

LINDA LINGLE  
GOVERNOR OF HAWAII



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

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LENORE N. OHYE  
ACTING DEPUTY DIRECTOR

**STAFF SUBMITTAL**

for the meeting of the  
**COMMISSION ON WATER RESOURCE MANAGEMENT**

August 25, 2010  
Honolulu, Hawaii

Sean Ginella  
**APPLICATIONS FOR A WATER USE PERMIT and  
WELL CONSTRUCTION/PUMP INSTALLATION PERMITS**  
Paumalu Well (Well No. 3901-01), TMK (1) 5-8-002:004, WUPA No. 881  
Future (Agricultural) Use for 0.387 mgd  
Kawailoa Ground Water Management Area, Oahu

**APPLICANT:**

Mr. Sean Ginella  
57-477 Kamehameha Highway  
Kahuku, HI 96731

**LANDOWNER:**

Linder Hawaiian Holdings, LLC  
4608 Bruce Avenue  
Edina, MN 55424

**SUMMARY OF REQUEST:**

The applicant requests that the Commission on Water Resource Management (Commission) approve a water use permit for an allocation of **0.387** million gallons per day (mgd) of **potable basal** ground water from a **new well** to supply **one farm dwelling, 90 head of cattle, and 59 acres of pasture irrigation.**

**LOCATION MAP:** See Exhibit 1

**BACKGROUND:**

March 5, 2009 An incomplete well construction/pump installation permit application was received from Sean Ginella. The acknowledgement identified clarifications needed and noted the requirement for a water use permit application to complete the application process.

October 19, 2009 Complete permit applications for water use (WUPA) and well construction/pump installation (WCPIA) were received and accepted by the Commission.

March 8, 2010 Both water use permit and well construction/pump installation applications were routed for comment and Public Notice announced for publication of the water use application. Additional information regarding the source, use, notification, and potential objections, is provided in Attachment A.

March 10 & 17, 2010 Public notice (Exhibit 2) for this application was published in the Honolulu Star-Bulletin.

**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 29 mgd as the sustainable yield for the Kawaiiloa Aquifer System. Individual existing water use permits in this aquifer system are shown in Exhibit 3. 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)
<b>Sustainable Yield</b>	29
Less: Other Existing Water Use Permits (shown in Exhibit 3) (see discussion below)	1.614
Reservation to DHHL	0
<b>Subtotal (Current Available Allocation)</b>	27.386
Less: Other Completed Applications	0
Less: This Application	0.387
<b>Subtotal (Potential Available Allocation)</b>	26.999

Therefore, the resource availability 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 potable ground water to supply a single farm dwelling, stockwater for 90 head of cattle, and irrigation for 59 acres of pasture. 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 domestic, agriculture (including livestock) and irrigation uses.

### *II. Quantity Justification*

The applicant is requesting a total of **0.387** mgd for a farm dwelling, 90 head of cattle, and 59 acres of pasture irrigation (primarily in summer). The amount is represented by the applicant as based on rainfall and irrigation requirements of the Old Kahuku Plantation.

### *III. Efficiency of Use*

The applicant states that its operations meet County domestic standards for non-potable household use and agricultural estimates for cattle drinking requirements. By using low-flow fixtures and irrigating only in the deficit of rainfall, the applicant proposes to maximize efficiency. The applicant estimates the efficiency of using traveling sprinklers at 75%. They would consider use of drip irrigation in times of high winds.

Staff uses a University of Hawaii irrigation model ("IWREDSS") to estimate requirements for specific parcels, incorporating local soils, rainfall averages, irrigation efficiency, etc. to compare with applicant estimates. In this case, the applicant has estimated 6,500 gallons per acre per day (gad) for its proposed Pangola Grass pasture feed. This would be under full irrigation conditions, "mainly in summer months" (see application p.2 Table 1 Column J item 3). The model suggests 3,663 gad as an annual average using sprinklers with the chance of drought one year in five. Although the model does not provide specifically for Pangola Grass, all three varieties it does calculate have the same value. Staff believes these figures are commensurate with each other and expects to monitor actual use.

This per-acre figure is considerably less than the requested amount. Fifty-nine acres at the IWREDSS estimate of 3,663 gad would require 216,117 gpd, rather than the estimated 383,500 gpd for the irrigation part of this application. Together with the household potable amount (2,000 gpd) and livestock watering non-potable amount (1,800 gpd), the total amount with the IWREDSS estimated requirement would be 0.220 mgd.

