



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

STAFF SUBMITTAL
for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

July 15, 2009
Honolulu, Oahu

Clarification of the Commission's Reasoning in Granting the Motion Approved
at the February 18, 2009 Meeting Agenda Item D.2. for

**Mr. Bryan Sarasin, Mr. John Varel, Maui Department of Water Supply (MDWS),
Applications for Water Use Permits**

- Waihee-Sarasin Well (Well No. 5631-08), Future (Domestic and Agricultural)
Use of 0.051 mgd, WUPA 853, TMK 3-2-007:016
- Waihee-Varel Well (Well No. 5631-07), Future (Domestic and Agricultural)
Use of 0.041 mgd, WUPA 825, TMK 3-2-001:001
- Iao Tank Site Well (Well No. 5230-03), New (Additional Municipal)
Use of 0.802 mgd, WUPA 846, TMK 3-5-001:021
- Mokuhau Well 3 (Well No. 5330-11), New (Additional Municipal)
Use of 0.589 mgd, WUPA 847, TMK 3-3-002:024
- Waikapu Tank Site Well (Well No. 5131-01), New (Additional Municipal)
Use of 0.900 mgd, WUPA 848, TMK 3-5-004:099
- Iao Tunnel - Kepaniwai (Well No. 5332-02), New (Additional Municipal)
Use of 0.840 mgd, WUPA 852, TMK 3-3-003:003

SUMMARY OF REQUEST:

A Commissioner is seeking to clarify the intent and reasoning leading to the approved motion for the original item D.2. listed above. There was much discussion at the February 18, 2009 Commission meeting regarding Item D.2., which approved ground water use permits for Sarasin, Varel, and MDWS.

BACKGROUND:

There was lengthy discussion regarding the staff write-up and recommendation and whether some of the written statements could be construed as setting policy and direction. Some of the

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issues that were addressed included definitions for public trust and non-public trust uses (for instance, “domestic” use versus “municipal” use), the use of 60% as the portion of municipal use that is domestic use, and the setting of a hierarchy or prioritization of uses.

To clarify this, the Commission’s intent was to ensure that the motion reflected that the Commission’s decision was based on factors that were not necessarily aligned with the staff submittal write-up. Basically, the Commission wanted to be clear that their decision and approval on this agenda item is not based on the Commission defining public trust and non-public trust uses, or a categorical prioritization of uses. The motion was approved based on this understanding.

Respectfully submitted,



KEN C. KAWAHARA, P.E.
Deputy Director

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson