<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
<th>FOR:</th>
<th>PLEASE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHONG, R.</td>
<td></td>
<td>KIMURA, J.</td>
<td></td>
<td>Approval</td>
<td>See Me</td>
</tr>
<tr>
<td>DANBARA, S.</td>
<td></td>
<td>OHYE, L.</td>
<td></td>
<td>Signature</td>
<td>Review &amp; Comment</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td>TAM, W.</td>
<td></td>
<td>Information</td>
<td>Take Action</td>
</tr>
<tr>
<td>HARDY, R.</td>
<td></td>
<td>UYENO, D.</td>
<td></td>
<td></td>
<td>Type Draft</td>
</tr>
<tr>
<td>HOAGBIN, S.</td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
<td>Type Final</td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>YOSHINAGA, M.</td>
<td></td>
<td></td>
<td>File</td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Xerox ____ copies</td>
</tr>
</tbody>
</table>

DATE: 6/30/11  SUSPENSE DATE: ____________________________
**ENDER: 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:

   Mr. Glenn Okimoto, Director
   Department of Transportation
   869 Punchbowl Street
   Honolulu, HI 96813

   (Well No. 3412-01)

2. Article Number
   (Transfer from service lat) 7006 2150 0003 3953 6462

**COMPLETE THIS SECTION ON DELIVERY**

- **A. Signature**
  
  F. Genaco

- **B. Received by (Printed Name)**
  
  F. Genaco

- **C. Date of Delivery**
  
  7/27/03

- **D. Is delivery address different from item?**
  
  Yes

- **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, February 2004*  
*Domestic Return Receipt*  
*102585-02-M-1540*
Commission on Water Resource Mgmt.
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Attn: Ryan Imamura
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
<td>$0.44</td>
</tr>
<tr>
<td>Certified Fee</td>
<td>$2.85</td>
</tr>
<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
<td>$2.30</td>
</tr>
<tr>
<td>Total Postage &amp; Fees</td>
<td>$5.59</td>
</tr>
</tbody>
</table>

Sent To: Mr. Glenn Okimoto, Director
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813
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 an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and affix 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.
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

July 8, 2011

Mr. Glenn Okimoto, Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu, HI 96813

Dear Mr. Okimoto:

Notice of Potential Violation: Unpermitted water use from Well No. 3412-01

It has come to our attention that Mr. Ronald Weidenbach has been using water from the Dillingham Airfield Well, State Well No. 3412-01. Because you are the registered owner of the well, unauthorized use of the well is both the responsibility of you and the land owner. Be advised that use of water in a designated Ground Water Management Area without proper permits from and reports to the Commission are violations under Part IV, Regulation of Water Use, of the State Water Code, 174C, Hawaii Revised Statues and subject to fines up to $5,000 per day. Unauthorized use can threaten Hawaii’s precious ground water resources and may threaten the water quality of neighboring wells.

Within 30 days of receipt of this letter, please provide the following:

1. An explanation regarding why the unauthorized use has occurred.
2. Evidence that pumpage from this well for use by Mr. Weidenbach has ceased.
3. Submission of any past water use reporting data, on our Monthly Ground Water Use Report Form.
4. The name and contact information of the landowner that this well resides on. Our information shows the well resides on TMK: 6-8-014:001, which is owned by the U.S. Army.

Forms requested in this notice are online at http://www.hawaii.gov/dlnr/cwrm/forms.htm or can be obtained by visiting or calling our office at 587-0225. Please be advised that failure to submit the requested information within the specified deadlines will result in enforcement action before the Commission that may include fines of up to $5,000 per day.

If you have any questions, please contact Ryan Imata of the Commission staff at 587-0255.

Sincerely,

WILLIAM M. TAM  
Deputy Director

RI:ss

c: Michael Sakai, U.S. Army
Attached is the CDUA permit time extension that was processed by the OCCL.

One is a recent extension and the other one was received in 1992 which is the original permit.

