



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

COMMISSION ON WATER RESOURCE MANAGEMENT

October 10, 2012  
Honolulu, Oahu

STAFF SUBMITTAL

HONOLULU BOARD OF WATER SUPPLY  
APPLICATION FOR A WATER USE PERMIT  
Waialua Wells (Well No. 3405-01 & 02), TMK (1) 6-4-001:008, WUP No. 868  
Future (Municipal) Use of 0.270 mgd  
(For new total allocation of 2.0 mgd)  
Waialua Ground Water Management Area, Oahu

APPLICANT:

Honolulu Board of Water Supply  
630 South Beretania Street  
Honolulu, HI 96809

LANDOWNER:

Same

SUMMARY OF REQUEST:

Applicant Honolulu Board of Water Supply ("BWS") requests an additional allocation of **0.270** million gallons per day (mgd) to the BWS existing ground water use permit GWUP 40. The **new total allocation** from the BWS Waialua well battery will be **2.0 mgd** of potable basal ground water from an existing well. The use will supply general municipal growth and irrigation water for a Waialua Sugar Mill commercial site landscaping and 5 washing facilities at the Kawailoa Agriculture Park.

**LOCATION MAP:** See Exhibit 1

**BACKGROUND:**

- September 11, 1981 Board of Land and Natural Resources (“BLNR”) approved GWUP 40 under the former Waialua Ground Water Control Area for 1.730 mgd for existing municipal needs.
- November 24, 2008 Honolulu BWS submitted an incomplete ground water use permit application.
- February 2, 2010 Honolulu BWS submitted a second incomplete application..
- October 5, 2010 Following considerable communications with the BWS staff, BWS submitted a third amended application. It was deemed complete for processing, and routed for public review.
- February 3, 2011 BWS reimbursed the Commission for the public notice
- April 14, 2011. The Commission notified BWS that existing permitted allocations exceeded the sustainable yield, and that staff would have to recommend denial of the application unless unused allocations could be revoked. This process would require more than the 90-day processing time allowed for water use permits. BWS waived the 90-day requirement.
- October 10, 2012 Proposed reductions (if granted) in the Waialua Ground Water Management Area may reduce allocations below the sustainable yield so that water is available for new allocations.

**ANALYSIS**

Haw. Rev. Stat. 174C-49(a) (State Water Code) establishes seven (7) minimum criteria that must be met to obtain a water use permit.

**(1) Water availability**

The sustainable yield for the **Waialua** Aquifer System Area is 25 mgd (See Hawaii Water Plan). Individual existing water use permits in this aquifer system area are shown in Exhibit 2. If the Commission adopts the staff recommendation for revocations in Wailua Aquifer system (scheduled for October 10, 2012 agenda), the ground water conditions in the aquifer would be as set forth in Table 1:

**Table 1. Waialua Aquifer System Area**

ITEM	Waialua Aquifer System Area (mgd)
Sustainable Yield	25
Less: Other Existing Water Use Permits (shown in Exhibit 2)	16.694
Reservation to DHHL	0
Subtotal (Current Available Allocation)	8.306
Less: Other Completed Applications (shown in Exhibit 3)	0.029
Less: This Application increase to existing use	0.270
Subtotal (Potential Available Allocation/Allocation Deficit)	8.007

There is adequate water available to accommodate this application.

**(2) Reasonable-beneficial**

Haw. Rev. Stat. 174C-3 defines "reasonable-beneficial use" as

...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 accommodate anticipated municipal growth in the Waialua area, some irrigation of the former Waialua Mill commercial area, and to provide wash water for a cluster of agricultural processing facilities. The Declaration of Policy section, Haw. Rev. Stat. §174C-2(c) states that the Water Code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for various purposes including municipal, industrial, and irrigation uses.

**II. Quantity Justification**

The applicant requests an additional allocation of **0.270** mgd, based upon County municipal use standards and specific requests for service not previously available and within the HBWS service area.

The total allocation for this battery of wells will increase to **2.0 Mgd**.

### **III. Efficiency of Use**

The applicant states that its operations meet County standards of average residential use and regional averages for agricultural irrigation and the anticipated agricultural processing facilities.

### **IV. Analysis of Practical Alternatives**

The applicant identified **no** alternatives to the proposed use of potable water. An analysis of each of the alternatives is as follows:

1. Wastewater reuse: not available and would be more expensive to treat to potability.
2. Ditch system: not applicable for potable uses and would be more expensive to treat to potability.
3. Desalting: economically unfeasible
4. Surface water: not available and would be more expensive to treat to potability

#### **(3) Interference with other existing legal uses**

There are about a dozen pumping stations within 1 mile of this source, mostly at beyond  $\frac{3}{4}$  mile, mostly irrigation batteries and two pairs of municipal wells. Among the dozen are a few small farm wells, a few of which are not currently active. In addition, there are several USGS observation wells. The original pump test data for this well shows that the slight increase of use is within test rates and should not impact other wells.

