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

Ref: wup812.sub

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

November 13, 2007
Honolulu, Oahu

Sean Ginella
APPLICATION FOR A WATER USE PERMIT
Kawela Mauka Well (Well No. 4100-06), TMK 5-7-001:036, WUP No. 812
Future (Agricultural) Use for 0.150 mgd
Kawailoa Ground Water Management Area, Oahu

APPLICANT:

Sean Ginella
54-477 Kamehameha Highway
Kahuku, HI 96731

LANDOWNER:

Same

SUMMARY OF REQUEST:

The applicant requests that the Commission approve a water use permit for an allocation of 0.150 million gallons per day (mgd) of potable basal ground water from a new well to supply 36 acres of agricultural demand.

LOCATION MAP: See Exhibit 1

BACKGROUND:

On August 23, 2007, a completed water use permit application was received from Sean Ginella by the Commission on Water Resource Management (Commission). Additional information regarding the source, use, notification, objections, and field investigation(s) is provided in Attachment A.

The source for this Water Use Permit application will be the Kawela Mauka Well (Well No. 4100-06). The Commission issued a Well Construction Permit for this well on September 25, 2007, but the well has not yet been constructed. This well will be used to supply a future agricultural subdivision. The subdivision is currently in the planning/design stage, and will subdivide 1 lot into 4 agricultural lots.

ITEM C-1

ANALYSIS/ISSUES:

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit. An analysis of the proposed permit in relation to these criteria follows:

(1) Water availability

Through the Hawaii Water Plan, the Commission has adopted 39 mgd as the sustainable yield for the Kawaiiloa Aquifer System. Individual existing water use permits in this aquifer system are shown in Exhibit 2. A summary of the current ground water conditions in the aquifer is provided in Table 1:

Table 1. Kawaiiloa Aquifer System

<u>ITEM</u>	Kawaiiloa Aquifer System (mgd)
Sustainable Yield	39
Less: Other Existing Water Use Permits (shown in Exhibit 2)	1.549
Reservation to DHHL	0
Subtotal (Current Available Allocation)	37.451
Less: Other Completed Applications (shown in Exhibit 3)	0
Less: This Application	0.150
Subtotal (Potential Available Allocation/Allocation Deficit)	37.301

Therefore, the resource can accommodate this application request.

(2) Reasonable-beneficial

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...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 both reasonable and consistent with the state and county land use plans and the public interest".

I. Purpose of Use

The applicant is requesting the use of non-potable ground water for irrigation of pasture grass, mango, avocado, tropical ornamental plants and royal palms. The Declaration of

Policy section, §174C-2(c) HRS, states that the Water Code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for various purposes including irrigation uses.

II. Quantity Justification

The applicant is requesting a total of 0.150 mgd, broken down as follows:

Table 2a: Comparison of calculated duties vs. research estimates

Crop	Amount Requested (GPD)	Acreage (Acres)	Calculated Duty (gpd/acre)	Duty (gpd/acre)	Reference
Pasture	94141	20	4707	4000	Water System Standards, DWS
Royal Palms	16479	4.2	3924	5000	Oahu Water Management Plan (draft1992)
Mango	4052	1	4052	4400	Oahu Water Management Plan (draft1992)
Lime	5763	1.5	3842	4400	Oahu Water Management Plan (draft1992)
Avocado	16884	4.3	3927	4400	Oahu Water Management Plan (draft1992)
Tropicals	20766	5	4153	7400	Oahu Water Management Plan (draft1992)

The Commission does not have standardized crop duties, as duties are site, irrigation application, and crop specific. The Commission currently has a contract with Dr. Ali Fares of CTAHR to develop an agricultural water demand model. However, the model is still in development and past application reviews have produced differences between requested amounts and amounts that Dr. Fares has calculated for the sake of comparison, as the model was still in the preliminary stages. However, Dr. Fares’ model will be completed soon.

