twentieth century
up to about 1960. This was testified to by Mr. John Zapotocky on December 18, 1980 at the Waialua Public Hearing when he presented written testimony stating that actual discharge had been 3.67 million gallons per day. At the time that this discharge occurred old Wells 289, 292, and 295 were also active. They have since been sealed.

Since Mokuleia Homesteads obtained control of the Mokuleia Ranch Lands, we have been actively engaged in developing an Agricultural Subdivision in the area. The development concept was given approval by Land Utilization in October 1980. It is our plan to provide water quantity to the standards established by the Honolulu Board of Water Supply and quality equal to the Environmental Protection Agency's Pure Drinking Water Act.

A short report discussing the proposed development is provided by The Russ Smith Corporation. Enclosures to the report show the results of the pump testing performed in the time frame of October 1980 through January 1981. Should there be any questions, please direct them to The Russ Smith Corporation with a carbon copy to me.

Sincerely yours,

MOKULEIA HOMESTEADS
MELIM LTD.

T. Clifford Melim, Jr.
Managing Partner

TCM:gyd

Enclosures

cc: Russ Smith
<table>
<thead>
<tr>
<th>To/Initial</th>
<th>Robert T. Chuck</th>
<th>See Me</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Takeo Fujii</td>
<td>Take action by</td>
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<tr>
<td></td>
<td>James Yoshimoto</td>
<td>Route to your branch</td>
</tr>
<tr>
<td></td>
<td>Manabu Tagomori</td>
<td>Review &amp; comment</td>
</tr>
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<td></td>
<td>George Morimoto</td>
<td>Draft reply by</td>
</tr>
<tr>
<td></td>
<td>Hong Fong Chang</td>
<td>For information</td>
</tr>
<tr>
<td></td>
<td>Herbert Morimatsu</td>
<td>Xerox distributed</td>
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<td></td>
<td>George Miyashiro</td>
<td>Acknowledge receipt</td>
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<td></td>
<td>Harold Sakai</td>
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<td>Leslie Asari</td>
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<td>Albert Ching</td>
<td>Doris Hamada</td>
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<td>George Matsumoto</td>
<td>Lorraine Nanbu</td>
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<td>Daniel Lum</td>
<td>Jean Siarot</td>
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<td>Paul Matsuo</td>
<td>Elsie Yonamine</td>
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<td>Noboru Kaneshiro</td>
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<tr>
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<td>Edwin Sakoda</td>
<td>Milt</td>
</tr>
<tr>
<td></td>
<td>Edwin Sakoda</td>
<td>Neal</td>
</tr>
</tbody>
</table>
Mr. Robert T. Chuck  
Manager-Chief Engineer  
State of Hawaii  
Department of Land and Natural Resources  
Division of Water and Land Development  
P. O. Box 373  
Honolulu, Hawaii 96809  

Dear Sir:

SUBJECT: Well 291-1 at Mokuleia  
(3410-10)

Reference is made herein to your May 4, 1981 transmittal of forms and requested information on the subject well currently owned by Mokuleia Homesteads.

The well has been a poor producer over the years, since 1946, when it was drilled, mainly because the well never penetrated the caprock. (See Gordon McDonald letter reproduced herewith.) Because of the small sized casing, it was figured too expensive to deepen and develop for the quantity of water that might be developed.

It is anticipated that Well 291-1 will be sealed and Well 3310-02 will replace it in the future. Well 3310-02 is presently being studied by your staff.

Sincerely,

THE RUSS SMITH CORPORATION

Russell L. Smith, Jr.

RLS/aw

Attachment
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name Mokuleia Homesteads Mailing address Honolulu, Hawaii 96813
   Phone: 

2. WATER USER'S [X] WELL [ ] CONNECTED BATTERY OF WELLS:
   User's Well Name and Location 291-1 at Mokuleia (3410-10) Tax Map Key: 6-8-03:5
   User's Well No. (s) Pump or natural flow capacity (gpm) Capacity determined by flowmeter, nameplate, orifice, etc. (specify) Year pump inst./modified
   291-1 Pumped Inoperative 1947
   This well to be sealed, see separate report attached.

3. BENEFICIAL USE OF WATER:
   (a) Major Use: [ ] Municipal [ ] Agriculture [ ] Military [ ] Industrial [ ] Domestic [ ] Other (specify) (specify)
   (b) Minor Uses: (specify)
   (c) For Agriculture Use list crop(s) total acreage irrigated , and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: [ ] Metered flow [ ] Nameplate pump capacity [ ] Orifice [ ] Weir [ ] Other (specify)
   (b) Records available (in million gallons per day, three decimal places):
      |-------|------|------|------|------|------|------|---------|
      | Jan.  |      |      |      |      |      |      |         |
      | Feb.  |      |      |      |      |      |      |         |
      | Mar.  |      |      |      |      |      |      |         |
      | Apr.  |      |      |      |      |      |      |         |
      | May   |      |      |      |      |      |      |         |
      | June  |      |      |      |      |      |      |         |
      | July  |      |      |      |      |      |      |         |
      | Aug.  |      |      |      |      |      |      |         |
      | Sep.  |      |      |      |      |      |      |         |
      | Oct.  |      |      |      |      |      |      |         |
      | Nov.  |      |      |      |      |      |      |         |
      | Dec.  |      |      |      |      |      |      |         |
      | Yr. total |      |      |      |      |      |      |         |
      | Mo, Ave |      |      |      |      |      |      |         |

5-year average: mgd, highest day use mgd on ,19.
   (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week):

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

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

Water User: MOKULEIA HOMESTEADS (print) Date: May 29, 1981
Landowner of Well Site: MOKULEIA HOMESTEADS (print)

For Official Use: Last day to certify Date certified 
Amount certified WELL(S) No. 3410-10
**WELL INFORMATION SHEET**

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

<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3410-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Owner or User:</td>
<td>Drumright, H</td>
</tr>
<tr>
<td>Year drilled:</td>
<td>1946</td>
</tr>
<tr>
<td>Driller:</td>
<td>Mullin</td>
</tr>
<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td>217</td>
</tr>
<tr>
<td>Casing Diameter in inches:</td>
<td>7</td>
</tr>
<tr>
<td>Total depth of well in feet:</td>
<td>300</td>
</tr>
<tr>
<td>Casing depth in feet:</td>
<td>235</td>
</tr>
</tbody>
</table>

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

**Static Water Level in feet:**

**Chloride content of water in milligrams/liter:** 375 - 725

**Installed pump capacity in million gallons per day:**

**Average annual draft in million gallons per day:**
Mr. H. A. R. Austin  
H. A. R. Austin and Associates, Ltd.  
850 Richards St.  
Honolulu, Hawaii

Dear Mr. Austin:

The well log you sent indicates very definitely that well 291-1, on the Dillingham ranch at Mokuleia, is completely in caprock. Lava rock in place was not penetrated, and therefore the basal aquifer was not entered. The brackish water yielded by the well is caprock water.

As you know, most wells producing from caprock on Oahu yield brackish water. The origin of the salt is not entirely clear. Some of it undoubtedly is the result of downward transportation of ocean spray blown inland. However, part of it also probably is connate sea water trapped in the sediments during their deposition at a time of former higher sea level. The saltiness is diluted to varying degrees by fresh water entering the caprock from above, by influent seepage, and by fresh water percolating through the caprock as leaks from the basal aquifer. At well 291-1, greater leakage from the basal aquifer at depth probably accounts for the lesser salinity encountered on deepening the well.

In the Mokuleia area, a well drilled inland beyond the edge of the caprock will encounter the basal water table in lava rocks, at a height above sea level approximately equal to the artesian head in the artesian area directly seaward from it. We have no direct evidence on the quality of the water in the upper part of the basal zone of saturation in that area, but the good quality of the artesian water nearer the ocean indicates that the upper part of the basal water also probably is of low salinity, well within the potable range.

