



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

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

November 16, 2021
Honolulu, O'ahu

White Labels Venture LLC
APPLICATION FOR WATER USE, WELL CONSTRUCTION AND
PUMP INSTALLATION PERMITS
The Groves Well (Well No. 3-2104-002), TMK (1) 9-2-003:098, WUP No. 01105
New Agricultural Use for 0.151 mgd
'Ewa-Kunia Ground Water Management Area, O'ahu

APPLICANT:

White Labels Venture LLC
2969 Kalākaua Ave., Suite 110
Honolulu, HI 96815

LANDOWNER:

Makakilo Bluffs LLC
2969 Kalākaua Ave., Suite 101
Honolulu, HI 96815

CONTRACTOR

Valley Well Drilling

SUMMARY OF REQUEST:

The applicant requests that the Commission approve a water use permit for an allocation of 0.151 million gallons per day (mgd) of potable basal ground water from a new well to supply 67.7 acres of various agricultural uses.

LOCATION MAP: See Exhibit 1

BACKGROUND:

On April 9, White Labels Venture LLC submitted an acceptably completed water use permit application to the Commission on Water Resource Management (Commission). Additional information can be found in Exhibit 2 regarding the source, use, and notification.

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 16 mgd as the sustainable yield for the ‘Ewa-Kunia Aquifer System Area. Individual existing water use permits in this aquifer system area are shown in Exhibit 4. A summary of the current ground water conditions in the aquifer is provided in Table 1:

Table 1. Ewa-Kunia Aquifer System Area

<u>ITEM</u>	Ewa-Kunia Aquifer System Area (mgd)
Sustainable Yield	16
Less: Other Existing Water Use Permits (shown in Exhibit 4)	15.545
Reservation to DHHL	0
Subtotal (Current Available Allocation)	0.455
Less: Other Completed Applications	none
Less: This Application	0.151
Subtotal (Potential Available Allocation/Allocation Deficit)	0.304

The above table illustrates that there would be 0.304 mgd of water available from the ‘Ewa-Kunia Aquifer System if the Commission approves this water use permit allocation. Therefore, the criteria for sufficient available water availability is met.

(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 fresh potable ground water for agricultural use. 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 agricultural uses.

However, the Commission's Water Resource Protection Plan, Page 12, policy #10 states that "quality of the water source should be matched to the quality of water needed", and this use is not consistent with that policy.

II. Quantity Justification

The applicant is requesting a total of 0.151 mgd of water for various agricultural uses.

The applicant estimated their needs based on a program called Cropwat. The duty and quantity for each crop is shown in Exhibit 5.

Staff uses the Irrigation Water Requirement Estimate Decision Support System (IWREDSS Version 2.1) model produced by the University of Hawaii College of Tropical Agriculture and Human Resources (CTAHR) as a "reasonable-beneficial estimate". IWREDSS incorporates data specific to the parcel in question, such as soil properties, synthesizes historical daily rainfall incidence and evapotranspiration averages, ambient temperature; and crop information including root depth and breadth, leaf parameters and typical water requirements; and the proposed method of irrigation, the source of the widest variation in irrigation requirements within IWREDSS. Despite the sensitivity of this model, it cannot necessarily account for the peculiarities of microclimate or for wind effects on irrigation and on evaporation; it also makes certain unspecified assumptions about commercial agriculture such as plant spacing and maturity of crop that may not apply to more intensive or more casual agriculturalists. As any given application can vary from assumed parameters and the acreage may not fall homogeneously within the area's climatic averages, some variation in outcome is expected. IWREDSS gives us a ballpark comparison.

As shown in Exhibit 5, IWREDSS estimates are greater than the applicant's Cropwat estimates. Because staff uses IWREDSS as the basis for which quantities are established as reasonable and beneficial compared to applicants whose methods are likely based on a different model, staff feels that the requested uses are reasonable, and therefore recommend the Commission approve the requested amounts. Refer to Exhibit 6 for the summary of the recommended allocation.