In lieu of the agricultural water demand model, staff has compared the agricultural demands with studies that, while not site specific, can give general guidance regarding the accuracy of these estimates. Staff has used two documents for reference. For the pasture irrigation, staff referenced the County Departments of Water Supply’s Water System Standards, which references pasture irrigation as 4000 gpd/acre as a general guideline. The other crops were referenced from CWRM’s draft copy of the Oahu Water Management Plan, May 1992. Because irrigation demands are regionally specific to address rainfall and soil factors, staff feels that the duties for the non-pasture portion provided by the applicant appear to be reasonable.

Staff recognizes that there may be questions about whether or not pasture irrigation is either standard practice or efficient. The Commission has issued allocations for pasture irrigation in the past. Some recent approved allocations are summarized as follows:

- October 26, 2000 – The Commission issued an allocation of 0.026 mgd to the University of Hawaii for the Waialeale Well (Well No. 4101-10, WUP No. 528) . A

portion of this allocation included 35 acres of pasture irrigation, and was justified with a duty of 4,000 gpd/acre.

- January 13, 2004 – The Commission issued an allocation of 0.127 mgd to Ka’ala Ranch for the Mokuleia Well (Well No. 3309-02, WUP No. 679). A portion of this allocation included 30 acres of pasture irrigation, and was justified with a duty of 4,000 gpd/acre.
- July 12, 2006 – The Commission issued an allocation of 0.100 mgd to Sandwich Isles Communications for the SIC-01 Well (Well No. 2801-03, WUP No. 765). The applicant originally requested an allocation of 0.576 mgd based on a four year projection. However, the Commission felt that an agricultural plan should be submitted prior to issuing any allocations beyond the initial 0.100 that would be required in the first year of the project. This 0.100 mgd included an allocation for 47.5 acres of pasture irrigation.
- August 16, 2006 – The Commission issued an allocation of 0.039 mgd to Hawaii Reserves, Inc. for the Laie Maloo Well (Well No. 3755-04, Water Use Permit No. 747). A portion of this allocation included 15 acres of pasture irrigation and was justified with a duty of 4,000 gpd/acre.

The Waialeale Well (4101-10) is in close proximity to the subject project. Currently, the University of Hawaii is reporting use which amounts to 0.008 mgd based on a 12-month moving average as of February 2006. This is far below the allocation of 0.026 mgd. Further, spreading the 0.008 mgd over the 35 acre pasture results in a duty of 228 gpd/acre, and this is based on the assumption that all of the 0.008 mgd is being used for pasture irrigation. The Water Use Permit for this well was issued for dairy/piggery/pasture irrigation, and the pasture irrigation was only to be during dry months. Therefore, adjacent irrigation demands, at least for the period around February 2006, appeared to be much less than what is being requested by the applicant. Staff has contacted the University of Hawaii to find out why they are using so much less. They have explained that part of the reason for the decrease in use is that the current station does not have pigs, and they have decreased the amount of cattle. The pasture land for the sheep is watered as the sheep move from area to area. Also, there are currently areas of the pasture that are brown.

Staff feels that it’s reasonable to assume that pasture irrigation is necessary in this area. However, to what degree pasture irrigation is necessary to support cattle and horses is questionable. According to the University of Hawaii, part of the 0.008 mgd is used to irrigate pasture for sheep. Additionally, they have mentioned that sheep are much more aggressive grazers than cattle.

Staff then feels that it’s more reasonable to estimate pasture demands based on what the U.H. is using from the Waialeale Well. U.H. said that approximately 4 acres per day are being irrigated out of the 10 acres of pasture land for the sheep. Based on 0.008 mgd and the assumption that 95% of that is used for irrigation (with 5% going to stock water for the sheep), a more accurate duty would be $0.008 \text{ mgd} * 0.95 / 4 \text{ acres} = 1900 \text{ gpd/acre}$.

A revised demand calculation reflecting the reduced allocation is tabulated below.