### *IV. Analysis of Practical Alternatives*

The applicant has addressed six alternatives to the proposed use of potable basal water. An analysis of each of the alternatives is as follows:

1. municipal – municipal service is unavailable at his location
2. wastewater – not available
3. ditch system – not available
4. desalting – not available
5. surface (stream flow) – not available
6. conservation measures – the applicant proposes to use low-flow fixtures in the farm dwelling and rainwater catchment for pasture irrigation, as available.

The 2000 Legislature amended the Water Code to include a new section, §174C-51.5 HRS that provides the Commission with the authority to require dual line (potable and non-potable) water supply systems in new industrial and commercial developments located in designated water management areas. In this case, the applicant is proposing agricultural use rather than industrial or commercial use, and does not have non-potable water service available. He is proposing to install only a single potable system. Therefore, this provision does not need to be invoked.

(3) Interference with other existing legal uses

There are no other wells currently in use within 1 mile of this source. Of six wells at the coast beyond a mile, only one is in use, a dug well from 1900 for agriculture on a parcel of 1.78 acres, for which we have no additional information. Paumahu and Kaunala Gulches lie on either side of the plateau of the proposed well location. Their inverts at an equal distance from the ocean are at about 400 and 350 ft. el., msl, respectively, while the well will be drilled to 36 feet below sea level. The well is anticipated to tap the basal aquifer and will be grouted down to 150 ft. el., msl. From the well's location, construction, and distance from the streams, it is very unlikely there will be negative impacts to stream flows. Also, once constructed, the well will be pump-tested to determine aquifer response and any boundary condition, including evidence of impacts to the streams, if any. Should tests suggest impacts to any streams then staff will require the applicant to petition for instream flow amendments. Staff believes there would be no interference with other legal existing uses.

(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.”*

Additionally, there have been no general public comments to this application (other than state & county general plans and land use designation comments noted below in criteria (5)).

Therefore, staff believes this application meets the public interest.

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

The proposed uses are in the State **Agricultural** District, and the county zoning is **Agriculture (AG-2)**. 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 Mayor's office, Department of Planning and Permitting, and the Department of Water Supply.

No special comments or objections have been made through this review. These proposed uses are consistent with the state and county general plans and land use designations.

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

(6) County land use plans and policies

Normal County review includes Mayor's office, Department of Planning and Permitting, and the Department of Water Supply. No comments or objections have been made.

Therefore, staff believes that 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 DHHL and the OHA have reviewed this application and made no comments or objections. 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, staff believes that this application will not interfere with Hawaiian home lands rights.

(8) Other issues

*I. Chapter 343 – Environmental Assessment (EA) Compliance*

**EA Triggers**

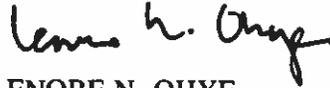
In accordance with §HRS 343-5(a), the applicant's propose action does not trigger the need for an EA as it is an entirely private venture outside of any conservation or special management areas.

**RECOMMENDATION:**

Staff recommends that the Commission:

- A. Approve the issuance of water use permit no. 881 to Sean Ginella for the reasonable and beneficial use of 0.220 million gallons per day of potable water for agricultural use from the proposed Paumalu Well (Well No. 3901-01), 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.
- B. Approve the Well Construction/Pump Installation Permits for the Paumalu Well (Well No. 3901-01), subject to the standard conditions in Attachments C & D.
- C. Should pump tests show evidence of interference with Paumalu or Kaunala Streams, the applicant shall petition for an Interim Instream Flow Standard (IIFS) amendment to accommodate the water use permit allocation.

Respectfully submitted,



LENORE N. OHYE  
Acting Acting Deputy Director

- Attachment(s):
- A (Water Use Permit Detailed Information)
  - B (Water Use Permit Standard Conditions)
  - C (Well Construction Permit Standard Conditions)
  - D (Pump Installation Permit Standard Conditions)

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

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN  
Chairperson

**WATER USE PERMIT DETAILED INFORMATION**

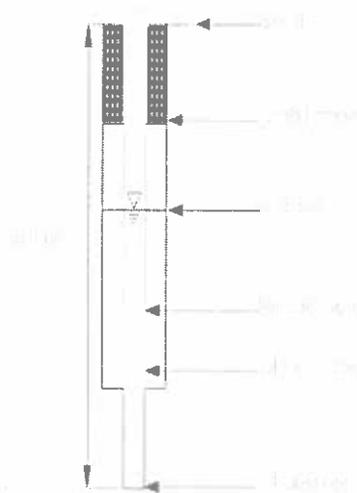
**Source Information**

<b>AQUIFER:</b>	Kawailoa System, North Sector, Oahu
Sustainable Yield:	29 mgd
Existing Water Use Permits:	1.614 mgd
Available Allocation:	27.386 mgd
Total other pending applications:	0 mgd
This application:	0.387 mgd

<b>WELL:</b>	Paumalu Well (Well No. 3901-01)
Location:	Paumalu, Oahu, TMK: (1) 5-8-002:004
Year Drilled:	not constructed
Casing Diameter:	12 in.
<u>Elevations (msl = 0 ft.)</u>	
Water Level:	4 ft.
Ground:	600 ft.
Bottom of Solid Casing:	4 ft.
Bottom of Perforated:	-36 ft.
Bottom of Open Hole:	NA

Total Depth:	636 ft.
Grouted Annulus Depth:	450 ft.