III. Efficiency of Use

The applicant states that its operations are as water efficient as possible because

IV. Analysis of Practical Alternatives

As potable alternatives are not practical for non-potable uses and the Commission considers that water should be used for its highest and best use, the applicant addressed non-potable alternatives for the requested water. The applicant has identified the following alternatives and why they are not feasible. These are:

1. Municipal sources – the applicant states that the Honolulu BWS is requiring this agricultural cluster plan to provide its own source of non-potable water. Additionally, there is no available non-potable source from the Honolulu BWS.

2. Wastewater reuse – the applicant states that the Honolulu BWS has reclaimed transmission from Honouliuli through Kapolei but not up into Makakilo. The closest transmission line is 1.89 miles away from where the well will be drilled and would cross numerous private parcels.
3. Ditch systems – the applicant states that the Waiāhole Ditch system is the only ditch system in the vicinity, but is in Kunia on land owned by Monsanto on TMK 9-2-001:001. The applicant further states that it's too far to access the ditch system and would have to cross private parcels.
4. Desalinization – the applicant states that to drill deeper than the water table and into salt water would jeopardize the quality of the aquifer, and brine disposal would be cumbersome.
5. Surface water – the applicant states that there are no surface water sources in the vicinity of the parcel.

(3) Interference with other existing legal uses

There are six (6) other wells currently in use within one mile of the proposed well. Of these six (6) wells, three (3) are abandoned and two (2) are observation wells. The remaining well is the Upper Quarry well, which is used for industrial purposes (refer to Exhibit 1). The proposed pump for this well has a capacity of 120 gallons per minute. A 24-hour pump test is required for this pump capacity, and upon submission of the recorded pump test data, staff will analyze it to determine drawdown and salinity increases, as well as aquifer properties that, if any, will likely identify any interference.

If there is interference or impacts discovered upon the initial pump installation and resulting pump tests, staff will require subsequent pump tests with a smaller pump capacity until no impacts are found. If impacts continue despite reductions in pump capacity, staff will bring the application back to the Commission with recommendations.

(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 requested use is agricultural and falls under the first sentence. Provisions for the second sentence can be found in the Ka Pa‘akai analysis below.

Therefore, this application meets the criteria to be in 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-2. Therefore, the proposed agricultural uses are 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 Office of the Mayor, Department of Planning and Permitting, and the 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, as agricultural uses are permitted within the AG designation and AG-2 zoning.

Therefore, this application meets the criteria to be in compliance with 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.

While adherence to specific land use plans and policies were not addressed because no comments were submitted, staff determines that agricultural uses within AG-2 zoning meets the criteria for compliance with the county land use plans and policies.

(7) Interference with Hawaiian home lands rights

All permits are subject to the 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, while DHHL has a reservation in Waipahu-Waiawa, this application in 'Ewa-Kunia 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 proposed action does not trigger the need for an EA based on none of the following being applicable as triggers: (1) use of state land; (2) use of

county land; (3) use of state funds; (4) use of county funds; (5) use of conservation district lands; (6) use with shoreline setback area; (7) use of historic site designated on the National register; (8) use of historic site designated on the Hawaii register; (9) use of land in the Waikiki Special District; (10) amendment to county general plan which results in designations other than agriculture, conservation or preservation not initiated by the county; (11) proposes any reclassification of conservation land by LUC; (12) relationship to the construction/modification of helicopter facilities that may affect conservation district lands/a shoreline setback area/a historic site; (13) proposal to build (a) wastewater treatment units (except IWS or WTU serving <50 SFR dwellings or the equivalent, (b) waste-to-energy facility (c) landfill, (d) oil refinery, (e) power generating facility.

II. Traditional and Customary Practices

Ka Pa‘akai Analysis

In *Ka Pa‘akai O Ka‘aina v. Land Use Commission*, the Hawai‘i Supreme Court recognized that the State has an obligation to protect Hawaiian traditional and customary practices to the extent feasible, and that the proponent of an action must show sufficient evidence that these types of practices are protected, if they exist in the location in question. This “Ka Pa‘akai framework” was created by the Court “to help ensure the enforcement of traditional and customary native Hawaiian rights while reasonably accommodating competing private development interests.” The Commission is obligated to conduct a “Ka Pa‘akai analysis” of a proposed action requiring CWRM approval independent of the entity proposing the action. This analysis should be used to inform any decision on the impact of the proposed action on traditional and customary practices.