Table 2b: Recalculated allocation based on reduced pasture duty

Crop	Amount Requested (GPD)	Acreage (Acres)	Calculated Duty (gpd/acre)	Duty (gpd/acre)	Reference
Pasture	38000	20	1900	320	Existing data from Waialeale Well
Royal Palms	16479	4.2	3924	5000	Oahu Water Management Plan (draft1992)
Mango	4052	1	4052	4400	Oahu Water Management Plan (draft1992)
Lime	5763	1.5	3842	4400	Oahu Water Management Plan (draft1992)
Avocado	16884	4.3	3927	4400	Oahu Water Management Plan (draft1992)
Tropicals	20766	5	4153	7400	Oahu Water Management Plan (draft1992)
Total	101944				

Therefore, staff feels that a more reasonable allocation would be 0.102 mgd based on a 12-month moving average.

III. Efficiency of Use

The applicant states that its operations are as water efficient as possible. For the pasture land, a traveling sprinkler will be used which is cost effective and can still provide an efficiency of 75%. Microsprinklers will be used for the tropical plants which will provide an efficiency of 85%. For the remainder of the crops, drip irrigation will be used which will provide an efficiency of 90%.

IV. Analysis of Practical Alternatives

The applicant has identified five alternatives to the proposed use of non-potable water. An analysis of each of the alternatives is as follows:

1. Board of Water Supply water was investigated but the Board did not have sufficient system capacity to support this project.
2. The UH Experimental farm and Turtle Bay both have well water sources. However, both declined providing water for this project.
3. Surface water is not available because adjacent streams are not perennial.
- 4- City wastewater reuse is not available in this area. Turtle Bay uses treated wastewater for golf course irrigation. The applicant has not inquired about this water because they've assumed that 100% of the wastewater reuse is being consumed for the golf course. Staff contacted Turtle Bay and this assumption was confirmed.

(3) Interference with other existing legal uses

There are 15 other wells currently in use within 1 mile of this source which use water for. Of these wells, 5 are unused and 3 have been sealed. Pump tests to be performed under the well construction and pump installation permits will indicate any potential interference with the wells that are in use.

(4) Public interest

Public interest is defined under §174C-2 - Declaration of policy, as follows:

“(c) The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.”

The Office of Hawaiian Affairs has commented on this application (refer to Exhibit 3). They have expressed concerns regarding the following, with staff comments following:

1. **Zoning of the parcel as AG-1 and the intent of the zoning designation that the lands are to be used for to support agriculture.** The uses shown on the application, specifically irrigation of pasture and various crops, are valid agricultural uses.
2. **The failure of the applicant to demonstrate reasonable and beneficial use.** The applicant has submitted a subsequent agricultural feasibility report to both OHA and the Commission. The information provided on the Water Use Permit application is sufficient based on past applications.
3. **The concern that a 20-year review period is inadequate for this application.** The current Commission 20-year permit review will be completed in December 2008. Therefore, this application can fall under that review. Further, the Commission has the discretion to review the conditions of any permit at any time.

Therefore, this application **meets** the public interest.

(5) State & county general plans and land use designations

The proposed uses are in the State **AG** District, and the county zoning is AG-1. Therefore, the proposed use is consistent with these land use designations.

Normal agency review includes:

- 1) the State’s Department of Land and Natural Resources (DLNR) and its State Parks, Aquatic Resources, Historic Preservation, and Land Divisions; the Department of Health

(DOH) with its Clean Water, Safe Drinking Water, and Wastewater Branches; the Department of Hawaiian Home Lands (DDHL), and Land Use Commission (LUC); and the Office of Hawaiian Affairs (OHA).

- 2) the County's County Council, Department of Planning and Permitting, and the Department of Water Supply;

No comments or objections have been made through this review other than the OHA comments in the previous section. These proposed uses are consistent with the state and county general plans and land use designations.

Therefore, this application meets the state & county general plans and land use designations.

(6) County land use plans and policies

Again normal County review includes County Council, Department of Planning and Permitting, and the Department of Water Supply. No comments or objections have been made. The project is not located with the Special Management Area.

Therefore, this application meets the county land use plans and policies.

