FROM: Charley
TO: IMATA, R.
TO: UYENO, D.
TO: CHONG, R.
TO: FUJII, N.
TO: KIMURA, J.
TO: YOSHINAGA, M.
TO: KUNIMURA, I.

DATE: 08 Apr 11

INIT. TO: TAM, W.
INIT. TO: HARDY, R.
INIT. TO: OHYE, L.N.
INIT. TO: HOAGBIN, S.
INIT. TO: DANBARRA, S.
INIT. TO: YODA, K.

FOR: Approval
FOR: Signature
FOR: Information

PLEASE:
__ Review & Comment
__ Type Draft
__ Type Final
__ File
__ Copies: ___
__ Take Action:
__ Please See Me

PLEASE: Review & Comment

24Nov10

MY rewrite—here’s a start, y’all!
Mr. Brian Kau
Department of Agriculture
Agricultural Resource Management Division
1428 South King Street
Honolulu, HI 96814

Dear Mr. Kau:

Application for Water Use Permit
Kahuku Farms Well Pump 1 (Well No. 4057-01)

As part of our 20-year Water Use Permits Review, we realize there is a pending water use application from the Department of Agriculture that has not been fully addressed.

The original Water Use Permit No. 246 to Campbell Estate for 0.307 mgd was approved in December 1993 as an existing use. As part of an overpumping violation investigation in 1996, it was found that the Department of Agriculture had assumed ownership and use of the source for the Kahuku Agriculture Park in 1994 through eminent domain condemnation. In October 1996, we notified you that your water use was in excess of your approved allocation, which is a potential violation of the Water Code.

A water use permit application was then filed in May of 1998, showing a request to increase the allocation for use on additional acreage, reflecting the expectation for ongoing water use. At that time, your use was 0.422 mgd. While reasons were provided for the overpumping, the correspondence ends with an expectation to meet with Mr. Seiko Shiroma of the Kahuku Farmers Association (KFA) to clarify amounts needed under a new permit, based on data KFA was gathering. Unfortunately, we did not hear from Mr. Shiroma; the application was never accepted as complete, and no action has been taken on the violations for overpumping and lack of a water use permit for current uses. We feel the best course is to file a new application (form enclosed) that will update the amounts to be used, crop types, and all areas (“footprint”) to be irrigated, allowing contingencies for fallowing and changing leases.

We have not received water use reports for this project since 2001, at which time your use was approximately 0.400 mgd. This is another potential violation of the Water Code (Administrative Rules §13-168-7). Our field investigation on March 3, 2008 confirmed that the meter for this source was not functional.
We also understand that this well is one of five wells in battery. In 1990 there were three pumps operating at this location. We understand that there may be six pumps operating today, and that the Kahuku Farmers Association are operating three of them. We do not have information to help us understand which wells and which pumps serve which areas. Please submit diagrams or schematics to distinguish how the wells and pumps are configured and managed, separately or as a battery, as part of your water use permit application. We understand that the meter for this use was broken, and that the system is managed by pressure triggers to pump into reservoir storage. Thank you for indicating that a current effort will upgrade the system with new metering.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0218.

Sincerely,

WILLIAM M. TAM
Deputy Director

CI:ss
Enclosure
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Not sure how this fell through cracks or how I came to discover (file in my war), but WPA rev 5/5/98 never proceeded for various reasons. 20-ye review update and consistent w/ 12/11/98 rate - looks like modification and updated WPA required for increase of use on new acreage. Ple follow-up - I've assigned WPA 911 in our database to track (wasn't there before either). NDA violation too.
Kahuku Agricultural Park

Parcels 29 through 52 are leasable lots.
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**12 Month Moving Average**

![Chart showing 12 Month Moving Average with MGD, MAV12, and WUP lines.](chart.png)
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Sounds like they may need to modify under new use conditions. His set up may date of Paul.
TO: Honorable Timothy E. Johns  
Deputy Director  
Commission on Water Resource Management

FROM: Paul T. Matsuo, P.E.  
Administrator-Chief Engineer  
Agricultural Resource Management Division

SUBJECT: Water Use Permit No. 246

December 15, 1998

This is in response to your November 17, 1998 letter on the over-pumpage of the permit allocation.

I have met with Kahuku Farmers Association who are the water system operators for this permit. We met on December 10, 1998, and they have offered the following explanation as their reason for the over-pumpage:

1. The past several seasons have been a long low rainfall period as a result of the "El Nino" effect, which affected the Central Pacific wind patterns.

2. Full plantings by the individual farmers (there are eight independent farming operations) coincided within the same period. This means that the crops were in the ground at the same maturity in the same period, i.e. they were all seedlings and the maturing acreage was in maximum production. The result was that irrigation occurred all at the same time.

3. The "crop mix" that was in cultivation has changed since the water use permit was granted.
4. There have been a gradual shifting of the types of crops. Two come to mind: banana which uses 3,000 gallons per day was replaced by papaya which uses 5,000 gallons per day; and corn which uses 1,000 gallons per day was replaced by vegetable crops which need 4,500 gallons per day.

5. The farmers also expressed that Campbell Estate (the original permittee) provided water use allocation figures that were insufficient for the irrigation requirements because the Kahuku Plantation water use records were based on irrigation during the period the plantation was phasing out cane cultivation and many of the fields were at full maturity (which is when little or no irrigation water is applied).

The Kahuku Farmers Association is gathering the necessary information and details from their records (data, such as rainfall, croppings, irrigation applications, etc.). When they have assembled the data, they would like to have an opportunity to meet with you and your staff to explain their reasons for the over-pumpage.

Mr. Seiko Shiroma, their spokesman, will call you to arrange a date and time.
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file
November 19, 1998

Mr. Ronald Chew, Treasurer
Kahuku Farmers Association
P. O. Box 515
Kahuku, HI 96731

Dear Mr. Chew:

Enclosed is a letter from Mr. Timothy Johns of the Commission on Water Resource Management concerning the overpumpage of Pump No. 1. Please provide an explanation for this overpumpage.

Also enclosed is the Water Shortage Plan for Pump 1, WUP No. 246 (Well 4057-01). Please put this plan into effect in order that we are able to comply with the Water Commission’s permitted allocation.

Sincerely,

Paul T. Matsuo,
PAUL T. MATSUO, P.E.
Administrator-Chief Engineer
Agricultural Resource Management Division

Encs.

✓ C: CWRM
Mr. Paul T. Matsuo
Department of Agriculture
1428 South King Street
Honolulu, Hawaii 96814

Dear Mr. Matsuo:

Water Use Permit Application for Well No. 4057-01

We have received your water use permit application for the Kahuku Pump 1 (Well No. 4057-01). However, we have found pumpage to exceed the permitted allocation for extended periods from 1995 to present. Please provide an explanation of this overpumpage and violation of your water use permit.

Upon receipt of your response, we will accept your application as complete and you can then expect your application to be processed within ninety (90) days.

If you have any questions about your permit application, please contact Mr. Ryan Imata of the Commission staff at 587-0255.

Sincerely,

TIMOTHY E. JOHNS
Deputy Director

RI:ss
WATER SHORTAGE PLAN FOR PUMP 1
WUP No. 246 (Well 4057-01)

1. Upon notice of a water shortage declaration by the Commission on Water Resource Management, the permittee will stop new crop plantings.

2. The permittee will gradually reduce irrigation over a four-week period to existing crops-in-the-ground until harvest.

3. The permittee will keep harvested fields fallow with only minor water application for dust and wind erosion control. Pumping to irrigate crops will stop.

4. There will be no planned plantings during the water shortage period or until the restriction is lifted.

5. If the water shortage period is prolonged for greater than two-crop cycles, the permittee will shut down the system and either go out of business (Chapter 7 Bankruptcy) or go on welfare assistance.

KAHUKU FARMERS ASSOCIATION

President

Date: 9/1/97
Mr. Paul T. Matsuo  
Department of Agriculture  
1428 South King Street  
Honolulu, Hawaii 96814

Dear Mr. Matsuo:

**Water Use Permit Application for Well No. 4057-01**

We have received your water use permit application for the Kahuku Pump 1 (Well No. 4057-01). However, we have found pumpage to exceed the permitted allocation for extended periods from 1995 to present. Please provide an explanation of this overpumpage and violation of your water use permit.

Upon receipt of your response, we will accept your application as complete and you can then expect your application to be processed within ninety (90) days.

If you have any questions about your permit application, please contact Mr. Ryan Imata of the Commission staff at 587-0255.

Sincerely,

TIMOTHY E. JOHNS  
Deputy Director

RI:ss
COMMISSION ON WATER RESOURCE MANAGEMENT (4/98)

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Please:
- See Me
- Review & Comment
- Take Action
- Type Draft
- Type Final
- File
- Xerox ___ copies

Signed:

Check if WUP vs. WW violations.

Neal, can you check 12 Man for me?

Kuma No. 246

11.30.86 (T/47)

Sorry, I meant for WUP #246 = Well No. 4057-41

4057-41

Xerox ___ copies
TO: Ed Sakoda  
Acting Deputy  
Commission on Water Resource Management

FROM: Paul T. Matsuo, P.E.  
Administrator-Chief Engineer  
Agricultural Resource Management Division

SUBJECT: Increase Pumping Allocation of WUP #246, 
Koolauloa Ground Water Management Area, Oahu

The Department is in the process of awarding 24 new leases at our Kahuku Agricultural Park, totaling cultivatable acreage of 156.058 acres. The irrigation system for this agricultural park will be using the same well.

Enclosed is an application to increase the pumping allocation to irrigate the 156 acres. A copy of the acreage calculations is attached, together with a map.

Attachment

P.S. Sorry I couldn’t come in. Please call me at 973-9473 if you have questions.
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Department of Agriculture
   Contact Person: Paul T. Matsuo, P.E.
   Address: 1428 So. King Street
   Honolulu, HI 96814
   Phone: 973-9473 Fax: 973-9467

   (b) LANDOWNER OF SOURCE
   Firm/Name: Department of Agriculture
   Contact Person: James J. Nakatani
   Address: 1428 So. King Street
   Honolulu, HI 96814
   Phone: 973-9550 Fax: 973-9613

2. WATER MANAGEMENT AREA: Koolauloa
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: Pump 1 (4057-01)
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: N/A
   (c) LOCATION: Address: Kikalu Agricultural Park (additional).
      Tax Map Key: 5 6 06; 19
      (Attach a USGS map, scale 1:2000, and a property tax map showing source location referenced to established property boundaries)

4. SOURCE TYPE (check one): Stream | Basal | Well-confined | Perched | Caprock
   METHOD OF TAKING WATER (check one): Artesian | Well & Pump | Diverted Surface | Other (explain)

5. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated System | Intended Dedication to Dept./Board of Water Supply | Non-PUC-Regulated Private System
   (b) Proposed use of water is: Existing | New | Both existing & new uses
   (c) Tax Map Key: 5 6 06; vac (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (d) Address:
      (e) Current State Land Use District(s): Urban | Agriculture | Conservation | Rural
      (f) Current County Zoning District(s): Agriculture (AG-1)

6. QUANTITY OF WATER REQUESTED: 780,000 (additional) gallons per day (averaged over 1 year)

7. METHOD OF MEASUREMENT: Flowmeter | Open-pipe | Weir | Office | Other (explain)

8. QUALITY OF WATER REQUESTED: Fresh | Brackish | Salt | Potable | Non-Potable

9. PROPOSED USE: Municipal (including hotels, stores, etc.) | Individual Domestic | Irrigation
   Industrial | Military | Other (explain)

For questions 11 & 12: If multiple TMKs are involved where water is to be used, please complete Table 1 on back of application.

10. TOTAL NUMBER OF RESIDENCES TO BE SERVED: None

11. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: 156.058 (add'1) diversified crops (acres)

12. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 6 a.m. to 5 p.m.
    (daytime hours of operation, ex. 7 a.m. to 2 p.m.)

13. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source.
   (b) Is a reasonable-beneficial use as defined in section 13-171-2, HAR. (See backside of this application)
   (c) Will not interfere with any existing legal use.
   (d) Is consistent with the public interest.
   (e) Is consistent with state and county general plan/n's and land use designations.
   (f) Is consistent with county land use plans and general policies.

15. REMARKS, EXPLANATIONS: (See backside of this application)

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

Department of Agriculture
Applicant (P) & Landowner (C)
Signature: 
Date: 4/30/98

Date: 4/30/98
"Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

15. REMARKS, EXPLANATIONS (cont'd):

N/A

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For Official Use Only:

Date Received
Hydrologic Unit No.
Diversion Works No.
Date Accepted
Application No.
State Well No.

01/05/99 WUPA Form
Kahuku Agricultural Park
Parcels 29 through 52 are leasable lots.
Plate 1

Kahuku Agricultural Park

Parcels 29 through 52 are leasable lots
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**TOTALS**

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CAMPBELL ESTATE PUMPAGE
PUMP 1 (Well No. 4057-01)

--- Chart Showing Pumpage Values Over Time ---

- Monthly values
- 12-MAV
- Permitted allocation

Month (Latest Data 7/98)
November 6, 1998

Mr. Paul T. Matsuo
Department of Agriculture
1428 South King Street
Honolulu, HI 96814

Dear Mr. Matsuo:

We have received your water use permit application for the Kahuku Pump 1 (Well No. 4057-01). However, we have found pumpage to exceed the permitted allocation for extended periods from 1995 to the present. Please provide an explanation of this overpumpage.

Upon receipt of your response, we will accept your application as complete and you can expect your application to be processed within ninety (90) days.

If you have any questions about your permit application, please contact Mr. Ryan Imata of the Commission staff at 587-0255.

Sincerely,

TIMOTHY E. JOHNS
Deputy Director

Riss
November 12, 1996

Mr. Clyde Conner, President
Kahuku Farmers Association
P. O. Box 748
Kahuku, HI 96731

Dear Mr. Conner:

Attached is a letter from the Commission on Water Resource Management (CWRM) on the well permit use. This limits your use to 307,000 gallons per day. Please be sure to keep within this limit as there will be a fine of $1,000.00 per day if you exceed it.

Also, effective today, please provide monthly data on the attached form to us and we will send it to CWRM.

Lastly, CWRM will require a water shortage plan. We need to meet and develop a water restriction plan where irrigation of your crops will be greatly reduced. We have similar plans for our Waimanalo Irrigation System.

Please call me at 973-9473 to arrange a meeting.

Sincerely,

[Signature]

PAUL T. MATSUO, P.E.
Administrator-Chief Engineer
Agricultural Resource Management Division

Attachments

C: /cWWM
Chairperson, Board of Agriculture
GROUND WATER USE PERMIT
WUP NO. 246

PERMITTEE

Applicant/Water User
Address STATE DEPARTMENT OF AGRICULTURE
1428 SOUTH KING STREET
HONOLULU, HI 96814

Landowner of Source
Address STATE DEPARTMENT OF AGRICULTURE
1428 SOUTH KING STREET
HONOLULU, HI 96814

PERMITTED SOURCE INFORMATION

Island OAHU
Water Management Area KOOLAULOA
Aquifer Sector WINDWARD
Aquifer System KOOLAULOA
System Sustainable Yield 35 mgd
Well Name PUMP 1
State Well No. 4057-01

PERMITTED USE INFORMATION

Reasonable beneficial use AGRICULTURE (based on 215 acres various crops)
Withdrawal (12 month moving ave.) 0.307 mgd
Location of water use
TMK # 5-6-6:19
Address KAHUKU
State land use classification AGRICULTURE
County zoning classification AG-1

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The 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 December 8, 1993 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. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure 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).

12. This permit shall be subject to the Commission's periodic review of the KOOLAULOA 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 KOOLAULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. 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.

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

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

16. 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.

17. 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 KOOLAULOA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. 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.

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

21. 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.

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

Applicant's Signature: Paul T. Matsuo
Printed Name: Paul T. Matsuo, P.E.
Date: 11/8/96
Administrator-Chief Engineer
Firm or Title: Agricultural Resource Mgt. Division
Department of Agriculture

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

Attachment
Mr. Paul T. Matsuo  
Department of Agriculture  
Agricultural Resource Management Division  
1428 S. King Street  
Honolulu, HI 96814  

Dear Mr. Matsuo:

Transfer of Water Use Permit for Pump 1 (Well No. 4057-01)  
Koolauloa Ground Water Management Area, Oahu

Thank you for your letter of October 23, 1996, regarding the overpumpage and water use permit transfer for Well No. 4057-01.

It appears that the original request to transfer the permit from The Estate of James Campbell to the Department of Agriculture, dated June 20, 1994, incorrectly identified the source as Pump 5 (Well Nos. 4158-01 to 11). Our response, dated July 15, 1994, was to inform you that the water use permit application for Well Nos. 4158-01 to 11 had been denied without prejudice on October 13, 1994.

From your October 23, 1996 letter, we now understand that the source which should be transferred is Pump 1 (Well No. 4057-01) and not Pump 5 (Well Nos. 4158-01 to 11). We do not have any record of a subsequent transfer request (attached as Exhibit "D" in your letter of October 23, 1996) that correctly identified the source.

Because it appears that confusion over the identification of the source was the primary reason that the transfer did not occur within ninety (90) days after the effective date of the transfer of the well, we will waive the 90-day requirement for notice and allow the water use permit to be transferred at this time.

Please find attached your water use permit for Pump 1 (Well No. 4057-01) for use of 0.307 million gallons per day (mgd) of water on a 12-month moving average as approved by the Commission on Water Resource Management (Cr 30 7330 as approved by 93).
Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the KOOLAULOA 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.

Lastly, with regard to the overpumpage of the well, if the Kahuku Farmers Association has expanded their operations, or finds that the current allocation is insufficient to meet their irrigation needs, then an application to modify the water use permit to allow increased withdrawals from the well should be submitted to the Commission.

If you have any questions, please call Rae M. Loui, Deputy Director, at 587-0214 or 1-800-468-4644 extension 70214.

Aloha,

MICHAEL D. WILSON
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 246

PERMITTEE

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Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The 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 December 8, 1993 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. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure 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).

12. This permit shall be subject to the Commission's periodic review of the KOOLAULOA 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 KOOLAULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. 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.

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

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

16. 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.

17. 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 KOOLAUOLA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. 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.

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

21. 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.

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

Applicant’s Signature: ____________________________ Date: ____________________________

Printed Name: ____________________________ Firm or Title: ____________________________

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

Attachment
October 23, 1996

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

FROM: Paul T. Matsuo, P.E.
Administrator-Chief Engineer
Agricultural Resource Management Division

SUBJECT: Kahuku Agricultural Park Well (4057-01)

This is in response to your letter of October 18, 1996 concerning the well overpumpage. We have instructed the Kahuku Farmers Association to cease the overpumping of the well in excess of the permitted use quantity of 310,000 gpd (copy of letter attached).

As for the matter of the transfer of the well from Campbell Estate to the Department of Agriculture, we offer the following explanation:

1. On June 15, 1994, a transfer of water use permit request was submitted to the CWRM (see copy of memo attached as Exhibit "A").

2. On July 15, 1994, a letter was issued by CWRM (see copy of letter attached as Exhibit "B") stating that our application was denied and no action was indicated on our request for transfer. Upon inquiry to your staff (Mr. Roy Hardy), it was determined that the requested well was not as identified. Further, it was discovered that the Department of Agriculture did not have jurisdiction of the property as it had been condemned by the State, which placed jurisdiction under the Department of Land and Natural Resources, pursuant to section 171-2, HRS. Hence, it was DOWALD’s responsibility to make a request. Subsequently, on October 14, 1994 the Board of Land
and Natural Resources authorized the issuance of a set aside to the Department of Agriculture (see board submittal attached as Exhibit "C") which gave us authority.

3. In a follow-up on November 25, 1994, our records show that a water use permit application, together with a memorandum requesting transfer of the corrected well, was submitted (see copy of memo and application attached as Exhibit "D"). There was nothing further until your October 18, 1996 memo.

I hope this clears up any confusion on the transfer request of the well. Our understanding is that this well's use is 1.5 MGD as shown on your December 1993 Water Resource Bulletin (copy attached as Exhibit "E"). We were unaware of the reduced water use nor were the Kahuku Farmers Association, who has used this well since 1971. Also, what is the correct permitted water use of the well? Is it the 1.5 MGD or the 0.31 MGD or "existing uses not yet established" as in your July 15, 1994 memo? We respectfully request a transfer of the subject well as soon as practicable in order to settle this with a minimum of effort. Your earliest consideration in this matter will be greatly appreciated.

Attachments

c: Kahuku Farmers Association
   The Estate of James Campbell
   Chairperson, Board of Agriculture
October 23, 1996

Mr. Clyde Conner
President
Kahuku Farmers Association
P. O. Box 583
Kahuku, Hawaii 96731

Dear Mr. Conner:

Attached is a letter from the Commission on Water Resource Management which is self-explanatory. Please cease pumping the well in our Kahuku Agricultural Park and conform to the approved permitted use quantity of 310,000 gallons per day.

If you have a justifiable reason why the overpumpage occurred, please let me know as soon as possible. In any case, please submit your monthly pumpage record to our office effective October 31, 1996.

Your prompt response to our request will be greatly appreciated. If you have any questions, please call me at 973-9473.

Sincerely,

Paul T. Matsuo, P.E.
Administrator-Chief Engineer
Agricultural Resource Management Division

Attachment

c: CWRM (R. Loui)
Chairperson, Board of Agriculture
TO: Mr. Keith Ahue, Chairperson  
Commission on Water Resource Management

SUBJECT: Transfer of Water Use Permit

The Department of Agriculture respectfully requests the transfer of the following water use permit:

Owner: Campbell Estate  
Location: Kahuku, Oahu  
Water Management Area: Koolauloa  
Tax Map Key: 5-6-5:07  
Well Name & No.: Pump 5 (4158-01 through 11)  
Aquifer System: Koolauloa

The permit was approved on October 13, 1993 by the Commission.

The Department had initiated an eminent domain litigation to condemn the Kahuku Agricultural Park parcel. The First Circuit Court issued the stipulated judgement and order effective May 9, 1994. The water use will be the same as originally submitted.

If there are any questions, please call Mr. Paul T. Matsuo, Administrator of the Agricultural Resource Management Division, at 973-9473.

Yukio Kitagawa  
Chairperson, Board of Agriculture

c: Campbell Estate
Honorable Yukio Kitagawa, Chairperson
Board of Agriculture
1428 S. King Street
Honolulu, HI 96814

Dear Mr. Kitagawa:

Transfer of Water Use Permit
Pump 5 (Well Nos. 4158-01 to 11)
Koolauloa Ground Water Management Area, Oahu

The application for future use of the abandoned Pump 5 station (Well Nos. 4158-01 to 11) was denied without prejudice on October 13, 1994, because existing uses in the Koolauloa Aquifer System were still being established. At present, there is no permit to use this source.

Should you have an immediate, justifiable need for water, please complete and return the attached application form. If you have any questions, please contact Lenore Nakama at 587-0218.

Very truly yours,

[Signature]
KEITH W. AHUE

Attach.

c: Donna Goth, Campbell Estate
    Mike Warren, Campbell Estate
    Paul T. Matsuo
    Agricultural Resource Management Div.
STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Land Management
Honolulu, Hawaii 96813

October 14, 1994

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

SUBJECT: Cancellation of Governor's Executive Order No. 3575 for Land Situated at Kahuku, Koolauoa, Oahu, Tax Map Keys: (1) 5-6-05:09, (1) 5-6-06: Por. 19, and (1) 5-6-08: Por. 2 and Re-Set Aside to the Department of Agriculture

STATUTE: Sections 171-112 and 171-11, Hawaii Revised Statutes

APPLICANT: DEPARTMENT OF AGRICULTURE

FOR: Land situate at Kahuku, Koolauoa, Oahu, identified as Tax Map Keys: (1) 5-6-05:09, (1) 5-6-06: Por. 19, and (1) 5-6-08: Por. 2.

PURPOSE: Establishment of Kahuku Agricultural Park.

AREA: 687.010 acres, more or less

REMARKS: Governor's Executive Order No. 3575, effective November 23, 1992, issued to the Department of Agriculture, covering the subject parcels for the Kahuku Agricultural Park purposes. The land was acquired from Campbell Estate through a 55-year lease which is filed in the Land Management Office under LOPP-OA-66, until the fee simple land acquisition of the property could be completed.

Recently, the land has been obtained from Campbell Estate in fee through condemnation action filed in the First Circuit Court on May 17, 1994 under Civil No. 93-3045-08.

RECOMMENDATION: That the Board:

A. Approve of and recommend to the Governor issuance of an executive order to cancel Governor's Executive Order No. 3575 dated November 23, 1992.
B. Approve of and recommend to the Governor issuance of an executive order to reset aside the lands described above to the Department of Agriculture for purpose of the Kahuku Agricultural Park. Subject to the following terms and conditions:

1. Disapproval by the Legislature in any regular or special session next following the date of the executive order.

2. Upon cancellation of the Executive Order and/or abandonment of the premises for the purposes stated herein, the Department of Agriculture shall restore the area to a condition satisfactory to the Department of Land and Natural Resources.

3. Final subdivision to be obtained by Department of Agriculture.

4. Such other terms and conditions as may be prescribed by the Chairperson.

Respectfully submitted,

W. Mason Young
Land Management Administrator

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
November 25, 1994

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

SUBJECT: Transfer of Water Use Permit
Pump No. 1 (4057-01), Kahuku Agricultural Park

The Department of Agriculture respectfully requests the transfer of the following water use permit:

Owner: Campbell Estate
Location: Kahuku, Oahu
Tax Map Key: 5-6-06:19
5-6-08:02 (por)
5-6-05:09 (por)
Well Name & No.: Pump 1 (4057-01)
Aquifer System: Koolauloa

The permit was approved on October 13, 1993 by the Commission.

Attached is the Board of Land and Natural Resources action authorizing the issuance of the Executive Order. This provides the jurisdiction of the well and the Kahuku Agricultural Park parcel to the Department of Agriculture for management. A copy of the approved board submittal is attached together with the N reading order by the Commission on governing the matter.

Also attached is the Application for Water Use Permit with the new information. If there are any questions, please call Paul T. Matsuo, Administrator, Agricultural Resource Management Division, at 973-9473.

YUKIO KITAGAWA
Chairperson, Board of Agriculture

Attachments

c: ARM Div.
PDO
APPLICATION FOR WATER USE PERMIT

Ground Water or ☐ Surface Water

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225 (neighbor islands, 1-800-488-4644).

PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: Department of Agriculture
   Contact Person: Paul T. Matsuo
   Address: 1428 South King Street
             Honolulu, Hawaii 96814

(b) LANDOWNER OF SOURCE
   Firm/Name: State of Hawaii
   Contact Person: Paul T. Matsuo
   Address: 973-9473

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Koolauloa
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: Pump No. 1 (4057-01)
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: Same
   (c) LOCATION: Address: Kahuku Agricultural Park
   Tax Map Key: 5-5-06:019
   (Attach a USGS map, scale 1" = 2000", and a property tax map showing source location referenced to established property boundaries.)

4. SOURCE TYPE (check one): ☐ Stream ☐ Flood Plain ☐ Dike-confined ☐ Perched ☐ Diverted Surface
   (a) METHOD OF MEASUREMENT: ☐ Flowmeter ☐ Open-pipe ☐ Weir ☐ Other (explain)
   (c) QUALITY OF WATER REQUESTED: ☐ Fresh ☐ Brackish ☐ Salt ☐ Potable ☐ Non-Potable
   (d) PROPOSED USE: ☐ Municipal (including hotels, stores, etc.) ☐ Individual Domestic ☐ Irrigation
   ☐ Industrial ☐ Military ☐ Other (explain)

   For questions 12 & 13: If multiple TMKs are involved, please complete Table 1 on back of application.