Consequently, the Court required an assessment of the following:

(1) “the identity and scope of ‘valued cultural, historical, or natural resources’ in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;

The applicant states that:

“The Groves site is located within the Honouliuli Ahupua‘a, which is the largest traditional land unit on Oahu. Honouliuli Ahupua‘a has 12 miles of coastline and extends mauka towards Schofield Barracks in Wahiawa. Within the large Honouliuli Ahupua‘a, pre-contact, there were taro cultivation near West Loch and the Honouliuli Stream, Pa‘akai (Salt Making) near the coastal plains, gathering of plant resources in the coastal lowland and into the upland forest, marine resource gathering such as fishing, shellfish gathering and picking limu. It is also documented that there are 2 traditional Hawaiian trails. Pu‘u Kapolei which was a seasonal solstice landmark related to cultural viewing events is also located in the Honouliuli Ahupua‘a.”

(2) “the extent to which those resources -- including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action;” and

The applicant states that:

“The upper Makakilo site where the irrigation well is located was long ago sold to James Campbell. Due to the rapid introduction of sugar cane cultivation and cattle grazing,

most of the native vegetation was diminished. The property was later sold to DR Horton for future housing development and was kept as private property. Based on this, there are no continuing cultural practices on the parcel of The Groves irrigation well.

The well site is located far inland and does not contain any bodies of water. It does have two un-named intermittent streams. The continuing customary right of taro farming, Pa'akai and gathering of marine resources is not to be affected by this project.

The proposed water well does not anticipate any impacts on the ongoing cultural practices at Pu'u Kapolei, nor have any visual impacts on this cultural resource.

In general, it is difficult to understand the relationship of pumping groundwater to the impacts on surface water. Pump tests are important because they are a good way of predicting aquifer properties and potential impacts to resources like streams. Adjacent streams are at elevation of 280' msl and 300' msl, while the well will withdraw from the basal lens, 294' below ground surface or 15' msl, so no impacts to streams are anticipated. Sustainable yield accommodates a certain amount of ocean discharge, and certainly cumulative impacts of all pumpage within the aquifer would be on a much larger order of magnitude than even if a 1:1 was somehow established between pumpage of this well and ocean discharge. Therefore, no impacts to streams or ocean discharge are anticipated, and therefore no impacts on traditional and customary Native Hawaiian rights are anticipated."

(3) "the feasible action, if any, to be taken ... to reasonably protect native Hawaiian rights if they are found to exist."

The applicant states that:

"Should significant archaeological features be uncovered, construction will be halted and archeological consultation will be sought by the DLNR historical preservation divisions. According to the Hawai'i Ground Water Use Permit conditions, we understand that these conditions apply 3g. "Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Acts", 6. "The ground water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable", 9f. "This permit may be modified by the Commission and the amount of the water initially granted to the permittee may be reduced if the Commission determines it is necessary to meet legal obligations to the Department of Hawaiian Home Lands, if applicable.

If pump tests for this well show an impact on surface water, the Commission can then require applicants to petition to amend the instream flow standards. This process would address the impacts to Native Hawaiian rights as a result of loss of water to the stream."

Based on applicant's statements, staff believes that there will not be an impact to Native Hawaiian traditional and customary practices.

RECOMMENDATION:

Staff recommends that the Commission:

- A. Approve the issuance of water use permit no. 01105 to White Labels Venture LLC for the reasonable and beneficial use of 0.151 million gallons per day of potable water for agricultural use from the The Groves well (Well No. 3-2104-002), as described in the recommended allocation portion of Exhibit 6, and subject to the standard water use permit conditions listed in Exhibit 7 and the following special conditions:
 1. This permit is subject to suspension and/or revocation if the use as described in Exhibit 6 changes. This includes, but is not limited to: type of use, location of use, land use classification changes, or anything that varies from the application.
 2. 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.
 3. 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 a well construction permit for The Groves (Well No. 3-2104-002), subject to the standard well construction permit conditions as described in Exhibit 8.
- C. Approve a pump installation permit for The Groves (Well No. 3-2104-002), subject to the standard pump installation permit conditions as described in Exhibit 9.