(7) Interference with Hawaiian home lands rights

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application and OHA comments were addressed above. Further, standard water use permit conditions 3.g., 6., and 9.f. notify all water use permittees that their permits are subject to and cannot interfere with Hawaiian home land rights.

Therefore, this application will not interfere with Hawaiian home lands rights.

RECOMMENDATION:

Because the application (with the modification of the requested amount to 0.102 mgd) satisfies all of the criteria of Section 174C-49(a), staff recommends that the Commission approve the issuance of water use permit no. 812 to Sean Ginella for the reasonable and beneficial use of 0.102 million gallons per day of Potable water for Agriculture from the Kawela Mauka Well (Well No. 4100-06), 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.

Respectfully submitted,



KEN C. KAWAHARA, P.E.
Deputy Director

Attachment(s): A (Water Use Permit Detailed Information)
 B (Water Use Permit Standard Conditions)

Exhibit(s): 1 (Location Map)
 2 (Existing Water Use Permits and 12-Month Moving Average Withdrawal)
 3 (Letter from OHA)

APPROVED FOR SUBMITTAL:

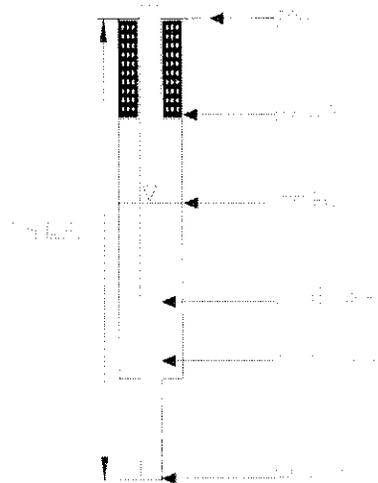


LAURA H. THIELEN
Chairperson

WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:	Kawailoa System, North Sector, Oahu
Sustainable Yield:	39 mgd
Existing Water Use Permits:	1.549 mgd
Available Allocation:	37.451 mgd
Total other pending applications:	0 mgd
This application:	0.150 mgd
WELL:	Kawela Mauka Well (Well No. 4100-06)
Location:	(delete), Oahu, TMK: 5-7-001:036
Year Drilled:	n/a
Casing Diameter:	10 in.
<u>Elevations (msl = 0 ft.)</u>	
Water Level:	15 ft.
Ground:	25 ft.
Bottom of Solid Casing:	-35 ft.
Bottom of Perforated:	-75 ft.
Bottom of Open Hole:	n/a ft.
Total Depth:	100 ft.
Grouted Annulus Depth:	10 ft.
Pump Capacity	350 gpm



Use Information

Quantity Requested: 0.150 gallons per day.
Future Type of Water Use: Agricultural
Place of Water Use: TMK: 5-7-001:036

Kawailoa Aquifer System
Current 12-Month Moving Average Withdrawal (See Exhibit 2): 0.248 mgd

Nearby Surrounding Wells and Other Registered Ground Water Use

There are 15 other wells within a mile of the well (see Exhibit 1b). 7 of these wells are currently in use.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on September 14, 2007 and September 21, 2007 and a copy of the notice was sent to the Mayor's office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization, Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by October 5, 2007.

Objections

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 by October 5, 2007.

To the best of staff's knowledge there are no objectors who have property interest within the Kawailoa Aquifer System or who will be directly and immediately affected by the proposed water use. OHA has expressed some concern and their letter is attached as Exhibit 3.

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, presumably, copies are served to the applicant. No briefs in support were filed with the Commission.

Field Investigation

Neither the site of the future well nor the future subdivision has been field investigated.

STANDARD WATER USE PERMIT 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 November 13, 2007 meeting are incorporated into this permit by reference.
8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
 - a. protect the water sources (quantity or quality);
 - b. meet other legal obligations including other correlative rights;
 - c. insure adequate conservation measures;

- d. require efficiency of water uses;
- e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
- f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
- g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

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

- 10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).
- 11. This permit shall be subject to the Commission's periodic review of the Kawaihoa 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 Kawaihoa Aquifer System, or relevant modified aquifer(s), is reduced.
- 12. A permit may be transferred, in whole or in part, from the permittee to another, if:
 - a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
 - b. The Commission is informed of the transfer within ninety days.

