

**MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: July 12, 2006  
TIME: 9:00 a.m.  
PLACE: KALANIMOKU BUILDING  
CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**CALL TO ORDER**

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:05 a.m.

**ROLL CALL**

The following were in attendance:

**MEMBERS**

Mr. Peter Young	Mr. James Frazier
Ms. Meredith Ching	Ms. Stephanie Whalen
Mr. Neal Fujiwara	Dr. Lawrence Miike

Excused: Dr. Chiyome Fukino

**STAFF**

Dean Nakano, Roy Hardy, Ed Sakoda, Lenore Nakama, Kevin Gooding, Neal Fujii, Ryan Imata, Dean Uyeno, Jeremy Kimura

**COUNSEL**

Colin Lau, Esq.

**OTHERS**

Dr. Jonathan Likeke Scheuer, Barry Usagawa, Edsel Yamada, Lane Ishida, Michael Matsuo, Dawn Chang, Kay Fukuhara, Brian Maja, Mark Hamamoto, Jimmy Yamamoto

All written testimonies submitted at the meetings are filed in the Commission office and are available for review by interested parties.

{Note: language for deletion is bracketed, new/added is underlined}

**APPROVAL OF MINUTES**

- 1. May 24, 2006

MOTION: (Frazier/Ching)  
 To approve the minutes as circulated.  
 UNANIMOUSLY APPROVED

June 21, 2006

MOTION: (Frazier/Miike)  
 To approve minutes as circulated  
 UNANIMOUSLY APPROVED

**B. ANNOUNCEMENTS**

Dean Nakano, Acting Deputy Director stated that Sandwich Isles Communications requested consideration of moving Item C3 to follow Item C1.

**E. STREAM PROTECTION AND MANAGEMENT**

- 1. Mr. William A. Lydgate, Dry Gulch Flats Well (Well No. 0521-10), Petition to Amend the Interim Instream Flow Standards, Streams in the Waikaea Surface-Water Hydrologic Unit, Kapaa, Kauai (TMK: (4) 4-4-004:028)

Presentation of Submittal: Ed Sakoda

**RECOMMENDATION:**

- 1. That the Commission approve the petition to amend the Interim Instream Flow Standard for streams in the Waikaea Surface-Water Hydrologic Unit, to use water from Dry Gulch Flats Well (Well No. 0521-10), to install up to a 250 gpm pump in the well and use approximately 60 gpm for domestic use and residential landscaping, and up to 250 gpm for fire protection for four residential dwellings at TMK: (4) 4-4-004:028, Hauiki Road, Kapaa, Kauai.
- 2. That the Interim Instream Flow Standard for all streams on Kauai, as adopted by the Commission on June 15, 1988, be amended to include for the Waikaea Hydrologic Unit, at TMK: (4) 4-4-004:028, that the applicant may pump from Well No. 0521-10, up to 86,400 gpd, at the pumping rate of rate of 60 gpm, for domestic use and residential landscaping, and up to 360,000 gpd, at the pumping rate of 250 gpm, for fire protection. The amendment to the interim instream flow standard shall be subject to the conditions for interim instream flow standard amendments in Exhibit 4.

(Note: Installation of an approved flow meter is a standard condition of the Pump Installation Permits, and is a condition of this IIFS amendment)

DISCUSSION:

There are two streams located near the well that flow into the Waikaea Canal. The pump test indicated that a recharge boundary was hit. Mr. Sakoda stated that staff is therefore asking the applicant to submit a petition to amend the interim instream flow standards.

Mr. Sakoda explained the conflict between two public trust purposes: 1) domestic use, particularly drinking water and 2) resource protection. He also stated that the pumping from the well might affect surface or ground water resources.

Commissioner Whalen stated that the standard average household for a single-family dwelling that includes landscaping is 700 gallons per day times 4 homes would be 2,800 gallons. Commissioner Whalen has a problem with that.

Mr. Sakoda stated that the occupants would not use the entire 86,400 gpd at the pumping rate of 60 gpm. He stated that was the pump capacity to run the system so that was what was allotted to them.

Commissioner Whalen then asked whose decision it was to put in the 60 gpm?

Mr. Sakoda stated that was in the original design.

Commissioner Whalen asked if it was the Commission responsibility to approve that.

Mr. Sakoda answered that was correct.

