



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

**PETITION
FOR
WATER MANAGEMENT AREA ACTION
for**

Ground Water **Surface Water**

Instructions: Please print in ink or type and send completed petition with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. For assistance, call the Regulation Branch at 587-0225.

1. PETITIONER

Firm/Name: _____

Contact Person: _____ Phone: _____

Address: _____

2. PROPOSED WATER MANAGEMENT AREA(S)

Island: _____

Aquifer Sector(s): _____

Aquifer System(s): _____

Watershed(s): _____

3. PROPOSED ACTION (Check one only): DESIGNATION MODIFICATION RESCINDMENT

4. JUSTIFICATION FOR PROPOSED ACTION ON WATER MANAGEMENT AREA(S)

Please attach a sheet to state reasons why the above hydrologic unit(s) under item 2 should be designated as a ground and/or surface water management area(s) or the boundaries of an existing water management area(s) modified or rescinded. If petition is for water management area designation, please state which criteria specified by 13-171-7 and/or 13-171-8, HAR, are met and why (see back of form). If petition is for modifying or rescinding existing water management area boundaries, please establish your standing to petition (13-171-10 HAR). Complete and detailed explanations are encouraged.

Submitted by (print): _____

Title: _____

Signature _____

Date: _____

RELEVANT SECTIONS OF 13-171, HAR & 174C, HRS REGARDING WATER MANAGEMENT AREA PETITIONS

§13-171-3 Initiation by chairperson. The designation of a water management area by the commission may be initiated upon recommendation by the chairperson. In addition to this prerogative, it shall be the duty of the chairperson to make the recommendations from time to time when it is desirable or necessary to designate a water management area for the purposes stated in this chapter and there is data for a decision by the commission. [Eff. MAY 27 88] (Auth: HRS §174C-8) (Imp: HRS §§174C-5, 174C-41)

§13-171-4 Initiation by petition. (a) The designation of a water management area by the commission may also be initiated by any interested person by written petition to the chairperson proposing the designation of a specified area and presenting the reasons for such designation. The petition for designation of a water management area shall be made on forms provided by the commission. It shall be the duty of the chairperson, after consultation with the appropriate county mayor and county water board, to act upon the petition by making a recommendation for or against the proposed designation to the commission within sixty days after receipt of the petition or additional time as may be reasonably necessary to determine whether there is factual data to warrant the proposed designation.

(b) Designated ground water areas established under chapter 177, HRS, the Ground Water Use Act, and remaining in effect at the effective date of this chapter shall continue as water management areas. [Eff. MAY 27 88] (Auth: HRS §174C-8) (Imp: HRS §§174C-5, 174C-41)

§13-171-7 Ground water criteria for designation. In designating an area for ground water use regulation, the commission shall consider the following:

- (1) Whether an increase in water use or authorized planned use may cause the maximum rate of withdrawal from the ground water source to reach ninety percent of the sustainable yield of the proposed water management area;
- (2) That the rates, times, spatial patterns, or depths of existing withdrawals of ground water are endangering the stability or optimum development of the ground water body due to upconing or encroachment of salt water;
- (3) That the chloride contents of existing wells are increasing to levels which materially reduce the value of their existing uses;
- (4) Whether excessive preventable waste of water is occurring;
- (5) There is an actual or threatened water quality degradation as determined by the department of health;
- (6) Serious disputes respecting the use of ground water resources are occurring;
- (7) Whether regulation is necessary to preserve the diminishing ground water supply for future needs, as evidenced by excessively declining ground water levels; or
- (8) Whether water development projects that have received any federal, state, or county approval may result, in the opinion of the commission, in one of the above conditions.

Notwithstanding an imminent designation of a water management area conditioned on a rise in the rate of ground water withdrawal to a level of ninety percent of the area's sustainable yield, the commission, when such level reaches the eighty percent level of the sustainable yield, may invite the participation of water users in the affected area to an informational hearing for the purposes of assessing the ground water situation and devising mitigative measures. [Eff. MAY 27 88] (Auth: HRS §174C-8) (Imp: HRS §§174C-5, 174C-44)

§13-171-8 Surface water criteria for designation. In designating an area for surface water use regulation, the commission shall consider the following:

- (1) Whether regulation is necessary to preserve the diminishing surface water supply for future needs, as evidenced by excessively declining surface water levels, not related to rainfall variations, or increasing or proposed diversions of surface waters to levels which may detrimentally affect existing instream uses or prior existing off stream uses;
 - (2) Whether additions to or the diversions of stream waters are reducing the capacity of the stream to assimilate pollutants to an extent which adversely affects public health or existing instream uses; or
 - (3) Whether serious disputes respecting the use of surface water resources are occurring.
- [Eff. MAY 27 88] (Auth: HRS §174C-8) (Imp: HRS §§174C-5, 174C-45)

§13-171-10 Modifying and rescinding designated areas. The modification of the boundaries or the rescinding of existing water management areas by the commission may be initiated by the chairperson or by a petition to the commission by any person with proper standing. The procedure for modifying the boundaries of an existing water management area or for rescinding an existing water management area shall be as provided in subchapter 2 for the designation of a water management area. [Eff. MAY 27 88] (Auth: HRS §174C-8) (Imp: HRS §§174C-5, 174C-47)