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

- 13. The use(s) authorized by law and by this permit do not constitute ownership rights.
- 14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.
- 15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Kawaihoa 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. Special conditions in the attached cover transmittal letter are incorporated herein by reference.
19. 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.

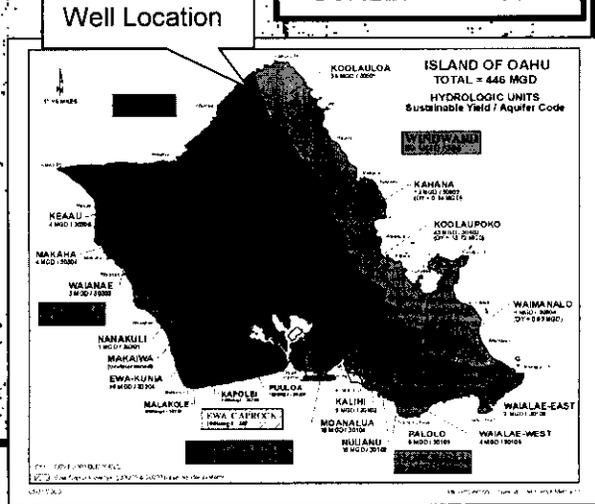
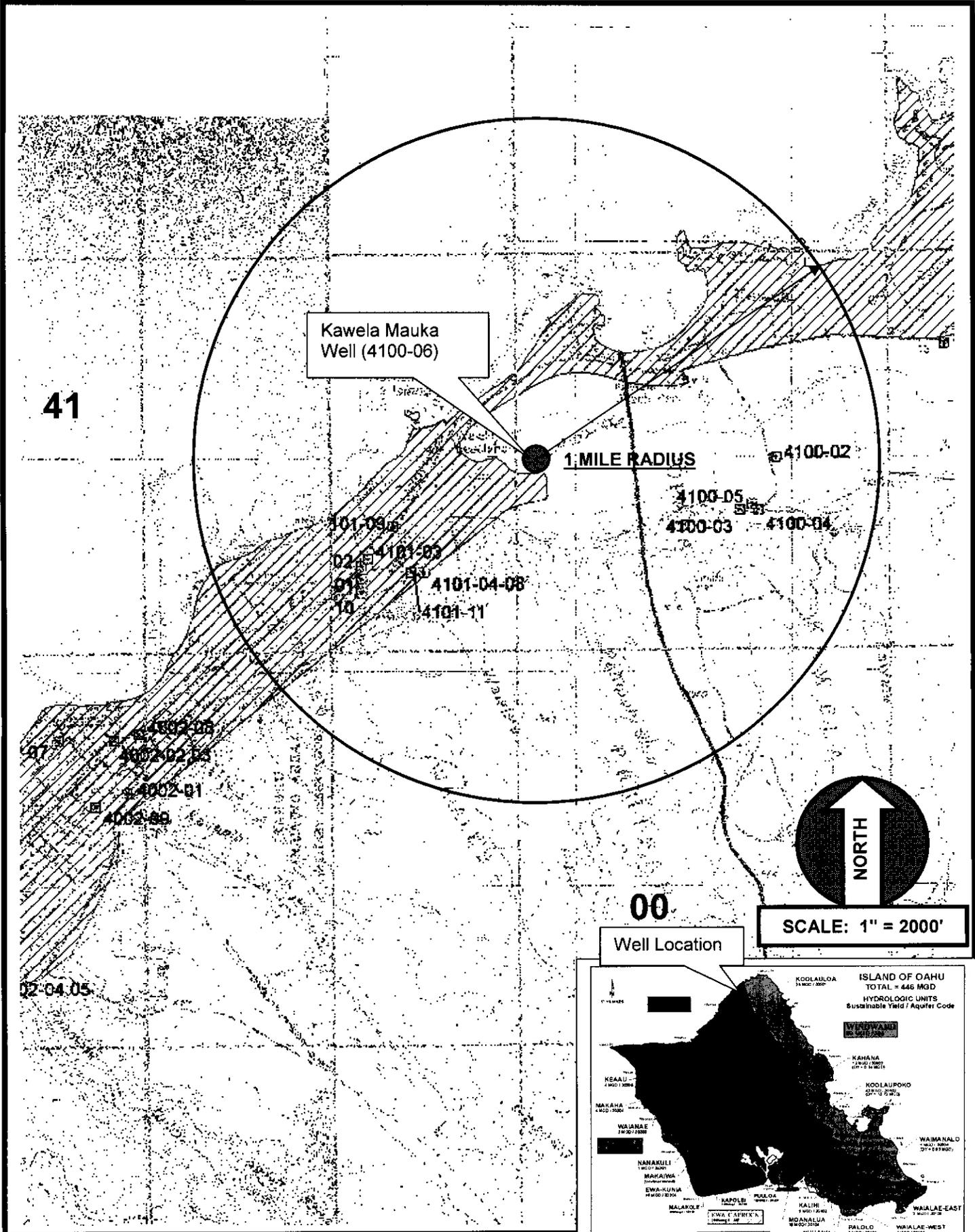