Commissioner Whalen then asked about the rainfall in this area. She also asked if we could restrict the water to less than what was designated.

Mr. Sakoda stated that the cumulative effect of many small uses could be detrimental to the water resources in the future.

Acting Deputy Director Dean Nakano addressed Commissioner Whalen's concerns. The 250 capacity pump was the requirement of the county for fire protection and that her questions applies to areas where the Commission has more regulatory oversight in water management areas. Being that Kauai is not a water management area, the only oversight with respect to the well construction and pump installation is what is being applied for, in this case 60 gpm. Mr. Nakano stated that the best we could do at this time is to address this and see that there is no impact to the stream from the IFS perspective. Mr. Nakano stated that their requested use is for less than the 250 gpm pump can provide.

Commissioner Miike stated that we do have a control and that's the IIFS. We can set it at whatever we want to. We can't say how much we're going to allow on the well because we don't have water use permit authority. Commissioner Miike also stated that 60 gpm is now a fictitious number because the pump is 250 gpm. Commissioner Miike suggested an amendment of the IIFS to the amount of 5-10 thousand gpd. He states that 86,000 gpd is out of hand.

Mr. Sakoda asked if they want to amend the 86,000 gpd to a lesser number for the IFS.

Commissioner Miike stated that it would be hard to show the correct amount because of the boundary issues.

Mr. Nakano stated that we are in effect establishing an allocation based on the IIFS amendment.

Chairman Young stated that in the unfortunate event where a fire may occur and they exceed their quota, there will be an explanation.

Mr. Sakoda stated that he would allow for more water because of the size of the lots.

Ten thousand gallons per day was the amount agreed upon by the Commission.

Dr. Jonathan Scheuer commented that he did not see in the submittal any estimation of how much water comes into the streams that will be affected. He stated that we must qualify what is a small use and cannot make an assessment unless we know what we are affecting. With a small stream, the effect will be greater than with a large stream. His last comment would concern monitoring of what the applicant reports in terms of what they are pumping but no tracking of what the effect is on the stream.

Commissioner Miike stated that he didn't think that any stream monitoring will pick this up as this is within the margin of error. The other safeguard is that if the well cannot pump more than 10,000 gpd it probably won't reach the zone because the zone was being reached when it was 250 gallons per minute.

Chairman Young stated that it was not clear if the withdrawal affects one stream or more than one stream.

Dr. Scheuer stated that his primary concern is not so much with this application but with other well permits that would be affecting streams in the future.

Commissioner Whalen moved that we accept staff's recommendation with the amendments that have been made to the 10,000 gpd.

Commissioner Ching asked for clarification asking if it was for number one and two?

Chairman Young stated that we don't have a second and asked if in number one, do we leave the 60 gpm in?

Mr. Sakoda stated that we didn't have to.

Acting Deputy Director Nakano stated that he believes that we could say that, "to install up to a 250 gpm pump in the well for domestic and residential landscaping, and for fire protection," and recommended the following:

**AMENDED RECOMMENDATION:**

1. That the Commission approve the petition to amend the Interim Instream Flow Standard for streams in the Waikaea Surface-Water Hydrologic Unit, to use water from Dry Gulch Flats Well (Well No. 0521-10), to install up to a 250 gpm pump in the well and use approximately 60 gpm for domestic use and residential landscaping, and up to 250 gpm for fire protection for four residential dwellings at TMK: (4) 4-4-004:028, Hauiki Road, Kapaa, Kauai.
2. That the Interim Instream Flow Standard for all streams on Kauai, as adopted by the Commission on June 15, 1988, be amended to include for the Waikaea Hydrologic Unit, at TMK: (4) 4-4-004:028, that the applicant may pump from Well No. 0521-10, up to 10,000 ~~86,400~~ gpd, at the pumping rate of rate of 60 gpm, for domestic use and residential landscaping, and up to 360,000 gpd, at the pumping rate of 250 gpm, for fire protection. The amendment to the interim instream flow standard shall be subject to the conditions for interim instream flow standard amendments in Exhibit 4

MOTION: (Whalen/Miike)  
Approve as amended by staff  
UNANIMOUSLY APPROVED

**C. GROUND WATER REGULATION**

1. Mark Hamamoto, APPLICATION FOR A WATER USE PERMIT, Hamamoto-2006 Well (Well No. 3306-16), TMK 6-6-28:22, WUP No. 766, New (Domestic And Agriculture) Use for 0.015 mgd, Mokuleia Ground Water Management Area, Oahu

Presentation of Submittal: Lenore Nakama

RECOMMENDATION:

Because the proposed water use has been shown to be consistent with the legal criteria for obtaining a water use permit, staff recommends that the Commission approve the issuance of Water Use Permit No. 766 to Mark Hamamoto for the reasonable and beneficial use of 0.008 million gallons per day of potable water for domestic and agriculture use from the Hamamoto – 2006 Well (Well No. 3306-16), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

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.

