



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR GROUND WATER USE PERMIT FOR
PROPOSED NEW USE IN A DESIGNATED GROUND WATER
MANAGEMENT AREA

FORM GWUPA-N

- ☒ Application for New Use
☐ Application to Modify WUP No. _____

For Official Use Only:

For detailed instructions on filling out this application form completely, refer to the attached instructions. Incomplete applications will not be accepted for processing.

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) with source location labeled and include the name of the quad map.
- Property tax map, showing source location referenced to established property boundaries.
- Photograph(s) of the source(s) and location(s) of proposed end use(s), if applicable.

APPLICANT INFORMATION

Note 1: In accordance with HRS § 174C-51(1), the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

1. APPLICANT'S INFORMATION

Name/Company
Kitty Nichols

Contact Person
Kitty Nichols

Mailing Address
41-770 Mahailua St. Waimanalo, HI 96795

Phone
(808)554-1167

Fax
NA

E-mail
kittynichols8@gmail.com

2. SOURCE LANDOWNER'S INFORMATION

Name/Company
Kitty Nichols Trust

Contact Person
Kitty Nichols

Mailing Address
41-770 Mahailua St. Waimanalo, HI 96795

Phone
(808)554-1167

Fax
NA

E-mail
kittynichols8@gmail.com

SOURCE INFORMATION

3. ISLAND

Oahu

4. GROUND WATER MANAGEMENT AREA

Waimanalo

4A. SUSTAINABLE YIELD FOR ITEM 4

9 MGD

5. SOURCE INFORMATION

Attach additional sheets, if necessary.

Well Number (if known)	Well Name	Existing or Proposed?	TMK	Flowmeter installed?
	KNichols 2022	Proposed	4 - 1 - 024 - 081 zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input checked="" type="checkbox"/> No
			zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone sector plat parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No

PROPOSED USE INFORMATION

§§174C-51(4), (5), (6), HRS

6. TOTAL QUANTITY OF WATER REQUESTED: In the space below, enter total from Box M in Item 11 (Table 1) of this application.

5545 gallons per day, averaged over 1 year

7. PROPOSED USE(S):

☒ Agriculture ☒ Domestic ☐ Industrial

Check all that apply. ☐ Irrigation ☐ Military ☐ Municipal

8. LOCATION OF PROPOSED WATER USE(S): Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Item 11 (Table 1, column B) of this application.

Note 2: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that: (1) if necessary, further information may be required before the application is considered complete; (2) if a water use permit is granted by the Commission, this permit is subject to any existing legal uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands' future uses; and (3) the applicant is responsible for paying the public notice fees associated with this application. Additionally, as stated in Note 1, above, HRS § 174C-51(1) the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

9. APPLICANT

Kitty Nichols
Signature

Kitty Nichols

Print Name

3-16-22
Date

10. SOURCE LANDOWNER/JOINT APPLICANT (if applicable)

Kitty Nichols
Signature

Kitty Nichols

Print Name

3-16-22
Date

PROPOSED NEW USE OR MODIFIED USE INFORMATION

11. TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE (Attach additional copies, if necessary.)

LAND USE CONSISTENCY		EFFICIENCY OF USE								
A	B	C	D	E	F	G	H	I	J	
PURPOSE / WATER USE CATEGORY (See the Instructions for water use category descriptions.)	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Properly tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	COUP REQUIRED? Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQUIRED? Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE	QUANTITY OF USE (GPD)	JUSTIFICATION FOR QUANTITY OF WATER REQUESTED (If applicable, attach additional sheets showing how the quantity was calculated.) For irrigation uses, fill in Table 2.	
USES THAT REQUIRE POTABLE (DRINKING) WATER										
DOM	4 zone, 1 sector, 024 plat, 081 parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG-2	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	1	500	500	Existing Farm Dwelling	
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
						TOTAL POTABLE USE		K 500	GPD	
USES THAT DO NOT REQUIRE POTABLE WATER										
AGR LI	4 zone, 1 sector, 024 plat, 081 parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG-2	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	1.049 acre	2500	2622.50	Turf	
AGR ON	4 zone, 1 sector, 024 plat, 081 parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG-2	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	0.969 acre	2500	2422.50	Ornamentals & Nursery Plants	
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
	zone sector plat parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No					
						TOTAL NON-POTABLE USE		L 5045	GPD	
						TOTAL QUANTITY OF WATER REQUESTED (sum of total potable use and total non-potable use) =		M 5545	GPD	