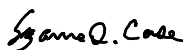
Ola i ka wai,



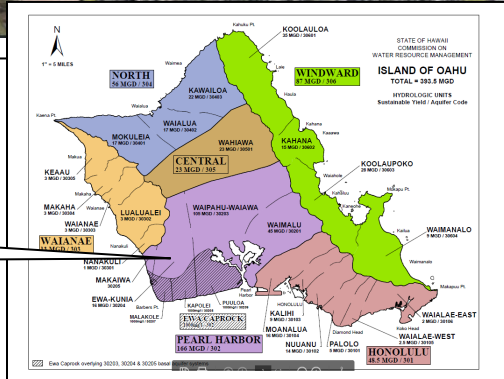
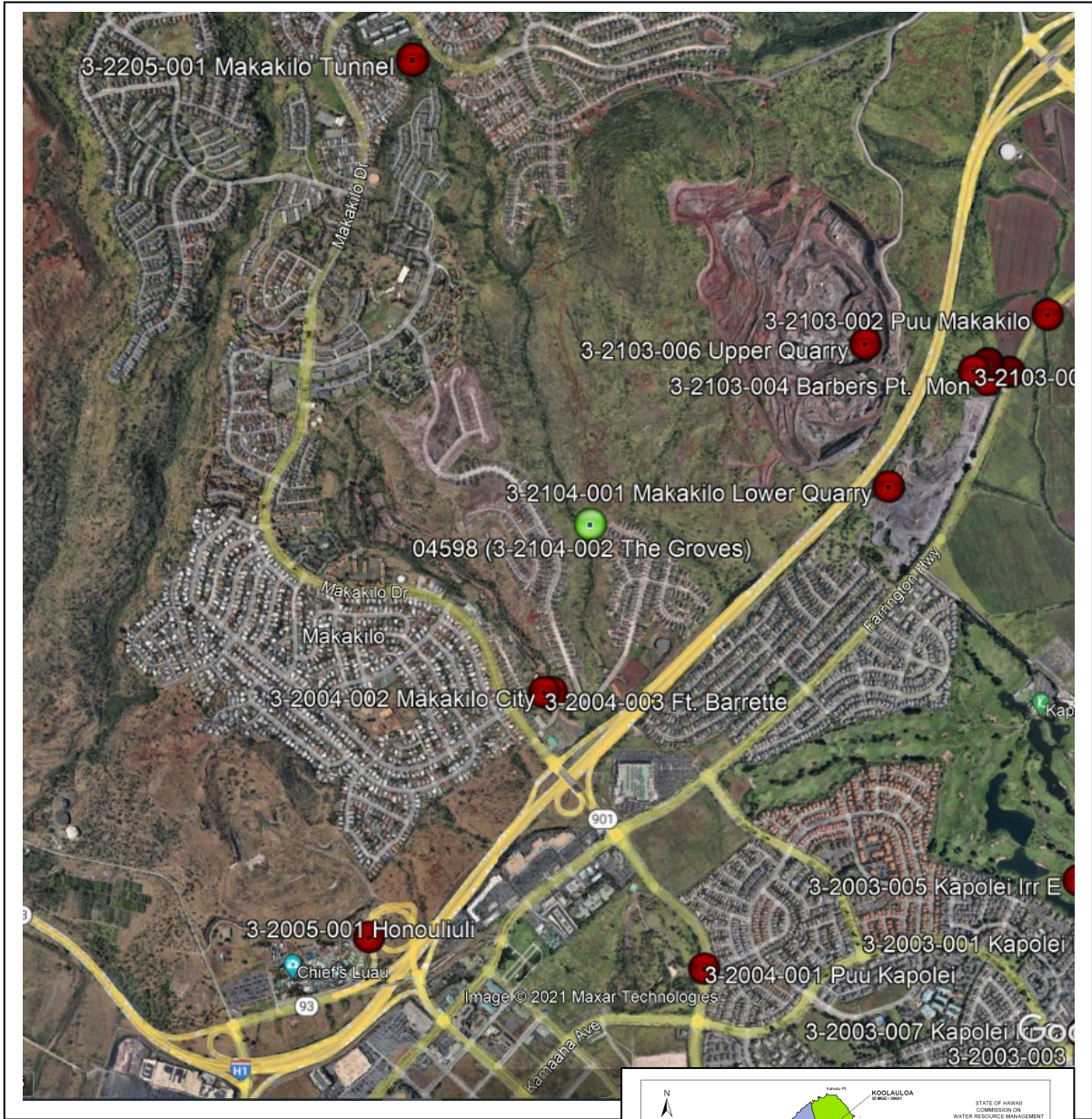
M. KALEO MANUEL
Deputy Director

