



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

AGENDA
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 16, 2015
TIME: 9:30 a.m.
PLACE: Kalanimoku Building
DLNR Board Room 132
1151 Punchbowl Street
Honolulu, Hawaii 96813

A. APPROVAL OF MINUTES

1. August 17, 2015
2. September 16, 2015
3. October 20, 2015

B. ACTION ITEMS

1. After-the-Fact Stream Diversion Works Permit (SDWP .3936.2) Application at Lumaha`i River by Landowner Kamehameha Schools to cure violation alleged under Declaratory Ruling No. DEC-ADM15-01; the permit is to allow diversion of de minimis amount of flow for taro and diversified agriculture, Lumaha`i River, Hanalei, Kaua`i, TMK no. (4) 5-7-003:001.
2. Defer Decision Making for Applications for New Ground Water Use Permits and Department of Hawaiian Home Lands Request for Mediation and Staff Request to Delegate Authority to Chair to Appoint a Mediator and Affirm the Chair's Authority to Extend Deadlines for the following competing Ground Water Use Permit Applications (GWUPAs):

Molokai Public Utilities, Inc. (MPU)
Maui Department of Water Supply (MDWS)
Department of Hawaiian Home Lands (DHHL)

GWUPA No. 973 MPU Well No. 0901-001, TMK (2) 5-2-012:029, New Use of 1.026 mgd; GWUPA No.499 MDWS Well No. 0801-003, TMK (2) 5-2-012:029, Increase of 0.384 mgd for a new modified total of 0.900 mgd; GWUPA No. 448, DHHL Well Nos. 0801-001 & 002, TMK (2)5-2-010:003, Increase of 0.270 mgd for

a new modified total of 0.637 mgd Kualapuu Ground Water Management Area, Molokai

3. Delegation of Authority to the Chairperson to Hire a Mediator for the Complaint and Petition for Declaratory Order Against Waste Filed By Po'ai Wai Ola and West Kaua'i Watershed Alliance (through Earthjustice), Waimea, Kaua'i, Hawai'i
4. Authorize the Chairperson to Enter into a Contract for Goods and Services for Maintenance and Enhancement of the Commission on Water Resource Management's Water Resource Information Management System

Written Testimony

Written testimony may be emailed to dlnr.cwrmm@hawaii.gov or faxed to (808) 587-0219, 24 business hours prior to the start of the meeting, for distribution at the meeting.

Thirteen (13) copies are requested if written testimony is submitted on-site on the day of the meeting.

If submitted, written testimonies, including the testifier's address, email address, and phone number may be posted on the Commission on Water Resource Management website.

C. COMMISSION MEETING SCHEDULE (TENTATIVE)

1. January 28, 2016 (Thursday)
2. February 16, 2016 (Tuesday @ 10:00 a.m.)
3. March 15, 2016 (Tuesday @ 10:00 a.m.)

NOTE: Items may be taken out of order and will be announced at the start of the meeting. If you are interested in submitting testimony, please submit at least 24 hours in advance.

The Commission may go into Executive Session pursuant to 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

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Materials related to items on this agenda are available for review at our office at 1151 Punchbowl Street, Room 227, and will also be available at the meeting.

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Any person may testify or present information on any meeting agenda item, unless the item involves a proceeding in an existing contested case. In addition, if you have a legal interest that may be adversely affected by the proposed action, you may have a right to an administrative contested case hearing. An oral or written request for a contested case hearing must be made by the close of the public hearing (if one is required) or prior to the vote on the merits at the commission meeting at which the matter is scheduled for disposition (if no public hearing is required). In either situation, the person or agency requesting the contested case hearing must file (or mail and postmark) a written petition with the commission not later than ten days after the close of the public hearing or the commission meeting, whichever is applicable. Petition forms are available from the Commission. Hawaii Administrative Rules (H.A.R.) Section 13-167-52(a).

If you request a contested case hearing, you will have the opportunity to present to the Commission oral or written evidence or testimony or both to establish your standing. You may present your testimony or evidence on standing at the meeting or public hearing described above or, alternatively, at a hearing set by the Commission at a later date.

If you do not make such a request or fail to file a timely written petition with the Commission, the consequence is that you will be precluded from later obtaining a contested case hearing and seeking judicial review of any adverse decision. H.A.R. Chapter 13-167.

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Disabled individuals planning to attend the public hearing or meeting are asked to contact the Commission at the above address or phone (Kauai) 274-3141 ext. 70214, (Maui) 984-2400 ext. 70214, (Hawaii) 974-4000 ext. 70214, (Molokai or Lanai) 1-800-GOV-INHI ext. 70214 or 587-0214 **at least three days in advance of the public hearing or meeting** to indicate if they have special needs which require accommodation.