Please explain if there are any limitations (e.g., legal, contractual) on the proposed water use(s) described in Table 1. Ref. HRS § 174C-51(5).

None

PROPOSED NEW USE OR MODIFIED USE INFORMATION (continued)

12. TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown, including landscape and golf course irrigation uses. Copy Table 2 and attach additional sheets to complete your list, if necessary.

A TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map with an outline around the area of each proposed irrigation use listed in this table. • Photograph of the area of each proposed use.			B CROP	C TOTAL ACREAGE	D NET IRRIGATED ACREAGE	E BEGIN GROWTH PERIOD (month)	F END GROWTH PERIOD (month)	G IRRIGATION SYSTEM (refer to instructions)	H IRRIGATION PRACTICE (refer to instructions)	I COMMENTS (Continue comments below, if more space is needed.)
4	1	024	081	2.47	1.049	JAN	DEC	MULTIPLE SPRINKLERS	DEFICIT IRRIGATION	
4	1	024	081	2.47	0.969	JAN	DEC	TRICKLE DRIP	DEFICIT IRRIGATION	
zone	sector	plat	parcel							
zone	sector	plat	parcel							
zone	sector	plat	parcel							
zone	sector	plat	parcel							
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zone	sector	plat	parcel							
zone	sector	plat	parcel							
zone	sector	plat	parcel							
zone	sector	plat	parcel							

Comments (continued from Column I): Please clearly indicate the crop (i.e., the row in table) these comments relate to.
Ornamentals and nursery plants-various heleconia, gingers, ti leaves, floral plants

OTHER PERTINENT INFORMATION

13. TABLE 3: ALTERNATIVES ANALYSIS

	A. Analysis of <i>potable</i> alternatives Attach additional sheets if necessary.	B. Analysis of <i>non-potable</i> alternatives Attach additional sheets if necessary.
Municipal sources	The property currently has potable Honolulu Board of water supply.	There are no municipal sources of non-potable water for the property, our intention is to not waste the potable water supply for irrigation.
Wastewater reuse	Not an option for drinking and bathing due to possible contaminants.	Waimanalo WWTP is over a mile away from this parcel and there are no transmission lines to access the re-use water. if there were transmission lines, they would have to cross over private properties.
Ditch system	There are no current ditch systems near this property. The transmission lines are far away and would have to cross private properties.	The closest would be the Waimanalo Irrigation system.
Desalinization	Desalinization is a costly procedure and may actually contaminate the potable aquifer by drilling past the potable water and into the brackish, ocean water.	
Surface water	There are no bodies of water or streams in the vicinity of this parcel.	
Conservation Measures	Check plumbing for leaks. Using water-saving fixtures. Re-use gray water for irrigation of established lawns.	Check plumbing and flow meter for leaks. Optimize water times to prevent evaporation. Grow cover crops to allow water to penetrate the soil. Collect and store rainwater.
Other (specify)		

14. PUBLIC INTEREST

§174C-2(C), HRS states: *The state water code shall be liberally interpreted to [a] 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, [b] 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.*

Explain how the proposed new use(s) in your application are consistent with items [a] and [b] above.

The use of this well would be for domestic and agriculture which follow along with the interpretation of the state water code. The minimal groundwater use by this well would have little to no effect on the current waters of the State.

Specifically:

14a. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary Native Hawaiian rights are exercised in this area.