Because the height of the basal water table is declining westward, and the thickness of the fresh-water lens is decreasing approximately 40 times as fast, it is very desirable to locate a well as far to the east as is feasible, and certainly not west of the Dillingham quarry. This is particularly true because of the low rainfall in the Waianae area, where low rate of recharge favors salt-water admixture in the lens, especially where the latter is thin.
The cliff along the north side of the Waianae Range is an old sea cliff, and probably projects beneath the alluvial caprock at a rather high angle. Because we do not actually know the angle of slope of the cliff buried beneath the alluvium, in order to be sure of reaching the basal water body inland from the cliff a well should be placed very close to the upper boundary (south boundary) of the caprock or inland from it along the cliff face, or inland from the projected line of the cliff if in one of the gulches. If you want me to help in choosing a specific site, I shall be glad to do so.

Sincerely yours,

/s/t: Gordon A. Macdonald
Geologist
Mr. Ed Sakoda, Geologist  
Division of Water and Land Development  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Ed:

Pursuant to your recent request, I am transmitting a list of the public water systems and sources presently on our inventory of public water systems for the newly designated Waialua and Honolulu Groundwater Control Areas. As mentioned, a public water system as defined by Chapter 49, Public Health Regulations is any system which serves 25 or more persons 60 days per year. The enclosed list, therefore, does not include sources for water systems serving less than 25 persons.

**HONOLULU GROUNDWATER CONTROL AREA**

<table>
<thead>
<tr>
<th>System No.</th>
<th>Sources No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>301 Dole Pineapple Canning Water System</td>
<td>USGS 1952-11</td>
</tr>
<tr>
<td>308 MTL Water System</td>
<td>USGS 1952-13</td>
</tr>
<tr>
<td>312 Queen's Medical Center</td>
<td>USGS 1952-20</td>
</tr>
<tr>
<td>319 Kamehameha Schools</td>
<td>USGS 1952-21</td>
</tr>
<tr>
<td>323 Pacific Club</td>
<td>USGS 1851-20</td>
</tr>
<tr>
<td>324 Punahou School</td>
<td>USGS 1851-11</td>
</tr>
<tr>
<td>330 Sheraton Hotels</td>
<td>USGS 2052-07</td>
</tr>
<tr>
<td></td>
<td>USGS 1851-07</td>
</tr>
<tr>
<td></td>
<td>USGS 1849-10</td>
</tr>
<tr>
<td></td>
<td>USGS 1749-19</td>
</tr>
</tbody>
</table>
WAIALUA GROUNDWATER CONTROL AREA

<table>
<thead>
<tr>
<th>System No.</th>
<th>Sources No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>309 Waialua Sugar</td>
<td>USGS 3307-1-14</td>
</tr>
<tr>
<td>310 Waialua Sugar</td>
<td>USGS 3404-02</td>
</tr>
<tr>
<td>311 Waialua Sugar</td>
<td>USGS 3407-11,12,18,19</td>
</tr>
<tr>
<td>313 Mokuleia Associates</td>
<td>USGS 3409-16</td>
</tr>
<tr>
<td>326 Mokuleia Homesteads</td>
<td>USGS 3409-09</td>
</tr>
<tr>
<td>329 Camp Erdman</td>
<td>USGS 3410-01</td>
</tr>
</tbody>
</table>

I hope this information will be of use to you.

Sincerely,

MELVIN J. HAMANO
Environmental Engineer
Drinking Water Section
Sanitation Branch
Environmental Protection and
Health Services Division

MJH:dnn
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Water and Land Development

TO:

Chairman
Deputy to Chairman
Board Member
Deputy Attorney General
Planning Office
State Parks
Fish and Game
Forestry
Land Management

FOR:

Signature
Approval
Approval as to Form
Approval & Transmittal to Governor
Comment
Recommendation
Investigation & Report
Appropriate Action
Retention
Return

REMARKS: Public Notice
to be published in State Bulletin

Bob C.
Signature
May 18, 1981
CONSIDERATION OF A WATER USE PERMIT IN THE
WAIALUA GROUND WATER CONTROL AREA

Public Notice

All interested parties are hereby notified that the Board of Land and Natural Resources (BLNR) plans to consider and act on the following application for a Water Use Permit in the Waialua Ground Water Control Area at its regularly scheduled meeting on Friday morning (9:00 am), May 29, 1981, Room 132 Kalanimoku Building, 1151 Punchbowl Street, Honolulu:

Mokuleia Homesteads Well 3310-03. Mokuleia Homesteads requests that the BLNR approve a Water Use Permit for Well 3310-03 for average daily withdrawal of 1.25 million gallons per day and maximum daily withdrawal of 1.5 million gallons per day for domestic and agricultural uses.

For further information please contact the Division of Water and Land Development at [omitted] State of Hawaii BOARD OF LAND AND NATURAL RESOURCES

SUSUMU ONO
Chairman of the Board

Date: [omitted]
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Water and Land Development
Honolulu, Hawaii

May 29, 1981

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

Gentlemen:

Certification of Ground Water Withdrawal and Use
for Mokuleia Homesteads Wells 3310-01 and 3310-02,
Waialua Ground Water Control Area

The Board of Land and Natural Resources designated the Waialua Ground Water Control Area on February 27, 1981, thereby establishing November 29, 1980, as the "effective date" (90 days prior to the designated date) for certification of existing ground water withdrawals and the issuing of permits for drilling new wells and for new withdrawals.

Mokuleia Homesteads Wells 3310-01 and 3310-02 were both "under construction" on the effective date of designation; hence, qualify for certification of ground water withdrawals from the Board of Land and Natural Resources in accordance with the Department's Regulation 9 and Chapter 177, Hawaii Revised Statutes. Mokuleia Homesteads has requested the Board to certify 1.25 mgd (average daily) and 1.5 mgd (maximum daily) withdrawals for each of the wells for domestic and agricultural uses. The quantities requested are tabulated below:

<table>
<thead>
<tr>
<th>Well</th>
<th>Use</th>
<th>Max. daily (mgd)</th>
<th>Ave. daily (mgd)</th>
<th>Total Annual (mg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mokuleia Well 3310-01</td>
<td>Dom/Agr</td>
<td>1.5</td>
<td>1.25</td>
<td>456</td>
</tr>
<tr>
<td>Mokuleia Well 3310-02</td>
<td>Dom/Agr</td>
<td>1.5</td>
<td>1.25</td>
<td>456</td>
</tr>
</tbody>
</table>

The sustainable yield of the Mokuleia subarea of the Waialua Ground Water Control Area is estimated to range between 15 and 25 mgd. The present ground water use in the Mokuleia subarea is approximately 5 mgd. Therefore, additional water supplies are available for development in the Mokuleia subarea. Additionally, data from pumping tests conducted for both wells indicate the availability of potable water for sustained production of a reliable long-term water supply. It is recommended that the Board certify Mokuleia Homesteads' request to withdraw ground water in the quantities shown in the above table.

RECOMMENDATION

That the Board conditionally certify 1.25 mgd (average daily) and 1.5 mgd (maximum daily), and an annual total withdrawal of 456 million gallons for Mokuleia Homesteads Well 3310-01 and similar quantities for Mokuleia Homesteads Well 3310-02, subject to the following conditions:
1. Mokuleia Homesteads comply with all applicable rules, ordinances, and statutes.

2. The Board review the certified quantities and make necessary revisions after all other uses are certified for the Mokuleia subarea after the 180 days certification period ending December 4, 1981.

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

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

May 29, 1981

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

Gentlemen:

Permit for Ground Water Withdrawal and Use
for Mokuleia Homesteads Well 3310-03,
Waialua Ground Water Control Area

The Board of Land and Natural Resources designated the Waialua Ground Water Control Area on February 27, 1981, thereby establishing November 29, 1980, as the "effective date" (90 days prior to the designated date) for certification of existing ground water withdrawals and the issuing of permits for drilling new wells and for new withdrawals.