Pump Capacity	45 gpm
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Use Information

Quantity Requested:	0.387 gallons per day.
Future Type of Water Use:	Agricultural
Place of Water Use:	TMK: (1) 5-8-002:004
Reported Water Usage:	NA
Nearby Similar Water Usage:	NA
Kawailoa Aquifer System	
Current 12-Month Moving Average Withdrawal (See Exhibit 2):	NA

Nearby Surrounding Wells and Other Registered Ground Water Use

There are no other wells within a mile of the well (see Exhibit 1). Information from the well index indicates there are possibly 40 existing wells in the Kawailoa Aquifer System, mostly unused. Several of these wells may 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. The 1992 Draft of the Oahu Water Use and Development Plan estimated that the existing withdrawals from the Kawailoa Aquifer System is 2 mgd as of 1990.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on March 10, 2010 and March 17, 2010 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 (Oahu only), 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 March 29, 2010.

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 March 29, 2010.

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.

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.

**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 August 25, 2010 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 Kawaioloa 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 Kawaioloa 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 Kawaioloa 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.

## STANDARD WELL CONSTRUCTION PERMIT CONDITIONS

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules (HAR).
2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.
3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at [www.hawaii.gov/dlnr/cwrm/resources\\_permits.htm](http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm)). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.
4. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson. If it can be shown that the well does not tap basal ground water then this condition may be waived after consultation with and acceptance by Commission staff. However, in no instance can the well be drilled deeper than one-half (1/2) of the theoretical thickness without Commission approval.
5. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.
6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' State Historic Preservation Division. Work may recommence only after written concurrence by the State Historic Preservation Division.
7. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.
8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit [www.hawaii.gov/dlnr/cwrm/resources\\_permits.htm](http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm) for current form).
9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.
10. The well construction permit application and, if relevant, any related staff submittal approved by the Commission are incorporated into this permit by reference.
11. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.
12. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.
13. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.
14. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project then the permittee must apply for a well abandonment permit in accordance with §13-168-12(f), HAR, prior to any well sealing or plugging work.
15. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.
16. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with §13-168-12(f), HAR.
17. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

## STANDARD PUMP INSTALLATION PERMIT CONDITIONS

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules (HAR).
2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.
3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.
4. The pump installation permit shall be for installation of a (X) gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.
5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.
6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.
7. Well Completion Report Part II shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit [www.hawaii.gov/dlnr/cwrm/resources\\_permits.htm](http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm) for current form).
8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.
9. The pump installation permit application and, if relevant, any related staff submittal approved by the Commission are incorporated into this permit by reference.
10. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.
11. Any variances from the HWCPIS shall be approved by the Chairperson **prior** to invoking the variance.
12. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.
13. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.
14. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