#### DISCUSSION:

Commissioner Miike clarified that the diversified agricultural duty of 2,500 gpd/ac from the Waiahole Ditch contested case hearing decision was based on a large diversified agricultural operation in which only about one third of the land is actually being planted at any one time. This is not really comparable to a small intensive farming operation such as that being proposed, which would probably have a higher water need.

Mr. Hamamoto raised issues regarding the soil type, precipitation data set, rooting depth, and irrigation efficiency used in Dr. Fares' calculations. Commissioner Miike questioned the number of crop cycles assumed by Dr. Fares.

Mr. Hamamoto, owner of Mohala Farms in Wailua, distributed water use information on acreage leased from the Reorganized Church of Latter Day Saints as well as a water bill covering the period from 12/22/2005 to 2/23/2006 from a farmer in Lualualei. Mr. Hamamoto pointed out the usage of water during the summer months versus the winter months for 3 acres of land. He stated that his request for 15,000 gallons per day for 6 acres is a reasonable amount compared to the 3 acres and 7,000 to 12,000 gallons per day usage.

Mr. Hamamoto spoke with some people from the University of Hawaii Extension Service and they looked at the calculation that was used to base the reduced amount.

Ms. Nakama stated that having Dr. Fares analyze applications for irrigation uses as he develops his model has been beneficial in that it has identified other input parameters that need to be defined. This case has illustrated that the number of crop cycles is an additional input that applicants must provide in the future.

Commissioner Whalen stated her concern that Dr. Fares' expertise is more in the field of hydrology and not agriculture. She stated that Dr. Fares needs to partner with an agronomist for the irrigation model development and utilize the services of the Natural Resource Conservation Service (NRCS) because they are the federal experts on agriculture.

Mr. Roy Hardy stated that staff has already contacted NRCS and have their irrigation engineer and agronomist working with Dr. Fares.

Commissioners Whalen and Ching questioned the water use comparability between Lualualei and Waialua in terms of rainfall, soil types, and the irrigation application methods.

Mr. Hamamoto said that the rainfall was a little lower in Lualualei, but that the information was correct as far as the types of crops and how many a year. He tried to get more information but the neighboring Laotian farmers did not have that information.

Mr. Hamamoto's farm is not in operation at the moment and securing the water is the last hurdle before he can start.

Commissioner Miike moved that they amend the staff recommendation to issue the water permit in the amount of 12,500 gpd.

**AMENDED RECOMMENDATION:**

Because the proposed water use has been shown to be consistent with the legal criteria for obtaining a water use permit, ~~staff recommends that~~ the Commission approve the issuance of Water Use Permit No. 766 to Mark Hamamoto for the reasonable and beneficial use of ~~0.008~~ 0.013 million gallons per day of potable water for domestic and agriculture use from the Hamamoto – 2006 Well (Well No. 3306-16), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

3. 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.
4. 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.

**MOTION:** (Miike/Whalen)  
To approve amended recommendation  
**UNANIMOUSLY APPROVED**

Mr. Hamamoto stated that he preferred 15,000.

Commissioner Miike stated that the amount is not set amount but an average. Some days you may use more some days less.

Mr. Hamamoto stated that he would be fine with that amount, however, if he were to use more than that over a year's period, would he have to come back to the Commission to secure an increase?

Commissioner Miike stated yes.

Ms. Nakama stated that Mr. Hamamoto should not exceed the allocation on a 12-month moving average without coming back to the Commission first. Ms. Nakama asked if the 12,500 includes the domestic needs?

Commissioner Miike responded affirmatively.

Mr. Nakano stated that the staff continues to seek appropriate guidance as we address future applications. This application is the second example of our efforts to achieve more refinement in our ability to determine a reasonable irrigation amount.