   11. TOTAL NUMBER OF RESIDENCES TO BE SERVED:
   12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:
       687.01 - diversified
       (acre(s))
   13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
       6:00 a.m. to 3:00 p.m.
       (daytime hours of operation, ex. 7 a.m. to 2 p.m.)

   14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:
       (a) Impact on Sustainable yield (?): None
       (b) Instream Flow Standards affected (?): No
       (c) Hawaiian Home Lands use affected (?): No
       (e) Other existing legal uses affected (?): No
       (e) Other (pending permits, EIS, etc.)(?): None

   15. REMARKS, EXPLANATIONS:

   (if more space is needed, continue on back side)

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

Applicant (print) Department of Agriculture Landowner (print) State of Hawaii
Signature [signature] Signature [signature]
Date [date] Date [date]

For Official Use Only:
Data Received ____________________ Hydrologic Unit No. ____________________
Data Accepted ____________________ Division Works No. ____________________
State Well No. ____________________
5/15/93 WUPA Form
16. REMARKS, EXPLANATIONS (cont'd):


TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>TMK</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS OR NET ACRES</th>
<th>GPD/UNIT OR GPD/ACRE</th>
<th>TOTAL GPD</th>
<th>% OF TOTAL TO BE USED OVER NEXT 4 YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Applications for Water Use Permit (cont'd)</th>
</tr>
</thead>
</table>

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-2:1</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Well 4157-06 (4157-06)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-2 for maintenance of habitat for endangered water birds. Requested withdrawal, 0.106 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-2:7</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Well 4157-07 (4157-07)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-2 for maintenance of habitat for endangered water birds. Requested withdrawal, 0.107 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-3:22</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Well No. 4258-04 (4258-04)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-2:2 for aquaculture for 300 acres of shrimp. Requested withdrawal, 7.000 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-7-1:21</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Kawela (4100-02)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-7-1:21 for fish hatchery operations. Requested withdrawal, 0.300 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-7-1:21</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Kawela (4100-02)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-7-1:21 for domestic service and irrigation of 40 acres of various crops. Requested withdrawal, 1.000 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-6:6</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Malaekahana (3956-01)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-6:1 for domestic service to 31 homes and Malaekahana Park. Requested withdrawal, 0.100 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-3:43</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Pump 2 (4159-01)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-3:43 for domestic service and irrigation of 219 acres of various crops. Requested withdrawal, 0.200 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-6:18</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Pump 3 (3957-01, 02, 04 to 06)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-6:18 for domestic service and irrigation of 80 acres of various crops. Requested withdrawal, 1.000 mgd.

Tentative CWRM action date: October 13, 1993

**Campbell Estate**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kahuku, Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>Koolauloa</td>
</tr>
<tr>
<td>Tax Map Key</td>
<td>5-6-6:18</td>
</tr>
<tr>
<td>Well Name &amp; No.</td>
<td>Pump 3A (3957-03)</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Koolauloa</td>
</tr>
</tbody>
</table>

Water will be used at TMK 5-6-6:18 for aquaculture (60 acres of prawns). Requested withdrawal, 2.000 mgd.

Tentative CWRM action date: October 13, 1993
OCT 18 1996

Mr. Paul Matsuo
Department of Agriculture
Agricultural Resources Management Division
1428 S. King Street
Honolulu, HI 96814

Dear Mr. Matsuo:

Water Use Permit for Well No. 4057-01
Koolauloa Ground Water Management Area, Oahu

On August 20, 1996, we sent a notice of water use permit violation to The Estate of James Campbell (Campbell) for withdrawals in excess of the permitted use for Well No. 4057-01 (attached).

On September 27, 1996, we received the attached response from Campbell, indicating that the source was obtained by condemnation in 1994 by the Hawaii State Department of Agriculture and the Kahuku Farmers Association.

Pursuant to §174C-59 Hawaii Revised Statutes, a water use permit may be transferred provided that the Commission is informed of the transfer within ninety (90) days. Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit.

We request that you address the overpumpage violation and submit a new application for a water use permit within thirty (30) days from the date of this letter. At your option, you may submit to the Commission a request to transfer the permit at this time; however, an explanation for your failure to transfer the permit within ninety (90) days should also be provided to support your request. With regard to the overpumpage of the well, be advised that the Commission has levied daily fines of up to $1,000 for a continuing offense.

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

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Attachments
c: Ms. Donna Goth, The Estate of James Campbell
THE ESTATE OF JAMES CAMPBELL

September 25, 1996

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

Dear Ms. Loui:

Explaination of Overpumpage of Kahuku Pump 1 (Well No. 4057-01)
Koolauloa Ground Water Management Area, Oahu

In your letter of August 20, 1996, you stated that the current twelve-month moving average withdrawal from Well No. 4057-01 (0.422 mgd as of July 1996) is in excess of the permitted use quantity (0.307 mgd). A request was made to explain the overpumpage and estimate the time required to come into compliance with the terms of our permit.

Well No. 4057-01 has been identified as the source of water for the Hawaii State Kahuku Agricultural Park that was obtained from The Estate of James Campbell by condemnation in 1994. Since that time, the operation, maintenance and water use from this well has been controlled by the Hawaii State Department of Agriculture and the Kahuku Farmers Association.

On June 15, 1994 the Department of Agriculture attempted to transfer the water use permit for Well No. 4057-01 from the Estate to the State Department of Agriculture. However, there was some confusion in their transfer request, and the transfer was not completed. As a result, the permit is still officially in the name of the Estate. Since the allowable time for permit transfer has been exceeded, a new application for water use permit from Well No. 4057-01 will be initiated by Mr. Paul Matsuo, Hawaii State Department of Agriculture.

If you have any questions concerning water use from this well, please call Mr. Matsuo at 937-9475. If you have any other questions, please contact Jim Russell at 674-3338.

Very truly yours,

Donna B. Goth
Director, Hawaii Development
Ms. Donna B. Goth  
The Estate of James Campbell  
1001 Kamokila Blvd.  
Kapolei, HI 96707

Dear Ms. Goth:

Notice of Water Use Permit Violation  
Pump 1 (Well No. 4057-01)  
Koolauloa Ground Water Management Area, Oahu

A review of our record for Well No. 4057-01 shows that the current twelve-month moving average withdrawal (0.422 mgd as of July, 1996) is in excess of the current permitted use quantity (0.310 mgd). Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of your permit. We request that you respond in writing within thirty (30) days from the date of this letter.

This letter serves as your official notice of the overpumpage violation(s). Be advised that failure to comply with the terms and conditions of your permits may result in daily fines of up to $1000 per violation.

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

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Water Use Permit Applications
Koolauloa Ground Water Management Area, Oahu

Applicant:  
Campbell Estate  
1001 Kamokila Blvd.  
Kapolei, HI 96707

Landowner:  
Same

Amor Ikko (4157-09), Amor Pact 1 (4258-12), Amor Pact 2 (4258-13), Amor RCA 1 (4258-08), Amor RCA 2 (4258-14), Haw Mar Ent Clam (4157-10), Haw Mar Ent Ogo (4157-08), Kahuku Airbase (4158-12&13), Kawananakoa (4056-01), Malaekahana (3956-01), Pacific Sea 2 (4257-01), Pacific Sea 3 (4257-02), Palmer Golf Course (4100-01), Pump 1’ (4057-01), Pump 2 (4159-01), Pump 6 (3957-07), Pump 8 (4057-06), Pump 12 (4057-07), Pump 12-A (4057-10), Pump 15 (4157-04), Punamanao (4159-02), Sugar Mill Pump (4057-11), T. Astro (4258-05), USFW 1 (4157-05), USFW 2 (4157-06), USFW 3 (4157-07)

Honolulu Board of Water Supply  
630 S. Beretania St.  
Honolulu, HI 96843

Same

Hauula (3655-01), Kahuku Battery (4057-15,16), Kaluanui (3554-04,05), Punaluu I (3553-02), Punaluu II (3553-03,04,06,07,08), Punaluu III (3453-06,07), Waialee I (4101-07), Waialee II (4101-08),

Hanohano Enterprises, Inc.  
53-594 Kam Hwy.  
Hauula, HI 96717  
(Well No. 3553-01)

Same

George N. Nihipali, Jr.  
P.O. Box 217  
Hauula, HI 96717  
(Well No. 3855-12)

Same

Jacob I. Kaio, Sr.  
1519 Nehoa St. Apt. 105  
Honolulu, HI 96822  
(Well No. 3956-07)
Background

The Commission designated Windward Oahu and its corresponding aquifer systems as water management areas on May 5, 1992. All registered ground water users were notified of the official designation date of July 15, 1992, on which the Commission would begin to accept applications for existing water use permits. All water use permit applications in the Koolauloa Ground Water Management Area submitted to the Commission to date are shown in Exhibit 1. Existing water use permits in the management area are shown in Exhibit 2. Other specific information regarding the source, use, objections, and field investigation(s) are described in Attachment A and the other attached exhibits. Exhibit 5 shows well locations and reported pumpage information indexed by well number.

Analysis & Issues

Overall Koolauloa Ground Water Management Area Conditions

The major issue in the Koolauloa Ground Water Management Area is the appearance of an overallocation situation given the number of water use permit applications for existing uses (Exhibit 1). The sustainable yield of the Koolauloa Aquifer System is 35 million gallons per day (mgd) but as of November 29, 1993 Exhibit 1 shows a total demand of 67.433 mgd. However, of the total requested amount, 33.256 mgd is a more reasonable estimate of the requested existing demands on the aquifer and is calculated according to Table 1 as follows:

TABLE 1. Calculation for Reasonable Estimate of Existing Uses

<table>
<thead>
<tr>
<th>Quantity (mgd)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>67.433</td>
<td>Total applications submitted (Exhibit 1).</td>
</tr>
<tr>
<td>+0.323</td>
<td>Total existing water use permits (Exhibit 2).</td>
</tr>
<tr>
<td>-1.000</td>
<td>Future use for BWS Kipapau Well No. 3655-03.</td>
</tr>
<tr>
<td>-33.500</td>
<td>Applications for salt water wells (limited effect on aquifer).</td>
</tr>
<tr>
<td>33.256</td>
<td>Reasonable estimate of existing aquifer uses from applications.</td>
</tr>
</tbody>
</table>

From this analysis, the overallocation situation does not appear to be factual. The 33.256 mgd estimate is within the area's estimated sustainable yield of 35 mgd. Additionally, the majority of applicants, Campbell Estate (CE) and Honolulu Board of Water Supply (BWS), have requested pump capacities rather than the actual 12 month moving average (12-MAV). The 1992 draft of the Oahu Water Management Plan (OWMP) estimated 1990 average actual use to be 13.6 mgd which would be well within the system's sustainable yield. Staff has updated this actual use estimate with the 12-month moving average, as of September 1993, at approximately 14 mgd based on water use reports submitted to the Commission. A significant amount of pumpage is not reported at this time, much of it salt water, but staff is making efforts to have all active well owners comply.

The Native Hawaiian Advisory Council (NHAC) has requested an extended review period for all applications in this water management area and other aquifer systems (see Attachment C). Subsequent to this request, NHAC has submitted objections and declared that they represent at least thirteen (13) individuals throughout the Windward Side of Oahu (See Attachment D). The objections relate to the overall procedures of regulating water use through the existing water use permit process specified under §13-171, HAR. While staff realizes that the rules and code can be interpreted in many ways it will continue to process
the applications in accordance with §13-171, HAR while being cognizant of general policies established through past Commission actions. NHAC has reserved the right to submit specific objections with the list of identified people NHAC represents at a later date. As such, no public hearing seems necessary at this time with regard to this objection.

Given the overall situation of the management area, staff sees no reason to delay action on the existing uses provides the following analysis for applications scheduled for action.

1. **CAMPBELL ESTATE (CE) EXISTING USES**: There are twenty-six (26) applications from CE in this management area for twenty-eight (28) wells. A number of different entities are using water but CE has come in as the applicant since they are the landowner. Wells which have been field verified as pumping salt water for various uses are listed in Table 2 as follows:

<table>
<thead>
<tr>
<th>Operator</th>
<th>Well No.</th>
<th>Requested mgd</th>
<th>Current 12-MAV mgd</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian Marine Enterprises</td>
<td>4157-08</td>
<td>3.000 &lt;a&gt; (m3)&lt;/a&gt;</td>
<td>+0.433</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Amorinck Ikko</td>
<td>4157-09</td>
<td>7.000 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Hawaiian Marine Enterprises</td>
<td>4157-10</td>
<td>3.000 &lt;a&gt; &lt;/a&gt;</td>
<td>+0.144</td>
<td>SMA deferral</td>
</tr>
<tr>
<td>Pacific Sea Farms</td>
<td>4257-01</td>
<td>5.200 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>SMA deferral</td>
</tr>
<tr>
<td>Pacific Sea Farms</td>
<td>4257-02</td>
<td>3.700 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>SMA deferral</td>
</tr>
<tr>
<td>T. Astro</td>
<td>4258-05</td>
<td>5.000 &lt;a&gt; (m3)&lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Amorinck PACT 1</td>
<td>4258-08</td>
<td>0.300 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Amorinck PACT 1</td>
<td>4258-12</td>
<td>3.000 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Amorinck PACT 2</td>
<td>4258-13</td>
<td>0.300 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
<tr>
<td>Amorinck RCA 2</td>
<td>4258-14</td>
<td>3.000 &lt;a&gt; &lt;/a&gt;</td>
<td>No reports</td>
<td>Approve existing needs</td>
</tr>
</tbody>
</table>

* Note: Only 1 month of data supplied to Commission but verified through field investigation.  
+ Note: based on recommendations of Aquacultural Development Program

The major issue with the salt-water applications listed in Table 2 is that actual use data is effectively non-existent. The applicant has indicated that they are compiling historic pumpage information but has not submitted any to date which is understandable since non of the wells in Table 2 were found to have any flow meters. Although staff believes that the salt water wells have a very limited effect on the freshwater portions of the aquifer (otherwise they would be brackish) these uses need to be permitted. Although it may be of questionable value to measure seawater pumpage, staff feels that accurate data may prove beneficial in the future. During staff review it became evident that the standard listed in the OWMP for aquaculture (36,000 gpd/acre) would not be appropriate for the uses listed based on acreage, especially since these uses are large scale. Additionally, the concern of discharge of the effluent is under review, but is being monitored by the Department of Health (DOH). Staff has been consulting with the State Aquacultural Development Program (ADP) as they are more experienced with aquaculture of this magnitude. ADP will be making recommendations to staff prior to the Commission meeting about reasonable amounts of salt water needed for these applications and the necessary measures taken to manage effluent discharges.
Additionally, the Mayor commented that the well(s) for Hawaiian Marine Enterprises (4157-10) and Pacific Sea Farms (4257-01&02) have been determined to reside in Special Management Areas (SMA), which would require SMA permitting. The Mayor asked that these applications be deferred until a SMA determination from DLU is completed.

Field verified wells for CE pumping non-salt water for various uses are listed in Table 3 as follows:

<table>
<thead>
<tr>
<th>Operator</th>
<th>Well No.</th>
<th>Requested mgd</th>
<th>Current 12-MAV mgd</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maleakahana Domestic System</td>
<td>3956-01</td>
<td>0.100</td>
<td>0.042</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Gunstock &amp; Puu Paina Ranch</td>
<td>3957-07</td>
<td>0.100</td>
<td>0.006</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Kawanakaka Ranch</td>
<td>4056-01</td>
<td>1.000</td>
<td>+ 0.576</td>
<td>Approve 400,000 gpd est.</td>
</tr>
<tr>
<td>Kahuku Farmers Assoc.</td>
<td>4057-01</td>
<td>1.500</td>
<td>0.397</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Turf Farm &amp; Kahuku School</td>
<td>4057-06</td>
<td>0.500</td>
<td>0.198</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Soukaseum &amp; Matsuda</td>
<td>4057-07</td>
<td>2.000</td>
<td>0.109</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Kahuku Prawn Farm</td>
<td>4057-10</td>
<td>1.500</td>
<td>0.286</td>
<td>Approve 300,000 gpd est.</td>
</tr>
<tr>
<td>Sugar Mill Pump</td>
<td>4057-11</td>
<td>0.500</td>
<td>0.028</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Palmer Golf Course</td>
<td>4100-01</td>
<td>0.800</td>
<td>0.206</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Amorient &amp; US Army</td>
<td>4157-04</td>
<td>1.530</td>
<td>+ 1.517</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>US Fish and Wildlife Serv.</td>
<td>4157-05</td>
<td>0.082</td>
<td>0.082</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>US Fish and Wildlife Serv.</td>
<td>4157-06</td>
<td>0.106</td>
<td>0.106</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>US Fish and Wildlife Serv.</td>
<td>4157-07</td>
<td>0.107</td>
<td>0.107</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>US Army, Airbase</td>
<td>4158-12&amp;13</td>
<td>0.500</td>
<td>0.103</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>Vietnamese Farmers</td>
<td>4159-01</td>
<td>3.000</td>
<td>0.814</td>
<td>Approve existing 12-MAV</td>
</tr>
<tr>
<td>US Army</td>
<td>4159-02</td>
<td>1.500</td>
<td>0.001</td>
<td>Approve existing 12-MAV</td>
</tr>
</tbody>
</table>

Note: unmeasured estimate by applicant.
++ Note: unmeasured estimate by staff of existing use on 5/21/93.

The non-salt water requests and their specific issues are as follows (refer to Exhibit 5 for location and use information):

a. MALAEKAHANA DOMESTIC SYSTEM (Well No. 3956-01) - The well site was inspected and verified on May 21, 1993. It is designated by the DOH as “Community Water System 316” and is monitored monthly for quality by DOH. The system services approximately 100 individuals; for the Maleakahana State Park 33 homes, and potable needs of Kawanakaka's Ranch.

The first issue is that there are possibly six (6) active well users within a mile radius of this well. Only one (1) is downgradient and is also owned by the applicant, but no water use permit application has been submitted. The other five (5) have applied for water use permits and are pending in this submittal. Considering the applicant's well has been in use

<table>
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</tr>
<tr>
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<td>4056-01</td>
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<tr>
<td>Kahuku Farmers Assoc.</td>
<td>4057-01</td>
<td>1.500</td>
<td>0.397</td>
<td>Approve existing 12-MAV</td>
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<td>0.500</td>
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<td>4157-06</td>
<td>0.106</td>
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<td>Approve existing 12-MAV</td>
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<td>4159-02</td>
<td>1.500</td>
<td>0.001</td>
<td>Approve existing 12-MAV</td>
</tr>
</tbody>
</table>

Note: unmeasured estimate by applicant.
++ Note: unmeasured estimate by staff of existing use on 5/21/93.

The non-salt water requests and their specific issues are as follows (refer to Exhibit 5 for location and use information):

a. MALAEKAHANA DOMESTIC SYSTEM (Well No. 3956-01) - The well site was inspected and verified on May 21, 1993. It is designated by the DOH as “Community Water System 316” and is monitored monthly for quality by DOH. The system services approximately 100 individuals; for the Maleakahana State Park 33 homes, and potable needs of Kawanakaka’s Ranch.

The first issue is that there are possibly six (6) active well users within a mile radius of this well. Only one (1) is downgradient and is also owned by the applicant, but no water use permit application has been submitted. The other five (5) have applied for water use permits and are pending in this submittal. Considering the applicant’s well has been in use
since 1975 and are so near to the ocean, any adverse impacts would already be in evidence. No downgradient user or other has filed an objection to this application.

The second issue is that the applicant's request for 0.100 mgd is more than the existing use. The source is metered and the current 12-MAV is approximately 0.042 mgd based on almost two (2) years worth of data (See Exhibit 5). Additionally, 0.042 mgd seems rather high for the domestic needs based on county standards that 33 homes would require approximately 16,500 gpd plus the need of the transient people at the park and the ranch's potable needs. One explanation is that the transient number of people using the park varies greatly. Finally, the OWMP estimated 1990 average use at 0.50 mgd. Staff is unsure why this amount is so high compared to figures provided directly to the Commission but prefers to use the lower reported values.

b. GUNSTOCK AND PUU PA'INA RANCHES (Well No. 3957-07) - The well site was inspected and verified on May 21 and October 28, 1993.

The first issue is that there are possibly three (3) active wells within a mile radius of this well. One is a privately owned source which has not come in for a water use permit and two (2) others are also owned by the applicant, both of which have water use permit applications pending in this submittal. Considering the applicant's well has been in use since 1937 and the use is small (approximately 6,200 gpd), any adverse impacts would already be in evidence. No downgradient user has filed an objection to this application.

The second issue is that the applicant's request for 0.100 mgd is more than the existing use. The source is metered and the current 12-MAV is approximately 6,200 gpd based on a year's worth of data (See Exhibit 5). Apparently, this is enough to satisfy the applicant's irrigation needs for 110 acres of pasture and about 240 head of livestock. From the OWMP, 110 acres of pasture would normally require an estimate of 0.044 mgd but the area is in a wet area of the island. The OWMP did not estimate the use from this well.

c. KAWANANAKOA RANCH (Well No. 4056-01) - The well site was inspected and verified on October 8, 1990. Telephone contact on October 5, 1993 verified that the only change in use was a decrease from 80 to 64 livestock.

The first issue is that there are possibly five (5) active wells users within a mile radius of this well. None of these wells are downgradient. Four (4) out of the five (5) wells have submitted water use permit applications which are pending and addressed in this submittal. The other well is a privately owned source which has not come in for a water use permit. Considering the applicant's well is so close to the ocean, any adverse impacts would already be in evidence. No objections have been filed for this application.

The second issue is that the requested amount of 1,000 mgd is in excess of verified existing use. The field investigation verified use for 30-35 acres of pasture, 64 livestock, and 1/4 acre taro and watercress. Existing 12-MAV reported at 0.576 mgd but is not metered. The OWMP did not estimate use for this well. According to the OWMP the pasture and taro together would require approximately 0.141 mgd. Livestock and watercress are not mentioned in the OWMP but assuming 100 gpd/head of livestock and 1 mgd gpd/acre of watercress, this would boost the reasonable requirement to approximately 0.400 mgd. Considering that this is a wet area of the island, this estimated need should be more than adequate. The applicant has indicated that they will be increasing pasture acreage by 15 acres (0.060 mgd). The applicant may modify their permit when these additional fields are put into production.

d. PUMP 1 (Well No. 4057-01) - The well site was inspected and verified on October 8, 1990 and again on October 15, 1993. The first issue with this application is that neither the applicant nor staff can determine if the well is a single or battery of wells connected underground. Well nos. 4057-01, 02, 08, 13 & 14 have been registered by the Kahuku Farmers Association (KFA) but staff could not find any of them except this main source. It is suspected that the other wells are below the ground surface and may connect in battery the single well head found in the field. NHAC commented that these other wells in battery should be included in the application. Staff will continue to investigate the locations of the other wells under the registration program and amend the water use permit if necessary.
The second issue is that there are possibly five (5) active wells users within a mile radius of this well. None of these wells are downgradient. Four (4) out of the five (5) wells have submitted water use permit applications which are pending and addressed in this submittal. The other is a privately owned source which has not come in for a water use permit. Considering the applicant’s well is so close to the ocean and has been in use for some time, adverse impacts, if any, would already be in evidence. No objections have been filed for this application but NHAC has commented that the use affects Ki'i National Wildlife Refuge, an unnamed stream, and water rights. This would be more appropriately addressed if future increases in use are requested since these may bring about new impacts.

The third issue is that the requested amount of 1.500 mgd is in excess of verified existing use. The field investigation verified well the is used by KFA. The Association consists of 8 farmers to irrigate 215 acres of bananas, papayas, corn, etc., which is basically diversified agriculture. According to the OWMP diversified agriculture for 215 acres would require approximately 1.700 mgd. However, the metered average use over the past two years has been consistent and the current 12-MAV is 0.307 mgd as of 9/93. Also, the OWMP estimated use from the KFA at 0.32 mgd in 1990. The mayor had commented that the existing use may be overstated and the actual metered use confirms this. NHAC commented that the applicant should also show infeasibility of using non-potable water sources. Although the Commission encourages the use of non-potable water for irrigation staff’s position is that this existing use is reasonable and within the area’s sustainable yield. Additionally, the type of non-potable water use over the basal source may put the potable quality of the area at risk.

A fourth issue is that a new State Ag Park use is not included in this figure but is a very near future use (early 1994). The State DOA is planning to open an additional 212 acres which will use an estimated 2 mgd for diversified agriculture. Pumps from the well to this project have already been tested but are not metered. Staff recommends that this future use come in with its own water use permit application.

e. PUMP 8 (Well No. 4057-06) - The well site was inspected on May 28, 1993.

The first issue is that there are possibly six (6) active wells within a mile radius of this well. Two (2) of the wells are offset but probably downgradient of well. Five (5) out of the six (6) wells have applied for water use permit. One is owned by a private individual who has not applied for water use permit. DAR had concerns about dewatering Malaekahana Stream with future increases but no objections were filed to this application.

The second issue is that the requested amount of 0.500 mgd is in excess of verified existing use. The Mayor commented that this application may be an overstated request. The field investigation found use by Southern Turf Nurseries for approximately 12 acres of turf. The source is metered and has a current 12-MAV of 0.030 mgd. The OWMP estimated 1990 use at 0.040 mgd and the OWMP estimates the need for 12 acres of turf to be 0.048 mgd. Therefore, actual metered use is lower than projected but reasonable considering use is on the wet windward side of the island.

The third issue is that Campbell Estate has an agreement with Kahuku High School to supply 0.100 mgd for irrigation. Currently, the State Department of Accounting and General Services (DAGS) is presently undergoing negotiations with CE for a water agreement. The well source is non-potable and the Kahuku Community Assoc. is having DAGs convert the high school irrigation to this non-potable source. The school’s lawns have been irrigated by BWS service up to this point. The problem is that use will increase pumpage from the aquifer, which qualifies it as a new use from the aquifer’s perspective. Given the concerns of DAR the Commission may wish to defer action on the future portion rather than deny this use at this time given the reasonableness of the new use for non-potable irrigation of a school lawn.

f. PUMP 12 (Well No. 4057-07) - The well site was inspected on March 15, 1991 and May 21, 1993.

The first issue is that there are possibly seven (7) active wells within a mile radius of this well. Five (5) out of the seven (7) have applied for a water use permit and one is a private owner who has not applied for a permit. The other is a well owned by the applicant. Four (4) of these wells are downgradient but all are owned by the applicant. No objections
by other ground water users have been filed. DAR had concerns about dewatering of Malaeakahana Stream but no other comments.

The second issue is that the requested amount of 2.000 mgd is in excess of verified existing use. The Mayor commented that this application may be an overstated request. The inspection found two major users: 1) a co-op under Mr. U. Soukaseum which is 210 acres of bananas, papayas, beans, etc. and 2) 65 acres for Melvin Matsuda for watermelons. Metered 12-MAV as of September 1993 is 0.109 mgd. The OWMP estimated 1990 use at 0.040 mgd. According to the OWMP the specified uses should require about 1.4 mgd if fully developed. Therefore, the applicant’s request is too high.

The third issue is that NHAC commented that the applicant should show infeasibility of non-potable sources. Use will affect unnamed spring, unnamed stream, and water rights.

Although the Commission encourages the use of non-potable water for irrigation, staff’s position is that this existing use is reasonable and within the area’s sustainable yield. Additionally, the type of non-potable water use over the basal source may be put the potable quality of the area at risk.

g. PUMP 12-A (Well No. 4057-10) - The well site was inspected on May 21, 1993. This well resides in the same location as Well No. 4057-07.

The first issue is that there are possibly seven (7) active wells within a mile radius of this well. Five (5) out of the seven (7) have applied for a water use permit, one is a private owner who has not applied for a permit, and the other is owned by the applicant. Four (4) of these wells are downgradient but all are owned by the applicant. No objections by other ground water users have been filed. DAR had concerns about dewatering of Malaeakahana Stream but no other comments.