#### **(4) Public interest**

Haw. Rev. Stat. §174C-2, Declaration of policy defines "Public interest" 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."

There were no public comments or objections to this application. The application meets the public interest Requirement.

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

The proposed uses are in the State Urban and Agriculture District. The county zoning is Residential, Commercial, and Agriculture. The proposed uses are consistent with these land use designations.

Normal agency review includes:

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 (DHHL), and Land Use Commission (LUC); and the Office of Hawaiian Affairs (OHA); The Office of the Mayor, Department of Planning and Permitting, and the Honolulu Board of Water Supply.

No 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. HBWS provides water on a first-come-first-serve basis at the building permit phase, which must follow State and County General Plans and land use designations.

This application is consistent with the state & county general plans and land use designations.

**(6) County land use plans and policies**

Again normal County review includes Office of the Mayor, Department of Planning and Permitting and the Board of Water Supply. No comments or objections have been made. This application is consistent with 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 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, this application **will not** interfere with Hawaiian home lands rights.

**Haw. Rev. Stat. Chapter 343 – Environmental Assessment (EA) Compliance**

In accordance with Haw. Rev. Stat. §343-5(a), the applicant's proposed action does not trigger the need for an EA, as no funds are being expended for this project. Existing facilities are capable of producing requested amounts.

**RECOMMENDATION:**

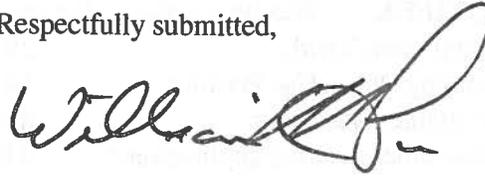
Staff recommends that the Commission

**APPROVE** the issuance of Ground Water Use Permit No. 868 for the reasonable and beneficial use of an additional 0.270 million gallons per day of pPotable water for Municipal use from the Waialua Wells (Well Nos. 3405-01 & 02). The new total permitted amount will be **2.0 mgd**, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

- a. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.
- b. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.
- c. Should alternate permanent sources of water be found for these uses, then the Commission reserves the right to revoke this permit, after a hearing.
- d. 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.

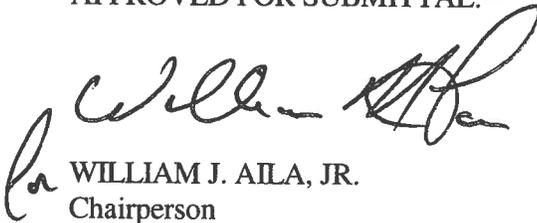
This approval supersedes the existing Ground Water Use Permit No. 40

Respectfully submitted,



WILLIAM M. TAM  
Deputy Director

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.  
Chairperson

- 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)

**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

**AQUIFER:** Waialua System, Windward Sector, Oahu

Sustainable Yield: 25 mgd  
Existing Water Use Permits: 16.694 mgd  
Available Allocation: 8.306 mgd  
Total other pending applications: 0.029 mgd  
This application: 0.270 mgd

**WELL:** Waialua Wells (Well No. 3405-01 & 02)

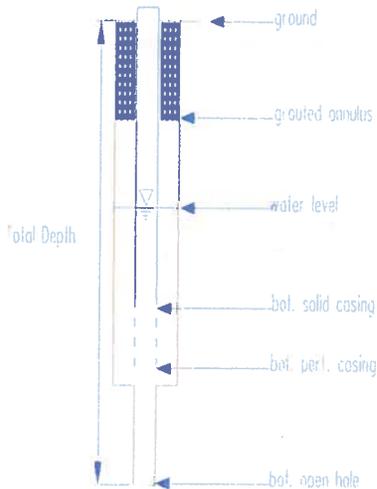
Location: Kamehameha Highway, Waialua, Oahu, TMK: 6-4-001:008  
Year Drilled: 1955  
Casing Diameter: 16 in.

Elevations (msl= 0 ft.)

Water Level: 12.2 ft.  
Ground: 196 ft.  
Bottom of Solid Casing: 219 ft.  
Bottom of Perforated: - ft.  
Bottom of Open Hole: -141 ft.

Total Depth: 337 ft.  
Grouted Annulus Depth: - ft.