- Exhibits:
- 1 (Location Map)
 - 2 (Water Use Permit Detailed Information)
 - 3 (Public Notice)
 - 4 (Existing Water Use Permits and 12-Month Moving Average Withdrawal)
 - 5 (IWREDSS calculations)
 - 6 (Summary of use request and recommended allocations)
 - 7 (Water Use Permit Standard Conditions)
 - 8 (Well Construction Permit Standard Conditions)
 - 9 (Pump Installation Permit Standard Conditions)

APPROVED FOR SUBMITTAL:

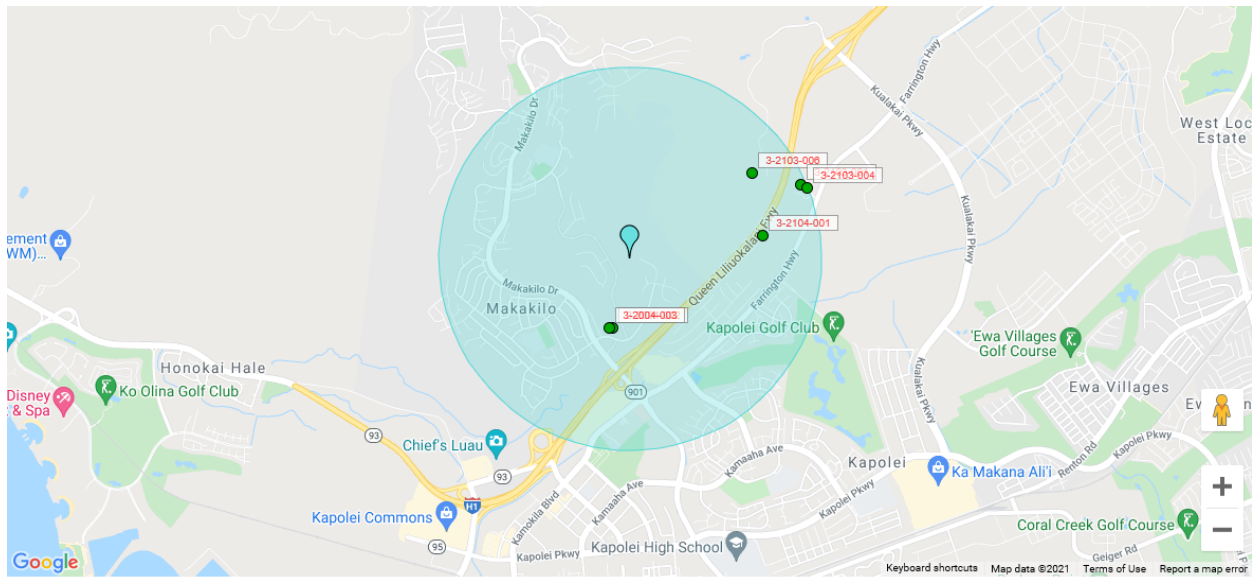


SUZANNE D. CASE
Chairperson



Well location

EXHIBIT 1: LOCATION MAP



6 matching results found.