### **C. GROUND WATER REGULATION**

#### **3. Sandwich Isles Communications, APPLICATION FOR A WATER USE PERMIT, SIC-01 Well (Well No. 2801-03), TMK 9-5-002:003, WUP No.765, New (Agriculture and Landscape Irrigation) Use for 0.470 mgd, Wahiawa Ground Water Management Area, Oahu**

Presentation of Submittal: Lenore Nakama

#### **RECOMMENDATION:**

Because the proposed water use has been shown to be consistent with the legal criteria for obtaining a water use permit, staff recommends that the Commission approve the issuance of Water Use Permit No. 765 to Sandwich Isles Communications for the reasonable and beneficial use of 0.260 million gallons per day of ground water for agriculture and landscape irrigation from the SIC-01 Well (Well No. 2801-03), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate permanent source of water be found for this use, 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 permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

#### DISCUSSION:

Ms. Nakama stated that Item C3 is a re-submittal of the Sandwich Isles Communications (SIC) water use permit application that was deferred by the Commission at the May 24, 2006 meeting. At that meeting, the Commissioners raised a number of questions regarding reasonable-beneficial use and the applicant's commitment to agriculture. The Commission requested that SIC respond to the questions prior to a re-submittal of the application. Ms. Nakama summarized the Commissioner's questions and SIC's responses. Ms. Nakama also summarized the results of Dr. Ali Fares' recalculation of irrigation water needs based on more representative climate data and additional inputs provided by the applicant.

Ms. Dawn Chang, representing SIC, concurred with staff's submittal, but requested more allocation than that recommended by staff. Ms. Chang raised concerns regarding some of the assumptions made by Dr. Fares, such as the use of rice as an equivalent crop for taro. Ms. Chang also expressed concern over the Commission's use of mean rainfall to estimate irrigation demands because that could result in water shortages during drier periods. Ms. Chang cautioned that if SIC doesn't obtain sufficient water allocation, SIC may be non-compliant with the City's conditional use permit, which requires landscaping to buffer the Network Operations Center from nearby residential communities. Ms. Chang reiterated SIC's commitments to agriculture, to the native Hawaiian community, and to developing partnerships with other agencies for training programs and cultural experiences to benefit native Hawaiian youth. Ms. Chang requested that the Commission allocate SIC its full request and then monitor usage for possible reduction if all the water is not needed.

Commissioner Miike clarified the Commission's use of a twelve-month moving average, which allows users flexibility on a day-to-day basis as long as the average use for the year remains below the allocation. Commissioner Miike also raised concerns regarding the proposed use of well water, rather than stream water, for the lo'i. Traditionally, after flowing through the lo'i, the water is returned to the stream. Commissioner Miike pointed out that Reppun's estimate of 100,000 gallons per day per acre (gpd/ac) is based on the inflow needed to maintain the adequate water temperature. Commissioner Miike suggested SIC first calculate how much water is needed for the pasture irrigation using recycled lo'i water and then figure out what an appropriate size for the lo'i would be. Commissioner Miike felt that a 1/2-acre lo'i would be more appropriate since this is for a learning experience and not commercial production.

Commissioner Fujiwara commented that taro is usually grown in unique stream soils. Placing a lo'i at such a high elevation will result in significant water loss through leakage.

Commissioner Whalen also expressed concern regarding the inappropriate placement of the lo'i. She suggested dry land taro would be more appropriate and was concerned about the educational message that SIC would send by placing a lo'i at such a site. She felt that an agriculture plan is needed and wanted more than just a verbal commitment to agriculture. She noted that the site was very green and lush and was curious to see the Board of Water Supply bill. She also suggested greater use of xeriscaping, such as the Board of Water Supply's garden in Halawa Valley, which can be very attractive.

Ms. Chang responded that their development of the well at the site shows their commitment is more than verbal, and they are willing to install the irrigation infrastructure. The agricultural operation must be self-sustaining. Ms. Chang also pointed out the problem with erosion at the site and the need for irrigation water to control erosion.

Dr. Jonathon Likeke Scheuer, Office of Hawaiian Affairs (OHA), stated that OHA supports the landscape irrigation, SIC's mission to provide technology to Department of Hawaiian Home Lands, and the need for erosion control. Dr. Scheuer requested elimination of Standard Condition 12.