The second issue is that the requested amount of 1.500 mgd may be in excess of the verified existing use. The Mayor commented that this application may be an overstated request. The field investigation found that the user, Kahuku Prawn Co., cultivates 25 acres of freshwater prawns and had recently signed a lease for an additional 23 acres. User was in the process of clearing the land for the future ponds. The well is not metered and reports are not submitted to the Commission. The applicant had indicated that they are asking the user to submit water use reports but they are not complying. The OWMP did not estimate 1990 use. According to the OWMP the existing 25 acres of aquaculture would require 0.900 mgd. DAR commented that the applicant should show infeasibility of this existing use at the time of inspection. A total of 48 acres would require about 1.728 mgd for aquaculture. Given the facts that the user and applicant have known about the water reporting requirements, have chosen not to comply, and had actively pursued, by construction, increasing a significant portion of use during the establishment of existing uses, staff feels that this use should be considered a future use. As such, staff recommends the applicant submit another application for the 23 acres of aquaculture under future use.

h. SUGAR MILL PUMP (Well No. 4057-11) - The well site was inspected on May 21 & October 28, 1993.

The first issue with this application is that the well number assigned by the applicant in error. There are five (5) wells within close proximity of each other and the original number assigned by the applicant was 4057-04. In staff’s judgement, the well identified by the applicant is 4057-11. Investigation verified 60 acres of truck farm use by Vietnamese tenants. Additionally, Well No. 4057-03 is used for 3 acres of turf irrigation and has not been applied for. The other three (3) wells in the area are not in use although one used to be for fire protection. NHAC commented that other wells in the sugar mill pump battery should be combined in application and put out for public notice. Staff’s field investigation shows that the applicants original application is only in well no. error and that the Well No. 4057-03 should also come in with a water use permit application separately or amend this original application.

The second issue is that there are possibly six (6) active wells users within a mile radius of this well. None of these wells are downgradient. Five (5) out of the six (6) wells have submitted water use permit applications which are pending and addressed in this submittal. The other well is a privately owned source which has not come in for a water use
Chairperson and Members
Commission on Water Resource Management

December 8, 1993

permits. Considering the applicant's wells are close to the ocean, adverse impacts, if any, would already be in evidence. No objections have been filed for this application.

The third issue is that the requested amount is in excess of verified existing use. The Mayor commented that the application may be an overstated request. The current metered 12-MAV reported is 0.028 mgd. The OWMP did not estimate use for this well but the estimated demand for 60 acres of bananas would be 0.181 mgd. Actual usage is much less and may be explained by a higher rainfall on this windward area.

i. PALMER GOLF COURSE (Well No. 4100-01) - This existing source uses non-potable basal water for irrigation of 188 acres of Kuilima Golf Course. The only real issue with this application is the amount of water to be allocated. A field investigation on October 4, 1993 noted that only the front 9 holes of the 18-hole golf course is open to the public. Because of financial constraints, the other nine holes are being maintained at a minimal level. If all 18 holes were to be kept in premium condition, considerably more water than what is currently being used would be required.

The actual 12-month moving average withdrawal is 0.206 mgd as of September 1993. This is considerably less than the requested allocation of 0.800 mgd. Although monthly pumpage has varied, twelve-month moving average withdrawals have been steady at slightly over 0.200 mgd for the last ten months, although slightly declining from about 0.250 mgd as of December 1992. Because average use has been consistent for nearly a year, the current 12-month moving average withdrawal of 0.206 mgd seems to be a good estimate of the irrigation water requirement.

Although there are several other pumped wells within a mile of the well, none of these is located downgradient. The closest stream is Kawela Stream, which is located about half a mile from the well. Aquatic Resources commented that Kawela Stream is intermittent, generally dry, and does not support native freshwater species. Continued use should not result in unacceptable adverse impacts to other local wells, streams, and the aquifer.

The Office of the Mayor and BWS has commented that the amount of water requested may be overstated and should be adjusted based on actual use. These agencies also suggest that an alternative source of lesser quality should be used.

j. PUMP 15 (Well No. 4157-04) - The well site was inspected on April 1991, May 21 & September 1, 1993.

The first issue with this well is that there are possibly three (3) active wells within a mile of the well. Two (2) out of the three have applied for a water use permit. The other is a private owner who has not filed an application.

The second issue is that the requested amount of 1.5 mgd may exceed the actual pumpage. The Mayor commented that the application may be an overstated request. The inspection found that Amorient uses the well for 31 one-acre fresh water prawn ponds continuously supplied all day. Also, the US Army has an additional pump hooked-up to withdraw water for six (6) military offices. Amorient's use is not metered nor do they report. The Army does meter and report their use and their current 12-MAV is 0.017 mgd. Originally the application came in separately, 1.5 mgd for Amorient and 0.030 mgd for the Army. Staff recommended that these applications be combined since CE is the applicant. The OWMP estimated use from this well at 1.80 mgd in 1990. The OWMP estimates a reasonable use of about 1.120 mgd although staff would like to consider comments from ADP on the reasonableness of the use. Amorient estimates they use 1.5 mgd.

A third issue is that NHAC commented that the existing use will affect Ki'i National Wildlife Refuge and water rights. Since the use has been in place for several years impacts have probably already been felt. This should be more appropriately addressed if future increases in use are requested since these may bring about new impacts. Additionally, The Office of Hawaiian Affairs warned of a potential overuse situation in the aquifer system. This has been explained to them as was done at the beginning of this submittal.

k. US FISH & WILDLIFE SERVICE (Well Nos. 4157-05 to 07) - Three separate permit applications were submitted for three existing artesian sources drilled within about a 70-foot radius. The wells, which are located about half a mile inland near Kahuku, use water for habitat maintenance in a designated National Wildlife Refuge for endangered water birds.
A field investigation on August 27, 1993, verified the applicant’s existing use. It was also confirmed that the acreage listed on the permit applications is incorrect; total acreage is 101,936, not 101,936.

The wells flow by artesian flow into a central sump area by opening a valve, no meters or pumps are installed. Water use is estimated using the volumetric method. Use is seasonal, with more water being used during the winter months. Water availability is dependent on the height of the water table.

The total request for the three wells is 294,773 gpd. Monthly water use reports have not been submitted, and there is no means by which to verify the applicant’s estimated water needs. Another issue is that there are over thirty (30) wells within a mile of these wells, although no wells are located downgradient. However, the request is for a relatively small amount of water for a use that has been in existence for a number of years. Issuance of an interim water use permit requires that monthly water use be reported, and the allocation is subject to review and refinement based on these data. Also, because the wells are not pumped, other local wells should not be affected. Impacts to surface waters and the aquifer are not anticipated.

1. US ARMY (Well Nos. 4158-12 & 13) - The applicant submitted one permit application requesting use of 0.500 mgd of potable water from these two sources. From the field investigation on May 21, 1993, it was determined that one of these wells, Well No. 4158-13, is capped and is no longer in use. The requested quantity of 500,000 gpd is approximately the capacity of the pump installed in Well No. 4158-12.

The domestic water system, which uses water from the active source, has been in operation since 1941. The source supplies 15 service connections (mixed commercial and domestic users) and serves an estimated population of 75. Water is used for troop’s drinking water during maneuvers and domestic use in Kuleana homes. Small amounts of water are used by several aquacultural facilities, and the well also provides one water trough for 65 cattle (the rest of the animals’ drinking water needs is supplied by Well No. 4159-01, which has a pending permit application that includes this use).

Water use is metered and is reported on a monthly basis. Reported actual use indicates a 12-month moving average withdrawal of 0.103 mgd as of October 1993. Actual water use is therefore considerably less than the requested quantity of 0.500 mgd. Twelve-month moving average withdrawals have been steady at about 103,000 gpd for the previous five months. Therefore, an allocation of 0.103 mgd appears to be a reasonable amount to satisfy the applicant’s existing needs.

Both NHAC and the Office of Hawaiian Affairs (OHA) have commented that Campbell Estate use of water appears excessive. OHA also urges the Commission to halt Campbell’s water permits until rules and regulations for water permits are clearly spelled out in the upcoming State Water Code Review.

m. PUMP 2, FARMERS (Well No. 4159-01) - Field investigations conducted on May 21, 1993 and September 1, 1993 verified that non-potable water from this existing artesian source is currently being used by truck farms for drip and sprinkler irrigation of approximately 250 acres of bananas, papayas, and various vegetable crops. Some water is also used to supply drinking water for approximately 65 head of cattle and horses. The pasture in which the animals graze is not irrigated.

One issue concerning this application is the quantity of water to be allocated. The request is for 3 mgd for agricultural irrigation of 250 acres. Reported monthly water use has varied in the last 18 months from an average of 0.185 mgd to 1.269 mgd. The highest monthly water use reported during this period is less than half of the amount requested. Further, at full capacity, the pumps can only withdraw a maximum of 1.857 mgd. Therefore, it appears that the applicant’s request is too high. The 12-month moving average withdrawal is estimated to be about 0.814 mgd. This appears to be a more reasonable estimate of actual existing use. The Oahu Water Requirements Forecast for 250 acres of papaya is 1,250,000 gpd, while the forecast for the same number of acres in banana is about 0.750 mgd. The twelve-month moving average withdrawal falls within this range.

A second issue is the presence of springs and other pumped wells in the vicinity of the source; some of these are located downgradient. However, pumpage has decreased from
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1992 levels; for the period January 1, 1992 through September 30, 1992, withdrawals averaged 1.84 mgd. Current pumpage is less than half of this. Therefore, interim instream flow standards, effective as of May 4, 1992, should not be affected by current rates of withdrawals. Unacceptable adverse impacts to other local wells and the aquifer are not anticipated. No specific objections have been filed for this application.

n. US ARMY (Well No. 4159-02) - A field investigation, conducted on September 1, 1993, verified that the only existing use of potable water from this existing source is for the domestic needs of two Kuleana homes. The application states that water is requested for use by two administrative facilities at the Punamano Air Force Station and for irrigation of 75 acres of pasture; however, it has been determined that this facility has been abandoned by the Air Force (although water had been used there up until last year). The field investigation also verified that no water is currently being used for irrigation purposes.

The requested amount, 1.5 mgd, greatly exceeds verified existing use. Although water use is not metered, the Army Dept. of Public Works, which operates this source, estimates that average use is about 1,200 gpd. This estimate is in line with the County Domestic Consumption Guidelines, which indicate an average daily demand of 500 gallons per single family residential unit on Oahu. Due to the aridity of the area, actual water use may be slightly higher than that suggested by the guidelines. Therefore, the estimate of 1,200 gpd is considered reasonable. Since this use is so small the applicant can be exempted from reporting month in accordance with the Commission's September 16, 1992 action.

There are several springs in the vicinity of the source, one of which appears to be downgradient. There are also several wells located nearby. Six (6) of these wells are currently being used. However, because the quantity of water currently being used is very small, and pumpage has decreased in the last few years due to the closing of the air force facility, impacts to surface waters, other wells, and the aquifer are not anticipated.

The Office of the Mayor and the Board of Water Supply have commented that the amount requested in this application may be overstated and should be adjusted based on actual use.

NHAC has expressed their concern over the possible effects on interim instream flow standards and potential impacts on other existing legal uses of water. However, if a permit is granted for only the existing verified use, no impact is anticipated.

2. BWS EXISTING USES - The BWS has nine (9) applications for seventeen (17) wells in the Koolauloa Ground Water Management Area which have existing use. Generally, staff is recommending approval of current reported 12-MAV for each application, as summarized under Table 4. One issue regarding all BWS applications is the NHAC comments listed in Attachments C & D. The NHAC commented that all county zoning for end uses should be described and overall statistics for the windward system should be given. This would be a monumental task for both the applicant and staff to review. Instead, staff proposes that all municipal uses are reasonable and the current and existing 12-MAV for the BWS sources should cover existing municipal uses at this time. Future uses would require project information such as zoning and 4-year commitment to initiate and justify future use requests from BWS. This would be consistent with what has been done in other water management areas including the Pearl Harbor reallocation efforts.
**TABLE 4.**

**BWS Existing Water Wells**

<table>
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<tr>
<th>Well No.</th>
<th>Requested mgd</th>
<th>9/93 12-MAV mgd</th>
<th>Field Checked</th>
<th>Recommended Action</th>
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<tr>
<td>3453-06 &amp; 07</td>
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</tr>
<tr>
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<td>*6.000</td>
<td>*4.618</td>
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<tr>
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<tr>
<td>4101-08</td>
<td>0.750</td>
<td>0.411</td>
<td>Yes</td>
<td>Approve existing 12-MAV</td>
</tr>
</tbody>
</table>

* In same battery of Punalu III in row directly above.

Other issues regarding each source are as follows (refer to Exhibit 5 for location and use information):

a. **PUNALUU III (Well Nos. 3453-06 & 07)** - The wells sites were inspected and verified on October 19, 1993.

   The first issue is that there are two (2) active wells within a mile radius of these wells. One is for domestic use only and the other was granted a water use permit on September 1, 1993. Considering the applicant’s wells have been in use since 1974, adverse impacts have already been made. Neither downgradient user has filed an objection to this application.

   The second issue is that the wells may have some impacts on Punalu Stream. The Division of Aquatic Resources (DAR) did not make any comments on this application, but they did make comments on BWS’s Punalu II well field located further away from the stream. DAR commented that the Punalu II battery of wells is located between two of the most valuable stream habitats for native biota, Punaluu and Kaluanui Streams. Since wells have been in place since 1969 then impacts have already occurred. Any applications for new wells (or pumpage) in this area should seriously address this issue. Staff is assuming that these comments would also, apply to Punalu III.

   The third issue with this application is that the BWS request for 1.250 mgd seems low compared to the current actual use. The 12-MAV (See Exhibit 5) for the past two (2) years shows that the request would be for the minimum 12-MAV. The current 12-MAV as of September 1993 is 1.339 mgd. This would appear closer to the maximum 12-MAV over the past 2 years for these wells. Also, compared to the OWMP figure of 1.000 mgd, the current 12-MAV seems reasonable.

b. **PUNALUU I (Well No. 3553-02)** - The well was not field verified. Wrong keys obtained to access.

c. **PUNALUU II (Well Nos. 3553-03,04, 06 to 08 & 3554-03)** - This major source of wells was investigated and verified on October 19, 1993 with the exception of Well No. 3554-03 (wrong keys to access).

   The first issue is there is one major user directly downgradient who has applied for a water use permit (Hanohano Enterprises, Inc.). Another user with an existing water use...
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permit (see Exhibit 2) is within a mile of the well field. Since these BWS wells have been used since 1967 negative impacts would have been felt by these users. No objections from either user have been filed with the Commission.

The second issue is that these wells may have some impacts on Punalu'uu and Kaluanui Streams. DAR commented that the Punalu'uu II battery of wells is located between two of the most valuable stream habitats for native biota, Punalu'uu and Kaluanui Streams. Since wells have been in place since 1969, impacts have already occurred. Any applications for new wells (or pumpage) in this area should seriously address this issue.

The third issue is that the BWS request for 6,000 mgd for these wells seems high compared to the current actual use. The 12-MAV (See Exhibit 5) since July 1992 shows that the request would be for the maximum 12-MAV for the past 16 months. The current 12-MAV as of September 1993 is 4,618 mgd. This is also in relative agreement with the OWMP 1990 estimate of 4.51 mgd. Therefore, the current 12-MAV seems reasonable for existing use from this well.

d. KALUANUI (Well Nos. 3554-04 & 05) - The wells were not field verified. Wrong keys obtained to access.

e. HAUULA (Well No. 3655-01) - The well site was inspected and verified on October 19, 1993.

The first issue is that there are three (3) active wells within a mile radius of the well. No objections have been filed by these well owners and one, the most southern, received a water use permit in September 1993. Since the well is so close to the ocean, adverse affects to other wells and streams in the area should be minimal as aquifer leakage into the ocean is primarily affected.

The second issue is that the current 12-MAV deviates significantly from the rather constant trend prior to the summer of 1992 (see Exhibit 5). Also, the OWMP identifies this source as a producer of 0.25 mgd, which is the applicant's request. Staff has requested reasons for this and BWS may explain reasons for this at the Commission meeting.

f. KAHUKU BATTERY (Well Nos. 4057-15 & 16) - The well site was inspected and verified on October 19, 1993.

The first issue is that there are possibly seven (7) active wells within a mile radius of the wells. Six (6) of these active wells have been filed by Campbell Estate for water use permits and one is to a private individual who has not filed for a water use permit. Since applicant's wells have been active for over a decade, adverse impacts have already occurred. No objections to this application have been filed by the other well owners.

The second issue is that the BWS request for 1,000 mgd for these wells seems high compared to the current actual use (see Exhibit 5). The general trend in pumpage has been relatively constant since 1990 at roughly 0.55 mgd, which was the estimated use in the OWMP. The current 12-MAV is 0.546 mgd as of September 1993. Therefore, the current 12-MAV seems reasonable for existing use from this well.

g. WAIALEE I (Well No. 4101-07) - The well site was inspected and verified on October 19, 1993.

The first issue is that there are possibly two (2) other active wells owned by private individuals within a mile radius of the well. Neither has submitted applications nor objections to this application. One is downgradient of the applicant's well but since the applicant's well is near the ocean and has been in use since 1945, adverse impacts have already been felt. The other well has reported use in the OWMP but, again, has not submitted an application. Staff will be following up on this matter.

The second issue is that the BWS request for 0.500 mgd for these wells seems high compared to the current actual use (see Exhibit 5). The general trend in pumpage has been relatively constant only varying between 0.30 and 0.37 mgd since 1988. The OWMP estimated 1990 pumpage as 0.33 mgd and the current 12-MAV is 0.339 mgd as of September 1993. Therefore, the current 12-MAV seems reasonable for existing use from this well.
h. WAIALEE II (Well No. 4101-08) - The well site was inspected and verified on October 19, 1993.

The first issue is the same as the first issue of the previous application since these wells are in close proximity.

The second issue is that the BWS request for 0.750 mgd for these wells seems high compared to the current actual use (see Exhibit 5). The general trend in pumpage has been relatively constant only varying between 0.40 and 0.47 mgd since 1988. The OWMP estimated 1990 pumpage at 0.46 mgd and the current 12-MAV is 0.411 mgd as of September 1993. Therefore, the current 12-MAV seems reasonable for existing use from this well although it is unusual that the use is at a low point even though should be near a peak since September is the end of the summer period of weather.

3. HANOHANO ENTERPRISES (Well No. 3553-01) - This application was field verified on October 4, 1993. No significant changes from the original registration field investigation on October 18, 1990 were found.

The first issue with this application is that the existing end use is less than that specified in the application. The application requested both existing and future use for 70 acres of aquaculture and 250 units of future elderly housing. The applicant currently has a total of about 12 acres of active aquaculture; 11.5 acres in aquaculture for mullet and tilapia; and less than 0.5 acres for live food and tropical fish cultivation. Actual use has not been reported to the Commission. Based on the Oahu Water Management Plan 12 acres of aquaculture would use approximately 0.432 mgd. The OWMP estimated the use at 0.70 mgd in 1990. Staff would like to consider comments from ADP in addition to the OWMP to make a better assessment of actual need of the aquaculture. Additionally, the BWS has commented that the requested amount may be in excess of the aquifer’s sustainable yield and that water should be recycled through ponds for more efficient use.

The second issue is that of effects on Punaluu Stream. Discharge from this use flows into Papakoko-Haleaha Stream and since this use has been ongoing for the last 10 years, the impacts have already been felt. DAR has commented that Punaluu Stream is one of the highest quality habitats for native species on Oahu. If requests are for future increases in pumpage then DAR has requested confirmation that flows into Punaluu Stream will not be impacted.

The third and hardest issue to resolve is the future use requested for the 250 unit elderly housing development. Such a development would reasonably require about 0.100 mgd according to county standards (250 x 400 gpd for multi-family low-rise). However, there is no zoning for this project. The applicant has been working with the State Department of Health (DOH) and the County Department of Housing and Community Development (DHCD) in obtaining a 201E exemption to normal zoning requirements for affordable housing. However, the applicant is caught in a catch-22 situation whereby the county has required the applicant to provide evidence that water will be available for this project yet the Commission will not approve future projects without appropriate county zoning. Staff has informed the county of the overall situation of the Koolauloa Aquifer System and that it appears water may be available as early as January 1994 if other existing uses are established by the Commission. The applicant has indicated that they are willing to cutback on their existing aquaculture water use to make water available for their project, if necessary. Since the project is for the beneficial use of affordable housing, the applicant is seeking a special 201E exemption from zoning requirements, comments from DAR and BWS, and the existing use impacts are probably established in the area, staff does not foresee a problem allowing this special case to use a future use within the existing use limits. However, staff also realizes that if the Commission were to approve a permit allowing future use in this manner it may be construed as "water-banking" the ground water by a private entity.

4. NIHIPALI (Well No. 3855-12) - This application requires a field investigation.

5. KAIO (Well No. 3956-07) - This application was originally verified from a field investigation on October 10, 1990. No significant changes in the existing portion of the request were found. However, the applicant does include a future use request.

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The first issue with this applicant is that the requested amount of water for the existing use is high. The field investigation found water consumption on a total of 0.5 acre for taro, banana, and ti leaf, livestock, and one (1) tank of tilapia. No reports of water use have been made by the applicant making it difficult to estimate actual use and need. However, the 1990 field investigation measured flow from the artesian source at 12 gpm or 17,280 gpd. Assuming taro to be the most water intensive cultivation, the Oahu Water Management Plan for 0.5 acres of taro would require 3,000 gpd. Additionally, the field investigation found that the tank with tilapia required an additional 3,000 gpd. Assuming the needs of the few livestock does not exceed 1,000 gpd, the justified need under existing conditions would be about 7,000 gpd.

The second issue is that part of the request is for future uses for Kaio Flowers I & II. The total acreage of these future uses will be about another 0.5 acre for various floriculture. Under the Oahu Water Management Plan this future need would require an additional 3,700 gpd. Since this is such a small use, staff does not see a reason to deny the applicant’s request but rather suggests deferral on the future use portion until existing uses are established in the area.

RECOMMENDATION

Staff recommends:

1. For all approved water use permits, that the Commission add the special condition that the applicants may continue their existing use of ground water within the limits approved by the Commission, and the actual issuance for the interim permit shall not be a reason to interrupt their existing uses.

2. That the Commission approve the issuance of interim water use permits to the Estate of James Campbell for the reasonable and beneficial existing salt water aquacultural needs according to Table 2 and their corresponding described uses subject to the standard water use permit conditions listed in Attachment B.

3. That the Commission approve the issuance of interim water use permits to the Estate of James Campbell for the reasonable and beneficial existing needs according to Table 3 and their corresponding described uses subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of interim water use permits to the Honolulu Board of Water Supply for the reasonable and beneficial existing municipal uses according to Table 4, subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to Hanohano Enterprises, Inc. for the reasonable and beneficial use of 432,000 gallons per day of potable water for aquaculture over 12 acres from the Hanohano Well (Well No. 3553-01), subject to the standard water use permit conditions listed in Attachment B and the following special condition:

a. 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 2.

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6. That the Commission defer action on the water use permit application for George N. Nihipali, Jr. for the Nihipali Well (Well No. 3855-12).

7. That the Commission approve the issuance of an interim water use permit to Jacob I. Kaio, Sr. for the reasonable and beneficial use of 1,000 gallons per day of potable water for agricultural irrigation from the Kaio Artesian Well (Well No. 3956-07), subject to the standard water use permit conditions listed in Attachment B and the following special condition:

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

Respectfully submitted,

RAE M. LOUI  
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

**AQUIFER:**
- **Sustainable Yield:**
  - Total: 35 mgd
  - Existing: 0.323 mgd
  - Available: 34.677 mgd
  - Total of other pending allocations: 67.433 mgd

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<th>WELL INDEX INFORMATION</th>
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<td><strong>Well No.</strong></td>
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**Koolauloa System, Windward Sector, Oahu**

- **Sustainable Yield:** 35 mgd
- **Existing Water Use Permits:** 0.323 mgd
- **Available Allocation:** 34.677 mgd
- **Total of other pending allocations:** 67.433 mgd
Use Information

See Exhibit 3 for individual applications use descriptions.

Nearby Surrounding Wells and Other Registered Ground Water Use

Information from the registration program indicates there are possibly 84 existing wells in the Koolauloa Aquifer System. Several of these wells have been initially field checked but many of the declarants, including the larger users, have not been completely field verified. Several are not in use or are rights claims. However, the Oahu Water Management Plan estimated that the existing withdrawals from the Koolauloa Aquifer System is 13.6 mgd as of 1990.

See attached exhibits as referenced from following table.

Public Notice

See Exhibit 1.

Objections

Specific objections or comments are identified under analysis and issues portion of this submittal. The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission according to Exhibit 1. General objections from the Native Hawaiian Advisory Council are listed in Attachment C.

Briefs in Support

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

Field Investigation

See Exhibit 4.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. Reasonable-beneficial use means "the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest." (HAR §13-171-2).

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

3. The water use must at all times meet the requirements set forth in HAR §13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section §13-171-2;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with state and county general plans and land use designations;
   f. Is consistent with county land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and 174C-101(a), HRS.

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

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

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

7. The water use permit application and staff submittal approved by the Commission at its December 8, 1993 meeting are incorporated into the permit by reference.

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

9. The water use permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect water sources in quantity, quality, or both;
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June 1987, shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Homes, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commissions's police powers under law as may be required.
Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

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

11. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance the Commission's September 16, 1992 action on reporting requirements;

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

13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR §13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR §13-171-25. Any such transfer shall only occur with the Commission's prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

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

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

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

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

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

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

TO: Rae M. Loui, Deputy Director
FROM: David L. Martin, Water Project Manager
Native Hawaiian Advisory Council


DATE: November 26, 1993

NHAC hereby requests additional information from COWRM and the Board of Water Supply (BWS) explaining various sections of the Board's water use permit applications. These sections include 1(b) Landowner, 8 Quantity of Water Requested, and 15(a) Impact on sustainable yield.

1(b) LANDOWNER - Please provide a list of subject BWS well sites which were obtained from State lands via executive orders including the title status of those State lands.

8 QUANTITY OF WATER REQUESTED - Please provide information showing the amount of water quantity requested in relation to the 12 month moving average and the 5 year average use.

15(a) IMPACT ON SUSTAINABLE YIELD - Please provide information comparing the total existing, planned and proposed uses of water with the sustainable yield of each aquifer.

Please note that I have attached all memoranda forms dated October 27, 1993 covering BWS's permit applications. At this point I am unable to complete a review of these applications without additional information, therefore I am requesting an extended review period. Your immediate attention with this matter is appreciated, I await your response.
TO: State of Hawaii Commission on Water Resource Management  
SUBJECT: COMMENTS AND OBJECTIONS RE: WATER USE PERMIT APPLICATIONS WAIMANALO, KOOLAUPOKO, KAHANA, AND KOOLAULOA GROUND WATER MANAGEMENT AREAS  
Public Notice Undated, Published November 3 & 10, 1993  
Send written objections by November 26, 1993

I. COMMENTS

a. Hanohano Well No. 3553-01

4. SOURCE TYPE is not indicated.

10. PROPOSED USE: Irrigation is not indicated.

14. POTENTIAL RESTRICTIONS ON WATER USE:

(e) Other: Since COWRM may only allocate water to projects which have received the necessary land use, county, and community plan approvals, the application form should include a table allowing applicants to illustrate their degree of compliance with these requirements.

15. REMARKS, EXPLANATIONS: A table illustrating the estimated breakdown between quantities of existing and new water use among agriculture, aquaculture, and domestic should be provided.

TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

The final column, "% OF TOTAL TO BE USED OVER NEXT 4 YEARS," should be revised for accuracy.

b. RMS Applications

7.(c) County Zoning is not described.