The TMK we have on file is for parcel 3 and 33.

TMK: (1) 6-9-001:016 is located in the conservation district but is currently undesignated.

Ron's contact number is 637-0494

only a small portion of TMK: (1) 6-8-014:001 is located in the conservation district (looking towards NARS reserve)

The well number is mentioned on Page 2 of the staff report of 2504 (1992) report

Water Resource Management was mentioned on Page 7 of the staff report (1992)

I dont know if the CDUA covers the well area - it does cover the TMK numbers listed in the staff report.

Unless you can let us know the TMK I wont know if it is in the CD area.

1) Does anyone have contact information for Ron?

Mr. Ronald P. Weidenbach
dba Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791-1039

2) Does anyone have a point of contact for the Army?

NO

3) Is the well within a Conservation District and if so, is the permit adequate to cover well usage?

Not sure - need specific TMK information

4) Does anyone know how long the well has been operating?
probably since 1992 with Weidenback or prior to that with the Army. But it looks like there are a lot more people who are also using the well - according to the staff report. I'll try to pull a map tomorrow from the files and email you.

Dawn

"There are no more committed people on the planet than surfers. We all fall down a lot. We turn around, paddle back out, and do it over and over again. Unlike anything else in life, the stoke of surfing is so high that failure quickly fades from memory." from the stand up paddle shop.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipients(s) listed above. Any review, use, disclosure or copying of this transmittal is prohibited except by, or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

Dawn T. Hegger
Senior Planner
State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Kalanikuku Building
1151 Punchbowl Street, Room 131
P.O. Box 621
Honolulu, Hawaii 96809-0621
808-587-0380 Phone
808-587-0322 Fax
dawn.t.hegger@hawaii.gov

Ryan R Imata/DLNR/StateHiUS

Aloha Dennis, Jodi, Barry and Dawn,

I got a call from Jodi at DOH Safe Drinking Water Branch, and I am following up on this issue that Dennis initially brought to her attention.

There is apparently a well on Dillingham Air Field, State Well No. 3412-01, which is being used by an aquaculture farmer.
Our database shows the well on TMK 6-9-001:016, but I think that information is outdated. I checked Google Earth and the City's GIS, and the well appears to be on TMK 6-8-014:001. The parcel is owned by the Army and leased by DOT, which is consistent with the well / landowner information on my well database.

Our concern is that there is no water use permit for this well, nor has there been any water use reporting. My understanding is that the farmer (Ron?) has been farming for about 20 years. I don't know if he has been using this well for 20 years. All state agencies involved are concerned that there is no backflow preventer on the system and therefore the potential for contamination. Barry also brought to my attention that a CDUP has been issued, but I don't know if this permit covers the well area or if the well is even in the Conservation District.

I have attached various information for your use.

I have a couple of questions.

1) Does anyone have contact information for Ron?
2) Does anyone have a point of contact for the Army?
3) Is the well within a Conservation District and if so, is the permit adequate to cover well usage?
4) Does anyone know how long the well has been operating?

After I get this information I'll make contact with both the user and the landowner, and we'll need to bring this user into compliance with our permitting and reporting requirements.

Thanks for your attention into this matter.

Ryan Imata, P.E.
Regulation Branch
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
587-0255 (business)
587-0219 (fax)
Ross,

There is an Army Well at HDH that is supposed to be abandoned but has been used by an airport lessee (Ron Weidenbach) without permission from either the Army or DOT for his commercial fish activity (non-airport related). This use requires a permit with DLNR and threatens a nearby active drinking water well utilized by public water system 338 operated by the DOTA. Can you forward the contact information for the responsible agent with the Army. DLNR is requesting the information in order to communicate this situation to them.

Ryan,

Sorry for the late response, I've been in and out of the office on leave and I'm slowly getting back on track.