EXHIBIT 1

STATE OF HAWAII / DEPARTMENT OF LAND AND NATURAL RESOURCES / COMMISSION ON WATER RESOURCE MANAGEMENT
GROUND WATER WELL INDEX / SUMMARY

Thursday, November 01, 2007

ISLAND CODE 3

Well No.	Well Name	Aquif Code	Owner/User	Year Drilled	Coordinates		Physical Data			Elevations in feet (msl)			Initial		Pump Test Result		
					Latitude	Longitude	Type	Case Dia in.	Total Depth ft.	Bottom Solid Casing	Bottom Perf of Casing	Bottom of Hole	Static Head	Cl- Temp		Specific Capacity	Installed Capacity
4100-02	Opapa	30601	Campbell Est	1939	214129	1580018	6	88	37	-4	-51	12.9	100	25.5	IRR		
4100-03	Opapa 2	30601	Honolulu BWS	1969	214121	1580024	PER	16	307	140	-19	10	31	82	UNU		
4100-04	Opapa 1	30601	Honolulu BWS	1986	214121	1580021	PER	12	263	131	-29	-132		368	OTH		
4100-05	Opapa 3	30601	Honolulu BWS	1990	214122	1580022	PER	12	298	125	-29	-173	13.5	40	19.6	43	UNU
4101-01	Waialeale	30403	State Of Hawaii	1921	214111	1580125	8	78	22	-13	-56	13.2	73			ABNS	
4101-02	Waialeale	30403	State Of Hawaii	1921	214113	1580125	8	83	22	2	-61					ABNS	
4101-03	Waialeale	30403	State Of Hawaii	1921	214114	1580124	8	61	22	-14	-39	15.6				OBS	
4101-04	Waialeale	30403	State Of Hawaii	1938	214112	1580115	6	100	67	62	-33	18.2	49			ABNS	
4101-05	Waialeale	30403	State Of Hawaii	1939	214112	1580115	8	90	75	10	-15	21.8	75			UNU	
4101-06	Waialeale	30403	State Of Hawaii	1941	214112	1580115	6	105	86	-7	-19	19.4	40			UNU	
4101-07	Waialeale I	30403	Honolulu BWS	1945	214112	1580115	14	151	81	-13	-70	17.1	63	20.5	38	.504	MUNC
4101-08	Waialeale II	30403	Honolulu BWS	1957	214112	1580115	10	141	63	-11	-78	19.6	39	21.0	250	.720	MUNC
4101-09	Waialeale	30403	Koki Y	1957	214119	1580120	8	131	19	-33	-112	7.8	180	183			IRR
4101-10	Waialeale	30403	University Of Hawaii	1959	214109	1580125	10	100	58	12	-17	3.6	111	638	.288		AGRL
4101-11	Waialeale	30403	Honolulu BWS	1970	214112	1580117	PER	12	127	82	-30	18.8	260	22			UNU