Sort By: Well Number

Well Number	Aquifer System	Well Name	Well Owner/Operator	Water Use Reporter	Land Owner	TMK	Use	Year Drilled	Latest 12-MAV	Last Reported Date	Distance (miles)
3-2004-002	30204 Ewa-Kunia	Makakilo City	D.R. Horton - Schuler Homes LLC		D.R. Horton - Schuler Homes LLC	(1) 9-2-003.002	ABNSLD	1937			0.40
3-2004-003	30204 Ewa-Kunia	Ft. Barrette	D.R. Horton - Schuler Homes LLC		Makakilo Nursery, LLC	(1) 9-2-019.095	ABNLOS	1941			0.41
3-2103-001	30204 Ewa-Kunia	Puu Makakilo	Naval Facilities Engineering Command Hawaii, NAVFAC-Hawaii		Kalaeloa Water Company, LLC	(1) 9-1-016.007	OBS	1942			0.96
3-2103-004	30204 Ewa-Kunia	Barbers Pt. Mon	Naval Facilities Engineering Command Hawaii, NAVFAC-Hawaii		Daito US Inc.	(1) 9-1-016.227	OBS	1992			0.99
3-2103-006	30204 Ewa-Kunia	Upper Quarry	Grace Pacific LLC	Margaret D'Entremont (Grace Pacific LLC)	Grace Pacific LLC	(1) 9-2-003.082	INDMI		0.017	9/30/2021	0.76
3-2104-001	30204 Ewa-Kunia	Makakilo Lower Quarry	Grace Pacific LLC	Margaret D'Entremont (Grace Pacific LLC)	Grace Pacific Corporation	(1) 9-1-016.004	ABN	1976	0.000	9/30/2021	0.70

1-mile radius map shows 6 wells within a mile of the well site. Of these, there's only one production well, 3-2103-006, the Upper Quarry well.

WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:

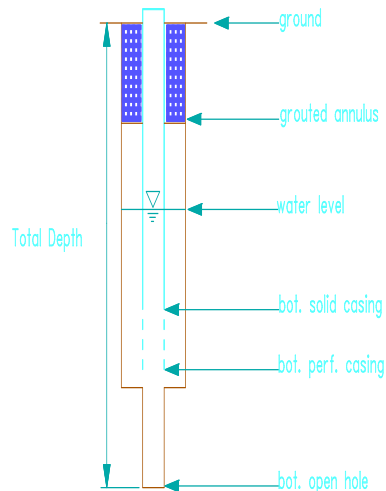
Ewa-Kunia System, Pearl Harbor Sector, Oahu

Sustainable Yield:	16 mgd
Existing Water Use Permits:	15.545 mgd
Available Allocation:	0.455 mgd
Total other pending applications:	0 mgd
This application:	0.151 mgd

WELL:

The Groves (Well No. 3-2104-002)
Oahu, TMK: (1) 9-2-003:098

Location:	
Year Drilled:	
Casing Diameter:	12 in.
<u>Elevations (msl= 0 ft.)</u>	
Water Level:	15 ft.
Ground:	309 ft.
Bottom of Solid Casing:	-31 ft.
Bottom of Perforated:	-71 ft.
Total Depth:	380 ft.
Grouted Annulus Depth:	220 ft.
Pump Capacity	120 gpm



Use Information

Quantity Requested:	0.151 gallons per day.
New Type of Water Use:	Agricultural
Place of Water Use:	TMK: (1) 9-2-003:098
Ewa-Kunia Aquifer System	
Current 12-Month Moving Average Withdrawal (See Exhibit 4):	7.925 mgd

Nearby Surrounding Wells

There are 6 other wells within a mile of the well (see Exhibit 1). Only 1 of these wells is currently in use as a production well.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star Advertiser on June 18, 2021 and June 25, 2021 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 July 9, 2021.

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 .

To the best of staff's knowledge there are no objectors who have property interest within the Ewa-Kunia 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.

PUBLIC NOTICE

**Application for Water Use Permit
Ewa-Kunia Ground Water Management Area, Oahu**

The Commission on Water Resource Management received the following Ground Water Use Permit Application. Public Notice is given pursuant to Hawaii Administrative Rules, Section 13-171, "Designation and Regulation of Water Management Areas."