10. QUALITY OF WATER REQUESTED: Potable is not indicated on some applications.

11. PROPOSED USE: Municipal is not indicated.

12. NUMBER AND TYPE OF UNITS TO BE SERVED: Statistics for the Windward Oahu System should be given.

ATTACHMENT D
II. OBJECTIONS

Native Hawaiian Advisory Council, Inc. (NHAC) represents persons with property interests in lands within the hydrologic units of the sources of water supply and/or who will be directly and immediately affected by the proposed water uses. Furthermore, NHAC advocates the enforcement of constitutional, statutory, and common laws which require consideration and accommodation of various appurtenant, riparian, correlative, and Hawaiian water rights, as well as other Hawaiian rights, in the Water Commission's (COWRM) allocation process. Under the public trust doctrine imposed upon Hawaii water law by the State Constitution, common law, and judicial precedent, water resources are owned by the public. Thus all people have property interests in all water sources and may be admitted to any and all proceedings involving their disposition, regulation, and management.

a. The following table identifies selected NHAC clients with property and other interests (distinct from those of the general public) in the subject water management areas on whose behalf subsequent general and specific objections are filed. NHAC reserves the rights to amend this table to later include other affected clients.

<table>
<thead>
<tr>
<th>NAME</th>
<th>TMKI:</th>
<th>WATER SOURCE</th>
<th>WATER USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hashi, David</td>
<td>4-2-035-022</td>
<td>Waimanalo</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Fuller, William</td>
<td>4-1-010-048</td>
<td>Waimanalo</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Kamanu, John</td>
<td>4-2-062-024</td>
<td>Waimanalo</td>
<td>Irrigation</td>
</tr>
<tr>
<td>George, Keith</td>
<td>5-5-002-000</td>
<td>Waimanalo</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Beirne Ohana</td>
<td>5-2-002-001</td>
<td>Kahana</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Gorai, Kapiolani</td>
<td>5-2-002-001</td>
<td>Kahana</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Wong, Clifford</td>
<td>4-7-027-015</td>
<td>Koolaupoko</td>
<td>Irrigation</td>
</tr>
<tr>
<td>Featheran, George and Pearl</td>
<td>4-7-006-003</td>
<td>Koolaupoko</td>
<td>Irrigation</td>
</tr>
</tbody>
</table>
### General Objections to All Permit Applications

#### (1) Property or Other Interest in the Matter

Refer to Table in II.a. above.

#### (2) Questions to which Objections are Taken

**a. Questions of Procedure**

NHAC objects to COWRM's apparent plan to process water use permits applications on a first-come, first-served basis. In order to fulfill the legislative intent of water management area designation, a comprehensive view of existing, planned, and proposed water uses and water rights in each hydrologic unit is required. COWRM should merely collect applications during the one year post-designation application period. Then after the application period is closed, and surveys of water rights and reserved water uses are completed, COWRM can assess and evaluate each permit application with regard to competing applications for existing and new uses; reserved, declared, and certified water uses; instream flow standards; water rights; and the overall water situation in each hydrologic unit. Without such a process, COWRM will not be able to meet Water Code requirements for evaluating competing uses within the frameworks of the "reasonable and beneficial" standard, "Public interest," and other legally-imposed constraints.

In response to COWRM's letter of November 17, 1992, we further studied Hawaii Administrative Rules (HAR) Title 13, Chapter 171 and still find no explicit or implicit language supporting your contention that processing water use permits as we suggest is inconsistent with these rules or would require rulemaking. NHAC attended "... numerous Commission presentations and workshops on existing WMAs and the newly designated WMAs at which we
presented and provided various handouts which show the WUPA processing procedure" (emphasis added). To our knowledge COWRM never formally adopted as policy any of the various procedures it now employs in water use permit application processing. The rules are vague, ambiguous, and incomplete - in this context it seems that COWRM creation of different policies for different WMAs is inappropriate. It seems that hearings are required to discuss clarification and of the rules and unification of the policies.

Two distinct classes of WMAs will emerge if COWRM proceeds on a first-come, first-served basis in some WMAs and with a comprehensive management review of all uses and applications in other WMAs. In the first case, determination of whether competing WUPAs exceed the available supply becomes a second tier of the designation process. NHAC believes such a management regime requires rulemaking. Granting WUPAs on a first-come, first-served basis circumvents a number of the conditions for Water Use Permit issuance, particularly if specific reservations for Hawaiian Homelands beneficiaries are not previously implemented and allocations to county boards of water supply for municipal purposes are not established.

While NHAC recognizes there is a rule that COWRM act upon permit applications within 90 or 180 days [HAR 13-171-19(c)] we do not see this as a constraint to the approach we are suggesting. COWRM records over the last six years shows that "action" includes deferral of decision making until information needs are met, as well as categorization of applications to facilitate future decision making.

(b) Questions of Fact

The permit application information distributed by COWRM for comment should also include the results of COWRM's field verification of declared water uses and should compare the quantity of water requested with the current 12 month moving average and the post-Water Code long-term (about 6 year) average water use. It should also show how total applicant existing, planned, and proposed water uses in the subject WMA compare with overall WMA totals and with sustainable yield. This factual information is critical in comprehensively evaluating reasonable and beneficial use and public interest in the WMA. This information, which is usually not presented by COWRM until the decision-making stage of the process, must be available earlier so that public comment and objection can take it into account.

(c) Questions of Law

COWRM appears not to be in compliance with HAR 13-171-11(b), which implies that COWRM will determine water supply allocated to the county boards of water supply in each water management area. These gross allocations to the counties, as well as gross reservations to
Hawaiian Home Lands (required under Act 325), must be defined prior to any new water use permitting to other parties.

In a previous response to this objection, COWRM (March 3, 1993) stated that "... allocations granted to the county water systems generally allow the county departments of water supply to distribute water within their system and within the limits imposed by allocation. This does not imply that the Commission will or must determine the final and gross water amounts to be allocated to the county water supplies." This reasoning seems confused - if COWRM is the agency responsible for "the limits imposed by allocation," then it should "determine the final and gross water amounts to be allocated to county water supplies."

Further analysis of HAR 13-171 reveals that:

1. Permit applications for existing uses only compete with other permit applications for existing uses [HAR 13-171-14(c)].

2. Competition between permit applications for existing uses is subject to public hearing requirements [HAR 13-171-14(c)], while competition between permit applications for new uses is not (HAR 13-171-16). For existing uses, the allocation between competing applications is determined via the hearing, while for new uses the allocation seems to be subject to dispute resolution and public interest balancing tests. The rules are silent about competition between permit applications for existing uses, new uses, declared uses, certified uses, water reservations, and instream flows.

3. Existing uses are assumed reasonable if less than 25,000 gallons per month. If more than 25,000, it is still reasonable and beneficial if no objections are filed [HAR 13-171-14(b)], but is subject to public hearing if objections are raised. Reasonable and beneficial is only one of the 6 things the applicant must establish under HAR 13-171-13, which all apply equally to existing and new users.

4. There appear to be no guidelines for reasonable and beneficial determinations of new uses, no requirements for public hearing regarding same, and no vehicle for requesting such public hearing. The existing rules do not appear to place any restrictions on simultaneous processing of applications for existing and new ground water uses, along with certification of declared surface water uses. They do not expressly disallow direct consideration of applications for existing ground water uses within the context of new ground water uses and declared surface water uses, even though some different procedures apply. The inclusion of "public interest" consistency requirements [HAR 13-171-13(4)] seems to give COWRM enough latitude for such processing, notwithstanding other intricacies of rule.
(d) Questions of Policy

1. Procedure

We have been repeatedly told by the Attorney General that water management area designation creates a "clean slate" and a "level playing field." As such, from the moment of designation we cannot consider any existing water use to be reasonable and beneficial or in the public interest until such determinations are formally made by the Water Commission.

The procedure being followed in Windward Oahu and Molokai WMA is inconsistent with that employed in Pearl Harbor WMA. This is confirmed in COWRM's letter of March 3, 1993 which explains that "In its February 17, 1993 decision regarding Molokai and Windward water use applications, the Commission on Water Resource Management will defer action on all new water use permit applications until July 1993" (implying that applications for existing uses will be processed first and separately). "In the Pearl Harbor area, the Commission is reviewing all currently filed requests together: existing, planned, and proposed uses." COWRM has not explained why the policies are different in different WMA.

Given the vagueness of the administrative rules governing the process, COWRM should provide a clear explanation for these differing policies. Also note that neither of the two procedures described above considers other issues water rights, water reservation, instream flow, and certification of declared surface water uses discussed on our objections. COWRM has not explained why these issues should not be comprehensively considered in ground water use permit application processing.

On March 3, 1993 COWRM also wrote that "... a survey of all water rights and reservation issues cannot be settled fairly or adequately within such a short time period. Because of this, the Commission plans to include conditions in water use permits which will expressly allow for quantity reduction in permits if and when it may be required."

The resolution of water rights and reservations and other issues must not be held hostage to a perceived need to issue permits for existing water uses. Now is the proper stage in the process for examining trade-offs between existing ground water uses, water rights, water reservations, surface water uses, instream flows, and streamflow restoration. To further postpone such examination merely continues the entrenched water allocation policies that the Water Code seeks to avoid, and unnecessarily multiplies the number of proceedings which must be held in the future to deliberate downsizing of existing uses to accommodate new uses.
2. Public Notice

We question if all water use declarants, water source registrants, and water use permit applicants in the affected areas have been served direct notice of the pending applications and the deadline for filing objections? Without such notice, these persons cannot be expected to have timely knowledge of pending applications, much less file timely objections. The Water Commission, through its Nakata Subcommittee, has acknowledged this reality and recommended implementation of a process for direct notification of affected parties.

In previously responding to similar concerns, Rae M. Loui wrote on August 12, 1993 that "The Nakata subcommittee did not recommend notices be sent to all nearby declarants." We recall that the subcommittee did recommend that registries of declarants placed in various categories be maintained, and reason that a logical cause of the need for such maintenance is to allow the Commission to easily identify declarants using and/or claiming interests in various water sources. Once declarants are identified, it is only fair that they be directly notified of proposed actions potentially affecting their interests.

Mrs. Loui also wrote that "... given the 200+ permits we have pending and the lack of computer programming to easily identify nearby declarants, it would be unmanageable." "These are my thoughts only and do not represent the policy of the Commission."

With regard to the 200+ permits, in many cases numerous permit applications have been filed by a single applicant in a single water management area, so that individual notices for each of these numerous applications could be combined into a single notice. Also, if COWRM would adopt our recommendation for a finite, repeating application window, notification tasks would be more easily accomplished.

COWRM's existing WATRDAT database has the capability to be programmed to easily identify nearby declarants. The major task remaining is to allow sorting and cross-indexing (ground & surface water) of records by water source rather than by declarant name or TMK number. NHAC rejects COWRM arguments that the notification requirements we recommend are "unmanageable," and suggest that COWRM place a high priority on implementing the necessary computer programming, preferably of a type which allows integration with the State GIS framework. NHAC is available to assist with this work.
3. Public Comment and Objection

There are persistent ambiguities and inconsistencies concerning the procedures and deadlines for filing comments on and objections to water use permit applications which must be resolved in order to institute a clear and fair process.

a. HAR 13-171-18

(a) "Within ten working days after the last public notice of the pending permit application, a party may file with the commission, written objections to the proposed permit and a brief in support of such objections."

This implies that in order to be valid, objections must be received at COWRM on or before the tenth working day after the last public notice.

"Such party shall serve copies of the objections and brief upon the applicant."

This does not specify when the applicant must be served.

(d) "The support brief shall:

(1) Answer specifically the points of procedure, fact, law, or policy to which objections were taken; and

(2) State the facts and reasons why the permit should be approved."

This conflicts with (a), which implies that briefs are to be written in support of objections, not in support of applications [as suggested in (d)].

b. Public Notice

The standard Public Notice of water use permit applications directs that interested persons "Send written objections by" a specific date (the tenth day after the last public notice) to COWRM and the applicant. This implies that objections should exhibit a postmark or other evidence of being "sent" on or before that date.

c. COWRM Review and Comment Solicitation

The standard memorandum circulated by COWRM with water use permit applications requests ("please") that a form indicating the level of review of the application be returned by a specific date (ten working days after the last public notice), implying that the form should be received at the COWRM office on or before that date. While the form has a space for indicating "no objections," it has no space for indicating "Objections attached."
This form does not appear to be the subject of any rule, nor does it appear to establish a strict deadline for returning the form. In particular, it allows a reviewer to request additional information and an extended review period for a particular water use permit application. In practice, COWRM could receive a form requesting additional information and an extended review period on the same day that the Public Notice established as the deadline for sending (evidenced by postmark or other evidence of initiating transmittal) objections and that HAR established as the deadline for filing objections at COWRM (evidenced by receipt at COWRM). Yet there appear to be no COWRM procedures for responding to requests for extended review, much less for notifying applicants and other interested parties if these requests are indeed granted.

3. Regulatory and Management Coordination

We are increasingly concerned about the lack of clear guidelines for timing, sequencing, and coordinating COWRM permitting processes with environmental review processes conducted under other authorities (including HRS 343, BLNR Conservation District Use permitting, DOH 401 and NPDES, and County grading and drainage ordinances).

3) Grounds for Objections to Proposed Permits

As evidenced by the above discussions, proposed permits should be deferred until the conclusion of public hearings because:

1. COWRM procedure for processing the permit applications is not in compliance with the Water Code and its Administrative Rules.

2. COWRM has not provided adequate factual background for public review of, comment upon, and objection to the proposed permits.

3. Laws governing permit application processing are vague, contradictory, and incomplete.

4. COWRM policy governing permit application processing is vague, contradictory, inconsistent, incomplete, and excessively informal.

5. Current COWRM policy and procedure does not promote or allow for comprehensive, conjunctive, and concurrent processing of water use permit applications, water use declarations, instream flow standard and sustainable yield concerns, and water rights and water reservation issues.
c. General Objections to BWS Permit Applications

(1) Property or Other Interest in the Matter
Refer to Table in II.a. above.

(2) Questions to which Objections are Taken

(a) Questions of Procedure
Refer to b.(2)(a) above.

The procedure employed in processing this batch of BWS permit applications is inexplicably different from that previously employed in Pearl Harbor GWMA. COWRM has a duty to coordinate ground water use permitting with surface water use certification, instream flow standard and sustainable yield reevaluation, and water rights and water reservation determinations.

(b) Questions of Fact
Refer to b.(2)(b) above.

Permit application line 1.(b) consistently indicates BWS as "LANDOWNER OF SOURCE." It has been common procedure for BWS to acquire well sites through set aside of State lands by executive order. NHAC has requested in a separate letter that additional information on the title history of each well site be provided so that we can determine which well sites occupy ceded lands.

(c) Questions of Law
Refer to b.(2)(c) above.

NHAC alleges that the practice of transferring ceded lands to BWS by executive order subverts and circumvents the water licensing requirements of HRS, in some cases avoiding necessary compensation to the Hawaiian Homes Commission and Office of Hawaiian Affairs for use of ceded lands trust resources.

(d) Questions of Policy
Refer to b.(2)(d) and c.(2)(b) above.

(3) Grounds for Objections to Proposed Permits

1. All of the subject BWS applications indicate on line 15(c) that applicant does not know if its existing uses affect Hawaiian Home Lands uses. Therefore applicant has not established that these proposed uses of water conform with the requirements of HAR 13-171-13 (1)-(5) and will not affect Hawaiian Home Lands uses.
Thus COWRM may not issue permits until public hearings are held to determine what portion, if any, of existing BWS uses should be abandoned in favor of Hawaiian Home Lands uses.

2. All of the subject BWS applications fail to describe potential restrictions on use arising from effects on future legal uses such as planned agricultural uses and activation of uses guaranteed by appurtenant, riparian, and correlative water rights. Therefore applicant has not established that these proposed uses of water conform with HAR 13-171-13 (1), (2), and (4)-(6), and COWRM may not issue permits until public hearings are held to determine what portion, if any, of existing BWS uses should be abandoned in favor of future legal uses.

3. All of the subject BWS applications indicate on Line 15.(a) that "Impact on Sustainable yield" is that of an "Existing use." Existing uses do impact sustainable yield characteristics, notably the lowering of equilibrium head arising from increased sustainable yield. Because of the "clean slate" and "level playing field" effect of designation, COWRM may not issue water use permits until public hearings are held to assess the impacts of changes in sustainable yield upon equilibrium heads and localized water levels, and to determine what portion, if any, of existing BWS uses should be abandoned in favor of lowering sustainable yields.

4. Any number of the subject BWS applications may involve water sources sited on ceded lands that were transferred by executive order from the State to BWS. Wherever this is the case, COWRM may not issue water use permits until public hearings are held concerning the avoidance of water licensing requirements and lack of County compensation to the Hawaiian Homes Commission and OHA for its use and extraction of ceded lands trust resources.

5. None of the subject BWS applications indicate how total existing, planned, and proposed BWS uses compare with other existing, planned, and proposed uses and sustainable yields. Such information is critical to complete and fair assessment of compliance with water use permit conditions set forth in HAR 13-171-13. Thus COWRM may not issue permits until hearings are held to determine the overall water use permit application and planning situation for each aquifer, and to assess what shares of their sustainable yields could be allocated to BWS and other major water users.

d. Specific Objections to Specific Applications

(1) Property or Other Interest in the Matter

Refer to Table in II.a. above.
(2) Questions to which Objections are Taken

(a) Questions of Procedure
Refer to b. and c.(2)(a) above.

(b) Questions of Fact
Refer to b. and c.(2)(b) above.

WAIMANALO TUNNELS

We believe that portions of the tunnels may be situated on and/or underly Hawaiian Home Lands. We are not aware of any agreements between BWS and HHC governing BWS use of the sites and resources.

WAIHEE WELLS

Line 16 of the application states that the well "Has not operated since court mandated flow of 2.7 MGC in Waihee Stream under appeal." This contradicts Line 15(a) of the application and the Public Notice which indicate existing use. When exactly did use of this source cease?

(c) Questions of Law
Refer to b. and c.(2)(c) above.

(d) Questions of Policy
Refer to b. and c.(2)(d) above.

(3) Grounds for Objections to Proposed Permits

1. In Koʻolaupoko GWMA, the following BWS applications indicate on line 15.(b) that BWS existing uses affect instream flow standards:

Luluku Tunnel, Haiku Tunnel, Haiku Well, Kahaluu Tunnel, Waihee Tunnel, Waihee Inclined Wells, Waihee Wells.

Therefore applicant has not established that these proposed uses of water conform with the requirements of HAR 13-171-13 (1)-(4), and COWRM may not issue water use permits until public hearings are held to determine what portions, if any, of existing BWS uses should be restored to instream flows.
2. In Ko'olaupoko GWMA, the following BWS applications indicate on line 15.(d) that BWS existing uses affect other existing legal uses:

Haiku Tunnel, Waihee Tunnel, Waihee Inclined Wells, Waihee Wells.

The following BWS applications indicate on line 15.(d) that applicant does not know if BWS existing uses affect other existing legal uses:

Luluku Tunnel.

Therefore applicant has not established that these proposed uses of water conform with the requirements of HAR 13-171-13 (1)-(4), and COWRM may not issue water use permits until public hearings are held to determine what portions, if any, of existing BWS uses should be abandoned in favor of other existing legal uses.

3. If portions of the Waimanalo tunnels are sited on or underlay Hawaiian Home Lands, and no agreements exist between BWS and HHL concerning site use and resource extraction, then a water use permit should not be issued until public hearings are held and the land use situation is resolved.

4. If Waihe. Wells has not been used since the 1989 deadline for filing declarations of water use, a water use permit may not be issued until the application has been reprocessed as an application for a new use.

III. SUMMARY

While COWRM, staff, and the public have participated in discussions about water use permit application processing, there have been no formal declarations of COWRM permit application processing policy, and different procedures are being applied in different WMAs. It appears that COWRM staff and NHAC are advocating different interpretations of the Administrative Rules governing the water use permitting process, and that public hearings are needed to help the Commissioners decide what kind of interpretation best serves the purposes of the Water Code and the public interest.

We therefore state our overall objection to current COWRM procedures and policies regarding water use permit issuance, in a large part because they do not yet exist. We reserve the right to submit additional specific objections to specific permit applications at later dates, since present information about the overall water management context of such permit applications is insufficient for allowing comprehensive, fair assessments.
NHAC requests that COWRM postpone decision-making on all water use permit applications for the subject Water Management Areas until:

1) public hearings about COWRM procedure and policy in processing water use permit applications are concluded and administrative rules governing these processes are revised;

2) necessary assessments of water rights, reserved water uses, surface water uses, and instream flow standards have been completed;

3) these assessments, issuance of water use permits, and certification of declared water uses are woven into an integrated water management decision-making process.

We must implement water use permit application processing methodologies that avoid the continuation of first-come, first-serve permitting. First-come, first-serve water use permit processing contradicts the very heart of the intent of water management area designation. It negates COWRM’s effort to involve the community in the water allocation process because it diffuses rather than concentrates the arena of public participation. We cannot have comprehensive water resource management without comprehensive evaluation of water use scenarios.

A finite repeating application period for water management area allocations should be established, after which all applications received in each period can be comprehensively reviewed by a Windward Working Group and COWRM staff for processing recommendations.

NHAC requests that a Windward Working Group be formed similar to the Molokai Working Group in order to recommend reforms to the current piece-meal process of establishing reasonable and beneficial use and resolutions of public interest balancing tests for Windward water.

When existing surface water users have not even been afforded the opportunity to obtain certification, it is extremely unfair for new and existing groundwater uses to have permit applications processed and permits issued (permits which are solid allocations of water and recognition of rights to use that water) when people who have surface and instream uses aren’t under designation, are not field verified (so the Commission has no baseline data on what these uses and instream flows might be that they’re supposed to protect), and there is no certificate of “reasonable and beneficial” water use. A declaration of water use is an application for certification. One should be able to obtain and use certification in playing off against water use permit applications for groundwater because it is acknowledged in the Code that a certificate does have some meaning and it is something that one should be presenting when getting into a dispute or even a legal battle over water.
At the very least there needs to be some kind of concurrent processing of water use permit applications and declared uses of surface waters. It should be done in a comprehensive way so that everything is on the table at once, even though the specific processes, approvals, and permits are different.

NHAC also supports and concurs with objections filed by Charles Reppun and windward Neighborhood Boards.

Mahalo,

David L. Martin, Water Claims Manager

pc: Honolulu Board of Water Supply
    Kahana Valley State Park
    Kualoa Ranch, Inc.
    Hanohano Enterprises, Inc.
### Aquifer System: Koolauloa

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### Public Use Permit Application Notice Status Report: 12/01/93

- **Water Use**: Public Use Permit
- **Applicant**: Zions Securities Corp.
- **Well Name**: various, including Koolauloa, Loe Malo, Kapaka Farm
- **Notice Status**: Proposed, Accepted, etc.
- **Dates**: Ranges from 07/06/93 to 12/30/93
- **Agenda**: Various notices and statuses for different days, with some entries marked as "SUSPENSE"
**Aquifer System:** KOOLAULA

### ISLAND OF OAHU

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67 Applications Totaling 67,429

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Aquifer System: KOOLAULOA  Sustainable Yield = 35 mgd

4 Permits Totaling 0.323
Available Allocation = 34.677

Exhibit 2
WATER USE PERMIT APPLICATION USE STATUS REPORT
IoAJPA
NO

APPLICANT

USE IS
WELL 110 EXIST PROPOSED

DESCRIPTION OF USE

12/01193

TMK

ZONING

SUSPENSE

IAJPA

AGENDA

mgd

ISLAND OF OAHU
Aquifer System: KOOLAULOA
KAMAlOLO
HELEN ALVARADO
HONOLULU BWS
3453-06
HONOLULU BWS
3453·07
GALE L. &. KATHLEEN WARD 3453-08
HANOHANO ENTERPRISES, INC 3553·01
HONOLULU BWS
3553·02
HONOLULU BWS
3553·03
3553·04
HONOLULU BWS
HONOLULU BWS
3553·06
3553-07
HONOLULU BWS
3553-08
HONOLULU BWS
3554-01
ZIONS SECURITIES CORP.
3554-02
ZIONS SECURITIES CORP.
3554·03
HONOLULU BWS
3554-04
HONOLULU BWS
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HONOLULU BWS
3654-03
ZIONS SECURITIES CORP.
3655-01
HONOLULU BWS
3655-03
HONOLULU BWS
3755-04
ZIONS SECURITIES CORP.
3755-06
ZIONS SECURITIES CORP.
3855-04
ZIONS SECURITIES CORP.
3855-06
LAIE ~ATER CO., INC.
3855-07
LAIE WATER CO., INC.
3855-08
LAIE WATER CO., INC.
POLYNESIAN CULTURAL CEN. 3855·09
3855-12
GEORGE N. NIHIPAll, JR.
3856-04
ZIONS SECURITIES CORP.
3856-07
ZIONS SECURITIES CORP.
3956-01
PW PAINA RANCH
3956·01
CAMPBELL ESTATE
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3956-04
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ZIONS SECURITIES CORP.
3956-07
JACOB I. KAIO, ~.
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IRRIGATE 2 ACRES OF BANANA, PAPAYA SUPPLY 1 HOME
SUPPLY 1 HOME, IRRIGATE 8.5 ACRES FLOWERS, FRUITS
IIJNI CI PAL USE
;:
JUlICIPAL USE
!i
1 HOME , IRRIGAT~DN OF 2.514 ACRES OF FRUIT & NURS
AQUACULTURE OIlER '70 ACRES' DOHfSTlC FOR 250 UNITS
JUlICIPAL USE
JUlICIPAL USE
IUIICIPAL USE
IUIICIPAl USE
JUlICIPAL USE
MUNICIPAL USE
IRRIGATE 33 ACRES BANANAS, PAPAYAS, GARDEN CROPS
IRRIGATE 33 ACRES BANANAS, PAPAYAS, GARDEN CROPS
WINDWARD MUNICIPAL USE
WINDWARD IIJNICIPAL USE
WINDWARD JUlICIPAL USE
IRRIGATE 33 ACRES BANANAS, PAPAYAS, GARDEN CROPS
WINDWARD MUNICIPAL USE
IIJNICIPAL USE IN BOARD OF WATER SUPPLY SYSTEM
SUPPLY fOR LIVESTOCK
IRRIGATE 51 ACRES Of GRASS
IRRIGATE 39 ACRES BANANAS, PAPAYAS, GRASS
JUlICIPAL fOR 607 RES,BYUH,COMMERCIAL,LAIE SCHOOL
MUNICIPAL fOR 607 RES,BYUH,COMMERCIAL,LAIE SCHOOL
MUNICIPAL fOR 607 RES,BYUH,COMHERCIAL,LAIE SCHOOL
SUPPLY lAGOON'S AQUATIC LifE, PROVIDE CIRCULATION
SUPPL Y 1 HOME, IRRIGATE 3.5 ACRE BANANA
IRRIGATION fOR 51 ACRES BAHAMAS, PAPAYAS, GRASS
SUPPLY 103 ACRES OF PRAWNS
LIVESTOCK
DOMESTIC SERVICE TO 33 HOMES,MALAE. PARK,AND RANCH
MUNICIPAL fOR 607 RES,BYUH,COMMERCIAL,LAIE SCHOOL
IRRIGATE 2.2 ACRES BANANA, PAPAYA, LANDSCAPE, FISH
SUPPLY CHICKEN AND EGG FARM NEEDS
IRRIGATE 3 ACRES OF TARO, ON CHOI, OTHER
IRRIGATION fOR 110 ACRES PASTURE AND 240 LIVESTOC
DOMESTIC & IRR fOR 135 ACRES OF RANCHLAND & CATTLE
DOMESTIC & IRR OF 215 AC OF VARIOUS CROPS
SERVICE TO KAHUKU HIGH SCH AND TURF FARM (12 AC)
DOMESTIC & IRRIGATION FOR 275 ACRES OF VAR CROP
AQUACULTURE FOR 48 ACRES PRA~NS
DOMESTIC & IRR OF 40 AC VARIOUS CROPS
~INDWARD MUNICIPAL USE
~INDWARD MUNICIPAL USE
IRRIGATION FOR 160 ACRES OF A.PALMER GOLF COURSE
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MUNICIPAL USE
DOMESTIC SERVICE TO 6 MILITARY ADMIN FACILITIES