EXHIBIT 1B

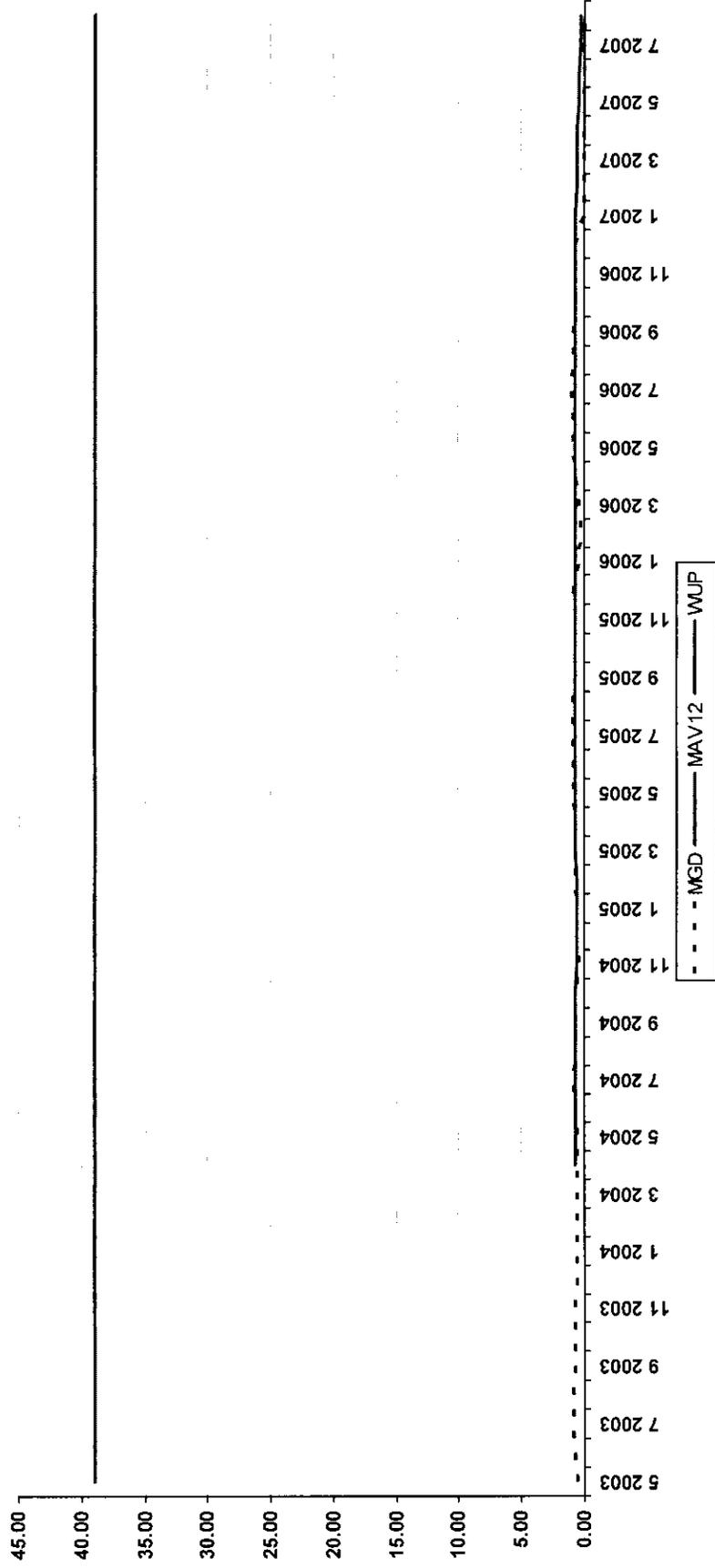
Aquifer System Water Use Permit Index *(non-saltwater/non-caprock)*