Mokuleia Homesteads Well 3310-03 was drilled after the effective date of designation; hence, a permit to withdraw ground water is required from the Board of Land and Natural Resources in accordance with the Department's Regulation 9 and Chapter 177, Hawaii Revised Statutes. Mokuleia Homesteads has requested from the Board a permit to withdraw 1.25 mgd (average daily) and 1.5 mgd (maximum daily) from Well 3310-03 for domestic and agricultural uses.

The sustainable yield of the Mokuleia subarea of the Waialua Ground Water Control Area is estimated to range between 15 and 25 mgd. The present ground water use in the Mokuleia subarea is approximately 5 mgd. Therefore, additional water supplies are available for development in the Mokuleia subarea. Additionally, data from pumping tests conducted for the well indicate the availability of potable water for sustained production of a reliable long-term water supply. It is recommended that the Board approve Mokuleia Homesteads' request for a permit to withdraw ground water for the quantity requested.

RECOMMENDATION:

That the Board conditionally approve a water use permit to Mokuleia Homesteads for withdrawal of 1.25 mgd (average daily) and 1.5 mgd (maximum daily), and an annual total withdrawal of 456 million gallons for Mokuleia Homesteads Well 3310-03, subject to the following conditions:

1. Mokuleia Homesteads comply with all applicable rules, ordinances, and statutes.
2. The Board review the quantities permitted and make necessary revisions after all uses are certified for the Mokuleia subarea after the 180 days certification period ending December 4, 1981.

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

SUSUMU ONO, Chairman
State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Water and Land Development  
Honolulu, Hawaii  
May 29, 1981  

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

Gentlemen:  

Certification of Ground Water Withdrawal and Use  
for Mokuleia Homesteads Wells 3310-01 and 3310-02,  
Waialua Ground Water Control Area  

The Board of Land and Natural Resources designated the Waialua Ground Water Control Area on February 27, 1981, thereby establishing November 29, 1980 as the "effective date" (90 days prior to the designated date) for certification of existing ground water withdrawals and the issuing of permits for drilling new wells and for new withdrawals.  

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</tr>
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</table>

The sustainable yield of the Mokuleia subarea of the Waialua Ground Water Control Area is estimated to range between 15 and 25 mgd. The present ground water use in the Mokuleia subarea is approximately 5 mgd. Therefore, additional water supplies are available for development in the Mokuleia subarea. Additionally, data from pumping tests conducted for both wells indicate the availability of potable water for sustained production of a reliable long-term water supply. It is recommended that the Board certify Mokuleia Homesteads' request to withdraw ground water in the quantities requested as shown in the above table.  

RECOMMENDATION  

That the Board conditionally certify 1.25 mgd average daily and 1.5 mgd maximum daily, and an annual total withdrawal of 450 million gallons for Mokuleia Homesteads Well 3310-01 and similar quantities for Mokuleia Homesteads Well 3310-02, subject to the following conditions:
Chairman and Members
Board of Land & Natural Resources

May 29, 1981

1. Mokuleia Homesteads comply with all applicable rules, ordinances, and statutes.

2. The Board review the certified quantities and make necessary revisions after all other uses are certified for the Mokuleia subarea after the 180 days certification period ending December 4, 1981.

Respectfully submitted,

ROBERT T. CHUCK
Manager-Chief Engineer

APPROVED FOR SUBMITTAL:

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

Gentlemen:

Permit for Ground Water Withdrawal and Use
for Mokuleia Homesteads Well 3310-03,
Waialua Ground Water Control Area

The Board of Land and Natural Resources designated the Waialua Ground Water Control Area on February 27, 1981, thereby establishing November 29, 1980 as the "effective date" (90 days prior to the designated date) for certification of existing ground water withdrawals and the issuing of permits for drilling new wells and for new withdrawals.

Mokuleia Homesteads Well 3310-03 was drilled after the effective date of designation; hence, a permit to withdraw ground water is required from the Board of Land and Natural Resources in accordance with the Department's Regulation 9 and Chapter 177, Hawaii Revised Statutes. Mokuleia Homesteads has requested the Board for a permit to withdraw 1.25 mgd average daily and 1.5 mgd maximum daily from Well 3310-03 for domestic and agricultural uses.

The sustainable yield of the Mokuleia subarea of the Waialua Ground Water Control Area is estimated to range between 15 and 25 mgd. The present ground water use in the Mokuleia subarea is approximately 5 mgd. Therefore, additional water supplies are available for development in the Mokuleia subarea. Additionally, data from pumping tests conducted for the well indicate the availability of potable water for sustained production of a reliable, long-term water supply. It is recommended that the Board approve Mokuleia Homesteads' request for a permit to withdraw ground water with the quantity requested.

RECOMMENDATION:

That the Board conditionally approve a water use permit to Mokuleia Homesteads for withdrawal of 1.25 mgd average daily and 1.5 mgd maximum daily, and an annual total withdrawal of 456 million gallons for Mokuleia Homesteads Well 3310-03, subject to the following conditions:

1. Mokuleia Homesteads comply with all applicable rules, ordinances, and statutes.

2. The Board review the quantities permitted and make necessary revisions after all uses are certified for the Mokuleia subarea after the 180 days certification period ending December 4, 1981.

Respectfully submitted,

APPROVED FOR SUBMITTAL: ROBERT T. CHUCK
Manager-Chief Engineer

SUSUMU ONO, Chairman
1. Street field figure
   to be circulated

28th Briefing 3rd

1. BWS plans
2. DOT airfield
   (removal of emergency
   runway req.)
3. Static Park
Need a Water Use Permit application, including $100 filing fee, from Molokai Industries. It’s a formality but is necessary. For well 3310-03 only.

[Signature]

Public Notice: May 29 to June 1, 19
228 Galápagos

by B2MK in trusted parties.
WGWCA: Mokuleia Homesteads

Certification of Existing Use:
3310-01 & 3310-02

Water Use Permit: 3310-03 (need WWP application from Mokuleia Board)
- notice of application (10 days prior to granting) May 19
- notice to interested parties.

Subj. to compliance:
benefit use
Satisfy req of other agencies
Review sub. certif. for WLA complete
Waialua Sugar Co. Jumping from Niihau 1975-1979
~ 3 MGD
Niihau Assn. -
2.1 MGD "over the past several years."
Cor. report - awaiting for analysis.
**Well No.** | **BWS Permit** | **DUNP Permit** | **Remarks**
---|---|---|---
3310-01 | 16 Jun 80 | 14 Apr 80 | Start: 8/29/80 (Complete: 10/80)
| | | | 5: 10/80
| | | | C: 12/11/80
| | | | Pumping unit: 8-10 Dec (860 slm)
| | | | 5: 12/4/80
| | | | C: 12/17/80
| | | | Pumping tests: 5/17/81, 21-23 Jan (86)
3310-02 | 24 Sep 80 | 17 Nov 80 | well Modification awaited
3310-03 | 10 Oct 80 | 14 Jan 81 | 6 Feb 81
3410-03 | 17 Dec 80 | |

**EDV - Nov. 29, 1980**

If 3310-01 was not being pumped from 29 Nov 80 to 29 Nov 80, the area would be considered as "facilities under construction."