5-4-1:26
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## WATER USE PERMIT APPLICATION USE STATUS REPORT 12/01/93

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**PENDING WATER USE PERMIT APPLICATIONS FIELD INVESTIGATION STATUS REPORT 12/01/93**

**ZONE 0**

**ZONE 4**

**ZONE 5**

**AGENDA**

1 Applications

1 Applications

1 Applications
## PENDING WATER USE PERMIT APPLICATIONS FIELD INVESTIGATION STATUS REPORT 12/01/93

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<th>WELL NO.</th>
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Well No. 3453-06, 07

Radius = 1 mile

Project Area
Well No. 3553-03,04,06 to 08
BWS PUMPAGE - PUNALUU WELLS II
WELL NOS. 3553-03 TO 08; 3554-03

MONTHLY VALUES

12-MAV
REQUESTED AMOUNT

MONTH (Latest Data 9/93)
BWS PUMPAGE - HAUULA WELL
Well No. 3655-01
CAMPBELL ESTATE PUMPAGE
MALAEKAHANA WELL (Well No. 3956-01)

MONTHLY VALUES
12-MAV
REQUESTED AMOUNT

Month (Latest Data 10/93)
CAMPBELL ESTATE PUMPAGE
PUMP 6 (Well No. 3957-07)

MONTHLY VALUES
12-MAV
REQUESTED AMOUNT
Well No. 4056-01

Island of Oahu
Hydrologic Units

Project Area
CAMPBELL ESTATE PUMPAGE
KAWANANAKOA (Well No. 4056-01)

Month (Latest Data 8/93)

Pumpage (mgd)

1.0
0.95
0.90
0.85
0.80
0.75
0.70
0.65
0.60
0.55

APR 93
MAY 93
JUN 93
JUL 93
AUG 93
SEP 93

MONTHLY VALUES
REQUESTED AMOUNT
CAMPBELL ESTATE PUMPAGE
PUMP 8 (Well No. 4057-06)

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT

JUL 91 JAN 92 JUL 92 JAN 93
Month (Latest Data 4/93)

Pumpage (mgd)
CAMPBELL ESTATE PUMPAGE
PUMP 12 (Well No. 4057-07)

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT

Pumpage (mgd)

Month (Latest Data 8/93)

JAN 92

JAN 93

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT
CAMPBELL ESTATE PUMPAGE
SUGAR MILL PUMP (Well No. 4057-11)

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT

MONTH (Latest Data 10/93)
Well No. 4057-15,16

ISLAND OF OAHU

HYDROLOGIC UNITS

PROJECT AREA
BWS PUMPAGE - KAHUKU WELLS
Well Nos. 4057-15, 16

Month (Latest Data 9/93)

Pumpage (mgd)

MONTHLY VALUES  12-MAV  REQUESTED AMOUNT
CAMPBELL ESTATE PUMPAGE
PALMER G.C. WELL (Well No. 4100-01)

MONTHLY VALUES  12-MAV  REQUESTED AMOUNT
BWS PUMPAGE - WAIALEE WELL I
Well No. 4101-07

Month (Latest Data 9/93)

- MONTHLY VALUES
- 12-MAV
- REQUESTED AMOUNT
BWS PUMPAGE - WAIALEE WELL II
Well No. 4101-08

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT

Pumpage (mgd)

0.75
0.7
0.65
0.6
0.55
0.5
0.45
0.4
0.35
0.3

JAN 88  JAN 89  JAN 90  JAN 91  JAN 92  JAN 93

Month (Latest Data 9/93)
CAMPBELL ESTATE PUMPAGE
PUMP 15 ARMY (Well No. 4157-04)

MONTHLY VALUES  12-MAV  REQUESTED AMOUNT
CAMPBELL ESTATE PUMPAGE
KAHUKU AIRBASE WELL (Well No. 4158-12)

MONTHLY VALUES  12-MAV  REQUEST AMOUNT
CAMPBELL ESTATE PUMPAGE
PUMP 2 (Well No. 4159-01)

MONTHLY VALUES

REQUESTED AMOUNT

JAN 93

Month (Latest Data 10/93)
CAMPBELL ESTATE PUMPAGE
PUNAMANO ARMY (Well No. 4159-02)

MONTHLY VALUES

12-MAV

REQUESTED AMOUNT

Month (Latest Data 9/93)
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response:

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

Signed: _____________________________  Date: ___________
The Honorable Keith W. Ahue  
Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Withdrawal of Objections

The Department of Hawaiian Home Lands has been in a position to raise objections to various applications for water use permits, particularly in Windward O'ahu, on the basis that water reservations were yet required to meet statutory obligations to Hawaiian home lands.

Please be advised that as the proposed water reservations in O'ahu and Moloka'i water management areas are finalized, our objections for this reason are thereby withdrawn.

Warmest aloha,

Hoaliku L. Drake, Chairman  
Hawaiian Homes Commission

HLD:BH:ci/1608L.77
The Honorable Keith W. Ahue, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Water Use Permits

Thank you for the opportunity to respond to applications for water use at the following Kahuku-Campbell Wells:

4056-01
4056-01,04,06,07,10
4100-01
4157-04,05,06,07,09
4158 01 thru 11
4159-01,02
4258-04

and the Kahuku-Kuilima Well (4158-14).

We have no objections to these applications.

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission
MEMORANDUM

PR TO:

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

FROM:
Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
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If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: Gordon Akita Phone: 70227

( ) We have no comments
( ) We have no objections to this application since this well will provide water to the Dept. of Ag's Kahuku Ag. Park subdivision.
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: MANABU TAGOMORI Date: 09.2

LN:ko
Attachment(s)
1993 September 29

State of Hawaii
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

OBJECTIONS AND COMMENTS ON APPLICATIONS FOR WATER USE PERMITS
Public Notice dated August 30, 1993
Send written objections by September 29, 1993

NHAC represents water source registrants, water use declarants, water use permit applicants, and others with property interest in land within the hydrologic unit of the source of water supply, as well as persons with non-property interests, all of who would be directly and immediately affected by the proposed water use.

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, 6/22/93, & 7/8/93).

Campbell Estate proposes to continue a total of 23.225 mgd of existing uses, 7.0 of which involve seawater. This leaves 16.225 mgd of use from the basal aquifer, yet the May 1992 review draft of the Oahu Water Management Plan (p. 14) reports 1990 groundwater use of only 13.6 mgd. The 16.225 mgd of proposed use is about 46% of the 1992 revised sustainable yield of 35 mgd for the Koolauloa aquifer. Without better knowledge of existing, foreseeable, and potential competing applications for this yield, it is difficult to assess the propriety of allocating almost 50% of aquifer yield to a single applicant.

Many of the applications are for combined domestic and agricultural use. Quantification of the breakdown between these uses is essential at this stage of the permit review process so that existing acreage under cultivation, existing agricultural water use, crop water requirements, and future water allocations can be coherently analyzed.
SPECIFIC OBJECTIONS

Well 4057-01

The well site appears to be upgradient from and close to an unnamed spring. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for the spring, existing legal uses of the spring, and inchoate legal uses of the spring as authorized by Native Hawaiian custom and tradition.

The proposed use of potable water for pasture irrigation should be questioned until applicant shows evidence of the infeasibility of using alternative non-potable water sources.

Well 4057-01

While the public notice only lists Well 4057-01 as the well source, the application identifies 4 other wells that serve as sources for the Pump 1 battery. In order to preserve due process of all parties, the public notice for this application should be revised and re-published with a new deadline for written objections to clearly indicate that Wells 4057-02, -08, -13, and -14 are also part of the application.

The well site appears to be upgradient from and close to the Ki'i National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge, existing legal uses of all refuge waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

The proposed use of potable water for agricultural irrigation should be questioned until applicant shows evidence of the infeasibility of using alternative non-potable water sources.

Well 4057-04

While the public notice only lists Well 4057-04 as the well source, the application identifies 3 other wells that serve as sources for the Sugar Mill Pump battery. In order to preserve due process of all parties, the public notice for this application should be revised and re-published with a new deadline for written objections to clearly indicate that Wells 4057-09, -11, and -12 are also part of the application.

The well site appears to be upgradient from and close to the Ki'i National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge, existing legal uses of all refuge waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.
The proposed use of potable water for agricultural irrigation should be questioned until applicant shows evidence of the infeasability of using alternative non-potable water sources.

Well 4057-06

While the public notice lists domestic service as an existing water use, the application shows that only water of non-potable quality is being requested for irrigation and other uses only, not for domestic uses. Which is correct?

Well 4057-07

The proposed use of potable water for agricultural irrigation should be questioned until applicant shows evidence of the infeasability of using alternative non-potable water sources.

The well site appears to be upgradient from and close to an unnamed spring. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for the spring, existing legal uses of the spring, and inchoate legal uses of the spring as authorized by Native Hawaiian custom and tradition.

Well 4057-10

The proposed use of potable water for aquaculture should be questioned until applicant shows evidence of the infeasability of using alternative non-potable water sources.

The well site appears to be upgradient from and close to an unnamed spring. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for the spring, existing legal uses of the spring, and inchoate legal uses of the spring as authorized by Native Hawaiian custom and tradition.

Well 4100-02

The proposed use of potable water for aquaculture should be questioned until applicant shows evidence of the infeasability of using alternative non-potable water sources.

The apparent proximity of the well to a perennial Kawela stream tributary may indicate a potential restriction on use not identified in the application, including possible effects on interim instream flow standards, existing legal uses of the stream, and inchoate legal uses of the stream as authorized by Native Hawaiian custom and tradition.

Well 4157-04

The well site appears to be upgradient from and close to the Ki'i National Wildlife Refuge. Potential restrictions on the proposed
water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge, existing legal uses of all refuge waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Well 4157-05 to -07

Potential restrictions on the proposed water use not identified in the application include possible effects on existing legal uses of all refuge waters and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Well 4157-09

While we have no specific objections to the extraction of salt water for aquacultural use, we are concerned about the potential impacts of wastewater effluent discharge upon water sources and water uses in the area. These water quality concerns should be listed in the applications as potential restrictions on use.

Wells 4158-01 through -11

The well sites appear to be upgradient from and close to the Ki'i National Wildlife Refuge, Punamano spring, and Punamano National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuges and for Punamano spring, existing legal uses of all refuge and spring waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Well 4158-14

The well site appears to be upgradient from and close to Punahoolapa springs and Punamano National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge and for Punahoolapa springs, existing legal uses of all refuge and spring waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Well 4159-01

The well site appears to be upgradient from and close to Punahoolapa springs and Punamano National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge and for Punahoolapa springs, existing legal uses of all refuge and spring waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.
Well 4159-02

While the public notice lists domestic service as an existing water use, the application shows that only water of non-potable quality is being requested for irrigation and military uses only, not for domestic uses. Which is correct? Note that the application for adjacent Well 4159-01 is for irrigation use of non-potable water.

The well site appears to be upgradient from and close to Punahoolapa springs and Punamano National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge and for Punahoolapa springs, existing legal uses of all refuge and spring waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Well 4258-04

The well site appears to be upgradient from and close to Punahoolapa and Punamano springs and Punamano National Wildlife Refuge. Potential restrictions on the proposed water use not identified in the application include possible effects on interim instream flow standards for any springs within the refuge and for Punahoolapa and Punamano springs, existing legal uses of all refuge and spring waters, and inchoate legal uses of these waters as authorized by Native Hawaiian custom and tradition.

Mahalo,

David L. Martin, Water Claims Manager

pc: Campbell Estate
Kuilima Resort Co.
Native Hawaiian Advisory Council, Inc. (NHAC) represents persons with property interests in lands within the hydrologic units of the sources of water supply and/or who will be directly and immediately affected by the proposed water use. Furthermore, NHAC advocates the enforcement of constitutional, statutory, and common laws which require consideration and accommodation of various appurtenant, riparian, correlative, and Hawaiian water rights, as well as other Hawaiian rights, in the Water Commission’s (COWRM) allocation process.

NHAC strongly objects to the wording of the legal notices you have published with respect to who may file written objections or comments. One does not have to prove they will be "immediately affected" by a potentially adverse action in order to meet standing requirements. Therefore, the language of the legal notices is misleading and will have an unwarranted chilling effect on public response and participation in the water use permitting proceedings.

Neither the Water Code nor its rules specifically address the question of standing for filing written objections or comments on applications for water use. Under the Administrative Procedure Act (HAPA) standing has been interpreted very broadly. Furthermore, COWRM has not yet finalized its procedures for processing water use permits in newly designated water management areas. NHAC is quite concerned that COWRM appears to be establishing narrow parameters for standing, as evidenced by these legal notices. This arguably constitutes rulemaking which has not been duly undertaken according to procedures required under HRS 91.

Because water resources have been defined as being owned by the people of the State of Hawai‘i in McBryde and Reppenh all people have property interests in the water supply and may be admitted to any and all proceedings involving its disposition, regulation, and management. NHAC requests that you modify all future legal notices.
on water use permit applications to reflect this concern.

NHAC objects to COWRM's apparent plan to process water use permits applications on a first-come, first-serve basis. In order to fulfill the legislative intent of water management area designation, a comprehensive view of existing, planned, and proposed water uses and water rights in each hydrologic unit is required. COWRM should merely collect applications during the one-year post-designation application period. Then after the application period is closed, and surveys of water rights and reserved water uses are completed, COWRM can assess and evaluate each application with regard to competing applications, reserved water uses, water rights, and the overall water situation in each hydrologic unit. Without such a process, COWRM will not be able to meet Water Code requirements for evaluating competing uses within the framework of the "reasonable and beneficial" standard and other legally-imposed constraints.

In the case of Pearl Harbor Water Management Area, COWRM has identified a new cushion of water which can be allocated. Staff has received over 80 applications for these approximately 10 mgd of allocations. There is no way that the current first-come, first-serve processing of applications can equitable resolve this situation. A finite application period for these allocations should be established, after which all applications received can be comprehensively processed.

We, therefore, state our overall objection to current COWRM procedures and policies regarding water use permit application processing, in a large part because they do not yet exist. We reserve the right to submit specific objections to proposed permits at later dates, since at present there is insufficient information about the overall context of such permits to allow a fair and informed assessment.

NHAC requests that COWRM postpone decision-making on all water use permit applications for the above-discussed Water Management Areas until after the application period has closed and the necessary assessments of water rights and reserved water uses have been completed.

Mahalo,

David L. Martin, Vice-President
State of Hawaii  
Commission on Water Resource Management  
P.O. Box 621  
Honolulu, HI 96809

COMMENTS ON APPLICATIONS FOR WATER USE—WAHIWA WATER MANAGEMENT AREA

1. DPW, USASCH Well Nos. 2901-02 and/or 04
2. All (Future/Subsequent) Applications for Wahiawa GWMA

Dear Commissioners:

Native Hawaiian Advisory Council, Inc. (NHAC) represents persons with property interests in lands within the hydrologic units of the sources of water supply and/or who will be directly and immediately affected by the proposed water use. Furthermore, NHAC advocates the enforcement of constitutional, statutory, and common laws which require consideration and accommodation of various appurtenant, riparian, correlative, and Hawaiian water rights, as well as other Hawaiian rights, in the Water Commission's (COWRM) allocation process.

NHAC requests clarification of COWRM's referencing the applications listed above as being within the Wahiawa Ground Water Management Area, Oahu. This is the first time we have seen such a reference. Has there been a decision to break the Pearl Harbor Water Management area into sectors? This will have broad implications which merit public discussion and which must meet other rule-making requirements.

NHAC objects to COWRM's apparent plan to process water use permits applications on a first-come, first-served basis. In order to fulfill the legislative intent of water management area designation, a comprehensive view of existing, planned, and proposed water uses and water rights in each hydrologic unit is required. COWRM should merely collect applications during finite application periods. Then after each application period is closed, and surveys of water rights and reserved water uses are completed, COWRM can assess and evaluate each application with regard to competing applications, reserved water uses, water rights, and the overall water situation in each hydrologic unit. Without such a
process, COWRM will not be able to meet Water Code requirements for evaluating competing uses within the framework of the "reasonable and beneficial" standard and other legally-imposed constraints.

In the case of Pearl Harbor Water Management Area; COWRM has identified a new cushion of water which can be allocated. Staff has received over 80 applications for these approximately 10 mgd of allocations. There is no way that the current first-come, first-served processing of applications can equitably resolve this situation. A finite application period for these allocations should be established, after which all applications received can be comprehensively processed.

We, therefore, state our overall objection to current COWRM procedures and policies regarding water use permit application processing, in a large part, because they do not yet exist. We reserve the right to submit specific objections to proposed permits at later dates, since at present there is insufficient information about the overall context of such permits to allow a fair and informed assessment.

NHAC requests that COWRM postpone decision making on all water use permit applications for the above-discussed Water Management Areas until after the application period has closed and the necessary assessments of water rights and reserved water uses have been completed.

Mahalo,

David L. Martin, Vice-President

DLM/DCP:tr
1992 December 1

State of Hawaii Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Attn: Rae M. Loui
Deputy Director

Re: OBJECTIONS TO WATER USE PERMIT APPLICATIONS ALL GROUND WATER MANAGEMENT AREAS STATEWIDE AND RESPONSE TO PUBLIC NOTICES AND TO COWRM LETTER OF NOVEMBER 17, 1992

Dear Ms. Loui:

In studying Hawaii Administrative Rules (HAR) Title 13, Chapter 171, we find no explicit or implicit language supporting your contention that processing water use permits as NHAC previously suggested is inconsistent with these rules or would require rulemaking. We would appreciate some clarification on this point as it seems inconsistent with the fact the Pearl Harbor WMA is now being handled in a manner similar to our suggestions.

Two distinct classes of WMAs will emerge if you proceed on a first-come, first-served basis in some WMAs and with a comprehensive management review of all uses and applications in other WMAs. Then the determination of whether competing WUPAs exceed the available supply becomes a second tier of the designation process. NHAC believes such a management regime requires rulemaking. Granting WUPAs on a first-come, first-served basis will circumvent a number of the conditions for a Water Use Permit particularly if specific reservations for Hawaiian Homelands beneficiaries are not previously implemented and allocations to county boards of water supply for municipal purposes are not established.

COWRM appears not to be in compliance with HAR 13-171-11(b), which implies that COWRM will determine water supply allocated to the county boards of water supply in each water management area. These gross allocations to the counties, as well as gross reservations to Hawaiian Home Lands (required under Act 325), must be defined prior to any new water use permitting to other parties.

While NHAC recognizes there is a rule that COWRM act upon permit applications within 90 or 180 days [HAR 13-171-19(c)] we do not see this as a constraint to the approach we are suggesting. COWRM
records over the last 5.5 years shows that "action" includes deferral of decision making until information needs are met, as well as categorization of applications to facilitate future decision making.

While COWRM, staff, and the public have participated in discussions about water use permit application processing, there have been no formal declarations of COWRM permit application processing policy. It appears that COWRM staff and NHAC are advocating different interpretations of the Administrative Rules governing the water use permitting process, and that perhaps public hearings are needed to help the Commissioners decide what kind of interpretation best serves the purposes of the Water Code and the public interest.

Native Hawaiian Advisory Council (NHAC) requests COWRM defer decision making on water use permit applications until the following issues are resolved:


2. Allocation of water to county municipal purposes.

3. Implementation of water use permit application processing methodologies that avoid the continuation of first-come, first-serve permitting. First-come, first-serve water use permit processing contradicts the very heart of the intent of water management area designation. We cannot have comprehensive water resource management without comprehensive evaluation of Water Use scenarios.

Sincerely,

/5/

David L. Martin

DLM:cln
pc: Water Commissioners
Department of Hawaiian Home Lands
County Boards of Water Supply
Office of Hawaiian Affairs
Ka Lahui Hawai'i
Native Hawaiian Legal Corp.
1993 June 22

State of Hawaii
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

OBJECTIONS TO AND COMMENTS ON WATER USE PERMIT APPLICATIONS
RESPONSE TO PUBLIC NOTICES DATED MAY 24 AND JUNE 27, 1993

These objections incorporate our previously submitted general objections to water use permit application processing (letters of October 12 & 21 and December 1, 1992).

We would like to ask if all water use declarants, water source registrants, and water use permit applicants in the affected areas have been served direct notice of the pending applications and the deadline for filing objections? Without such notice, these persons cannot be expected to have timely knowledge of pending applications, much less file timely objections. The Water Commission, through its Nakata Subcommittee, has acknowledged this reality and recommended implementation of a process for direct notification of affected parties.

NHAC specifically objects to the permit application filed by Grace Pacific Corp. We contend that use of 170,000 gpd of potable water for industrial washing and dust control is not a reasonable and beneficial use of water, and expect that the applicant will provide further information about the availability or nonavailability of nonpotable water and/or further details about the necessity of potable water use. We further request that this available water resource be placed in reserve for Hawaiian Home Lands since no water from this aquifer was allocated to DHHL in the Water Commission's June 2 reservation decision.

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager
pc w/enc: Mahealani Ranch
Ellen M. Osborne
Thomas N. Matayoshi
Honolulu Board of Water Supply
The Oceanic Institute
Kamehameha Schools
Grace-Pacific, Inc.
Chairperson Hoaliku Drake, DHHL

enc: Letters of October 12 & 21 and December 1, 1992 from NHAC to COWRM
TO: State of Hawaii Commission on Water Resource Management

SUBJECT: Comments on Water Use Permit Applications

Kawela Plantation Wells (various numbers)
Honolulu Board of Water Supply Kuou III Well No. 2348-06
DLNR DOWALD Waiawa 1-6 Wells (various numbers)

and any other water use permit applications with comments due July 8 and 9, 1993.

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, & 6/22/93).

In addition, we are increasingly concerned about the lack of clear guidelines for timing, sequencing, and coordinating COWRM permitting processes with environmental review processes conducted under other authorities (including HRS 343, BLNR Conservation District Use permitting, DOH 401 and NPDES, and County grading and drainage ordinances). This is discussed more fully within the context of specific objections to the Kuou Well III application below.

SPECIFIC OBJECTIONS

1. Kawela Plantation Wells (All)

The permit application information distributed by COWRM for comment should also include the results of COWRM's field verification of declared water uses and should summarize the monthly water use reports submitted over the last six years for comparison of existing uses with quantities of water requested.

2. Kawela Plantation Breadfruit Well No. 0456-04
   Kawela Plantation Ag Well No. 0457-04

NHAC objects to the proposed use of potable water for landscape irrigation. Applicant should provide assessments of alternative water source availability and plans for minimizing landscape irrigation requirements before permit application processing proceeds. The "reasonable and beneficial" nature of the proposed
water uses is suspect until these assessments and plans are reviewed and until the proposed water uses are evaluated within the context of all other existing, planned, proposed, and reserved water uses.

The Ag Well (No. 0457-04) is not listed in the July 14, 1992 COWRM Ground Water Index and Summary, but does appear to be a declared use in COWRM Circular C-123 of September 1992 (listing 5 wells for Kawela Plantation).

When was the declaration of water use filed for Well No. 0457-04? If the declared use began after the implementation of the State Water Code, when were well construction and pump installation permits issued?

3. Honolulu Board of Water Supply Kuou Well J No. 2348-06

NHAC objects to further processing of this permit application until the Environmental Assessment (EA) process for the proposed project is completed. Today is the deadline for submitting comments on the Draft EA (DEA) for the exploratory well, after which the Final EA must be published with a subsequent waiting period of thirty days during which the Final EA may be contested.

BWS states in that DEA that "Production well development will be subject to the environmental review process as stipulated in Chapters 343, Hawaii Revised Statutes, and Chapter 200 of the State Department of Health Regulations." In response to this, we wrote:

Does BWS intend to prepare another EA for its Production Well at Kuou Well Site III? Will this EA address a broad range of environmental impacts stemming from both the general allocation of water to BWS from the Koolaupoko Ground Water Management Area and the specifics of extracting that allocation from the aquifer at the proposed site? Since BWS already applied to the Commission on Water Resource Management (COWRM) for a Water Use Permit, we objected to that application on the grounds that the environmental review process for the allocation has not been completed. We object to this DEA because it fails to address the allocation and extraction impacts in the comprehensive manner required to inform COWRM water use permit decisionmaking. Also note that COWRM has recently taken a position that permit applications are not complete and cannot be taken up for decisionmaking until environmental review processes are completed.

There is huge confusion and problems with the current timing, sequence, and coordination of environmental review processes for both exploratory and production wells (including HRS 343 processes, Conservation district use permitting, and DOH processes) and COWRM permitting processes (water use, well construction, and pump installation). The DEA should explain the BWS view and those of other agencies concerning the timing, sequence, and coordination of these processes. This
would provide a starting point for working with all parties to integrate the processes for the greatest mutual benefit.

Similarly, we now ask COWRM to explain its view and how it perceives that of other agencies with regard to these same issues.

NHAC also objects to further processing of this application until water reservations to Hawaiian Home Lands from the designated windward aquifers are completed. We recommend that this application be consolidated with other BWS applications so that the bulk allocation requested by BWS from Koolaupoko and BWS plans for distributing that allocation are more clearly understood.

4. DLNR DOWALD Waiawa Wells 1-6 (All)

NHAC requests additional information and extended review for these proposed uses. We have not yet received the permit applications and other supporting documentation needed to sort out the following issues:

a. COWRM minutes of June 2, 1993 meeting are confusing, and the presently remaining available allocation in the Waipahu-Waiaawa system is unclear. Allocation of 2.0127 mgd to BWS on behalf of HFDC was approved (page 9). Was the 5.093 mgd allocation to BWS recommended in the staff submittal (page 4 number 4.) also approved? If so, does the 5.093 mgd allocation include the 2.0127 for HFDC?

b. We need more information and more time to research the land ownership and water rights issues raised by the Federal transfer to the State of the Waiawa lands where the proposed sources are located.

c. We need assurances that DLNR Plans to operate these systems as State water systems and does not plan to dedicate them to BWS.

d. We need to know how DOWALD has responded to COWRM concerns about the specifications for the proposed wells and their potential impact upon aquifer dynamics and existing groundwater uses.

e. We need to know how COWRM plans to integrate environmental review processes under other authorities with its own permitting processes (see above discussion of Kuou Well III application).

Based on the information now available, NHAC raises the following specific objections to the applications, and reserves the right to file additional specific objections as information becomes available:

a. Many of the State projects listed (Exhibit 6 of COWRM submittal of 6/2/92) propose using potable water for landscape irrigation of public facilities. Applicant should provide assessments of alternative water source availability and plans for
minimizing landscape irrigation requirements before permit application processing proceeds. The "reasonable and beneficial" nature of the proposed water uses is suspect until these assessments and plans are reviewed and until the proposed water uses are evaluated within the context of all other existing, planned, proposed, and reserved water uses.

b. There may be insufficient available allocation to meet DOWALD's quantity of use requested.

c. DOWALD's requested uses compete with other requested uses, thus it seems that public hearings are required.

d. Most of the State projects listed in the previous COWRM submittal are not listed in the current version of the State Water Projects Plan.

ADDITIONAL INFORMATION/EXTENDED REVIEW REQUESTED

NHAC has not yet received copies of the permit applications filed for DLNR DOWALD Waiawa 1-6 Wells. We request that this information be sent and the review period extended so that we can more closely analyze these extremely significant applications.