Mahalo,

Dennis

Gaudencio C. Lopez (Dennis), P.E.
Oahu District Engineer
Honolulu International Airport
300 Rodgers Boulevard, #12, 5th Floor
Honolulu, Hawaii 96819-1897
Phone: (808) 834-6091
Fax: (808) 836-6469

Aloha Dennis, Jodi, Barry and Dawn,

I got a call from Jodi at DOH Safe Drinking Water Branch, and I am following up on this issue that Dennis initially brought to her attention.

There is apparently a well on Dillingham Air Field, State Well No. 3412-01, which is being used by an aquaculture farmer.

Our database shows the well on TMK 6-9-001:016, but I think that information is outdated. I checked Google Earth and the City's GIS, and the well appears to be on TMK 6-8-014:001. The parcel is owned by the Army and leased by DOT, which is consistent with the well / landowner information on my well database.

Our concern is that there is no water use permit for this well, nor has there been any water use reporting. My understanding is that the farmer (Ron?) has been farming for about 20 years. I don't know if he has been using this well for 20 years. All state agencies involved are concerned that there is no backflow preventer on the system and therefore the potential for contamination. Barry also brought to my attention...
that a CDUP has been issued, but I don't know if this permit covers the well area or if the well is even in the Conservation District.

I have attached various information for your use.

I have a couple of questions.

1) Does anyone have contact information for Ron?
2) Does anyone have a point of contact for the Army?
3) Is the well within a Conservation District and if so, is the permit adequate to cover well usage?
4) Does anyone know how long the well has been operating?

After I get this information I'll make contact with both the user and the landowner, and we'll need to bring this user into compliance with our permitting and reporting requirements.

Thanks for you attention into this matter.

Ryan Imata, P.E.
Regulation Branch
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
587-0255 (business)
587-0219 (fax)
Ryan,

Please find attached the land agent with the Army that our property management staff works with. My apologies for sending this late.

Ron Weidenbach is a tenant of both DLNR and DOT-Airport. The Airport leased lot is obtaining access to the subject well. It is my understanding that the DOT has given Weidenbach a grace period to prepare to leave airport property as his lease will no longer be renewed on a month to month. In the interim we can install a BFP on the well that he is using to satisfy DOH. In the long run he will be removed from his leased location adjacent to the well and existing pumphouse. I will be drafting a letter informing Weidenbach about the BFP.

Mahalo,

Dennis
Gaudencio C. Lopez (Dennis), P.E.
Oahu District Engineer
Honolulu International Airport
300 Rodgers Boulevard, #12, 5th Floor
Honolulu, Hawaii 96819-1897
Phone: (808) 834-6091
Fax: (808) 836-6469

----- Forwarded by Gaudencio C Lopez/AIR/HIDOT on 04/25/2011 03:35 PM -----

From: Ross Smith/AIR/HIDOT
To: Gaudencio C Lopez/AIR/HIDOT@HIDOT
Date: 04/11/2011 04:52 PM
Subject: Fw: Dillingham Airfield Well No. 3412-01

Ross Smith
State of Hawaii Department of Transportation Airports Division
Property and Business Development Office
Honolulu International Airport
400 Rodgers Blvd., Suite 700
Honolulu HI 96819

Phone 808-838-8676
Fax 808-838-8753

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

----- Forwarded by Ross Smith/AIR/HIDOT on 04/11/2011 04:51 PM -----

From: Mike Auerbach/AIR/HIDOT
To: Ross Smith/AIR/HIDOT@HIDOT
Date: 04/11/2011 02:55 PM
Subject: Re: Fw: Dillingham Airfield Well No. 3412-01

This should be a good start:

Mike Auerbach
Land Agent
DOT-Airports Division (AIR-PM)
400 Rodgers Blvd., 7th Flr.
Honolulu, Hawaii 96819

Ph. (808) 838-8684
E-Mail: Mike.Auerbach@hawai.gov

Ross Smith---04/11/2011 02:01:02 PM---Please check on any contact we have listed for the Army. Mich...