GWUPA No. 01105 The Groves well (Well No. 3-2104-002)

Full application link: <https://dlnr.hawaii.gov/cwrm/newsevents/notices>

Applicant: White Labels Venture LLC
2969 Kalakaua Ave, Suite 110
Honolulu, HI 96815

Landowner: Makakilo Bluffs LLC
2969 Kalakaua Ave, Suite 101
Honolulu, HI 96815

Date Application Filed as Complete: April 9, 2021
Hydrologic Unit / Aquifer System Area: Ewa-Kunia System, Pearl Harbor Sector, Oahu
Water Source

Well No.	Well Name	Tax Map Key	Aquifer System Area
3-2104-002	The Groves	(1) 9-2-003:098	Ewa-Kunia System, Pearl Harbor Sector, Oahu

Quantity Requested: 0.151 million gallons per day.

Proposed Use: Agriculture

End Use

New/Existing	Description	Place of Water Use	Qty of Use (GPD)
New	AGRCP (coconut)	at Tax Map Key: (1) 9-2-003:098	3,352
New	AGRCP (citrus)	at Tax Map Key: (1) 9-2-003:098	24,670
New	AGRCP (mango)	at Tax Map Key: (1) 9-2-003:098	27,545
New	AGRON (flowering trees)	at Tax Map Key: (1) 9-2-003:098	13,250
New	AGRLI (5 horses)	at Tax Map Key: (1) 9-2-003:098	150
New	AGRCP (vertical farming)	at Tax Map Key: (1) 9-2-003:098	4,000
New	AGRCP (vine crops dragon fruit)	at Tax Map Key: (1) 9-2-003:098	18,900
New	AGROTH (grass-habitat maintenance)	at Tax Map Key: (1) 9-2-003:098	25,730
New	ACRCP (avocado)	at Tax Map Key: (1) 9-2-003:098	23,347
New	AGROTH (grass-landscaping areas)	at Tax Map Key: (1) 9-2-003:098	9,713

Written objections or comments on this 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 must (1) state the 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 July 9, 2021. 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



M. KALEO MANUEL, Deputy Director for
SUZANNE D. CASE, Chairperson

Dated: Jun 10, 2021

Publish in: Honolulu Star Advertiser issues of June 18, 2021 and June 25, 2021

EXHIBIT 3: PUBLIC NOTICE



Report Parameters

WUP Type: Water Use Permit, Administrative Modification, Reservation, Transfer, CWRM Decision and Orders, Court Orders, Other
 Island: Oahu
 Applicant: All
 Well # Prefix: All
 Date: All
 Issued Date: All
 Date Accepted: All
 Aquifer Sector: All
 Aquifer: 30204 Ewa-Kunia
 Source or End Use TMK: All
 Aquifer Type: Alluvial, Basal, Dike, Perched, Not Specified
 Water Quality: Fresh, Brackish, Potable, Non-Potable, Not Specified
 Not
 Proposed Use: 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: 30204 Ewa-Kunia