3310-02: was "under construction" on 29 Nov 80. Considered (1/8)

3310-03: was not "under construction." on 29 Nov 80

Well opened (1/18)
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name Mokuleia Homesteads 333 Queen Street
   Phone: [redacted] Mailing address Suite 605 Honolulu, Hawaii 96813

2. WATER USER'S WELL CONNECTED BATTERY OF WELLS:
   User's Well Name and Location 3310-03 - Mokuleia
   Tax Map Key: 6:8:03-5
   Pump or natural flow capacity (gpm) Pumped 1,050 gpm
   Capacity determined by flowmeter, nameplate, orifice, etc. (specify) Flow meter on pump test - Jan. 1981
   Year pump inst./modified

3. BENEFICIAL USE OF WATER:
   (a) Major Use: [x] Municipal [x] Agriculture [ ] Military [ ] Industrial
      [x] Domestic [ ] other See Report (specify) [x] Domestic
   (b) Minor Uses: (specify)
   (c) For Agriculture Use list crop(s) See Report , total acreage irrigated. Por. of 600 , and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: [ ] Metered flow [x] Nameplate pump capacity
      [ ] Orifice [ ] Weir [ ] Other (specify)
   (b) Records available (in million gallons per day, three decimal places):

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<td>5-year average:</td>
<td>1.5 mgd, highest day use 1.5 mgd on Jan. 21-23, 1981.</td>
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   (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week: As Required

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

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

Water User: MOKULEIA HOMESTEADS
   (print) [signature] April 17, 1981

Landowner of Well Site: MOKULEIA HOMESTEADS
   (print) [signature] April 17, 1981

For Official Use: Last day to certify OCT 22, 1981
Amount certified 3310-03
WELL(S) No.
WELL INFORMATION SHEET

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

---

Well Number: 3310-03 NEW WELL
Name or Location: Mokuleia Homesteads
Owner or User: Mokuleia Homesteads
Year drilled: 1980 1981
Driller: Water Resources International, Inc.
Ground Surface Elevation in feet referenced to mean sea level: 187 msl.
Casing Diameter in inches: 12"
Total depth of well in feet: 392'
Casing depth in feet: 272'
Major Use:
- □ Domestic
- □ Disposal
- □ Municipal
- □ Unused
- □ Lost
- □ Irrigation
- □ Sealed
- □ Recharge
- □ Industrial
- □ Observation
- □ Other (specify)

Static Water Level in feet: 19.2' msl.
Chloride content of water in milligrams/liter: 87 mg/l
Installed pump capacity in million gallons per day: to be 1.5 m.g.d.
Average annual draft in million gallons per day: Estimated to be 1.25 m.g.d.
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name Mokuleia Homesteads
   Mailing address 333 Queen Street
   Honolulu, Hawaii 96813
   Phone: 

2. WATER USER’S □ WELL □ CONNECTED BATTERY OF WELLS:
   User’s Well Name and Location 3310-02 - Mokuleia
   Tax Map Key: 6:8:03-5
   User’s Well No. (s) Pump or natural flow capacity (gpm) Capacity determined by flowmeter, nameplate, orifice, etc. (specify) Year pump inst./modified
   02 Pumped 1,400 gpm Flow meter - December pump test 1980

3. BENEFICIAL USE OF WATER:
   (a) Major Use: □ Municipal □ Agriculture □ Military □ Industrial
       □ Domestic □ other See Report (specify) (specify)
   (b) Minor Uses:
   (c) For Agriculture Use list crop(s) See Report, total acreage irrigated Por. of 600 , and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: □ Metered flow □ Nameplate pump capacity
       □ Orifice □ Weir □ Other (specify)
   (b) Records available (in million gallons per day, three decimal places):

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   (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week: As Required

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

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

Water User: MOKULEIA HOMESTEADS
   (print) Date: April 17, 1981
   (signature)

Landowner of
Well Site: MOKULEIA HOMESTEADS
   (print) Date: April 17, 1981
   (signature)

For Official Use: Last day to certify Oct 24, 1981
   Date certified
   Amount certified __________
   WELL(S) No. 3310-02
   __________
**WELL INFORMATION SHEET**

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

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<tr>
<td>Well Number</td>
<td>3310-02 NEW WELL</td>
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<tr>
<td>Name or Location</td>
<td>Mokuleia Homesteads</td>
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<td>Owner or User</td>
<td>Mokuleia Homesteads</td>
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<tr>
<td>Year drilled</td>
<td>1980</td>
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<tr>
<td>Driller</td>
<td>Water Resources International, Inc</td>
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<tr>
<td>Ground Surface Elevation</td>
<td>367' m.s.l.</td>
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<tr>
<td>Casing Diameter in inches</td>
<td>14&quot;</td>
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<td>Total depth of well in feet</td>
<td>442'</td>
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<td>Casing depth in feet</td>
<td>440'</td>
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<td>Major Use</td>
<td>Domestic</td>
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<td>Static Water Level in feet</td>
<td>19.4' m.s.l.</td>
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<td>Chloride content of water</td>
<td>37.2 mg/l</td>
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<td>Installed pump capacity in mgd</td>
<td>To be 1.5 mgd.</td>
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<tr>
<td>Average annual draft in mgd</td>
<td>Estimated to be 1.25 mgd.</td>
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State of Hawaii  
Department of Land and Natural Resources  

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE  
Honolulu and Waialua Ground Water Control Areas  

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

1. WATER USER: Name Mokuleia Homesteads  
   Mailing address Suite 605  
   Phone:  
   Address: Honolulu, Hawaii 96813

2. WATER USER'S □ WELL □ CONNECTED BATTERY OF WELLS:  
   User's Well Name and Location 3310-01 - Mokuleia  
   Tax Map Key: 6:8:03-5

   User's Well No. (s)  
   Pump or natural flow capacity (gpm)  
   Capacity determined by flowmeter, nameplate, orifice, etc. (specify)  
   Year pump inst./modified

   01  
   Pumped 900 gpm  
   Flow meter - October pump test  
   1980

3. BENEFICIAL USE OF WATER: To Be
   (a) Major Use: □ Municipal □ Agriculture □ Military □ Industrial
   □ Domestic □ other See Report (specify)
   (specify)
   (b) Minor Uses: (specify)
   (c) For Agriculture Use list crop(s) See Report, total acreage irrigated Per. of 600, and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: □ Metered flow □ Nameplate pump capacity
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</table>
   5-year average: 
   mgd, highest day use 1.25 mgd on Oct. 10-11, 1980.

   (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week: As Required

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

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

   Water User: MOKULEIA HOMESTEADS  
   Landowner of Well Site: MOKULEIA HOMESTEADS  
   Date: April 17, 1981

   Date certified: April 17, 1981

   FOR OFFICIAL USE: Last day to certify OCT. 24, 1981
   Amount certified:  
   WELL(S) No. 3310-01
WELL INFORMATION SHEET

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

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<td>Name or Location:</td>
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<td>Owner or User:</td>
<td>Mokuleia Homesteads</td>
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<tr>
<td>Year drilled:</td>
<td>1980</td>
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<tr>
<td>Driller:</td>
<td>Water Resources International, Inc.</td>
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<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td>478' msl</td>
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<td>Casing Diameter in inches:</td>
<td>12&quot;</td>
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<td>Total depth of well in feet:</td>
<td>575'</td>
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<td>Casing depth in feet:</td>
<td>518'</td>
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<td>Major Use:</td>
<td>☐ Domestic ☐ Disposal</td>
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<td>☐ Municipal ☐ Unused ☐ Lost</td>
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<td>☐ Irrigation ☐ Sealed ☐ Recharge</td>
<td></td>
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<tr>
<td>☐ Industrial ☐ Observation ☐ Other (specify)</td>
<td></td>
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<tr>
<td>Static Water Level in feet:</td>
<td>19.48' msl</td>
</tr>
<tr>
<td>Chloride content of water in milligrams/liter:</td>
<td>27.7 mg/l</td>
</tr>
<tr>
<td>Installed pump capacity in million gallons per day:</td>
<td>to be 1.5 mgd</td>
</tr>
<tr>
<td>Average annual draft in million gallons per day:</td>
<td>Estimated to be 1.25 mgd</td>
</tr>
</tbody>
</table>
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name Mokuleia Homesteads  Mailing address Suite 605  333 Queen Street  Honolulu, Hawaii 96813
   Phone: [redacted]