Please check on any contact we have listed for the Army. Michael Lee was the only person dealing with the lease.

Ross Smith
State of Hawaii Department of Transportation Airports Division
Property and Business Development Office
Honolulu International Airport
400 Rodgers Blvd., Suite 700
Honolulu HI 96819

Phone 808-838-8676
Fax 808-838-8753

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

----- Forwarded by Ross Smith/AIR/HIDOT on 04/11/2011 01:40 PM -----

Ross,
There is an Army Well at HDH that is supposed to be abandoned but has been used by an airport lessee (Ron Weidenbach) without permission from either the Army or DOTA for his commercial fish activity (non-airport related). This use requires a permit with DLNR and threatens a nearby active drinking water well utilized by public water system 338 operated by the DOTA. Can you forward the contact information for the responsible agent with the Army. DLNR is requesting the information in order to communicate this situation to them.
Ryan,
Sorry for the late response, I've been in and out of the office on leave and I'm slowly getting back on track.

Mahalo,
Dennis

Gaudencio C. Lopez (Dennis), P.E.
Oahu District Engineer
Honolulu International Airport
300 Rodgers Boulevard, #12, 5th Floor
Honolulu, Hawaii 96819-1897
Phone: (808) 834-6091
Fax: (808) 836-6469

Ryan R Imata---03/30/2011 11:15:52 AM---Aloha Dennis, Jodi, Barry and Dawn, I got a call from Jodi at...
I'll have to check, this was agreed at the administrative level (While Brennan Moriaka was the Director). Unfortunately I was not involved or privy to the discussion. If a gentleman's agreement was made, I wanted to use this issue to document it as both the well permit and water quality threat are tied to his land use under his lease with DOTA. I'll get back to you folks. I'll have that time frame noted on the letter that we will send to him and provide both you and Jodi a copy.

Mahalo,
Dennis

Gaudencio C. Lopez (Dennis), P.E.
Oahu District Engineer
Honolulu International Airport
300 Rodgers Boulevard, #12, 5th Floor
Honolulu, Hawaii 96819-1897
Phone: (808) 834-6091
Fax: (808) 836-6469

Ryan R Imata---04/26/2011 08:37:43 AM---Hey Dennis, What kind of time frame are you looking at to hav...

Hey Dennis,

What kind of time frame are you looking at to have him move?

Ryan

Gaudencio C Lopez/AIR/HIDOT@HIDOT

Ryan, Please find attached the land agent with the Army that our property management staff works with. My apologies for sending this late.

Ron Weidenbach is a tenant of both DLNR and DOT-Airport. The Airport leased lot is obtaining access to
the subject well. It is my understanding that the DOT has given Weidenbach a grace period to prepare to leave airport property as his lease will no longer be renewed on a month to month. In the interim we can install a BFP on the well that he is using to satisfy DOH. In the long run he will be removed from his leased location adjacent to the well and existing pumphouse. I will be drafting a letter informing Weidenbach about the BFP.

Mahalo,
Dennis
Gaudencio C. Lopez (Dennis), P.E.
Oahu District Engineer
Honolulu International Airport
300 Rodgers Boulevard, #12, 5th Floor
Honolulu, Hawaii 96819-1897
Phone: (808) 834-6091
Fax: (808) 836-6469
----- Forwarded by Gaudencio C Lopez/AIR/HIDOT on 04/25/2011 03:35 PM -----
Ryan R Imata---03/30/2011 11:15:52 AM---Aloha Dennis, Jodi, Barry and Dawn, I got a call from Jodi at...
8/5/11

Susie Pickney

Woloneck 422-3147

DO T have a discerned notice of potential violation

Pittsfield Water System

1894 originate well
1890 - operated
Army transfer property to DOT

DOT

miscommunication
mis understanding

who cut DOT-Airport

June Pratt - DOT Airport
State Well 3412-01
Part 4 - 1740-

Aug 6-5

Certified mail - P.O. Box 5200
7/27/11

Malvern
3187
Mr. Ronald Weidenbach  
HAWAII FISH COMPANY  
P. O. Box 1039  
Waialua, Hawaii  96791

Dear Mr. Weidenbach:

The State of Hawaii, DOT has received a Notice of Potential Violation from the Department of Land and Natural Resources, Commission on Water Resource Management concerning the use of State Well Number 3412-01. The Notice specifies violations under Part IV, Regulation of Water Use, of the State Water Code, 174C, Hawaii Revised Statutes.