In our review of the Star-Bulletin for June 18, 1993, we did not find public notice of the Honolulu Board of Water Supply water use permit application for Kuou III in the legal notice section or elsewhere. Thus we are unable to ascertain whether or not any other water use permit applications were publicly noticed at that time. If so, we request that you transmit copies of these applications and extend the associated review period.
Mahalo

David L. Martin, Water Claims Manager

pc: Kawela Plantation Homeowner's Association
Molokai Working Group for COWRM
Honolulu Board of Water Supply
DLNR DOWALD
Water Commissioners
Water Code Review Commission and Commissioners
Ka Lahui Hawai'i
Hawaiian Homes Commission
Office of Hawaiian Affairs
Native Hawaiian Legal Corp.
Mr. Keith Ahue, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Ahue:

Subject: Your Letters of September 9, 1993 on Water Use Permits for Campbell Estate in the Koolauloa Groundwater Management Area, Windward Oahu: Well No. 4056-01; Well No. 4057-01; Well No. 4057-04; Well No. 4057-06; Well No. 4057-07; Well No. 4057-10; Well No. 4100-01; Well No. 4100-02; Well No. 4157-04; Well No. 4157-05; Well No. 4157-06; Well No. 4157-07; Well No. 4157-09; Well No. 4158-01 through 11; Well No. 4158-14; Well No. 4159-01; and Well No. 4159-02

Thank you for the opportunity to comment on these water use permits for Campbell Estate in the Kahuku area. We have no objections to issuance of permits for these existing uses. We feel, however, that the requested amounts of water for some wells are overstated and should be adjusted based on the actual amounts used and in accordance with the sustainable yield, especially when other well owners such as the Board of Water Supply are considered. The requested sum of 14.7+ mgd already exceeds the sustainable yield from the basal aquifer.

In the interests of preserving the best quality water for domestic consumption, however, the operators of the golf course using Well No. 4100-01 should use an alternative source of lesser quality water for irrigation. This action would be in accordance with the Board of Water Supply Rules and Regulations requiring golf courses to use nonpotable sources for irrigation where possible.

We return for your information the completed forms.

Very truly yours,

KAZU HAYASHIDA  
Manager and Chief Engineer

Attachment
MEMORANDUM

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Attachment(s)
Response: Contact person: Herbert H. Minakami Phone: 527-6183

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

Signed: KAZU HAYASHIDA
Manager and Chief Engineer

Date: 7/23/93
September 23, 1993

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

Dear Mr. Ahue:

Subject: Your Letter of September 9, 1993 on Water Use Permits for Campbell Estate in the Koolauola Groundwater Management Area, Windward Oahu: Well No. 4056-01; Well No. 4057-01; Well No. 4057-04; Well No. 4057-06; Well No. 4057-07; Well No. 4057-10; Well No. 4100-01; Well No. 4100-02; Well No. 4157-04; Well No. 4157-05; Well No. 4157-06; Well No. 4157-07; Well No. 4157-09; Well No. 4158-01 through 11; Well No. 4158-14; Well No. 4159-01; Well No. 4159-02; Well No. 4258-04

Thank you for the opportunity to comment on these water use permits. We have no objections to issuance of permits for these existing uses. However, the amounts of water requested, for some wells, are overstated and should be adjusted based on the actual amounts used and the applicable sustainable yields.

In the interest of preserving the best quality water for potable use, the operators of the golf course using Well No. 4100-01 should investigate the use of nonpotable water for irrigation. This action would be in accordance with the Board of Water Supply Rules and Regulations requiring golf courses to use nonpotable sources for irrigation where possible.

Warm personal regards.

Sincerely,

FFF:js
cc: Jeremy Harris, Managing Director
MEMORANDUM

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

FROM: Don Hibbard, Administrator
      Historic Preservation Division

SUBJECT: Application for Water Use Permit, Ko‘olauloa Ground Water Management Area, O‘ahu
         Pump 1 - Well No. 4057-01
         Kahuku, Ko‘olauloa, O‘ahu
         TMK 5-6-06:019

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

BJ:jt
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: Steve Tagawa Phone: 587-0285
( ) We have no comments
( ) We have no objections
(✓) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date: 9/10/93
TO:     Aquatic Resources  
       Forestry and Wildlife  
       Historic Preservation  
       Land Management  
       Natural Area Reserve System  
       Office of Conservation and Environmental Affairs  
       State Parks  
       Water and Land Development  
       Other Interested Parties

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

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

Signed: [Signature] Date: [Signature]

Attachment(s)
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: ____________________________ Phone: __________________

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

Signed: ____________________________ Date: __________________
MEMORANDUM

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

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

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Attachment(s)
Memorandum to:
Mrs. Hoaliku L. Drake
Dr. John C. Lewin
Mr. Clayton H.W. Hee
Mr. Kazu Hayashida

Page 2

Response: Contact person: __________________________ Phone: ____________

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

Signed: ____________________________________________ Date: ____________
Honorable Frank F. Fasi, Mayor
City & County of Honolulu
City Hall
Honolulu, HI 96813

Attn: Mr. Jeremy Harris

Dear Mayor Fasi:

Notice of an Application for a Water Use Permit
Koolauloa Ground Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit application for the Campbell Estate for Well No. 4057-01, which will be published in the Honolulu Star Bulletin.

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

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

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

Very truly yours,

KEITH W. AHUE
CHAIRPERSON

KEITH W. AHUE

Enc.
Applications for Water Use Permits
Ground Water Management Areas

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

**Well 4056-01 (Well No. 4056-01)**
*Applicant:* Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
*Date Completed Application Received:* June 16, 1993
*Aquifer:* Koolauloa System, Windward Sector, Oahu
*Well Source:* Well 4056-01, Kahuku, Oahu at Tax Map Key: 5-6-6:6
*Quantity Requested:* 1,000,000 gallons per day
*Existing Water Use:* Domestic service and irrigation of 135 acres of ranch lands for cattle
*Place of Water Use:* Kahuku at Tax Map Key: 5-6-6:6

**Pump 1 (Well No. 4057-01)**
*Applicant:* Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
*Date Completed Application Received:* June 19, 1993
*Aquifer:* Koolauloa System, Windward Sector, Oahu
*Well Source:* Pump 1, Well No. 4057-01, Kahuku, Oahu at Tax Map Key: 5-6-6:19
*Quantity Requested:* 1,500,000 gallons per day
*Existing Water Use:* Domestic service and irrigation of 218 acres of various crops
*Place of Water Use:* Kahuku at Tax Map Key: 5-6-6:19

**Sugar Mill Pump (Well No. 4057-04)**
*Applicant:* Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
*Date Completed Application Received:* June 16, 1993
*Aquifer:* Koolauloa System, Windward Sector, Oahu
*Well Source:* Sugar Mill Pump, Well No. 4057-04, Kahuku Sugar Mill, Oahu at Sugar Mill Pump, Well No. 4057-04, Kahuku Sugar Mill, Oahu at Tax Map Key: 5-6-2:17
*Quantity Requested:* 500,000 gallons per day
*Existing Water Use:* Domestic service and irrigation of 40 acres various crops
*Place of Water Use:* Kahuku at Tax Map Key: 5-6-2:0

(more)
Pump 8 (Well No. 4057-06)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 8, Well No. 4057-06, Kahuku, Oahu at Tax Map Key: 5-6-6:18
Quantity Requested: 500,000 gallons per day
Existing Water Use: Domestic service to Kahuku High School and 10-acre turf farm
Place of Water Use: Kahuku at Tax Map Key: 5-6-6:18

Pump 12 (Well No. 4057-07)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 12, Well No. 4057-07, Kahuku, Oahu at Tax Map Key: 5-6-6:18
Quantity Requested: 2,000,000 gallons per day
Existing Water Use: Domestic service and irrigation of 120 acres various crops
Place of Water Use: Kahuku at Tax Map Key: 5-6-6:18

Pump 12-A (Well No. 4057-10)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 12-A, Well No. 4057-10, Kahuku, Oahu at Tax Map Key: 5-6-6:18
Quantity Requested: 1,500,000 gallons per day
Existing Water Use: Aquaculture for 48 acres of prawns
Place of Water Use: Kahuku at Tax Map Key: 5-6-6:6

Well No. 338 (Well No. 4100-01)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 338, Well No. 4100-01, Kahuku, Oahu at Tax Map Key: 5-7-1:21
Quantity Requested: 800,000 gallons per day
Existing Water Use: Serves 160-acre golf course
Place of Water Use: Kahuku at Tax Map Key: 5-7-1:22

(more)
Kawela Well (Well No. 4100-02)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Kawela Well, Well No. 4100-02, Kawela, Oahu at Tax Map Key: 5-7-1:21
Quantity Requested: 1,000,000 gallons per day
Existing Water Use: Domestic service and irrigation of 40 acres of various crops
Place of Water Use: Kawela at Tax Map Key: 5-7-1:21

Pump 15 (Well No. 4157-04)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 16, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 15, Well No. 4157-04, Kahuku Aquafarm - Kamehameha Hwy, Oahu at Tax Map Key: 5-6-2:1
Quantity Requested: 30,000 gallons per day
Existing Water Use: Domestic service to 6 military administrative facilities
Place of Water Use: Kahuku Army training area at Tax Map Key: 5-6-8:2

Well No. 4157-05
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4157-05, Kahuku, Oahu at Tax Map Key: 5-6-2:1
Quantity Requested: 82,410 gallons per day
Existing Water Use: Maintenance of habitat for endangered water birds
Place of Water Use: James C. Campbell NWR - Kii Unit at Tax Map Key: 5-6-2:0

Well No. 4157-06
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4157-06, Kahuku, Oahu at Tax Map Key: 5-6-2:1
Quantity Requested: 105,572 gallons per day
Existing Water Use: Maintenance of habitat for endangered water birds
Place of Water Use: James C. Campbell NWR - Kii Unit at Tax Map Key: 5-6-2:0

(more)
Well No. 4157-07
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4157-07, Kahuku, Oahu at Tax Map Key: 5-6-2:1
Quantity Requested: 106,791 gallons per day
Existing Water Use: Maintenance of habitat for endangered water birds
Place of Water Use: James C. Campbell NWR - Kii Unit at Tax Map Key: 5-6-2:0

Well No. 4157-09
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 23, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4157-09, Kahuku, Oahu at Tax Map Key: 5-6-2:7
Quantity Requested: 7,000,000 gallons per day
Existing Water Use: Aquaculture for 300 acres of shrimp
Place of Water Use: Kahuku at Tax Map Key: 5-6-2:1

Pump 5 (Well Nos. 4158-01 through -11)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 5, Well Nos. 4158-01 through -11, Kahuku, Oahu at Tax Map Key: 5-6-5:7
Quantity Requested: 1,500,000 gallons per day
Existing Water Use: Irrigation of 688 acres of various crops in State Agricultural Park
Place of Water Use: Kahuku at Tax Map Key: 5-6-5:7

Well No. 4158-14
Applicant: Kuilima Resort Co.
1204 Kapoialani Blvd.
Honolulu, HI 96814
Date Completed Application Received: July 12, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4158-14, Kahuku, Oahu at Tax Map Key: 5-6-3:44
Quantity Requested: 800,000 gallons per day
Existing Water Use: Service to 160-acre golf course
Place of Water Use: Kahuku at Tax Map Key: 5-6-3:40

(more)
Pump 2 (Well No. 4159-01)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Pump 2, Well No. 4159-01, Kahuku, Oahu at Tax Map Key: 5-6-3:43
Quantity Requested: 3,000,000 gallons per day
Existing Water Use: Irrigation for over 250 acres of various crops
Place of Water Use: Kahuku at Tax Map Key: 5-7-1:21

Punamano Pump 2 (Well No. 4159-02)
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Punamano Pump 2, Well No. 4159-02, Kahuku, Oahu at Tax Map Key: 5-6-3:43
Quantity Requested: 1,500,000 gallons per day
Existing Water Use: Domestic service to two military administrative facilities and irrigation of 75-acre pasture
Place of Water Use: Punamano Air Force Station and pasture at Tax Map Key: 5-6-5:0

Well No. 4258-04
Applicant: Campbell Estate
1001 Kamokila Blvd.
Kapolei, HI 96707
Date Completed Application Received: June 17, 1993
Aquifer: Koolauloa System, Windward Sector, Oahu
Well Source: Well No. 4258-04, Kahuku-RCA Building, Oahu at Tax Map Key: 5-6-3:32
Quantity Requested: 300,000 gallons per day
Existing Water Use: Fish hatchery
Place of Water Use: Kahuku-RCA Building at Tax Map Key: 5-6-3:32

(more)
Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 29, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE
Chairperson

Dated: AUG 30 1993

Publish in: Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

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

Signed: ___________________ Date: ____________
Oahu District Office has no objection provided that the applicant obtain the required Federal, State and County permits.

Should you have any questions, please call John Dooling at 7-0433.
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ko
Attachment(s)

Response: Contact person: ____________________________ Phone: ____________________________

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

Signed: ____________________________ Date: ____________________________
MEMORANDUM

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

FROM: 
Henry Sakuda, Administrator
Division of Aquatic Resources

SUBJECT: Comments on water use permit application for Campbell Estate for Well No. 4057-01 in the Koolauloa Ground Water Management Area, Oahu

The application is for an existing well at low elevation near the Kahuku Hospital. Approximately 1,500,000 gallons of potable basal water will be pumped daily for irrigation use associated with the State Agriculture Park. Given the location of the well and the water source, there is little likelihood that it will reduce surface water habitat for native aquatic species. We have no objections from the aquatic biological resources standpoint.
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment is a copy of a water use permit application for Campbell Estate for Well No. 4057-01. Public notice of this application will be published in the Honolulu Star Bulletin issues of September 8, 1993 and September 15, 1993.

We would appreciate your review of the attached application and please return this form by September 29, 1993.

If you have any questions regarding this application, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ko
Attachment(s)

Response: Contact person: _____________________________ Phone: _____________________

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

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.

Signed: _____________________________ Date: _____________________
Ms. Donna Goth
Campbell Estate
828 Fort St., Ste. 500
Honolulu, HI 96813

Dear Ms. Goth:

Applications for a Water Use Permit
Koolauloa Ground Water Management Area, Oahu

We acknowledge receipt, on June 17, 1993, of your completed water use permit applications for the following wells:

- Pump 2 (Well No. 4159-01)
- Punamano Pump 2 (Well No. 4159-02)
- Pump 5 (Well No. 4158-01 to 11)
- Pump 6 (Well No. 3957-07)
- Pump 8 (Well No. 4057-06)
- Well No. 338 (Well No. 4100-01)
- Well No. 4158-14
- Well No. 4258-04
- Well No. 4157-05
- Well No. 4157-06
- Well No. 4157-07
- Malaekahana Well (Well No. 3956-01)
- Pump 3 (Well No. 3957-01)
- Pump 12 (Well No. 4057-07)
- Pump 15 (Well No. 4157-04)
- Pump 1 (Well No. 4057-01)
- Pump 12A (Well No. 4057-10)
- Pump 3A (Well No. 3957-03)
- Sugar Mill Pump (Well No. 4057-04)
- Pump 15 (Well No. 4157-04)
- Well 4056-01 (Well No. 4056-01)
- Kawela Well (Well No. 4100-02)

We also acknowledge receipt of your water use permit application for Air Base Pump (Well Nos. 4158-12 & 13). However, this application is incomplete. Please specify the Tax Map Key portion(s) at which the water is to be used. In addition, please provide an estimate of the number of acres that will be used for aquacultural operations.
The applications for Well Nos. 3957-01, 4057-07, 4157-04, 4057-01, 4057-10, 4158-12 & 13, 3957-03, 4057-04, 4157-04, 4056-01, and 4100-02 indicate that some water will be used for domestic purposes; please provide an estimate of the number of units to be served by each well. Also, potable water is being requested for irrigation and aquaculture. Would brackish and/or fresh/non-potable water, respectively, suffice for these uses?

Lastly, two separate applications were submitted for Pump 15 (Well No. 4157-04). We recommend that the applications be combined because, even though the end-uses may differ, Campbell Estates is the applicant for both. Also, your reporting of monthly water use would be facilitated by not having to individually meter each end-user if you combine the applications.

Upon receipt of the requested information for the Air Base Pump (Well Nos. 4158-12 & 13), we will continue to process the application. We will send you a copy of the public notices and any further information regarding your applications' status. In addition, we may need to visit and verify your proposed water sources and use sites if we have not done so already under our registration program.

If you have any questions, please contact Roy Hardy at 587-0274.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ko
Encl.
THE ESTATE OF JAMES CAMPBELL
HONOLULU, HAWAII

June 10, 1993

THE ESTATE OF JAMES CAMPBELL
JAMES CAMPBELL BUILDING • SUITE 500
828 FORT STREET MALL • HONOLULU, HAWAII 96813-4380

DATE
CHECK NO.

TO THE
ORDER OF

Department of Land & Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu
HI 96813

PLEASE DETACH BEFORE DEPOSITING CHECK

VOID AFTER 90 DAYS

please to kay 6/24/93
Mr. Roy Hardy  
State of Hawaii  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Hardy:

Application for Water Use  
Permit Potable Water Wells

Enclosed are 12 applications for water use permits for the following wells, along with a $25 filing fee for each application.

Malaekahana  
Pump 3  
Pump 12  
Pump 15-04  
Pumps 1  
Pump 12A

Kahuku Air Base  
Pump 3A  
Sugar Mill  
Pump 15-04A  
Kawanakoa  
Kawela

If you need any additional information, please give me a call at 544-3145.

Sincerely,

James E. Menor  
Administrator,  
Natural Resources

Enclosures
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Firm/Name: The Estate of James Campbell
   Contact Person: Donna Goth
   Address: 828 Fort Street Mall, Ste. 500
   Honolulu, Hawaii 96813

2. WATER MANAGEMENT AREA:
   Windward Oahu/Ko'olaua

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:

4. SOURCE LOCATION:
   Address: Kahuku
   Tax Map Key: 5-6-06:19
   (Attach a USGS map, scale 1"=2000", and a property tax map showing source location referenced to established property boundaries.)

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

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

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Address: Kahuku
   (b) Land Use District (check one):
      - Urban
      - Agriculture
      - Conservation
      - Rural
   (c) Currently Zoning (describe): ________________________________

8. QUANTITY OF WATER REQUESTED: 1,500,000 gallons per day

9. METHOD OF MEASUREMENT:
   - Flowmeter
   - Open-pipe
   - weir
   - Orifice
   - Other (explain)

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

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

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain):
   - State Agriculture Park/Agriculture

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:
   - 218 Various
   - (acres)
   - (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
   - 24 hours per day

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
   (a) Impact on Sustainable yield (?): Unknown
   (b) Permanant or Interim
      - Instream Flow Standards affected (?): None
   (c) Hawaiian Home Land uses affected (?): None
   (d) Other existing legal uses affected (?): None
   (e) Other:

16. REMARKS, EXPLANATIONS:
   Pump 1 is battery of wells (numbered 4057-01, 4057-02, 4057-08, 4057-13 & 4057-14)

   (If more space is needed, continue on back side)

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

Applicant (print): The Estate of James Campbell

Signature: __________________________
Date: __________

Landowner (print): The Estate of James Campbell

Signature: __________________________
Date: __________

For Official Use Only:
Date Received ____________________
Date Approved ____________________
Hydrologic Unit No. ____________________
Diversion Works No. ____________________
State Well No. ____________________
Public Hearing ____________________

8/24/92 WUPA Form
June 10, 1993

TOTALS

<table>
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<tr>
<th>DATE</th>
<th>CHECK NO.</th>
<th>AMOUNT</th>
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<tr>
<td>JUN 10 93</td>
<td></td>
<td>$25.00</td>
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</tbody>
</table>

**TO THE ORDER OF**

Department of Land & Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

**PLEASE DETACH BEFORE DEPOSITING CHECK**

**THE ESTATE OF JAMES CAMPBELL**

HONOLULU, HAWAII

**THE ESTATE OF JAMES CAMPBELL**

JAMES CAMPBELL BUILDING • SUITE 500
828 FORT STREET MALL • HONOLULU, HAWAII 96813-4380

**PLEASE DETACH BEFORE DEPOSITING CHECK**

**MAIN OFFICE**

BANK OF HAWAII
HONOLULU, HAWAII 99102

**VOID AFTER 30 DAYS**

jem to kaj 6/24/93
WATER USE PERMIT NO. 246

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: State Department of Agriculture
1428 South King St.
Honolulu, HI 96814

Landowner of Source: State Department of Agriculture
1428 South King St.
Honolulu, HI 96814

Permitted Withdrawal Rate: 0.307 mgd (Based upon a 12-month moving average)

Water Management Area: Ko'olauloa

Island: Oahu

Aquifer Sector/System: Windward/Ko'olaupoa

System Sustainable Yield: 35 mgd

Water Type: Potable

Original CWRM Date: December 8th, 1993

Standard Conditions: 1-20, 22

Special Conditions: 5

Water Source

State Well Number(s): 4057-01

Well Name: Pump 1

Water Source TMK Number(s): 1st Division, 5-6-006:009

State Land Use Classification(s): Agriculture

County Zoning Classification(s): AG-1

Geographical Coordinates:
Latitude 21° 40' 38.8" North
Longitude 157° 57' 24.4" West

End Use

End Use TMK Number(s): 1st Division, 5-6-006:009, 5-6-006:029 thru 052,
5-6-006:056

State Land Use Classification(s): Various

County Zoning Classification(s): Various
Beneficial Use Explanation: Use for 382 acres of diversified agriculture by the Kahuku Agricultural Park and the Kahuku Farmer's Association

Background Information

State Well No. 4057-01 is part of a larger battery of wells, but is the only well approved for use with Water Use Permit 246. Based upon permit records, the Department of Agriculture seized control of the well and implemented the permit transfer process sometime in 1996. Consistent water use reporting records are available for the past decade. The permittee's 12-month moving average has consistently been above the permitted levels during this time. Although much of this overpumpage occurred prior to the transfer of the water use permit to Department of Agriculture control, records indicate that overpumpage has continued to as recently as early 2006. In January 2006, water usage reporting was halted by the permittee. Based upon phone conversations with the permittee, the reason for this halt in reporting is an inoperative flowmeter that has still not been repaired or replaced.

Water Use Permit 246 was approved during the December 8th, 1993 Commission on Water Resource Management meeting. According to the permittee, this water source itself has only been in use by the Kahuku Agricultural Park since approximately 1998. Standard conditions 1-20 & 22 and special condition 5 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for the 20-year Water Use Permit Review.

Field Investigation Information

Contact: Randy Teuya
Site Address: 56-712 Kamehameha Hwy.
Kahuku, HI 96731

Brown and Caldwell conducted a field investigation on March 3rd, 2008 from 2:30 p.m. until 3:30 p.m. with Mr. Randy Teuya. 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.
Summary of Findings for Water Use Permit No. 246

State Well No. 4057-01 is located on TMK parcel 5-6-006:009 at 21° 40' 38.8" N, 157° 57' 24.4" W, with a real time accuracy of ±20 feet. Water is drawn from the well via a series of well pumps at the well head location. The first set of pumps belongs to the Kahuku Farmer's Association and pump water onto TMK parcel 5-6-006:009. This parcel does not belong to the Department of Agriculture and was therefore not investigated for possible water waste due to accessibility issues. The second set of pumps belongs to the Kahuku Agricultural Park. These pumps send water up to a 300,000 gallon storage tank at 21° 39' 55.2" N, 157° 57' 56.8" W (±15 ft), which is above the entire agricultural park from an elevation standpoint. A float switch at the tank initiates the pump sequence when water in the tank drops below a certain level. Water is then gravity fed to the various TMK parcels across the park. Reference the Appendix for photographs of the previously described system components.

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

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

After inspection, it was found that State Well No. 4057-01 is currently drawing water from the aquifer system without a functional flowmeter. As such, the permittee has been unable to submit water use reports since the beginning of 2006.

Based upon visual inspection of the system, all components appear to be in full working order with no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries.

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - End use TMK’s to include those listed in this report
  - Beneficial use explanation
- Address violation of Standard Condition (10) regarding non-reporting of water use and lack of a functional flowmeter
20-Year Water Use Permit Review  
Water Use Permit No. 246

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 4057-01

Figure 2 – Battery of well pumps
Figure 3 – Control system for well pumps

Figure 4 – Non-functional flowmeter
Figure 5 – Storage tank for Kahuku Agricultural Park

Figure 6 – Typical end use location
WUP Number: 246  
Well Number(s): 4057-01

Contact Information (of the person who will be present at site visit):
Name: Randy Teuya
Phone (for phone interview): (808) 973-9478  
Fax: (808) 973-9467
Email: randy.y.teruya@hawaii.gov
Best time to reach for phone interview: Monday-Friday; 7:30 am - 4:30 pm

Property Information (of the water use/ well location):
Address: 56-712 Kamehameha Highway; Kahuku Agricultural Park
City: Kahuku  
Zip: 96731
Well Location TMK (list all if multiple wells present): (1) 5-6-06:009 portion
Water Use TMK (list all if used on multiple lots): (1) 5-6-06:029 to 052, 056 and (1) 5-6-06:009

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

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): Use for 382 acres of diversified agriculture; Kahuku Agricultural Park

Is a flow meter installed and working properly? Yes ☐ No ☑
If no, please explain: A flowmeter has been installed, but has been inoperative since Feb. 2006.

Do you submit monthly water use reports to the State? Yes ☐ No ☑
If no, please explain: Flowmeter is presently inoperative.

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): 01/10/08  
Time: 9:00 am ☑ 12:00 pm ☑ 3:00 pm ☐
Option #2 Date (M-F): 01/24/08  
Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #3 Date (M-F): 02/06/08  
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 December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
mcsmith@brwncald.com

For Official Use Only
Received: 1/7/08  
Information Updated: 1/7/08  
Phone Interview Complete: 1/7/07

Notes/Comments: ___________________________________________________________
Phone Interview

WUP Number: 264 Well Number(s): 4057-01

Contact Name: Randy Teuva Phone Number: 973-9475

Attempt #1: Date/Time: 4/6/99 (9:05) Result: Left Message
Attempt #2: Date/Time: 7/23/99 (2:05) Result: Reached

Well Location TMK(s): 56-6-004-009 (par)
Water Use TMK(s): Vernac (see survey form)

Water Source Address: 56-712 Kamehameha Hwy
City: Kohuku Zip Code: 96736

Currently using water source? Yes No

Notes/Comments: Use for 382 acres of diversified agriculture at the Kohuku
Agricultural Park

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

Notes/Comments: 

How long have you been using this water source?: Since approx. 1995

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: N/A

Scheduled field investigation day/time: 3/3/99 @ 2:30 p.m.

Notes (Special directions, site conditions, potential hazards, general notes, etc.):
Meet at old Kohuku Sugar Mill

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

Interviewed By: M.S. Date: 7/23/99 Time: 2:00 p.m.
Field Investigation Checklist

WUP Number: 246
Well Number(s): 4057-01

Water Source
Well Location TMK(s): 5-6-006:009
Well Head GPS Coordinates:
Latitude: 21°40.368' N
Longitude: 157°57.24.4"W
Well Type: Well Pump
Currently using water source? Yes ☑ No ☐
Notes/Comments: Use for 352 acres of diversified agriculture at
Kaliku Agricultural Park & for the Kaliku Farm’s Association

Is there a flow meter installed? Yes ☑ No ☐
Is the flow meter operational Yes ☑ No ☐
Notes/Comments:

Water Use
Water Use TMK(s): 5-6-006: Various (See survey form for complete list)
What is the water being used for? Kahuku Ag Park (All other TMKs)
Kahuku Farm’s Association 330 acres (5-6-006:006)

Is the water being used within the permitted boundaries? Yes ☑ No ☐
If not, explain Due to very large use area, not all end use locations
were visited.

Is there any observed wasting of water or water loss? Yes ☐ No ☑
If not, explain

Are the permit conditions being complied with? Yes ☐ No ☑
If not, explain: No records being submitted as of 2/26, also flow meter
is broken.