2. WATER USER'S WELL CONNECTED BATTERY OF WELLS:
   User's Well Name and Location Well 293 - Mokuleia  Tax Map Key: 6:18:03-20
   User's Well No. (s) Pump or natural flow capacity (gpm) Capacity determined by flowmeter, nameplate, orifice, etc. (specify) Year pump inst./modified
   293  70 gpm  Estimate of free flow and valve Free flow

3. BENEFICIAL USE OF WATER:
   (a) Major Use: Municipal □  Agriculture □  Military □  Industrial □
       Domestic □  Other □  Stock watering (specify) (specify)
   (b) Minor Uses: (specify)
   (c) For Agriculture Use list crop(s) total acreage irrigated , and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: Metered flow □  Nameplate pump capacity □
       Orifice □  Weir □  Other □ (specify) Estimate
   (b) Records available (in million gallons per day, three decimal places):

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</table>
   | (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week): Provides water for cattle in lower pasture.
   |            |      |      |      |      |      |      |
   |            |      |      |      |      |      |      |
   |            |      |      |      |      |      |      |

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

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

Water User: MOKULEIA HOMESTEADS (print) [signature] Date: April 17, 1981

Landowner of Well Site: MOKULEIA HOMESTEADS (print) [signature] Date: April 17, 1981

For Official Use: Last day to certify Oct 24, 1981 Date certified WELLS No. 3410-05 Amount certified
WELL INFORMATION SHEET

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

<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3410-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Owner or User:</td>
<td>Mokuleia Ranch Mokuleia Homestead</td>
</tr>
<tr>
<td>Year drilled:</td>
<td></td>
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<tr>
<td>Driller:</td>
<td></td>
</tr>
</tbody>
</table>

Ground Surface Elevation in feet referenced to mean sea level: 15

Casing Diameter in inches: 8

Total depth of well in feet: 506

Casing depth in feet: 466

Major Use:

- [□] Domestic
- [□] Disposal
- [☑] Municipal
- [□] Unused
- [□] Lost
- [□] Irrigation
- [□] Sealed
- [□] Recharge
- [□] Industrial
- [□] Observation
- [☑] Other (specify) Stock watering

Static Water Level in feet: 18.3

Chloride content of water in milligrams/liter: 78 - 164

Installed pump capacity in million gallons per day: none

Average annual draft in million gallons per day: 0.4 0.1

To be sealed!
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name
   Mokuleia Homesteads
   Mailing address
   Suite 605
   333 Queen Street
   Honolulu, Hawaii 96813
   Phone:

2. WATER USER’S WELL CONNECTED BATTERY OF WELLS:
   User’s Well Name and Location
   Well 288 - Mokuleia
   Tax Map Key: 6:8:03-20
   User’s Well
   No. (s)
   Pump or natural flow capacity (gpm)
   Capacity determined by flowmeter, nameplate, orifice, etc. (specify)
   Year pump inst./modified
   288
   Natural Flow 575 gpm
   Probably weir in 1934
   1959

3. BENEFICIAL USE OF WATER:
   (a) Major Use: ☑ Municipal ☑ Agriculture ☐ Military ☐ Industrial
   ☐ Domestic ☐ Other Irrigation (specify)
   (b) Minor Uses:
   ☐ Crow Bar Ranch Ag., Polo Field, Pasture (specify)
   (c) For Agriculture Use list crop(s)
   ☐ Truck Crops of Crow Bar
   ☐ Other (specify)
   ☐ Total acreage irrigated 50
   ☐ , and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
   (a) All figures given in (b) are records of: ☑ Metered flow ☐ Nameplate pump capacity
   ☐ Orifice ☐ Weir ☐ Other (specify) ☐ Metered flow of domestic usage
   (b) Records available (in million gallons per day, three decimal places):
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</table>
   | 5-year average: mgd, highest day use 0.5 mgd on 6/30-7/1, 1980.
   (c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week: During summer months 24 hours per day, other times as needed.
   ☐ Automatic float switch for domestic and irrigation operations.

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

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

Water User: MOKULEIA HOMESTEADS (print)
   (signature)
   Date: April 17, 1981

Landowner of Well Site: MOKULEIA HOMESTEADS (print)
   (signature)
   Date: April 17, 1981

For Official Use: Last day to certify Oct 24, 1981
   Amount certified
   WELL(S) No. 3410-01
   Date certified
**WELL INFORMATION SHEET**

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

<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3410-01</th>
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</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia</td>
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<tr>
<td>Owner or User:</td>
<td>Mokuleia Ranch Mokuleia Homestead</td>
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<tr>
<td>Year drilled:</td>
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<tr>
<td>Driller:</td>
<td></td>
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<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td>119'</td>
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<tr>
<td>Casing Diameter in inches:</td>
<td>6</td>
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<td>Total depth of well in feet:</td>
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<tr>
<td>Casing depth in feet:</td>
<td>397</td>
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<tr>
<td>Major Use:</td>
<td>Domestic, Disposal</td>
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<td></td>
<td>Municipal, Unused, Lost</td>
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<td></td>
<td>Irrigation, Sealed, Recharge</td>
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<tr>
<td></td>
<td>Industrial, Observation, Other (specify)</td>
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<tr>
<td>Static Water Level in feet:</td>
<td>17.4</td>
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<tr>
<td>Chloride content of water in milligrams/liter:</td>
<td>62-88</td>
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<tr>
<td>Installed pump capacity in million gallons per day:</td>
<td>0.5 mgd</td>
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<tr>
<td>Average annual draft in million gallons per day:</td>
<td>0.8-0.5 mgd</td>
</tr>
</tbody>
</table>
State of Hawaii
Department of Land and Natural Resources

DECLARATION OF EXISTING WATER WITHDRAWAL AND USE
Honolulu and Waialua Ground Water Control Areas

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

1. WATER USER: Name Mokuleia Homesteads Mailing address Suite 605 Phone: 333 Queen Street Honolulu, Hawaii 96813

2. WATER USER'S WELL CONNECTED BATTERY OF WELLS:
User's Well Name and Location Well 291 - Mokuleia Tax Map Key: 6:8:03-20
User's Well No. (s) Pump or natural flow capacity (gpm) Capacity determined by flowmeter, nameplate, orifice, etc. (specify) Year pump inst./modified
291 1,050 gpm Pump nameplate 1980 1960*

3. BENEFICIAL USE OF WATER:
(a) Major Use: [x] Municipal [ ] Agriculture [ ] Military [ ] Industrial
[ ] Domestic [ ] Other (specify) (specify)
(b) Minor Uses: [ ] Domestic (specify)
(c) For Agriculture Use list crop(s) Formerly Alfalfa, now Pasture , total acreage irrigated 200±, and attach map showing acreage irrigated by the well source.

4. BENEFICIALLY USED WATER WITHDRAWALS:
(a) All figures given in (b) are records of: [x] METERED FLOW [ ] NAMEPLATE PUMP CAPACITY [ ] ORIFICE [ ] WEIR [ ] OTHER (specify)
(b) Records available (in million gallons per day, three decimal places):

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</table>

5-year average: [ ] mgd, highest day use 1.5 mgd on 6/30-7/1, 1980.

(c) For Agriculture Use only: description of withdrawal schedule (include times of day and days of week: 24 hour operation during dry months. As required during other periods (manual). Automatic controls for domestic supply.