If you have a permit(s) for the use of this well, please furnish copies of the permit(s) to me immediately. If you do not have a permit, then you must cease use of this well immediately. Cease pumping water from this well and disconnect all piping and pumps from the well site. Ensure that the well is secured so that no contaminants can enter the well. State of Hawaii, DOT engineers and/or consultants will inspect the well during the week of August 1 to August 5, 2011 to ensure compliance. Failure to comply could result in fines of up to $5,000.00 per day.

Thank you for your prompt assistance in this manner. If you have any questions, you may contact me at 836-6533.

Sincerely,

James W. Pratt  
Manager  
Oahu District Airports

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
July 25, 2011

Mr. Ronald Weidenbach
HAWAII FISH COMPANY
P. O. Box 1039
Waialua, Hawaii 96791

Dear Mr. Weidenbach:

The State of Hawaii, DOT has received a Notice of Potential Violation from the Department of Land and Natural Resources, Commission on Water Resource Management concerning the use of State Well Number 3412-01. The Notice specifies violations under Part IV, Regulation of Water Use, of the State Water Code, 174C, Hawaii Revised Statues.

If you have a permit(s) for the use of this well, please furnish copies of the permit(s) to me immediately. If you do not have a permit, then you must cease use of this well immediately. Cease pumping water from this well and disconnect all piping and pumps from the well site. Ensure that the well is secured so that no contaminants can enter the well. State of Hawaii, DOT engineers and/or consultants will inspect the well during the week of August 1 to August 5, 2011 to ensure compliance. Failure to comply could result in fines of up to $5,000.00 per day.

Thank you for your prompt assistance in this manner. If you have any questions, you may contact me at 836-6533.

Sincerely,

James W. Pratt
Manager
Oahu District Airports

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
URGENT

Dear Chair Aila,

I just received the attached and mis-addressed Certified letter from DOT regarding a "Notice of Potential Violation" from the DLNR Commission of Water Resources Management, with a DOT demand to immediately disconnect our fish hatchery water system, and notice of a potential fine of up to $5,000.00 per day.

Somewhere/somehow there has been a miscommunication, but our fish and company's financial survival appear at high risk unless this is quickly resolved or placed on hold. Can you intervene and obtain a stay of execution until we sort this out?

In short, I previously inquired with Commission staff whether I could/should register the 1894 airport well we have been using since approx. 1990. They informed me that since it was a Federal property the DLNR had no formal jurisdiction but that if the U.S. Army was willing, that it would be a helpful voluntary courtesy to do so. I immediately followed up with the Army, asking if I could and should do so. The senior property manager at the time informed me that since DLNR had no formal jurisdiction and since the Army was in negotiations with the DOT for transfer of the property, that they did not wish me to do so as this would unnecessarily involve their time. I informed the DOT, we exchanged letters, had a face-to-face meeting, I made some physical improvements per a DOH request, and all has been seemingly fine until this Notice of Violation.

I am very concerned that the DOT engineers will pull the plug on my hatchery due to this DLNR Notice of Violation for what I feel is a miscommunication or misunderstanding. I will do whatever I need to do if facts have changed in this matter, but I have been operating in good faith since approx. 1990 and hope that you can help prevent the shut-down of my hatchery with no available place to move my fish or continue my hatchery operations in support of my DLNR fish farm.

Please advise!

Mahalo,

Ron Weidenbach