Pump Capacity 1500 gpm



1

### Use Information

Quantity Requested:	2,000 gallons per day.
Future Type of Water Use:	Municipal
Place of Water Use:	various Waialua
Reported Water Usage:	1,730 gpd
Nearby Similar Water Usage:	- gpd

### Nearby Surrounding Wells and Other Registered Ground Water Use

There are about 12 other pumping stations within a mile of the well (see Exhibit 1) and currently in use. Information from the registration program indicates there are possibly 120 existing wells in the Waialua Aquifer System. Several of these wells 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. From the limited field verification, estimated existing ground water use from the Waialua Aquifer System is approximately 9 mgd. Of course, there are several significant users which have not been fully verified to date.

### Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on December 1, 2010 and December 8, 2010 and a copy of the notice was sent to the Office of the Mayor. Copies of the completed application were sent to the Department/Board of Water Supply, Department of Planning and Permitting, 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 December 18, 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 July 2, 2000.

To the best of staff's knowledge there are no / xx objectors who have property interest within the Waialua Aquifer System or who will be directly and immediately affected by the proposed water use. They are 1).

### 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 January 1, 2000 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 flow meter(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 **Waialua** 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 **Waialua** 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 **Waialua** 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.

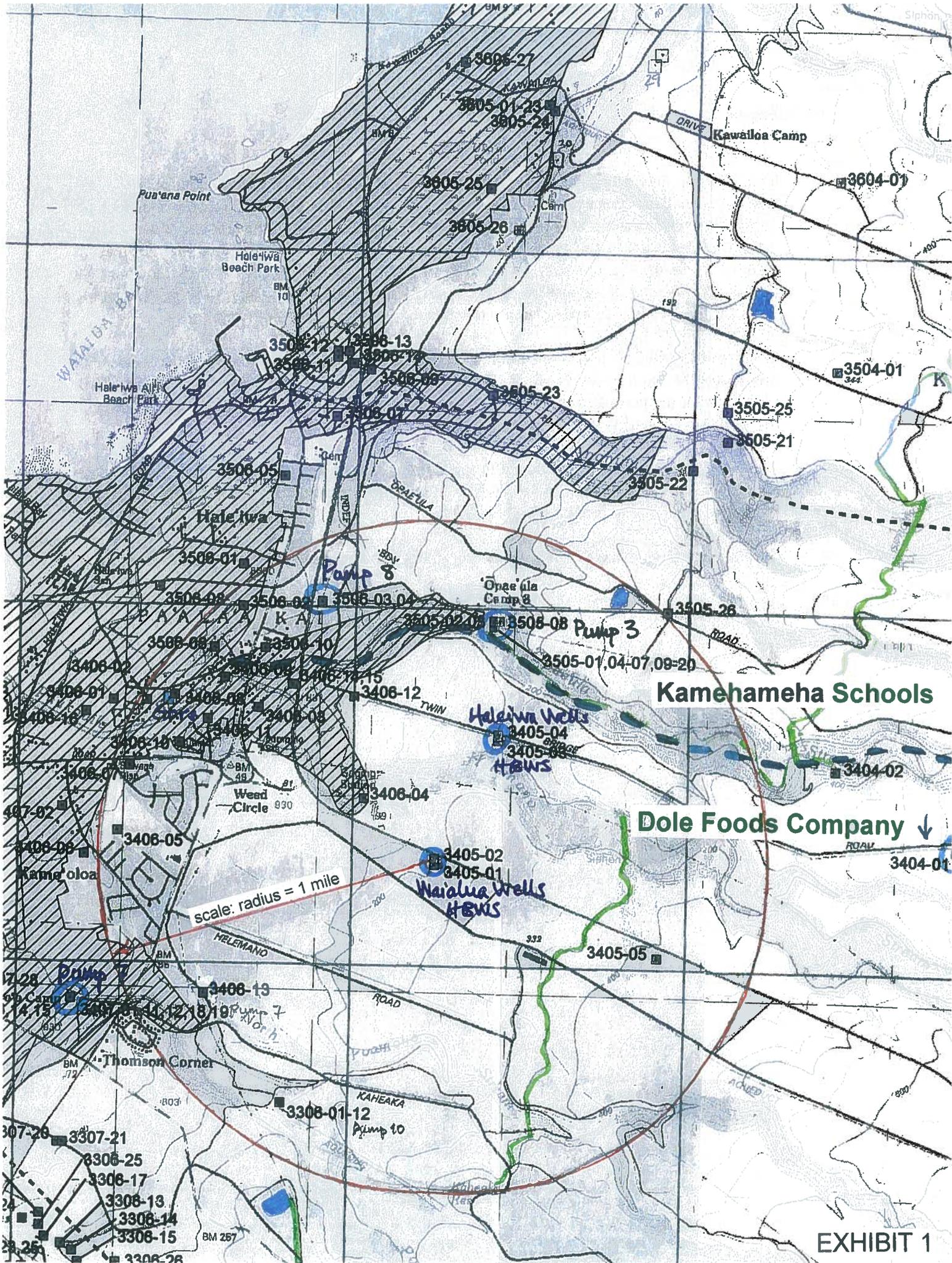


EXHIBIT 1



**Report Parameters**

Island: Oahu  
 Applicant: All  
 Well # Prefix: All  
 Date: All  
 Aquifer: 30402 Waialua  
 TMK: All  
 Aquifer Type: All