Other
Photographs of: Water Source ☐ Water Meter ☐ Usage Area ☐ Pump/Motor ☐
General Notes/Comments: Dumped ➔ 300,000 gal tank above the
ag park ➔ gravity fed down to the farm

Tank Coordinates: 21°39.652' N, 157°57.568" W (±1.5"

Investigated By: M.S. Date: 3/3/08 Time: 2:30 p.m.
Standard Conditions List

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variations of Standard Condition (20) are as follows:
   i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Standard Condition 16 is waived for saltwater wells.

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

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

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

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

25. That the Commission approves the well construction permit for the Kamiloloa-Waiala 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 808-586-4258 (Honolulu).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become 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.
Mr. Paul T. Matsuo  
Department of Agriculture  
Agricultural Resource Management Division  
1428 S. King Street  
Honolulu, HI 96814

Dear Mr. Matsuo:

Transfer of Water Use Permit for Pump 1 (Well No. 4057-01)  
Koolauloa Ground Water Management Area, Oahu

Thank you for your letter of October 23, 1996, regarding the overpumpage and water use permit transfer for Well No. 4057-01.

It appears that the original request to transfer the permit from The Estate of James Campbell to the Department of Agriculture, dated June 20, 1994, incorrectly identified the source as Pump 5 (Well Nos. 4158-01 to 11). Our response, dated July 15, 1994, was to inform you that the water use permit application for Well Nos. 4158-01 to 11 had been denied without prejudice on October 13, 1994.

From your October 23, 1996 letter, we now understand that the source which should be transferred is Pump 1 (Well No. 4057-01) and not Pump 5 (Well Nos. 4158-01 to 11). We do not have any record of a subsequent transfer request (attached as Exhibit "D" in your letter of October 23, 1996) that correctly identified the source.

Because it appears that confusion over the identification of the source was the primary reason that the transfer did not occur within ninety (90) days after the effective date of the transfer of the well, we will waive the 90-day requirement for notice and allow the water use permit to be transferred at this time.

Please find attached your water use permit for Pump 1 (Well No. 4057-01) for use of 0.307 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on December 8, 1993.
Enclosed with this letter of approval are the following:

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

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

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the KOOLAULOA 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.

Lastly, with regard to the overpumpage of the well, if the Kahuku Farmers Association has expanded their operations, or finds that the current allocation is insufficient to meet their irrigation needs, then an application to modify the water use permit to allow increased withdrawals from the well should be submitted to the Commission.

If you have any questions, please call Rae M. Loui, Deputy Director, at 587-0214 or 1-800-468-4644 extension 70214.

Aloha,

MICHAEL D. WILSON
Chairperson

Attachments
# GROUND WATER USE PERMIT

**WUP NO. 246**

## PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
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<tr>
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<tr>
<td>STATE DEPARTMENT OF AGRICULTURE</td>
<td>STATE DEPARTMENT OF AGRICULTURE</td>
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<td>1428 SOUTH KING STREET</td>
<td>1428 SOUTH KING STREET</td>
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<td>HONOLULU, HI 96814</td>
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## PERMITTED SOURCE INFORMATION

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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>
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Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The 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 December 8, 1993 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. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure 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).

12. This permit shall be subject to the Commission's periodic review of the KOOLAUOLOA 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 KOOLAUOLOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. 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.

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

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

16. 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.

17. 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 Koolauloa Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. 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.

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

21. 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.

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

Applicant's Signature: ___________________________ Date: ___________________________
Printed Name: ___________________________ Firm or Title: ___________________________

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

Attachment
Charley,

Brian asked me to respond to your inquiry. Sorry for the delay.

Pump Size: 600 GPM  
Make: Aurora  
Model: 421, horizontal  
Wellhead Elevation is approximately at: 3.325' MSL  
Person reporting water use: That would be me. Unfortunately, the lead/lag pumps operate on level relays within the 100,000 gal. reservoir tank and we do not have a meter on the discharge side of the pumps. We are, however, in the process of proposing improvements to the Kahuku irrigation system that will include a mag meter at the pump house discharge.

Please contact me at 973-9478 or by e-mail if you have any questions.

Randy Teruya

Brian K Kau/DOA/StateHiUS

----- Forwarded by Brian K Kau/DOA/StateHiUS on 02/11/2011 11:09 AM -----

Thanks, Brian...  
Can you update us with current pump size, make and model? Do you have a ground elevation or a benchmark at the wellhead?  
Who should be reporting water use? Does it come through you, or is the Ag Park responsible (we're not finding any current reporting)?
Charley,
The well site is still in active use by both us for the Kahuku Ag Park and the Kahuku Farmers Association.
Brian
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September 14, 2001

Dr. Charles L. Morgan  
Planning Solutions Inc.  
1210 Auahi St., Suite 221  
Honolulu, Hawaii 96814

Dear Dr. Morgan:

RE: Malaekahana Production Wells Draft EA

Thank you for the opportunity to review the above Draft EA. At this time, the Department of Agriculture does not object to this project provided that there is no impact on the sustainable yield of our existing well (State Well Number 4057-01).

Sincerely,

[Signature]

James J. Nakatani  
Chairperson, Board of Agriculture

c: BWS – Scot Muraoka  
DLNR - CWRM
September 9, 1997

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

FROM: Paul T. Matsuo, P.E.
Administrator-Chief Engineer
Agricultural Resource Management Division

SUBJECT: Well Permit No. 246
Kahuku Pump 1

As requested, we are submitting the water shortage plan for the well.

Attachment
WATER SHORTAGE PLAN FOR PUMP I
WUP No. 246 (Well 4057-01)

1. Upon notice of a water shortage declaration by the Commission on Water Resource Management, the permittee will stop new crop plantings.

2. The permittee will gradually reduce irrigation over a four-week period to existing crops-in-the-ground until harvest.

3. The permittee will keep harvested fields fallow with only minor water application for dust and wind erosion control. Pumping to irrigate crops will stop.

4. There will be no planned plantings during the water shortage period or until the restriction is lifted.

5. If the water shortage period is prolonged for greater than two-crop cycles, the permittee will shut down the system and either go out of business (Chapter 7 Bankruptcy) or go on welfare assistance.

KAHUKU FARMERS ASSOCIATION

[Signature]
President

Date: 9/1/97
September 15, 1992
92046-002

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

Attn: Mr. William W. Paty

Subject: Well Completion Report
Well No. 4057-01M
(Groundwater Monitoring Well PI-1)
Pomai, Inc. Site
Kahuku, Oahu, Hawaii

Gentlemen:

The following items required by the Commission for completion of the groundwater monitoring well at the Pomai, Inc. site, Well No. 4057-01M, are hereby submitted on behalf of Halakulani Corporation:

1. Well completion report,
2. As-built well diagram,
3. Plot plan and map showing location of the well,
4. Laboratory results for soil and groundwater samples collected during the first and only sampling event at the well.

If you have any questions or would like further information, please do not hesitate to contact us.

Sincerely yours,

MASA FUJIOKA & ASSOCIATES
A Professional Partnership

Jim Saye
Senior Geologist
WELL COMPLETION REPORT

INSTRUCTIONS: Please print or type and submit completed report within 30 days of well completion to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. An as-built drawing of the well and chemical analysis, if available, should also be submitted. If necessary, phone 548-7843. Hydrology, Geology Section for assistance.

A. STATE WELL NO. 
B. WELL NAME: PT-I
C. ISLAND: Oahu
D. LOCATION: 56-156 Kanehehale Hwy., Kahuku, HI
E. TAX MAP KEY: 5-6-7-3
F. WELL OWNER: Mobile B-57 TMR
G. DRILLING OR PUMP INSTALLATION CONTRACTOR: Waimea Environmental
H. TYPE OF RIG: Mobile B-57 TMR
I. DRILLER: Don
J. DATE OF WELL COMPLETION: July 2, 1992
K. DATE OF PUMP INSTALLATION: None
L. GROUND ELEVATION (masl): approx. 54 ft.
M. TOTAL DEPTH OF WELL BELOW GROUND: 61 ft.
N. HOLE SIZE: 8 inch dia. from 0 to 61 ft. below ground

J. CASING INSTALLED:
   - 10 in. I.D. x .125 in. wall solid section to 45 ft. below ground
   - 10 in. I.D. x .175 in. wall perforated section to 60 ft. below ground
   - Type of perforation: 2 inch diameter, Sch 40 slotted PVC screen, 0.020" slots
   - Gravel packed from 43 ft. to 61 ft. below ground
   - Driller's Remarks: Wet sand encountered at 54 ft.
   - Bench mark and method used to determine ground elevation: topographic map

K. PERMANENT PUMP INSTALLATION:
   - Pump type, make, serial No.: None
   - Motor type, H.P., volts, r.p.m.: None
   - Depth of pump intake setting: __ ft. below ground
   - Depth of bottom of well: __ ft. below ground
   - Depth of bottom of sling: __ ft. below ground
   - Capacity: __ gpm

M. PROPOSED USE: Groundwater Monitoring

N. INITIAL WATER LEVEL: 57.5 ft. below ground.
O. INITIAL CHLORIDE: N/A
P. PUMPING TESTS: Reference point (R.P.) used: ____________________________
   - which elevation is __ ft.

Q. DRILLER'S LOG:

<table>
<thead>
<tr>
<th>Depth, ft</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level, ft</th>
<th>Depth, ft</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level, ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5</td>
<td>Full yellowish red clayey silt</td>
<td>56 to 61</td>
<td>Brinsh yellow clayey silt</td>
<td>57.5</td>
<td></td>
</tr>
<tr>
<td>5 to 15</td>
<td>Reddish brown stiff clayey</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 to 20</td>
<td>Reddish sandy silt</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 to 35</td>
<td>Clayey silt to gravel</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 to 40</td>
<td>Brn silty clay</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 to 45</td>
<td>As above w/silty sand layers</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 to 54</td>
<td>Grades dk brn w/gravel &amp; sand</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54 to 56</td>
<td>Brn silty sand, loose</td>
<td>to</td>
<td>to</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

REMARKS: Wet sand encountered at 54 ft.

Submitted by (print): ____________________________

FOR DRILLER'S USE

Job Name: ____________________________
Job No: ____________________________
**BORING/WELL: PI-1**

**DEEP**  | **SAMPLE DATA** | **SOIL TYPE**
---|---|---
0  |  |  
5  |  |  
10 |  |  
15 |  |  
20 |  |  
9  |  |  

**Legend:**
- **a** Retrieved Sample
- **L** Retrieved Sample
- **o** Sample Delivered to Laboratory
- **L** Sample Delivered to Laboratory
- **ND** None Detected

**DRILLING DATE:** July 2, 1992  
**SAMPLING METHOD:** S & H  
**DRILLING METHOD:** Mobile B-57, Hollow Stem Auger  
**HAMMER TYPE:** 140 lbs. hammer, 30" drop  
**STATIC WATER LEVEL:** 38.9 ft. (not stabilized)  
**APPROX. ELEVATION:** 54 ft

**WELL SCHEMATIC**
- **Ground Surface**
- **Flush Mounted**
- **Steel Manhole**
- **Airtight Locking Cap**
- **Concrete/Bentonite Grout**
- **2 in. Sch. 40 PVC Casing**

**FIGURE 3**  
**LOG OF BORING AND WELL SCHEMATIC**  
Pomai, Inc. Site  
Kahuku, Oahu, Hawaii

MASA FUJIOKA & ASSOCIATES
**BORING/WELL: PI-1 (cont.)**

**DRILLING DATE:** July 2, 1992  
**SAMPLING METHOD:** S & H  
**DRILLING METHOD:** Mobile B-57, Hollow Stem Auger  
**HAMMER TYPE:** 140 lbs, hammer, 30° drop  
**STATIC WATER LEVEL:** 38.9 ft. (not stabilized)  
**APPROX. ELEVATION:** 54 ft

**DEPT:**  
<table>
<thead>
<tr>
<th>Blows / 6&quot;</th>
<th>PID/OVA (ppm)</th>
<th>Sample Depth (ft)</th>
<th>Sample Number</th>
<th>Sample Type</th>
<th>Symbols</th>
<th>USCS</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>14, 22</td>
<td>3.2, 25.2</td>
<td>PI1-024.5</td>
<td></td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>9</td>
<td>30.0</td>
<td>PI1-029.5</td>
<td></td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>7</td>
<td>35.0</td>
<td>PI1-034.5</td>
<td></td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>5</td>
<td>40.5</td>
<td>PI1-039.5</td>
<td></td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>5</td>
<td>45.0</td>
<td>PI1-044.5</td>
<td></td>
<td>L</td>
<td></td>
</tr>
</tbody>
</table>

**SOIL TYPE**  
- Grades less gravel  
- Grades reddish brown to brown  
- Brown silty clay, stiff, w/ brownish yellow mottles  
- As above w/ silty sand layers  
- Grades dark brown, mod. stiff, w/ gravel and sand layers  
- Grades mod. stiff to stiff

**Legend:**  
- Retrieved Sample  
- PID Screened Sample  
- Sample Delivered to Laboratory  
- None Detected

**FIGURE 3**  
**LOG OF BORING AND WELL SCHEMATIC**  
Pomai, Inc. Site  
Kahuku, Oahu, Hawaii

**MASA FUJIOKA & ASSOCIATES**
BORING/WELL: PI-1 (cont.)

**Sample Data**

<table>
<thead>
<tr>
<th>Depth</th>
<th>Blows/6&quot;</th>
<th>PIDCQV (rpm)</th>
<th>Sample Depth (ft)</th>
<th>Sample Number</th>
<th>Sample Type</th>
<th>Soil Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>13</td>
<td>4.7</td>
<td>50.0</td>
<td>P11-049</td>
<td></td>
<td>CL</td>
</tr>
<tr>
<td>55</td>
<td>5</td>
<td>55.5</td>
<td>55.5</td>
<td>P11-054.5</td>
<td></td>
<td>L</td>
</tr>
<tr>
<td>60</td>
<td>8</td>
<td>3.2</td>
<td>60.5</td>
<td>P11-059.5</td>
<td></td>
<td>ML</td>
</tr>
<tr>
<td>65</td>
<td>14</td>
<td>3.2</td>
<td>65</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>27</td>
<td>3.2</td>
<td>70</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Soil Types**

- CL: As above
- SM: Brown silty sand, loose, wet
- ML: Brownish yellow clayey silt

**Legend:**

- Retrieved Sample
- PID Screened Sample
- Sample Delivered to Laboratory
- ND: None Detected

**Description**

- Boring terminated at 61 feet below ground surface on 7-2-92.
- Groundwater encountered at 57.5 feet below ground surface at 1335 hrs, 7-2-92. Water level rose to 38.9 feet at 1457 hrs, 7-2-92.
Source: Department of Land Utilization, City & County of Honolulu
Zoning Map No. 19

Figure 2
Site Map
Pomai Inc.
Kahuku, Oahu, Hawaii

MtA Masa Fujioka & Associates

Project No. 92046-002
Drawing No. F-1017
Approved By: JAS
Drawn By: ETM
Rev: 2
Date: 9-14-92
Scale:
### Table

**Summary of Laboratory Results**  
**Soil and Groundwater**  
**Boring/Monitoring Well PI-1**

<table>
<thead>
<tr>
<th>Sample Soil Depth (ft.)</th>
<th>TPH (Gas)</th>
<th>Benzene</th>
<th>Toluene</th>
<th>Ethylbenzene</th>
<th>Xylene</th>
<th>TPH (Diesel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.5</td>
<td>ND(1)</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
</tr>
<tr>
<td>47.5</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
</tr>
<tr>
<td>54.5</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
</tr>
<tr>
<td>Water</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
<td>ND</td>
</tr>
</tbody>
</table>

**Notes:** 1. Not Detected

_Masa Fujioka & Associates_
Report of Laboratory Analysis

Masa Fujioka & Associates
99-1205 Halawa Valley Street
Suite 302
Aiea, HI 96701-3280

Attn: Mr. James Saye

Client Reference: Soil Bor/Mon W1 PI-1

Pace Sample Number: 70 0177189
Date Collected: 07/02/92
Date Received: 07/06/92
Client Sample ID: PI-1 29.5

Organic Analysis

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>MDL</th>
<th>Date Analyzed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purgeable Fuels and Aromatics</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Fuel Hydrocarbons, (Light)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purgeable Fuels, as Gasoline (EPA 8015)</td>
<td>ug/kg wet</td>
<td>1000</td>
<td>ND</td>
</tr>
<tr>
<td>PURGEABLE AROMATICS (BTXE BY EPA 8020):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Toluene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Xylenes, Total</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>EXTRACTABLE FUELS EPA 3550/8015</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extractable Fuels, as Diesel</td>
<td>mg/kg</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Date Extracted</td>
<td></td>
<td></td>
<td>07/07/92</td>
</tr>
</tbody>
</table>

MDL: Method Detection Limit
ND: Not detected at or above the MDL.
Client Reference: Soil Bor/Mon W1 PI-1.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>MDL</th>
<th>DATE ANALYZED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purgeable Fuels, as Gasoline (EPA 8015)</td>
<td>ug/kg wet</td>
<td>1000</td>
<td>ND</td>
</tr>
<tr>
<td>Purgeable AROMATICS (BTXE BY EPA 8020):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Toluene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Xylenes, Total</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Extractable Fuels EPA 3550/8015</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extractable Fuels, as Diesel</td>
<td>mg/kg</td>
<td>5.0</td>
<td>ND</td>
</tr>
</tbody>
</table>

MDL: Method Detection Limit
ND: Not detected at or above the MDL.
<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>MDL</th>
<th>DATE ANALYZED</th>
</tr>
</thead>
<tbody>
<tr>
<td>PURGEABLE FUELS AND AROMATICS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL FUEL HYDROCARBONS, (LIGHT):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purgeable Fuels, as Gasoline (EPA 8015) ug/kg wet</td>
<td>1000</td>
<td>ND</td>
<td>07/09/92</td>
</tr>
<tr>
<td>PURGEABLE AROMATICS (BTXE BY EPA 8020):</td>
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</tr>
<tr>
<td>Benzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Toluene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>Xylenes, Total</td>
<td>ug/kg wet</td>
<td>5.0</td>
<td>ND</td>
</tr>
<tr>
<td>EXTRACTABLE FUELS EPA 3550/8015</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extractable Fuels, as Diesel</td>
<td>mg/kg</td>
<td>5.0</td>
<td>ND</td>
</tr>
</tbody>
</table>

MDL Method Detection Limit
ND Not detected at or above the MDL.

These data have been reviewed and are approved for release.

Mark A. Valentini, Ph.D.
Regional Director
REPORT OF LABORATORY ANALYSIS

July 14, 1992
PACE Project Number: 420708505

Masa Fujioka & Associates
99-1205 Halawa Valley Street
Suite 302
Aiea, HI 96701-3280

Attn: Mr. James Saye

Client Reference: 92046-002

PACE Sample Number: 70 0178312
Date Collected: 07/07/92
Date Received: 07/08/92
Client Sample ID: PI1-1

ORGANIC ANALYSIS

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>MDL</th>
<th>DATE ANALYZED</th>
</tr>
</thead>
<tbody>
<tr>
<td>PURGEABLE FUELS AND AROMATICS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL FUEL HYDROCARBONS, (LIGHT):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purgeable Fuels, as Gasoline (EPA 8015)</td>
<td>ug/L</td>
<td>50</td>
<td>-</td>
</tr>
<tr>
<td>PURGEABLE AROMATICS (BTXE BY EPA 8020):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>ug/L</td>
<td>0.5</td>
<td>ND</td>
</tr>
<tr>
<td>Toluene</td>
<td>ug/L</td>
<td>0.5</td>
<td>ND</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>ug/L</td>
<td>0.5</td>
<td>ND</td>
</tr>
<tr>
<td>Xylenes, Total</td>
<td>ug/L</td>
<td>0.5</td>
<td>ND</td>
</tr>
</tbody>
</table>

| EXTRACTABLE FUELS EPA 3510/8015 | | | |
| Extractable Fuels, as Diesel | mg/L | 0.050 | ND |
| Date Extracted | | | 07/09/92 |

MDL Method Detection Limit
ND Not detected at or above the MDL.

These data have been reviewed and are approved for release.

Mark A. Valentini, Ph.D.
Regional Director

11 Digital Drive
Novato, CA 94949
TEL: 415-883-6100
FAX: 415-883-2673

Offices Serving:
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- San Francisco, California
- Kansas City, Missouri
- Los Angeles, California
- Los Angeles, California
- Charlotte, North Carolina
- Asheville, North Carolina
- New York, New York
- Pittsburgh, Pennsylvania
- Denver, Colorado
- An Equal Opportunity Employer
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

WELL CONSTRUCTION PERMIT
for
Kahuku-Pomai Monitor Well
Well No. 4057-01M
Kahuku, Oahu

TO: Pomai, Inc.
700 Bishop Street
Honolulu, HI 96813

In accordance with Department of Land and Natural Resources
Section 13-168, entitled "Water Use, Wells, and Stream Diversions"
to construct Kahuku-Pomai Monitor Well (Well No. 4057-01M) at 56-156 Kamehameha
Highway, TMK: 5-6-7: 3, is approved, subject to the following conditions:

1. The Commission on Water Resource Management (Commission), P.O. Box 621,
Honolulu, HI 96809, shall be notified, in writing, before any work by this permit
commences.

2. The well shall be used for ground water quality monitoring, sampling, and testing
only.

3. The following shall be submitted to the Commission within 30 days after completion
of the well:
   a. Well Completion Report.
   b. As-built sectional drawing of the well.
   c. Plot plan and map showing the exact location of the well.
   d. Periodic reports of monitoring and testing results.

4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. This 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 shall be
completed within two years of the date of issuance.
6. Upon completion of monitoring operations, the applicant shall obtain a well construction permit to seal the well with cement grout in a manner approved by the Commission.

\[signature\]

WILLIAM W. PATY, Chairperson
Commission on Water Resource Management
SEP - 3 1992
Date of Issuance

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

Applicant's Signature: ___________________________ Date: _____________

Printed Name: ________________________________

Firm or Title: ________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

Enc. (Well Completion Report form)
c: USGS
   Department of Health
       Safe Drinking Water Branch
       Solid and Hazardous Waste Branch
       Ground Water Protection Program
   Honolulu Board of Water Supply
   Masa Fujioka & Associates
APPLICATION FOR: □ Well Construction or □ Pump Installation PERMIT

Instructions: Please print or type and send completed application with attachments to the Div. of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 548-7643, Hydrology/Geology Section for assistance.

1. WELL LOCATION/NAME: ___________________________________________ Island Oahu
   Address 56-156 Kamehameha Highway, Kahuku, Oahu
   (Tax Map Key ____________
   (Attach a USGS map, scale 1"=2000', and a property tax map showing well location referenced to established property boundaries.)

2. (a) WELL OWNER:
   Firm Name POMAI, INC.
   Contact Person Kenneth T. Mizuno
   Address Halekulani Corporation
   700 Bishop St. Ph: 537-2902

   (b) LANDOWNER:
   Firm Name ____________________________
   Contact Person __________________________
   Address ________________________________

3. PROPOSED CONTRACTOR:
   Name PR Drilling
   Address 235 Kellog St., Wahiawa, HI 96786
   Contractor’s License No. C57:9627
   Ph: 622-2631

4. PROPOSED WORK: □ Drill New Well □ Deepen □ Redrill □ Alter □ Seal □ Abandon
   □ Install New Pump □ Replace Pump □ Modify Pump
   (Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE: □ Municipal (Including hotels, stores, etc.) □ Military
   □ Domestic (Individual, noncommercial water use) □ Industrial
   □ Irrigation (Specify) ____________ □ Other (Specify) __________________________
   Groundwater Quality Monitoring

6. PROPOSED AMOUNT OF WITHDRAWAL: _____ gallons per day

7. PROPOSED PUMP INFORMATION: N/A
   Pump Type: □ Vertical Turbine □ Diesel
   □ Submersible □ Gas
   □ Centrifugal □ Electric, at a rated horsepower of

   Well Owner (print) POMAI, INC.
   Signature ____________________________
   Date 7-6-92

   Landowner (print) ____________________________
   Signature ____________________________
   Date ____________________________

For Official Use Only:
   Field Checked By ____________________________
   Latitude ____________________________
   Date ____________________________
   Longitude ____________________________
   State Well No. AO67-01 M
   KAHUKU-POMAI 1014
Briefly describe the proposed work:

A 6" diameter soil boring will be drilled to approximately 60 feet below ground surface and a 2" diameter PVC monitoring well will be constructed in the borehole. The monitoring well will be installed for the purpose of collecting and testing groundwater samples to evaluate groundwater quality adjacent to a former underground storage tank location.

PROPOSED SECTION OF WELL

Elevation at top of casing: __________ ft., msl.

Ground Elevation: 50 ft., msl*

Cement Grout: __________ ft.

2' thick Hydrated Bentonite Seal

Solid Casing:

Material    Sch 40 PVC
Length       ______________________ ft.
Diameter     ______________________ in.
Wall thickness ______________________ in.

Casing:  ☐ Perforated  ☐ Screen

Material    Sch 40 PVC
Length       ________ ft.
Diameter     ________ in.
Wall thickness __________ in.
Openings    __________ sq. in./L.F.

Open Hole:

Length       ________ ft.
Diameter     ________ in.

*Approximate elevation at time of filing application. Final elevation (msl) by a surveyor licensed by the State must be submitted at start of construction.
TO: State Commission on Water Resource Management
ATTN: Nell
FROM: Jim Saye
No. of Pages (including header): 2

FACSIMILE HEADER

DATE: 8-18-92
FAX NO.: 587-0219
MFA Project No.: 92046-002

If you do not receive all pages, or if transmission is unsatisfactory, please inform us immediately:

Phone: (808) 484-5566
Fax: (808) 484-0007

[ X ] For your information and files. [ ] Please reply. [ ] No reply necessary

[ X ] Will not follow.

Please find attached a copy of the U.S.G.S. topographic map showing the location of the proposed monitor well at the former Pomaie, Inc site. If you have any further questions, please do not hesitate to contact us.
PAY TO THE ORDER OF  

Dept. of Land & Natural Resources  

Seventy five & 00/100  

Masa Fujioka and Associates  

99-1205 Halawa Valley Street  

Aiea, Hawaii 96701  

Phone: (808) 484-5366  

For  

[Signature]

[4057-01M KAHULIU-POMAI MON]
FIELD MEMORANDUM

DECLARANT (File Reference)   KAHUKU FARM       DATE 10/8/90

PRESENT    Norwood Conner (Pres.)  Clyde Fukuyama (Secru); Henry Lee  Anne Okamura

LOCATION   Kahuku, TMK 5-6-6-19 (Well Location & Use), 5-6-5-9 (use Field Team)

SOURCE(S)  Wells 4057-01, 02, 08, 13 and 14

USE(S)      Irrigation of 2.5 acres of assorted crops

FIELD NOTES   Field inspection lasted from 11:00 to 11:45 AM. Weather was hot and sunny.