## ATTACHMENT D

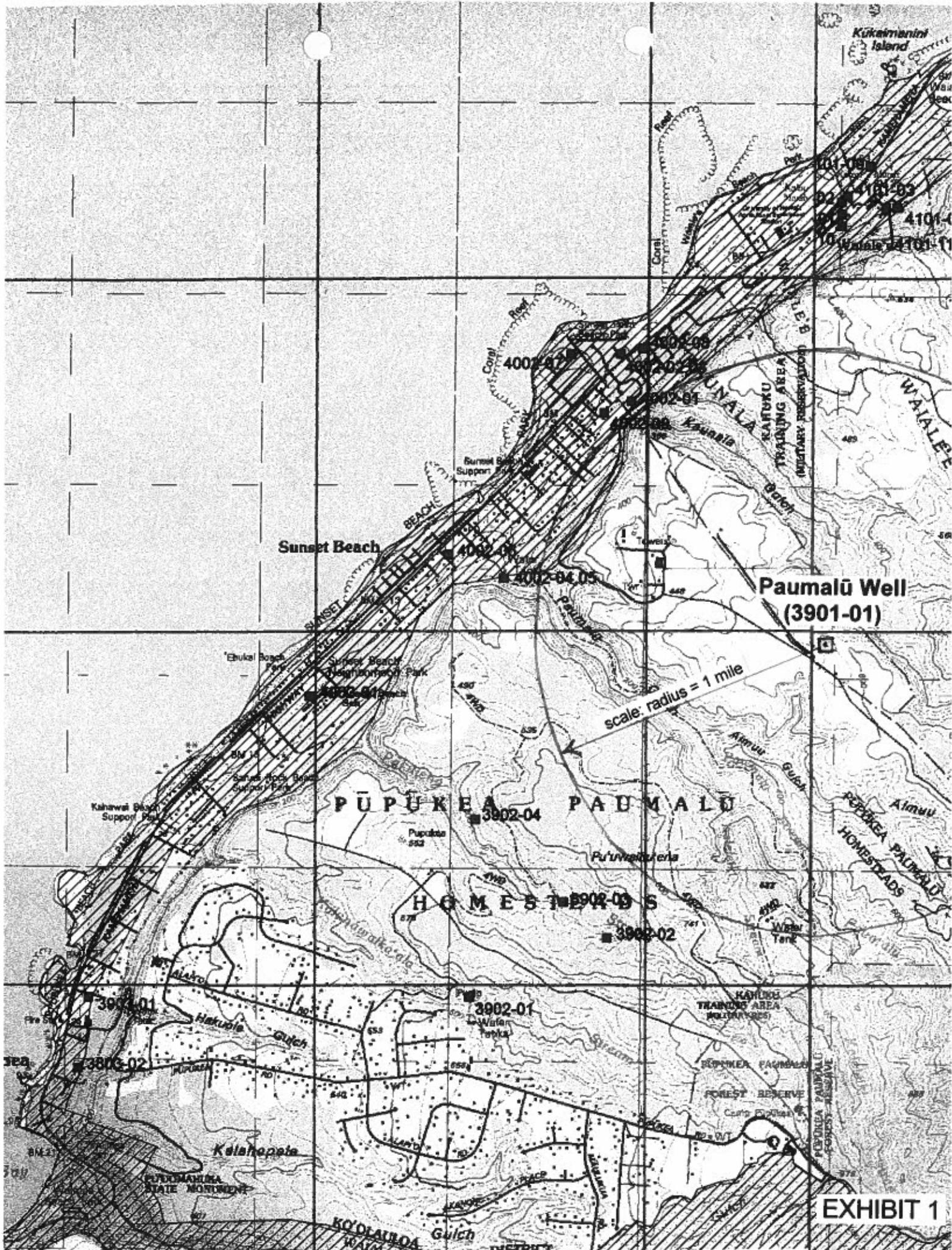


EXHIBIT 1

## PUBLIC NOTICE

### Application for Water Use Permit Kawailoa Ground Water Management Area, Oahu

The following application for water use permit has been received by the Commission on Water Resource Management and is hereby made public in accordance with Section 13-171, Hawaii Administrative Rules, "Designation and Regulation of Water Management Areas."

WUPA No. 881      Paumalu Well (Well No. 3901-01)

Applicant:            Sean Ginella  
57-477 Kamehameha Highway  
Kahuku, HI 96731

Landowner:          Linder Hawaiian Holdings, LLC  
4608 Bruce Avenue  
Edina, MN 55424

Date Application Filed as Complete: October 19, 2009

Hydrologic Unit: Aquifer Areas: Kawailoa System, North Sector, Oahu 600

Water Source: Paumalu Well (Well No. 3901-01) at Pupukea-Paumalu ~ 500 ft. el., Oahu, Tax Map Key (1) 5-8-002:004

Quantity Requested: 0.387 million gallons per day.

Existing/New Use: New domestic and pasture irrigation

Place of Water Use: Pupukea-Paumalu at Tax Map Key: (1) 5-8-002:004

Written objections or comments on the above application 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 (provide TMK information); (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 permit. Written objections must be received by April 1, 2010. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT



KEN C. KAWAHARA, P.E., Deputy Director for  
LAURA H. THIELEN, Chairperson

Dated: March 1, 2010

Publish in: Honolulu Star Bulletin issues of March 10 and March 17, 2010

# Aquifer System Area Water Use Permit Index *(total)*

ISLAND OF OAHU

Aquifer System Ground Water Management Area: **KAWAIILOA**

Sustainable Yield = 29

<i>WUP No</i>	<i>Approved</i>	<i>Applicant</i>	<i>Well No.</i>	<i>Well Name</i>	<i>WUP (mgd)</i>	<i>12-MAY (mgd)</i>
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	
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	
812	11/13/2007	Sean Ginella	4100-06	Kawela Mauka	0.102	
861	11/18/1992	Patricia L. Clark	4002-06	Henry F.	0.005	
<i>Summary for KAWAIILOA (9 detail records)</i>					<b>Totalling</b>	1.614
					<b>Available</b>	27.386