WUP = Water Use Permit, 12-MAV = 12 month moving average, Diff = WUP-12-MAV, mgd = million gallons per day

**Island of Oahu**

**Aquifer System Ground Water Management Area: 30402 Waialua**  
**Sustainable Yield (mgd): 25**

WUP No	Approved	Permittee	Well No	Well Name	WUP (mgd)
35	06/02/1993	Waialua Sugar Co.	3-3307-001	Waialua P2 Batt	4.370
			3-3307-002	Waialua P2 Batt	
			3-3307-003	Waialua P2 Batt	
			3-3307-004	Waialua P2 Batt	
			3-3307-005	Waialua P2 Batt	
			3-3307-006	Waialua P2 Batt	
			3-3307-008	Waialua P2 Batt	
			3-3307-009	Waialua P2 Batt	
			3-3307-010	Waialua P2 Batt	
			38	06/02/1993	
3-3307-011	Waialua P2A Batt				
3-3307-012	Waialua P2A Batt				
3-3307-013	Waialua P2A Batt				
3-3307-014	Waialua P2A Batt				
39	06/02/1993	Waialua Sugar Co.	3-3404-001	Waialua Pump 17	8.630
40	09/11/1981	Board of Water Supply, BWS	3-3405-001	Waialua	1.730
			3-3405-002	Waialua	
41	09/11/1981	Board of Water Supply, BWS	3-3405-003	Haleiwa 1	1.000
			3-3405-004	Haleiwa 2	
46	06/02/1993	Waialua Sugar Co.	3-3407-004	Pump 1	2.330
			3-3407-005	Pump 1	
			3-3407-006	Pump 1	
			3-3407-014	Pump 1	
			3-3407-015	Pump 1	
48	06/02/1993	Waialua Sugar Co.	3-3407-018	Pump 7 D	0.180
			3-3407-019	Pump 7 E	
136	06/02/1993	Waialua Sugar Co.	3-3407-011	Pump 7 B	2.930
			3-3407-012	Pump 7 C	
175	10/13/1993	Poamoho Venture, L.P.	3-3205-002	Poamoho A	0.600
263	10/13/1993	Native Hawaiian Advisory Council 2	3-3407-002	Waialua-Lopez 2	0.144
353	11/16/1994	A.J. LOPEZ SONS, INC.	3-3406-016	Haleiwa-Lopez 1	0.072
643	07/16/2003	Paradise Shrimp Farm	3-3407-038	Paradise Shrimp	0.576
732	06/02/1993	MICHAEL JEWETT & MEGAN WARD	3-3406-002	Waialua Pump 9	0.160
894	06/02/1993	Kamehameha Schools	3-3505-001	Opaeula P3 Battery	1.552
			3-3505-002	Pump 3 Well B	
			3-3505-003	Pump 3 Well C	
			3-3505-004	Opaeula P3 Battery	



**Island of Oahu**

**Aquifer System Ground Water Management Area:**

**30402 Waialua**

**Sustainable Yield (mgd):**

**25**

WUP No	Approved	Permittee	Well No	Well Name	WUP (mgd)
			3-3505-005	Opaeula P3 Battery	
			3-3505-006	Opaeula P3 Battery	
			3-3505-007	Opaeula P3 Battery	
			3-3505-008	Pump 3 Well H	
			3-3505-009	Opaeula P3 Battery	
			3-3505-010	Opaeula P3 Battery	
			3-3505-011	Opaeula P3 Battery	
			3-3505-012	Opaeula P3 Battery	
			3-3505-013	Opaeula P3 Battery	
			3-3505-014	Opaeula P3 Battery	
			3-3505-015	Opaeula P3 Battery	
			3-3505-016	Opaeula P3 Battery	
			3-3505-017	Opaeula P3 Battery	
			3-3505-018	Opaeula P3 Battery	
			3-3505-019	Opaeula P3 Battery	
			3-3505-020	Opaeula P3 Battery	
895	06/02/1993	B P Bishop Estate Trust	3-3506-003	Pump 8A	1.660
			3-3506-004	Pump 8B	

*Summary for Waialua (55 detail records)*

**Total:** 30.384  
**Available:** -5.384