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

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

Water User: MOKULEIA HOMESTEADS (print) [signature] Date: April 17, 1981

Landowner of Well Site: MOKULEIA HOMESTEADS (print) [signature] Date: April 17, 1981

For Official Use: Last day to certify Oct 24, 1981 Date certified WELLS(S) No. 9410-03

Amount certified
WELL INFORMATION SHEET

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

Well Number: 3410-03

Name or Location: Mokuleia

Owner or User: Mokuleia Ranch Mokuleia Homesteads

Year drilled: 

Driller: 

Ground Surface Elevation in feet referenced to mean sea level: 30

Casing Diameter in inches: 10

Total depth of well in feet:

Casing depth in feet:

Major Use: 

☐ Domestic ☐ Disposal

☐ Municipal ☐ Unused ☐ Lost

☐ Irrigation ☐ Sealed ☐ Recharge

☐ Industrial ☐ Observation ☐ Other (specify)

Static Water Level in feet: 17.4

Chloride content of water in milligrams/liter: 62.8

Installed pump capacity in million gallons per day: 2 each 0.75 mgd = 1.5 mgd

Average annual draft in million gallons per day: 2.3 1.5 mgd
Maculeia Homesteads
Aq. Subd. Tk. 6-8-02 PT

Jim Thompson - Walter P. Thompson Inc.
Russ Smith - The Russ Smith Corp.

Monday - 10:00
May 11, 1981
Donald Conf. Mem.
<table>
<thead>
<tr>
<th>Well No</th>
<th>Present Use</th>
<th>Present Pumpage</th>
<th>Proposed Use</th>
<th>Proposed Pumpage</th>
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<tbody>
<tr>
<td>3410-01</td>
<td>Dom + IRR</td>
<td>0.5 mgd</td>
<td>IRR</td>
<td>0.5 mgd</td>
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<tr>
<td>3410-03</td>
<td>Dom + IRR</td>
<td>1.5 mgd</td>
<td>Dom + IRR</td>
<td>1.5 mgd</td>
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<tr>
<td>3410-05</td>
<td>Stock watering</td>
<td>0.1 mgd</td>
<td>To be Sealed</td>
<td>0 mgd</td>
</tr>
<tr>
<td>3310-01</td>
<td>None</td>
<td>None</td>
<td>Dom + IRR</td>
<td>1.5 mgd</td>
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<tr>
<td>3310-02</td>
<td>None</td>
<td>None</td>
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<td>None</td>
<td>Dom + IRR</td>
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<td>3410-10</td>
<td>(?)</td>
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</table>

(29115)
February 10, 1981

MEMORANDUM

FROM: Ed Sakoda

SUBJECT: Status of Mokuleia Homesteads Wells

<table>
<thead>
<tr>
<th>Well No.</th>
<th>BWS Permit</th>
<th>DLNR Permit</th>
<th>Remarks</th>
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<tr>
<td>3310-01</td>
<td>16 Jun 80</td>
<td>14 Aug 80</td>
<td>Start: 8/29/80 Complete: 10/80</td>
</tr>
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<td>3310-02</td>
<td>24 Sep 80</td>
<td>17 Nov 80</td>
<td>Start: 10/80 Complete: 12/1/80 Pumping Test: 8-10 Dec 80</td>
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<td>10 Dec 80</td>
<td>14 Jan 81</td>
<td>Start: 12/4/80 Complete: 12/17/80 Pumping Tests: 1/7/81, 21-23 Jan 81</td>
</tr>
<tr>
<td>3410-03</td>
<td>17 Dec 80</td>
<td>6 Feb 81</td>
<td>Well Modification Permit</td>
</tr>
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ES:ai

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

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

According to our records, you have 6 well(s) located on your property (Tax Map Key ____________). Please complete the enclosed form and return it as soon as possible to: Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.

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

Very truly yours,

SUSUMU ONO
Chairman of the Board
WATER USE PERMIT NO. 813

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

Permit Information

Water User: North Shore Water, LLC
820 Mililani St., Suite 711
Honolulu, HI 96813

Landowner of Source: Dillingham Ranch Aina, LLC
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Suite 220
Beverly Hills, CA 90210

Permitted Withdrawal Rate: 0.500 mgd (Based upon a 12-month moving average)

Water Management Area: Mokuleia

Island: Oahu

Aquifer Sector/System: North/Mokuleia

System Sustainable Yield: 12 mgd

Water Type: N/A

Original CWRM Date: September 11, 1981

Standard Conditions: 1-19

Special Conditions: None

Water Source

State Well Number(s): 3410-01

Well Name: Mokuleia Homesteads

Water Source TMK Number(s): 1st Division, 6-8-003:040

State Land Use Classification(s): Agricultural

County Zoning Classification(s): AG-1

Geographical Coordinates: Latitude 21° 34' 24.2" North
Longitude 158° 10' 17.4" West

End Use

End Use TMK Number(s): 1st Division, 6-8-002:006, 6-8-003:006, 6-8-003:015
6-8-003:019, 6-8-003:020, 6-8-003:030, 6-8-003:031
6-8-003:033, 6-8-003:035, 6-8-003:040
State Land Use Classification(s): Agricultural
County Zoning Classification(s): AG-1
Beneficial Use Explanation: Use for 120 private residences, ranch domestic, and agricultural purposes

Background Information

State Well No. 3410-01 is one of four wells located on Dillingham Ranch property that are being investigated in this 20-Year Water Use Permit Review. According to information provided by the permittee, the well was drilled in 1911 to a depth of 426 feet. The casing is 6-inch diameter and sits at a ground elevation of 9 feet. On September 11th, 1981, the Commission approved the use of State Well No. 3410-01 for 0.500 mgd and issued Water Use Permit 653 as the governing document. On August 24th, 2006, Water Use Permit 653 was superseded by Water Use Permit 778. On, August 28th, 2007, Water Use Permit 778 was superseded by Water Use Permit 813, which is the most current governing document. Reference the permit folder for additional information on the well and permit history.

Consistent water use reporting records are available for at least the past four years. The permittee's 12-month moving average has not exceeded the permitted amount of 0.500 mgd since that time. Reference the permit file for additional information on reporting history.

Standard conditions 1-19 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: Clifford Smith
Site Address: 68-540 Farrington Hwy.
Waialua, HI 96791

Brown and Caldwell conducted a field investigation on March 4th, 2008 from 9:00 a.m. until 12:00 p.m. with Mr. Clifford Smith. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. The physical location of this site is at Dillingham Ranch in Mokuleia. 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. 813

State Well No. 3410-01 is located on TMK parcel 6-8-003:040 at 21° 34' 24.2" N, 158° 10' 17.4" W, with a real time accuracy of ±14 feet. Currently, a well house contains the necessary pumps, controls, and flowmetering appurtenances. An emergency backup generator is available to keep the well pumps running in the event of a power failure. The majority of the equipment, aside from the backup generator, is old and deteriorating. The permittee, however, has advised that the entire system is to undergo significant renovations very shortly. All the older equipment will be upgraded and an entirely new shelter will be built to house the wellhead, pumps, and other appurtenances.

Once the water is pumped, it is treated with chlorine, put through a set of pressure tanks, and sent directly into the piping system that distributes water across Dillingham Ranch and to the 120 private resident users. Additional storage tanks are expected to be put in during the Dillingham Ranch water system overhaul. Since this system services private users in the Mokuleia Community, the system overhaul will be done with heavy community involvement. Reference the Appendix for photographs of the previously described system components.

Based upon visual inspection of the system, all components appear to be in full working order. The permittee demonstrated functionality of an installed flowmeter and provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries. Water use is currently being reporting on a monthly basis with no recent evidence of overpumpage violations.

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

10. An approved flowmeter(s) 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.

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

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permittee contact to Clifford Smith at [Redacted]
  - Source & end use TMK information
• Address violation of Standard Condition (10) regarding non-reporting of salinity levels.
20-Year Water Use Permit Review
Water Use Permit No. 813

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 3410-01

Figure 2 – Installed, functional flowmeter
Figure 3 – Pressure tanks

Figure 4 – Chlorination operation and other well system appurtenances
Figure 5 – Control system for State Well No. 3410-01

Figure 6 – Backup generator
Figure 7 – Well house for State Well No. 3410-01

Figure 8 – Typical end use area on Dillingham Ranch
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

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

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

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

28. The applicant shall follow the agreed monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67. Standard Condition 17 is waived.