Ms. Chang inquired whether that could be considered a taking since it would restrict their use of the land.

Commissioner Ching asked if the Commission would be vulnerable because the Standard Condition was not deleted for anyone else.

Ms. Nakama clarified that Standard Condition 12 is actually a Water Code provision that was incorporated into the Standard Conditions verbatim.

Mr. Colin Lau, Deputy Attorney General, stated that some rationale would be needed to justify deleting it.

Chairman Young expressed concern over the proposed agricultural use. He felt that the Commission should focus on the immediate facility needs and ask for more information on the agricultural water use. He was not comfortable with their agricultural plan.

Commissioner Whalen asked why the Commission should give approval to use well water when they have access to municipal water. Other commercial operations use municipal water for irrigation.

Ms. Chang offered to reduce or remove the lo'i allocation request.

The Commissioners continued to express concerns regarding the amounts of water requested for both the landscaping and agriculture.

Commissioner Whalen clarified that the role of the Natural Resources Conservation Service (NRCS) is to ensure proper use of the land. They will work with a farmer's site plan to make sure that no erosion will ensue, but the farmer is the one who determines the irrigation water needs. Commissioner Whalen asked if SIC had a conservation plan with an approved irrigation plan that shows how much water is needed.

Mr. Jimmy Yamamoto, also representing SIC, stated that the system was designed to move a lot of water and control erosion. The irrigation system plan shows the amount of water that can be moved and the planting plan shows where the plants will be grown. Water demand calculations were done separately.

Commissioner Whalen asked if the irrigation system was in place prior to SIC's completing their due diligence.

Mr. Yamamoto stated that the irrigation system plan is meant to follow the conservation plan.

Commissioner Whalen moved that the Commission amend the staff's recommendation by reducing the allocation to 100,000 gpd and adding a Special Condition 4 to require the permittee to submit a detailed agriculture plan prior to applying for additional water allocation. She suggested SIC contact the University of Hawaii, which has received funds to work with native Hawaiians.

Commissioner Frazier stated that there should be more agricultural expertise on SIC's team because of the many challenges.

#### AMENDED RECOMMENDATION:

Because the proposed water use has been shown to be consistent with the legal criteria for obtaining a water use permit, ~~staff recommends that~~ the Commission approve the issuance of Water Use Permit No. 765 to Sandwich Isles Communications for the reasonable and beneficial use of ~~0.260~~ 0.100 million gallons per day of ground water for agriculture and landscape irrigation from the SIC-01 Well (Well No. 2801-03), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate permanent source of water be found for this use, 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 permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

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

MOTION: (Ching/Frazier)

To approve submittal as amended by staff

UNANIMOUSLY APPROVED

### C. GROUND WATER REGULATION

2. **Hawaii Prince Golf Club/Hawaii Prince Hotel Waikiki Corp., Well Nos. 1900-02, 1900-17 to 20, 1901-03, WUP No. 469, 0.301 mgd, TMK 9-1-10:6, Haseko (Ewa), Inc., Well Nos. 1901-06, 1902-01, 1902-09 to 11, WUP No. 650, 3.300 mgd, TMK 9-1-12:5, Department of Parks and Recreation, Well No. 2001-03, WUP No. 167, 0.030 mgd, TMK 9-1-61:35, Palm Court Association, Well No. 2002-12, WUP No. 169, 0.040 mgd, TMK 9-1-61:22, Palm Villa II Association, Well No. 2001-08, WUP No. 168, 0.048 mgd, TMK 9-1-61:27, Arbors Association, Well No. 2001-07, WUP No. 171, 0.063 mgd, TMK 9-1-61:32, U.S. Fish & Wildlife, Well No. 2101-14, WUP No. 247, 0.216 mgd, TMK 9-1-17:12, Gentry Development Co., Well No. 2001-04, WUP No. 302, 0.040 mgd, TMK 9-1-61:7, Gentry Development Co., Well No. 2001-09, WUP NO. 344, 0.023 mgd, TMK 9-1-61:2, Ewa by Gentry Community Association, Well No. 2001-05, WUP No. 450, 0.066 mgd, TMK 9-1-70:132, Gentry Homes, Ltd., Well No. 2001-12, WUP No. 504, 0.249 mgd, TMK 9-1-102:3, Gentry Homes, Ltd., Well No. 1901-05, WUP No. 505, 0.056 mgd, TMK 9-1-69:8, U.S. DOC/NOAA/NWS, Well No. 1900-23, WUP No. 501, 0.023 mgd, TMK 9-1-1:1, Coral Creek Golf, Inc., Well No. 2002-17, WUP No. 577, 0.498 mgd, TMK 9-1-69:10, Coral Creek Golf, Inc., Well No. 2001-13, WUP No. 578, 0.800 mgd, TMK 9-1-69:10, Coral Creek Golf, Inc., Well Nos. 2001-14, 2002-15,17,19, WUP No. 579, 0.892 mgd, TMK 9-1-69:10&11, 9-1-61:54, AOASuncrest/The Shores/Lombard Way/Avalon, Well No. 2001-10, WUP No. 629, 0.022 mgd, TMK 9-1-10:17, State Housing Community Development Corporation of Hawaii, Well Nos. 2003-04,07, WUP No. 432, 0.494 mgd, TMK 9-1-16:25, State Housing Community Development Corporation of Hawaii, Well Nos. 2003-08, WUP No. 520, 0.237 mgd, TMK 9-1-16:108, Kapolei People's Inc., Well Nos. 2003-01,02,05, WUP No. 438, 1.000 mgd, TMK 9-1-16:25, Honolulu Board of Water Supply, Well Nos. 1905-08,10, WUP No. 740, 0.302 mgd, TMK 9-1-16:1**