Met Mr. Conner and Mr. Fukuyama at corn stand next to the new ag park road. The well site is on
the side of the right hand side of the road going into the park, across from the Bobby Benson
Center. The state ag park will use water from the same wells and the same manifold that the
declarant uses. The state system was hooked up, but not yet in operation. The declarant's lease
with Campbell Estate entitles them to 1 MGD of water from these wells. The wells are located
under the floor of the pump house. Mr. Conner believes that three wells being used, although
Campbell Estate reports that there are five. The old plantation system had a capacity of 2700 gpm.
There are now three pumps with rated capacities of 600, 500, and 500 gpm, respectively which
feed one 12" line. The main line becomes 10", then 8", and is 6" in diameter at the closed end of
the line near Tanaka Store. There is a 5 pound head on the pumps. The first of the three pumps
must be turned on manually, the second, and then the third pumps start up to build up pressure in
the line. The third and then the second pump shuts off automatically when the pressure on the line
reaches 65 to 70 psi. The first pump must be shut off manually. The maximum recorded pressure
on the line was 80 psi. The association has a maintenance contract with Donwood Engineering, the
company that installed the system 8 to 10 years ago. The amount of water leaving the pump house
is metered, and the meter is read by the Board of Water Supply. There are eight farms in the
association, each with its own 4" line and valves. All of the water is used for irrigation. Most of
the irrigation is done using the drip method and overhead sprinklers. Water use is estimated to be
one acre-inch per week for most of the year, and one acre-inch every five days during dry periods.
Each farmer turns on the system as he needs it (usually around 8:00 in the morning), and shuts it off when he is finished (between noon and 5:00 in the afternoon). A log is kept of when the system is turned on and off and on who uses it. The system is turned on every day of the week. A visit was made to Mr. Conner's farm to see how most of the farms are set up. He grows corn, and uses a sprinkler system with 1" lines coming off of his 4" lateral. Mr. Conner will send in a map of the planted areas if he can find it. The association leases 49.21 acres of parcel 5-6-6:19 and 183.76 acres of parcel 5-6-5:9 (total acreage 232.97 acres) from Campbell Estate.
FIELD INSPECTION INFORMATION CHECKLIST  
(Ver 7/27/90)

PART I: USE OF WATER

Declarant’s File Reference: KAHUKU FARM

1. Tax Map Key where the water is used: 5-6-6:19. Does the declarant own this land? No If not, who does? Campbell Estate.

2. What is the water used for? Irrigation of 215 acres
   If for irrigation, how many acres are being irrigated by crop type? 70 acres corn, 46 acres banana, 16 acres papaya, 8 acres diversified crops.
   If for drinking, at how many houses? N/A by how many people? N/A.

3. Is the quantity of water use being measured? Yes If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously.
   BWS read meter on pipe leaving pump house.

4. If this person takes from a multi-user pipe or ditch system: N/A
   How is the water taken from the system? ____________________________
   What is the capacity for taking (gpm)? ____________________________
   How often is it taken (used)? ____________________________

PART II: WATER SOURCE

Source #: 4057-01,02,03 Name: KAHUKU PL+11 Battery 18-14

1. Where does the water come from / what kind of source is this? Five drilled wells
   Types of sources include:
   1) Wells (drilled, dug, tunnel)
   2) Diversions (ditch, pipe, or pump from a stream, spring, swamp, pond)
   3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)
   NOTE: If a multi-user system: take from pipe or ditch (need to determine whether this is a multi-source or single-source system before the data can be input to the computer)
   4) Instream (i.e., livestock drink from stream, or crops planted along water edge)

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? Three pumps
   What is the capacity for taking (gpm)? 7,650 gpm (500, 500, 600 gpm)
   How often is it taken (used)? Daily for 4 to 8 hours

3. Tax Map Key at the source: 5-6-6:19. Determine declarant’s relation to source. Does the declarant:
   1) Operate and maintain the source? Yes If not, who does? N/A
   2) Own the land at the source? No If not, who does? Campbell Estate.
   3) Use the water from this source? Yes If not, who does? N/A
   4) Own the land where the water is being used? No

4. Does anyone else also use water from this source? No* If yes, is their use included in this user’s declaration? No Who are the other users? Did they file? * New State Agricultural Park will use same source. Not yet in operation

VERIFIED BY: Henry Lee & Anne Okamura DATE: October 8, 1990
Form 8810-1

REGISTRATION OF WELL AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as NA. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 375, Honolulu, Hawaii 96823. Phone 548-3442 or 548-7543 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shaft, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.: 4057-01
WELL NAME OR DESIGNATION: Kahuku Pl. 11 Battery
ISLAND: Oahu
SOURCE OR STATION NAME (For a battery of wells):

A. WELL OPERATOR
Firm name: Kahuku Farm Association
Contact person: Norwood Conner, President
Address: P. O. Box 260
Kahuku, HI
Zip: 96731 Phone: 293-9484

B. OWNER OF WELL SITE
Firm name: Campbell Estate
Contact person: James Davidson
Address: 829 Fort St. Mail
Zip: 96813 Phone: 5361941

C. WELL LOCATION
Tax Map Key: K2-L-05-PRO
Town, Place, District: Kahuku
Attach USGS "Gazetteer" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete items below.
For Tunnels and shafts, submit construction drawings, plot plan, or sketch map.

<table>
<thead>
<tr>
<th>Ground elevation (Mean sea level)</th>
<th>17 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference point (used to measure depth to water):</td>
<td></td>
</tr>
<tr>
<td>Elevation:</td>
<td></td>
</tr>
<tr>
<td>Description:</td>
<td></td>
</tr>
<tr>
<td>Depth to water (below reference point):</td>
<td></td>
</tr>
<tr>
<td>Maximum recorded chloride:</td>
<td></td>
</tr>
<tr>
<td>Minimum recorded chloride:</td>
<td></td>
</tr>
<tr>
<td>Maximum chloride in 1987:</td>
<td></td>
</tr>
</tbody>
</table>

| Year drilled or constructed: |
| Well contractor: |
| Casing diameter: |
| Solid casing depth (below ground): |
| Perforated casing depth (below ground): |
| Total depth of well: |
| Minimum chloride in 1987: |

E. INSTALLED PUMP DATA
Pump type: □ Vertical shaft □ Submersible □ Centrifugal □ Other (specify):
Power: □ Diesel, HP □ Gas, HP □ Electric, HP □ Other (specify):
Pump capacity: 1700 gallons per minute
Pump installation contractor: Business Emery Corp.

Pumps: 800, 500 & 600 gpm, respectively

For Official Use Only:
Date received: Date accepted:
Field checked by: MFD Date: 10/5/89 Latitude: 21° 40' 51" Hydrologic Unit:
Comments: Additional well information obtained from well index in file.
NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: □ Daily □ Weekly □ Monthly  
Method of measurement: □ Flow Meter □ Office □ Other (describe): _______________

Quantity of Use (Report metered or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery):

WATER USE, IN GALLONS x 1000

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>January</td>
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<tr>
<td>February</td>
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<td>November</td>
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<td>December</td>
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</tr>
<tr>
<td>Annual</td>
<td>765,000</td>
<td>825,000</td>
<td>1,265,000</td>
<td>1,357,000</td>
<td>1,357,000</td>
</tr>
</tbody>
</table>

Minimum day's use: 750,000 gallons  
Maximum day's use: 1,000,000 gallons  
Typical times of usage: 750,000 gallons

Type of Use (Check all category boxes that apply and provide additional information as indicated):

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal (including residential, hotels, businesses)</td>
<td></td>
</tr>
<tr>
<td>□ Domestic (systems serving 25 people or less)</td>
<td></td>
</tr>
<tr>
<td>□ Irrigation</td>
<td></td>
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<tr>
<td>□ Crop(s):</td>
<td>□ Sugar</td>
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<tr>
<td></td>
<td>□ Other (specify):</td>
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<tr>
<td>□ Non-Crop:</td>
<td>□ Landscape</td>
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<td></td>
<td>□ Other (specify):</td>
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<tr>
<td>□ Method:</td>
<td>□ Drip</td>
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<tr>
<td>□ Industrial</td>
<td>□ Cooling</td>
</tr>
<tr>
<td>□ Military</td>
<td>□ Other (specify):</td>
</tr>
<tr>
<td>□ Other</td>
<td>□ Specify (livestock, aquiculture, etc.):</td>
</tr>
</tbody>
</table>

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature:  
Printed Name:  
Firm or Title (Well Operator, etc.):  
Date: 5/20/89  
Flanders Gates Assoc.
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 372, Honolulu, Hawaii 96808. Phone 548-3948 or 548-7543 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shaft, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.: 4057-02
WELL NAME OR DESIGNATION: KAHKU PIG BATTERY W11 #2
ISLAND: Oahu
SOURCE OR STATION NAME (For a battery of wells):

A. WELL OPERATOR
Firm name: Kahuku Farm Association
Contact person: Norwood Conner, President
Address: P.O. Box 260
Kahuku, HI
Zip: 96731 Phone: 293-9484

B. OWNER OF WELL SITE
Firm name: CAMPANU ESTATE
Contact person: James Driscoll
Address: 828 Foot St. Mall
Zip: 96813 Phone: 5761941

C. WELL LOCATION
Tax Map Key: 5-6-05-PRO6 Town: Place, District: KAHKU
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete items below. For Tunnels and Shafts, submit construction drawings, plot plan, or sketch map.

Ground elevation (mean sea level): 17 ft.
Reference point (used to measure depth to water):
Elevation: ft.
Description:

Depth to water (Below reference point): ft.
Maximum recorded chloride: ppm
Minimum recorded chloride: ppm
Maximum chloride in 1987: ppm

Casing diameter: in.
Solid casing depth (Below ground): ft.
Perforated casing depth (Below ground): ft.
Total depth of well: ft.

E. INSTALLED PUMP DATA
Pump type: ☑ Vertical shaft ☑ Submersible ☐ Centrifugal ☐ Other (specify):
Power: ☑ Diesel 1/2 HP ☑ Gas 1/2 HP ☑ Electric 1/2 HP ☐ Other (specify):
Pump capacity: 1/2 HP 200 gallons per minute
Pump installation contractor:

Ramps: 500, 600 x 600 ppm, respectively

(continued over)

For Official Use Only:
Date received: Date accepted:
Field checked by: Date: 10/17/70
Hydrologic Unit:
State Well No. 4057-02

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.

Additional well information obtained from well index.
F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: □ Daily □ Weekly □ Monthly □ Other (Describe):

Method of measurement: □ Flow Meter □ Orifice □ Other (Describe): 

Quantity of Use (Report metered or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery):

<table>
<thead>
<tr>
<th>WATER USE, IN GALLONS x 1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
</tr>
<tr>
<td>March</td>
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<tr>
<td>April</td>
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<td>May</td>
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<td>October</td>
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<tr>
<td>November</td>
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<tr>
<td>December</td>
</tr>
<tr>
<td>ANNUAL</td>
</tr>
</tbody>
</table>

Minimum day's use: 2,500,000 gallons Maximum day's use: 1,000,000 gallons

Typical times of usage:

Type of Use (Check all category boxes that apply and provide additional information as indicated):

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal (including resorts, hotels, businesses)</td>
<td>Number of service connections:</td>
</tr>
<tr>
<td>□ Domestic (systems serving 25 people or less)</td>
<td>Acres Irrigated: 2.40 acres (from 2/30/80 letter)</td>
</tr>
<tr>
<td>□ Irrigation</td>
<td>Crop(s): □ Sugar □ Pineapple □ Other (specify): Pineapple</td>
</tr>
<tr>
<td></td>
<td>Non-Crop: □ Landscape □ Golf Course</td>
</tr>
<tr>
<td></td>
<td>Method: □ Drip □ Furrow □ Sprinkler</td>
</tr>
<tr>
<td>□ Industrial</td>
<td>□ Cooling □ Manufacturing □ Mill</td>
</tr>
<tr>
<td>□ Military</td>
<td>□ Other (specify):</td>
</tr>
<tr>
<td>□ Other</td>
<td>Specify (livestock, aquaculture, etc.):</td>
</tr>
</tbody>
</table>

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User’s Signature: [Signature] Date: 5/20/87
Printed Name: [Name] Firm or Title (Well Operator, etc.): Kansa Farmers Assn
STATE OF HAWAI'I
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawai'i 96806. Phone 548-3948 or 548-7503 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shaft, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.: 4057-08
ISLAND: Oahu
WELL NAME OR DESIGNATION: KAHUKU BATTERY WELL #3
SOURCE OR STATION NAME (For a battery of wells):

A. WELL OPERATOR
Firm name: Kahuku Farm Association
Contact person: Norwood Conner, President
Address: P.O. Box 260
Kahuku, HI
Zip: 96731 Phone: 293-9484

B. OWNER OF WELL SITE
Firm name: CAMPBELL ESTATE
Contact person: Jacques Diagio
Address: 828 Farr St, Mak
Zip: 96813 Phone: 536-1961

C. WELL LOCATION
Tax Map Key: 5-28-05-PE-042
Town, Place, District: KAHUKU
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete items below.
For Tunnels and Shafts, submit construction drawings, plot plan, or sketch map.

Ground elevation (mean sea level): ___ ft.
Reference point (Used to measure depth to water):
Elevation: ___ ft.
Description: ____________________________

Depth to water (Below reference point): ___ ft.
Maximum recorded chloride: ___ ppm
Minimum recorded chloride: ___ ppm

Maximum chloride in 1987: ___ ppm

E. INSTALLED PUMP DATA
Pump type: Vertical shaft Submersible
Power: Diesel HP Gas HP Electric HP Other (Specify):
Pump capacity: ___ gals per minute
Pump installation contractor: DOWNTOWN ENGINEERING, pumps for Kahuku Farmers

For Official Use Only:
Date received: __________ Date accepted: __________
Field checked by: __________ Date: __/____/____
Latitude: __° __' __" Hydrologic Unit: ______
Longitude: __° __' __"
State Well No.: __________

FOR OFFICIAL USE ONLY:
Date received: __________ Date accepted: __________
Field checked by: __________ Date: __/____/____
Latitude: __° __' __"
Longitude: __° __' __"
Hydrologic Unit: ______
State Well No.: __________

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.

Additional well information obtained from well index.
F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: □ Daily □ Weekly ☑ Monthly
Method of measurement: □ Flow Meter □ Office □ Other (Describe): Board of Water Supply

Quantity of Use (Report metered or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery):

<table>
<thead>
<tr>
<th>WATER USE, IN GALLONS x 1000</th>
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<tbody>
<tr>
<td>February</td>
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<td>November</td>
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<tr>
<td>December</td>
</tr>
<tr>
<td>ANNUAL</td>
</tr>
</tbody>
</table>

Minimum day's use: 200,000 gallons Maximum day's use: 1,000,000 gallons
Typical times of usage: 7AM to 9PM

Type of Use (Check all category boxes that apply and provide additional information as indicated):

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal (including resorts, hotels, businesses)</td>
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<tr>
<td>□ Domestic (systems serving 25 people or less)</td>
<td></td>
</tr>
<tr>
<td>☑ Irrigation</td>
<td></td>
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<tr>
<td>□ Industrial</td>
<td></td>
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<tr>
<td>□ Military</td>
<td></td>
</tr>
<tr>
<td>□ Other</td>
<td></td>
</tr>
</tbody>
</table>

| Number of service connections: | 10 |
| Acres Irrigated: | 2.740 acres (broken down 2.163 irrigated, .5776 letter) |
| Crop(s): | Sugar, Other (specify): | Pineapple |
| Non-Crop: | Landscape | Golf Course |
| Method: | Drip | Furrow | Sprinkler |
| ☑ Cooling | Manufacturing | Mill |
| ☑ Other (specify): | |

Specify (livestock, aquaculture, etc.): 

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: ∆nnn nnmnn
Printed Name: Aneimnn E. Cmnnn
Firm or Title (Well Operator, etc.): Kansas Pmmnnc Assn.

Date: 5/20/80
STATE WELL NO.: 4057-13
WELL NAME OR DESIGNATION: KAHAKULI PIG II
ISLAND: Oahu

A. WELL OPERATOR
Firm name: Kahuku Farm Association
Contact person: Norwood Conner, President
Address: P.O. Box 260
Kahuku, HI
Zip: 96731 Phone: 293-9484

B. OWNER OF WELL SITE
Firm name: Campbell Estate
Contact person: James Digaru
Address: 225 Farr St. Maui
Zip: 96713 Phone: 536-1961

C. WELL LOCATION
Tax Map Key: 5-6-05-PM06
Town, Place, District: KAHAKULI
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells, submit "rebuild" drawing, driller's log, and pump test results, and complete items below.
For Tunnels and Shafts, submit construction drawings, plot plan, or sketch map.

Ground elevation (mean sea level): 12 ft.
Reference point (Used to measure depth to water): Elevation:
Description:

Depth to water (below reference point): ______ ft.
Maximum recorded chloride: ______ ppm
Minimum recorded chloride: ______ ppm
Maximum chloride in 1987: ______ ppm

E. INSTALLED PUMP DATA
Pump type: □ Vertical shaft □ Submersible □ Centrifugal □ Other (specify):
Power: □ Diesel, HP □ Gas, HP □ Electric, HP □ Other (specify):
Pump capacity: 1200 gallons per minute
Pump installation contractor: DHINDWELL ENGINEERING (installed pumps for Kahuku Farmers Assoc. (Hawaii Farm Bldg. #08/78) on well index

For Official Use Only:
Date received: ______ Date accepted: ______
Field checked by: ______ Date: ______
Comments: ______

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.

Additional information obtained from well index.
F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded:  □ Daily  □ Weekly  □ Monthly
□ Other (describe): ____________________________________________

Method of measurement:  □ Flow Meter  □ Orifice
□ Other (describe): ____________________________________________

Quantity of Use (Report metered or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For systems of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery):

WATER USE, IN GALLONS x 1000

<table>
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<tr>
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<td>365M</td>
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<td>365M</td>
</tr>
</tbody>
</table>

Minimum day's use: 260,000 gallons  Maximum day's use: 1,900,000 gallons
Typical times of usage: 7:00 a.m. to 6:00 p.m.

Type of Use (Check all category boxes that apply and provide additional information as indicated):

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Municipal</td>
<td></td>
</tr>
<tr>
<td>□ Domestic (systems</td>
<td></td>
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<tr>
<td>serving 25 people or less)</td>
<td></td>
</tr>
<tr>
<td>□ Irrigation</td>
<td></td>
</tr>
<tr>
<td>□ Industrial</td>
<td></td>
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<tr>
<td>□ Military</td>
<td></td>
</tr>
<tr>
<td>□ Other</td>
<td></td>
</tr>
</tbody>
</table>

Number of service connections: ____________________________________________
Acres Irrigated: 215 (from 3/19/87 letter)
Crop(s): □ Sugar  □ Pineapple
□ Other (specify): Pineapple
Non-Crop: □ Landscape  □ Golf Course
□ Other (specify): Landscape
Method: □ Drip  □ Furrow  □ Sprinkler
□ Cooling  □ Manufacturing  □ Mill
□ Other (specify): __________________________
Specify (irrigation, aquaculture, etc.): __________________________

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: ________________________________ Date: 5/20/89
Printed Name: ________________  Firm or Title (Well Operator, etc.): Kaua'i Farmers Assoc.
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3648 or 546-7644 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shell, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.:
WELL NAME OR DESIGNATION:
SOURCE OR STATION NAME (For a battery of wells):

A. WELL OPERATOR
Firm name: Kahuku Farm Association
Contact person: Norwood Conner, President
Address: P. O. Box 260
Kahuku, HI
Zip: 96731 Phone: 293-9484

B. OWNER OF WELL SITE
Firm name: Campbell Estate
Contact person: James Dumas
Address: 828 Post St. Kamalu
Zip: 96717 Phone: 536-1761

C. WELL LOCATION
Tax Map Key: 5-4-4-0-05-000
Town, Place, District: Kahuku
Attach USGS "Quadrangle map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA
For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete items below. For Tunnels and Shells, submit construction drawings, plot plan, or sketch map.

| Ground elevation (Mean sea level): | 12 ft. |
| Reference point (Used to measure depth to water): | 12 ft. |
| Elevation: | 12 ft. |
| Description: | |
| Depth to water (Below reference point): | 100 ft. |
| Maximum recorded chloride: | 10 ppm |
| Minimum recorded chloride: | 10 ppm |
| Maximum chloride in 1987: | 10 ppm |

E. INSTALLED PUMP DATA
Pump type: [ ] Vertical shaft | [ ] Submersible  
Centrifugal | [ ] Other (specify): |
Power: [ ] Diesel: HP | [ ] Gas, HP | [ ] Electric, HP | [ ] Other (specify): |
Pump capacity: 1200 gallons per minute
Pump installation contractor: DOWHIA ENGINEERING installed pumps for Kahuku Farm Association ( Permit No: DH 838/72) in existing wells
Pumps: 500, 500 + 600 gpm, respectively

For Official Use Only:
Date received: Date accepted: Field checked by: Date: 16/1/80 Latitude: 21° 60.51' Hydrologic Unit: 10
Comments: Additional well data obtained from well index
F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: □ Daily □ Weekly □ Monthly
□ Other (describe):

Method of measurement: □ Flow Meter □ Orifice
□ Other (describe):

Quantity of Use (Report measured or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery):

<table>
<thead>
<tr>
<th>Category</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal (including resorts, hotels, businesses)</td>
<td>Number of service connections:</td>
</tr>
<tr>
<td>Domestic (systems serving 25 people or less)</td>
<td>Acres irrigated: 2.5 Acres (from 2/4/90 to 1/1/91)</td>
</tr>
<tr>
<td>Irrigation</td>
<td>Crop(s): Sugar Pineapple Other (specify):</td>
</tr>
<tr>
<td></td>
<td>Non-Crop: Landscape Golf Course</td>
</tr>
<tr>
<td></td>
<td>Method: Drip Furrow Sprinkler</td>
</tr>
<tr>
<td>Industrial</td>
<td>Cooling Manufacturing Mill</td>
</tr>
<tr>
<td>Military</td>
<td>Other (specify):</td>
</tr>
<tr>
<td>Other</td>
<td>Specify (livestock, aquaculture, etc.):</td>
</tr>
</tbody>
</table>

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: [Signature] Date: 5/10/87
Printed Name: [Printed Name] Firm or Title (Well Operator, etc.): Kannan Farmer's Assoc.
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Attn.: Mr. Manabu Tagamori

Dear Mr. Tagamori:

Re: Declarations of Water Use

This is in response for additional information you requested for Category 1 Declarants.

1- A detailed breakdown of acreages actually being irrigated by crop types:
   a- Corn - 70 acres
   b- Banana - 45 "
   c- Papaya - 65 "
   d- Diversified truck crops - 35 acres
      (egg plant, bell peppers, cucumber, watermelon, etc.)

2- Whether domestic use is for drinking water and, if so, by how many people.
   Answer: water strictly for irrigation use only.

3- Whether your declared use includes water which is actually used by someone else who may have filed their declaration. If so, provide a breakdown of your total declared use and how much is used by lessees or other persons sharing the same system.
   Answer: none.

Response to the first question is based on current use and may in the future change as market demand dictate.

Should you have any question regarding the above response please call me at 293-9484.

Very truly yours,

[Signature]

Norwood Conner, President
Kahuku Farmers Association

cc: Estate of James Campbell
DIVISION OF WATER AND LAND DEVELOPMENT

From: [Signature]
Date: 12/6/76
File in: [Blank]

To
Initial

[Signature] Robert T. Chuck [See Me]
[Signature] Walter O. Watson [Take action by ______

[Signature] Takeo Fuji [Route to your branch]
[Signature] James Yoshimoto [Review & comment]
[Signature] Hong Fong Chang [Draft reply by ______]
[Signature] Albert Ching [For information]
[Signature] George Morimoto
[Signature] George Matsumoto
[Signature] Manabu Tagomori [______ Jane Sakai]
[Signature] Harold Sakai [______ Doris Hamada]
[Signature] Daniel Lum [______ Lorraine Nanbu]
[Signature] Herbert Morlmatsu [______ Jean Siarot]
[Signature] Paul Matsuo [______ Elsie Yonamine]
[Signature] Noboru Kanshico [______ Alyce Konishi]
[Signature] Leslie Asari

[Signature] [Blank]

[Signature] [Blank]

Process & file: [Blank]

changes added to
printout - 13 Oct 76 678
August 28, 1978

Mr. Robert Chuck
Manager and Chief Engineer
Dept. of Land & Natural Resources
Division of Water & Land Development
P. O. Box 373
Honolulu, Hawaii 96809

Dear Mr. Chuck:

Well Modification Permit to Mr. Toranosuke Nakamura
of Kahuku Farmers Association

Enclosed for your information and files are copies of the
well application and the approved well modification permit
issued to Kahuku Farmers Association for the modification of
Wells 4057: 01, 02, 08, 13 and 14.

Please call Chester Lao at 548-5276 if you have any
questions regarding this permit.

Very truly yours,

Herbert H. Minakami
Chief, Planning and Engineering Division

Enc.
APPLICATION FOR DRILLING, MODIFYING, RECASING OR REUSING WELLS

INSTRUCTIONS: Please send 1 copy to Honolulu Board of Water Supply, who will distribute to other agencies concerned. In filling out, refer to Rules and Regulations of the Honolulu Board of Water Supply adopted on May 10, 1976 and applicable rules and regulations of the State Department of Health.

OWNER: (See BWS Rules and Regulations Chapter III, Sec. 3-305, Item 1a)

Kahuku Farmers Association -- Applicant and lessee **

ADDRESS: P. O. Box 184

Kahuku, Hawaii, 96731

Land owner is the Estate of James Campbell, James Campbell Building, Suite 500, 828 Fort St Mall, Honolulu, Hawaii, 96813.

1. APPLICATION FOR WELL: (See Chapter III, Sec. 3-305, Item 1)

Drill ____ Reuse ____
Modification ____ Recase ____
Change in use XX

2. WORK TO BE PERFORMED BY: (See Chapter III, Sec. 3-311)

The Kahuku Farmers Association

**See attached list of members of the Kahuku Farmers Association.
3. USE OF WELL: (See Chapter III, Sec. 3-305, Item 1c)

The water is to be used as irrigation water for farm crops.

4. ATTACHMENTS: (Each copy of the application shall have a complete set of attachments)

a. Location of well: The well is on the mauka side of the highway about one quarter mile from the Kunuku Hospital.

   Tax Map Key: 

b. Land area served: (Attach map showing exact location of well and area served. See Chapter III, Sec. 3-305, Items 1b and 1d)

   Maps and drawings already submitted.

c. Description of well and appurtenant details: (See Chapter III, Sec. 3-305, Item 1e)

   This well was developed by Kahuku Plantation Company, and pumping during the period used by the Plantation was approximately 4,250 gpm. While the pumps being installed have a total capacity of 1,700 gpm, present farming operations do not require pumping at full design capacity.
5. The Owner hereby agrees to install, operate, and maintain control of the well in accordance with the laws of the State of Hawaii and the Rules and Regulations of the Honolulu Board of Water Supply and the State Department of Health.

The Owner hereby understands that a fee of One Hundred Dollars ($100.00) and a permittee bond of the amount not greater than Twenty-five Thousand Dollars ($25,000.00), said amount of the bond to be set by the Engineer, are required for the drilling or excavation of each new well. The $100.00 fee per well shall be payable to the Board and shall accompany this application. The amount of the permittee bond shall be stipulated when the well owner is notified that his permit has been granted.

(See Chapter III, Sec. 3-305, Items 2 and 2a)

6. The Owner hereby agrees to the following special conditions for this well:

6-21-1978
Date Submitted

[Signature]
THE ESTATE OF JAMES CAMPBELL
Signature of Owner

The Kahuku Farmers Association
Name of applicant if other than Owner
TO: Mr. Toranosuke Nakamura  
President  
Kahuku Farmers Association  
P.O. Box 184  
Kahuku, Hawaii 96731  

Your application of August 2, 1978 to modify Wells 4057: 01, 02, 08, 13, and 14 has been approved in accordance with our Rules and Regulations for the Protection and Conservation of Water Resources in the City of Honolulu. 

You are hereby granted a permit to modify these wells in accordance with the plans submitted previously. 

This permit is granted subject to the Rules and Regulations of the Board of Water Supply and the following conditions.  

1. Mr. Chester Lao of the Board of Water Supply, telephone 548-5276, shall be notified before any work covered by this permit commences.  

2. A water meter shall be installed at your own expense for measuring the use from the wells.  

3. The use of water shall be reported to the Board of Water Supply on a monthly basis.  

Edward Y. Hirata  
Manager and Chief Engineer  
Board of Water Supply  

AUG 2 8 1978  
Date of Permit  

cc: Campbell Estate