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

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

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

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

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

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

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

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

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

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

78. Standard Condition 9 is waived.

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

80. Standard Condition 10 is waived.

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

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

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

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

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

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

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

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

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

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

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

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

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

96. HECO 1 mgd for industrial use

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

98. BWS 1 mgd for municipal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. Standard Conditions 10 & 18 shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143. Proposed other uses will be considered at a later date.
February 27, 2008

State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
PO BOX 621
Honolulu, HI 96809

Attn: Ken Kawahara

Re: WUP 813
Water Use Permit Survey

Enclosed please find the Water Use Permit Survey for the above referenced WUP. A copy has been faxed to Brown and Caldwell.

Sincerely,

Clifford R. Smith
Water Use Permit Survey

(Please complete one survey form for each WUP)

WUP Number: 813
Well Number(s): 3410.01

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

Name: CLIFFORD R. SMITH
Phone (for phone interview): 310-887-3438
Fax: 310-887-6459
Email: cvsmith@kennedywilson.com
Best time to reach for phone interview: 8:00 AM - 5:00 PM PST

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

Address: 68-540 FARRINGTON HWY
City: WAIALUA, HI
Zip: 96791
Well Location TMK (list all if multiple wells present): 6-8-03:40
Water Use TMK (list all if used on multiple lots): 6-8-03:6, 6(1), 9, 20, 31, 33, 35, 40

Water Use/Well Information:

Is the water source currently in use? Yes ☑ No ☐
If no, please explain:

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): RANCH DOMESTIC, AGR 120 PRIVATE RESIDENT USERS

Is a flow meter installed and working properly? Yes ☑ No ☐
If no, please explain:

Do you submit monthly water use reports to the State? Yes ☑ No ☐
If no, please explain:

Field Investigations:

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

Option #1 Date (M-F): 9/4/08 Time: 9:00 am ☑ 12:00 pm ☑ 3:00 pm ☑
Option #2 Date (M-F): 3/5/08 Time: 9:00 am ☑ 12:00 pm ☑ 3:00 pm ☑
Option #3 Date (M-F): 4/2/08 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 March 5th, 2008 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) ☑ ☑ ☑ Fax: (808) ☑ ☑ ☑
csmith@brwncald.com

For Official Use Only

Received: _______ Information Updated: _______ Phone Interview Complete: _______

Notes/Comments: ______________________________________
Water Use Permit Survey  
(Please complete one survey form for each WUP)

WUP Number: 813  
Well Number(s): 3410.01

Contact Information (of the person who will be present at site visit):
Name: CLIFFORD R. SMITH
Phone (for phone interview): 310-887-3438  
Fax: 310-887-6459
Email: cssmith@kennedywilson.com
Best time to reach for phone interview: 8:00 AM - 5:00 PM PST

Property Information (of the water use/well location):
Address: 68-540 FARRINGTON HWY
City: WAIALUA, HI
Zip: 96791
Well Location TMK (list all if multiple wells present): 6-8-03:40
Water Use TMK (list all if used on multiple lots): 6-8-03: 6, 15, 19, 20, 30, 31, 33, 35, 40

Water Use/Well Information:
Is the water source currently in use? Yes ☑ No ☐
If no, please explain: ______________________________________

Is the water source currently in use? Yes ☑ No ☐
If no, please explain: ______________________________________

What are you currently using the water for? (example: “Use for 45 acres of diversified agriculture and 3 residences”):
RANCH DOMESTIC, AG, 120 PRIVATE RESIDENT USERS

Is a flow meter installed and working properly? Yes ☑ No ☐
If no, please explain: ______________________________________

Do you submit monthly water use reports to the State? Yes ☑ No ☐
If no, please explain: ______________________________________

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

Option #1  Date (M-F): 5/14/08  Time: 9:00 am ☑ 12:00 pm ☑ 3:00 pm ☑
Option #2  Date (M-F): 3/5/08  Time: 9:00 am ☑ 12:00 pm ☑ 3:00 pm ☑
Option #3  Date (M-F): 4/12/08  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 March 5th, 2008 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) ☑ ☑ Fax: (808) ☑ ☑ mcsmith@browncaid.com

For Official Use Only
Received: 2/27/08  Information Updated: 2/27/08  Phone Interview Complete: 2/27/08
Notes/Comments: ______________________________________
Phone Interview

WUP Number: 613
Well Number(s): 3H10-01

Contact Name: Clifford Smith

Attempt #1: Date/Time: Reached
Result: 2/27/08

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

Well Location TMK(s): 6-8-003:0410
Water Use TMK(s): 6-8-003:0406, 6-8-003:000, 019, 020, 030, 031, 033, 035, 040

Water Source Address: 68-540 Farrington Hwy.
City: Waialua
Zip Code: 96791

Currently using water source? Yes ☒ No ☐
Notes/Comments: Use for 120 private residences, ranch domestic, and agricultural purposes.

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

How long have you been using this water source?:

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: 3/1/08 @ 9:00 a.m.

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

- Go to ranch office ➔ Just off the highway
- Take entrance ➔ 300 yards ➔ turn ➔ into office

Clifford Smith Cell: (310) 922-6052

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: 2/27/08 Time: 11:30 a.m.
Field Investigation Checklist

WUP Number: 813                  Well Number(s): 34110-01

Water Source
Well Location TMK(s): 6-8-003:040
Well Head GPS Coordinates: Latitude: 21°34'24.2"N Longitude 156°10'17.4"W
Well Type: Well Pump
Currently using water source? Yes ☒ No ☐
Notes/Comments:

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

Water Use
Water Use TMK(s): Various (see survey form)
What is the water being used for? 52 lots w/102 meters (incl. Camp Morulea)
Is the water being used within the permitted boundaries? Yes ☒ No ☐
If no, explain:

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

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

Other
Photographs of: Water Source ☒ Water Meter ☒ Usage Area ☒ Pump/Motor ☒
General Notes/Comments:

• System is going through an overhaul soon to replace old equipment
• Well is on Dillingham Ranch property; originally used by a friend of Mr. Dillingham long time ago, since then, lots of other people have tapped into the lines
• New issue to North Shore water - 70 residents will be involved with the upgrade process.

Investigated By: M.S.        Date: 3/4/07        Time: 9:00
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**Table 1**

Summary of the Dimensions of Wells on Dillingham Ranch Property
WUP 778 - 12 Month Moving Average

MGD

Jan-04  Aug-04  Feb-05  Sep-05  Mar-06  Oct-06  Nov-07

- - MGD  MAV12  WUP
"This drawing is provided as a visual representation of a conceptual plan. Actual lot dimensions, configuration, and improvements are not guaranteed and are subject to change and/or modification without notice. The provider of this drawing assumes no liability for the accuracy of information contained in this drawing nor any loss incurred by reason of reliance thereon."

MAP PROVIDED BY

SUMMIT Property Development
601 W. 1st Ave, Dept. 16000
Spokane, WA 99201-5060
Phone: (509)838-2100
Fax: (509)838-5852
www.summitpropertydevelopment.com

"MAUKA LAND"
LOCATED ON THE NORTH SHORES OF OAHU, HAWAII

THIS IS AN ILLUSTRATIVE MAP DEPICTING THE CURRENT PARCEL CONFIGURATION

C:BASEMAP
Date: 11/09/02
Rev.: 1
Scale: 1=1200
Sheet 2 of 2
November 30, 2006

778.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Mary Ricks
c/o Kennedy-Wilson, Inc.
9601 Wilshire Blvd., Ste. 220
Beverly Hills, CA  90210

Dear Ms. Ricks:

Transfer of Water Use Permit for Well No. 3410-01
Mokuleia Ground-Water Management Area, Oahu

This follows our August 24, 2006 letter, transmitting the subject permit. This is to clarify that Mokuleia Water LLC remains a co-permittee with landowner Dillingham Ranch Aina LLC. We apologize for any confusion this may have caused.