**CONVERSION OF INTERIM WATER USE PERMITS, FOR NEW IRRIGATION USES TO PERMANENT WATER USE PERMITS, Puuloa and Kapolei Ground Water Management Areas, Oahu**

Presentation of submittal: Lenore Nakama

**RECOMMENDATION:**

Staff recommends that the Commission correct the error of approving and issuing interim permits for new irrigation uses in the Puuloa and Kapolei Ground Water Management Areas of the Ewa Caprock Aquifer Sector Area by converting the subject interim water use permits to permanent water use permits. All terms and conditions of the permits shall remain unchanged, except for Special Condition d., which is deleted. The permittees shall be notified by letter of the Commission's action to convert these water use permits from interim to permanent and the deletion of Special Condition d. Re-issuance of these water use permits is not necessary.

**DISCUSSION:**

Ms. Nakama stated that these interim permits expired on July 1, 2006 and staff is recommending that the Commission correct the error that was made in issuing the permits as interim, rather than permanent, water use permits. Action is also requested to inform these users that they may continue to pump their wells in accordance with their allocations and the chloride limit placed on irrigation wells in the Ewa Caprock Aquifer Sector Area.

Commissioner Ching inquired whether the subject permits covered all the users in the Ewa Caprock Aquifer Sector Area. She was concerned that giving certain permits a permanent status may give them a higher priority or status over other interim permits.

Ms. Nakama stated that the submittal covered all the new irrigation users which had a duration of July 1, 2006 attached to their interim permits. There are other interim permits that have been issued for industrial and other non-irrigation uses in the Ewa Caprock Aquifer Sector Area, there are also other interim permits that have been issued for other new and existing uses elsewhere in the State. Staff will address the rest of the interim permits as part of the 20-year compliance review that is mandated by the Water Code. Staff does not feel that the type of permit (i.e., interim or permanent) under which the water is being used will have a bearing on water use priorities should a future competition situation arise.

**MOTION:** (Ching/Frazier)  
Approval of staff recommendation  
**UNANIMOUSLY APPROVED**

**G. NON-ACTION ITEMS**

1. Rainfall Index Update Presentation by Dr. Pao Shin Chu, State Climatologist, University of Hawaii, Department of Meteorology

Presentor of non-action item: Neal Fujii

Graduate student, Ms. Cindy Ditner presented an update of rainfall throughout the state through a PowerPoint presentation. She stated that it has been 33 years since the last update was done. In preparing this index they gathered rainfall data throughout the State through temperature, elevation and rain gages. If a station did not submit information for 4 months within a calendar year then it was deleted.

**H. NEXT COMMISSION MEETING (TENTATIVE)**

1. August 16, 2006
2. September 20, 2006

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

PAULYNE K. ANAKALEA  
Secretary

Approved as submitted:

DEAN A. NAKANO  
Acting Deputy Director