ISLAND OF OAHU

WUP No	Approved	Applicant	Well No.	Well Name	WUP (mgd)	12-MAV (mgd)
WMA Aquifer System: KAWAIILOA				Sustainable Yield = 39		
056	9/11/1981	PANIOLO RANCH	3704-01	MEADOW GOLD SH	0.430	
173	2/19/1992	ATTRACTIONS HAWAII	3803-01	WAIMEA FALLS 1	0.100	
173	2/19/1992	ATTRACTIONS HAWAII	3803-03	WAIMEA FALLS 2	0.200	
309	3/16/1994	WILSON, GARY E.	3902-01	WILSON WELL	0.037	
183	11/18/1992	HENRY, FRANK A.	4002-06	HENRY F.	0.005	
179	11/18/1992	NAKAMURA, TAKEMITSU	4002-09	NAKAMURA T.	0.001	
323	1/26/1994	HONOLULU BWS	4101-07	WAIALEE I	0.339	
324	1/26/1994	HONOLULU BWS	4101-08	WAIALEE II	0.411	
528	10/26/2000	UH DEPT OF ANIMAL SCIENCE	4101-10	WAIALEE	0.026	
<i>Summary for 'SYSTEM' = KAWAIILOA (9 detail records)</i>						
Totalling					1.549	
Available					37.451	

Aquifer Code | 30403 | **Aquifer System** | KAWAILOA | **SY MGD:** | | **Beginning:** | 5/1/2003 | **Ending:** | 9/30/2007 | **Saltwater?** | | **Tunnel?** | | **Caprock?** | | **Compute 12-Month Moving Average**

12 Month Moving Average





RECEIVED

07 OCT 9 A 9:08

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

COMMISSION ON WATER
RESOURCE MANAGEMENT

HRD07/3218

October 3, 2007

Ken Kawahara, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawai'i 96809

RE: Application for a Water Use Permit, Kawa'iloa Groundwater Management Area, O'ahu, TMK: 5-7-1:036.

Dear Mr. Kawahara,

The Office of Hawaiian Affairs (OHA) is in receipt of your request for written comments for an application for a water use permit for the Kawa'iloa Groundwater Management Area near Kawela Bay on O'ahu. We have the following comments.

OHA notes that this parcel is zoned Agriculture-1. As such, Hawai'i Revised Statutes section 205 state, "In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation." Further, the Revised Ordinances of Honolulu section 21-3.50 state, "The purpose of the agricultural districts is to maintain a strong agricultural economic base," and that,

The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district.

The zoning of this area as Agriculture-1 shows that these are prime lands which are uniquely important to the State of Hawai'i agricultural system.

EXHIBIT 3

Ken Kawahara, Deputy Director
Commission on Water Resource Management
October 2, 2007
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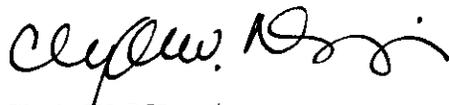
OHA realizes that water use permits are granted based on reasonable usage and in consideration of maximum-beneficial use. OHA stresses that waters of the State used in Agricultural zoned parcels must be used in order to support agriculture.

The applicant has failed to demonstrate reasonable and beneficial use in the application materials. More details need to be provided such as how much of each crop will be grown. Further, OHA notes that 36 out of 43 acres are to be irrigated; however, there is no acreage plan. OHA also comments that 20 acres are to be 'pasture', yet we see no mention or plans for livestock. As such, OHA requests more details to be provided in order to protect the public interest and ensure a maximum-beneficial use for these important agricultural lands.

OHA further bears in mind that the usual 20-year permit review will be too long for this application. We, therefore, suggest that a shorter period of time be chosen for review and that this be imposed as a condition of the water use permit. Perhaps a 10-year time span for permit review is more suitable.

Aloha and thank you for the opportunity to comment. If you have any further questions or concerns please contact Grant Arnold at (808) 594-0263 or granta@oha.org.

Sincerely,



Clyde W. Nāmu'o
Administrator