Sustainable Yield (mgd): 16

Wup No	Approved	Permittee	Well No	Well Name	WUP (mgd)	12-MAV (mgd)	Diff (mgd)	Date Last Reported
00075	06/12/1987	State of Hawaii, DLNR Land Division Oahu, DLNR-LD	3-1905-004	Ewa Desalt Basal	0.500	0.000	0.500	08/31/2021
00081	05/17/1989	Honolulu Board of Water Supply, BWS	3-2004-004	Makakilo	1.500	0.275	1.225	08/31/2021
00082	05/17/1989	Honolulu Board of Water Supply, BWS	3-2006-014	BP Non-Potable 1	1.000	1.172	-0.172	08/31/2021
			3-2006-015	BP Non-Potable 2		0.000		08/31/2021
00158	09/13/1989	Honolulu Board of Water Supply, BWS	3-2303-001	Honouliuli I-1	2.240	0.000	2.240	08/31/2021
			3-2303-002	Honouliuli I-2		0.000		08/31/2021
00165	02/13/1991	Honolulu Board of Water Supply, BWS	3-1905-004	Ewa Desalt Basal	0.500	0.000	0.500	08/31/2021
00655	10/25/1985	Ko Olina Development LLC	3-2006-013	Ko Olina	0.700	0.621	0.079	09/01/2021
00811	08/22/2007	Honolulu Board of Water Supply, BWS	3-2303-003	Honouliuli II-1	4.480	4.142	0.338	08/31/2021
			3-2303-004	Honouliuli II-2		0.000		08/31/2021
			3-2303-005	Honouliuli II-3		0.000		08/31/2021
			3-2303-006	Honouliuli II-4		0.000		08/31/2021
00928	06/20/2001	Del Monte Fresh Produce (Hawaii), Inc	3-2703-001	Kunia 1	1.075	0.000	1.075	05/10/2021
			3-2703-002	Kunia Basal Monitor		0.000		08/10/2017
00983	08/15/2012	Grace Pacific Corporation	3-2103-006	Upper Quarry	0.256	0.017	0.239	09/30/2021
			3-2104-001	Makakilo Lower Quarry		0.000		09/30/2021
01035	01/26/2000	Oceanwide Resort Paradise HI LLC	3-2006-001	EP 10 A, B, 11, 13	0.957	0.000	0.955	09/02/2021
			3-2006-002	EP 10 C		0.000		09/02/2021
			3-2006-003	EP 10 D		0.000		09/02/2021
			3-2006-004	EP 10 E		0.002		09/02/2021
			3-2006-005	EP 10 F		0.000		09/02/2021
			3-2006-006	EP 10 G		0.000		09/02/2021
			3-2006-007	EP 10 H		0.000		09/02/2021
			3-2006-008	EP 10 J		0.000		09/02/2021
			3-2006-009	EP 10 K		0.000		09/02/2021
			3-2006-010	EP 10 B		0.000		09/02/2021
			3-2006-011	EP 10 I		0.000		09/02/2021



Report Parameters

WUP Type: Water Use Permit, Administrative Modification, Reservation, Transfer, CWRM Decision and Orders,
Court Orders, Other

Island of Oahu

Aquifer System Ground Water Management Area: 30204 Ewa-Kunia

Sustainable Yield (mgd): 16

Wup No	Approved	Permittee	Well No	Well Name	WUP (mgd)	12-MAV (mgd)	Diff (mgd)	Date Last Reported
01048	08/22/1986	Kalaeloa Water Company, LLC	3-2103-003	Barbers Point Shaft	2.337	1.696	0.641	09/30/2021

Summary for Ewa-Kunia (28 detail records)

Total: 15.545 7.925 7.620

SY Available: 0.455

Sustainable Yield: 409

SY Available: 393.46

Crop	IWREDSS Crop	Acres	Duty requested	Duty IWREDSS	Quantity requested	Quantity IWREDSS
Avocado	Avocado	8.4	2,779	5,292	23,347	44,453
Citrus	Citrus	8.9	2,772	4,511	24,670	40,148
Mango	Mango	9.5	2,899	5,292	27,545	50,274
Coconut	Coconut	0.8	4,190	5,514	3,352	4,411
Vine crops	Generic	12	1,575	5,544	18,900	66,528
Flowering trees	Lychee	5.3	2,500	5,646	13,250	29,924
Vertical farm	Dom garden	1	4,000	6,390	4,000	6,390
Grass	Kikuyu	15.1	1,704	6,338	25,730	95,704
Grass	Kikuyu	5.7	1,704	6,338	9,713	36,127
Horses		5	30		150	
TOTAL					150,657	373,958

EXHIBIT 5: IWREDSS CALCULATIONS

Type of use	TMK	Uses applied for requiring potable water (mgd)	Uses applied for that do not require potable water (mgd)	Recommended allocation (mgd)
Agriculture	(1)9-2-003:098	0	0.151	0.151

EXHIBIT 6: SUMMARY OF USE REQUEST AND RECOMMENDED ALLOCATIONS

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 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) need not 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 basis (attached).
- 11. This permit shall be subject to the Commission's periodic review of the **Ewa-Kunia** Aquifer System Area's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the **Ewa-Kunia** Aquifer System Area, 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 **Ewa-Kunia** 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 <http://files.hawaii.gov/dlnr/cwrp/forms/APTR.pdf>). 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 <http://files.hawaii.gov/dlnr/cwrp/forms/WCR1.pdf> 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 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 <http://files.hawaii.gov/dlnr/cwrp/forms/WCR2.pdf> 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.