This letter transmits your water use permit for Mokuleia Homesteads Well (Well No. 3410-01) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Board of Land and Natural Resources on September 11, 1981. This water use permit, WUP No. 778, supersedes WUP No. 653, which has been cancelled.

Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

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

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments

c: Terrence S. Yamamoto, Western United Life Assurance Co.
   c/o Price, Okamoto Himeno & Lum
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
P.O. BOX 621  
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT  
WUP NO. 778

PERMITTEE

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<thead>
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<th>Permittee/Water User</th>
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<td>Mokuleia Water LLC</td>
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<tr>
<td>820 Mililani St., Ste. 711</td>
<td>c/o Kennedy-Wilson, Inc.</td>
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<tr>
<td>Honolulu, HI 96813</td>
<td>9601 Wilshire Blvd., Ste. 220</td>
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</table>

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td></td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>North</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>12</td>
</tr>
<tr>
<td>Well Name</td>
<td>Mokuleia Homesteads Well</td>
</tr>
<tr>
<td>State Well No.</td>
<td>3410-01</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Agriculture; Domestic; Irrigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.500 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td>NA</td>
</tr>
<tr>
<td>TMK #</td>
<td>NA</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article X1, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

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

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

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

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

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

7. The water use permit application and submittal, as amended, approved by the Board of Land and Natural Resources at its September 11, 1981 meeting are incorporated into this permit by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

W. Roy Fendy

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Attachment
# WELL INFORMATION SHEET

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

<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3410-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Owner or User:</td>
<td>Mokuleia Ranch</td>
</tr>
<tr>
<td>Year drilled:</td>
<td></td>
</tr>
<tr>
<td>Driller:</td>
<td></td>
</tr>
<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td>30</td>
</tr>
<tr>
<td>Casing Diameter in inches:</td>
<td>10</td>
</tr>
<tr>
<td>Total depth of well in feet:</td>
<td></td>
</tr>
<tr>
<td>Casing depth in feet:</td>
<td></td>
</tr>
<tr>
<td>Major Use:</td>
<td>□ Domestic □ Disposal □ Municipal □ Unused □ Lost □ Irrigation □ Sealed □ Recharge □ Industrial □ Observation □ Other (specify)</td>
</tr>
<tr>
<td>Static Water Level in feet:</td>
<td>17.4</td>
</tr>
<tr>
<td>Chloride content of water in milligrams/liter:</td>
<td>62-88</td>
</tr>
<tr>
<td>Installed pump capacity in million gallons per day:</td>
<td></td>
</tr>
<tr>
<td>Average annual draft in million gallons per day:</td>
<td>2.3</td>
</tr>
</tbody>
</table>
WELL INFORMATION SHEET

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

Well Number: 3410-01

Name or Location: Mokuleia

Owner or User: Mokuleia Ranch, Homesteads

Year drilled: ________________________________

Driller: ________________________________

Ground Surface Elevation in feet referenced to mean sea level: 11

Casing Diameter in inches: 6

Total depth of well in feet: 426

Casing depth in feet: 397

Major Use:

☑ Domestic ☐ Disposal

☐ Municipal ☐ Unused ☐ Lost

☐ Irrigation ☐ Sealed ☐ Recharge

☐ Industrial ☐ Observation ☐ Other (specify) ________________

Static Water Level in feet: 17.4

Chloride content of water in milligrams/liter: 62-88

Installed pump capacity in million gallons per day: ________________________________

Average annual draft in million gallons per day: 0.8
WELL INFORMATION SHEET

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Well Number: **3310 - 03 NEW WELL**

Name or Location: **Mokuleia Homesteads**

Owner or User: 

Year drilled: **1980**

Driller: 

Ground Surface Elevation in feet referenced to mean sea level: 

Casing Diameter in inches: 

Total depth of well in feet: 

Casing depth in feet: 

Major Use:  

- [ ] Domestic   - [ ] Disposal
- [ ] Municipal   - [ ] Unused
- [ ] Irrigation   - [ ] Lost
- [ ] Industrial   - [ ] Sealed
- [ ] Observation   - [ ] Recharge
- [ ] Other (specify) 

Static Water Level in feet: 

Chloride content of water in milligrams/liter: 

Installed pump capacity in million gallons per day: 

Average annual draft in million gallons per day: 
WELL INFORMATION SHEET

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Well Number: 3310-02 NEW WELL
Name or Location: Mokuleia Homesteads
Owner or User: 
Year drilled: 1980
Driller: 
Ground Surface Elevation in feet referenced to mean sea level: 
Casing Diameter in inches: 
Total depth of well in feet: 
Casing depth in feet: 
Major Use:
☐ Domestic  ☐ Municipal  ☐ Irrigation  ☐ Industrial
☐ Disposal  ☐ Unused  ☐ Sealed  ☐ Observation
☐ Lost  ☐ Recharge  ☐ Other (specify) 

Static Water Level in feet: 
Chloride content of water in milligrams/liter: 
Installed pump capacity in million gallons per day: 
Average annual draft in million gallons per day: 
WELL INFORMATION SHEET

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<table>
<thead>
<tr>
<th>Well Number:</th>
<th>3310-01 NEW WELL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Location:</td>
<td>Mokuleia Homesteads</td>
</tr>
<tr>
<td>Owner or User:</td>
<td></td>
</tr>
<tr>
<td>Year drilled:</td>
<td>1980</td>
</tr>
<tr>
<td>Driller:</td>
<td></td>
</tr>
<tr>
<td>Ground Surface Elevation in feet referenced to mean sea level:</td>
<td></td>
</tr>
<tr>
<td>Casing Diameter in inches:</td>
<td></td>
</tr>
<tr>
<td>Total depth of well in feet:</td>
<td></td>
</tr>
<tr>
<td>Casing depth in feet:</td>
<td></td>
</tr>
<tr>
<td>Major Use:</td>
<td>Domestic</td>
</tr>
<tr>
<td></td>
<td>Disposal</td>
</tr>
<tr>
<td></td>
<td>Municipal</td>
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<tr>
<td></td>
<td>Irrigation</td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Sealed</td>
</tr>
<tr>
<td></td>
<td>Observation</td>
</tr>
<tr>
<td></td>
<td>Lost</td>
</tr>
<tr>
<td></td>
<td>Recharge</td>
</tr>
<tr>
<td></td>
<td>Other (specify)</td>
</tr>
<tr>
<td>Static Water Level in feet:</td>
<td></td>
</tr>
<tr>
<td>Chloride content of water in milligrams/liter:</td>
<td></td>
</tr>
<tr>
<td>Installed pump capacity in million gallons per day:</td>
<td></td>
</tr>
<tr>
<td>Average annual draft in million gallons per day:</td>
<td></td>
</tr>
</tbody>
</table>
WELL INFORMATION SHEET

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Well Number: 2410-10

Name or Location: Mokuleia

Owner or User: Dillingham, H.

Year drilled: 1946

Driller: Mullin

Ground Surface Elevation in feet referenced to mean sea level: 217

Casing Diameter in inches: 7

Total depth of well in feet: 300

Casing depth in feet: 235

Major Use:

- Domestic
- Industrial
- Irrigation
- Municipal
- Observation
- Sealed
- Unused
- Lost
- Recharge
- Other (specify)

Static Water Level in feet: 

Chloride content of water in milligrams/liter: 875-725

Installed pump capacity in million gallons per day: 

Average annual draft in million gallons per day: 