Please see attached

14b. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

Please see attached.

14c. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?

Please see attached.

OTHER PERTINENT INFORMATION

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act.

The DHHL has a current reservation of 0.124 MGD in the Waimanalo aquifer. The requested 0.0055 MGD for this groundwater use permit will not interfere with the DHHL reservation for water as this amount is so manini.

16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Explain how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.

There are 2 wells within a 1 mile. 3-2043-001 was abandoned and well 3-2044-001 is an observation well. Therefore, this well will not interfere with any other legal users.

17. PUBLIC WATER SYSTEM INFORMATION

Check the appropriate box or boxes.

- ☐ PUC-Regulated Private System / ☐ Non-PUC-Regulated Private System / ☒ Not a Public Water System
☐ Intended dedication to Honolulu Board of Water Supply or to County of Maui, Department of Water Supply.

18. CHAPTER 343

This project proposes:

- | | |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds | <input type="checkbox"/> A wastewater treatment unit |
| <input type="checkbox"/> Use within a state conservation district | <input type="checkbox"/> Waste-to-energy facility |
| <input type="checkbox"/> Use within a shoreline setback area | <input type="checkbox"/> Landfill |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site | <input type="checkbox"/> Oil refinery |
| <input type="checkbox"/> Use within the Waikiki Special District | <input type="checkbox"/> Power-generating facility |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input checked="" type="checkbox"/> None of the above 11 items |

☒ If none of the above 11 items are applicable, no 343 compliance is necessary

☐ An Environmental Assessment was completed, and

☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance). Publication date in The Environmental Notice:

☐ A Finding of No Significant Impact has been determined (attach letter). Publication date in The Environmental Notice:

Well Name: KNichols 2022
TMK# (1)4-1-024:081

Well # TBD
GWUP# TBD

PUBLIC INTEREST

14a) Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary Native Hawaiian rights are exercised in the area.

The project site is located on the island of O‘ahu, moku of Ko‘olaupoko within ahupua‘a of Waimanālo. The Waimanālo ahupua‘a is the largest moku in Ko‘olaupoko. It incorporates what was once the largest fishpond in Maunaloa, currently Hawaii Kai. The meaning of Waimanālo is “potable or drinking water”. Kahekili, the chief of Maui in the 1700’s had stated that Waimanālo was not a good place for battle but only for food and fish (Kamakau 1991). Waimanālo had numerous springs. According to Charles Alona (in Handy and Handy 1972;457), a long time resident of Waimanālo, at least nine of the lo‘i sections were watered by springs.

Fishing, crabbing, diving, throw net and gathering of other marine resources are presently practiced in the area. Lo‘i are currently being planted.

14b) Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

In or around 1828, an Englishman named Thomas Cummins arrived and married High Chiefess Kaumakaokane. They received an estate of Crown lands in Waimanālo (Hammatt and Shideler 2004). Twenty two years later, Kamehameha III leased the entire ahupua‘a of Waimanālo to Cummins. During this time, Cummins and his son John developed a cattle and horse ranch. The ranching activities brought an end to the agriculture in the valley. As the natives left their land, Cummins’s estate started buying the kuleana in Waimanālo (Hammatt and Shideler 2004). He allowed Chinese rice farmers to use the terraces that were formerly used for growing taro. John Cummins later built a sugar mill and sublet the land to Waimanālo Sugar Company.

The Waimanālo Sugar Company was established in 1878 and closed in 1947 (Wilcox 1996; Dorrance and Morgan 2000). Most of the areas had been altered by sugarcane production along with horse and cattle ranching.

This project consists of drilling a water well. There are no bodies of water on the property or streams nearby.

No traditional or customary uses have been identified on this project site. The drilling of the well will not alter the coastline and or marine resources as the project site is a few miles from the coast.

Fishing, crabbing, diving, throw net and gathering of other marine resources are presently practiced in the area and will not be affected.

14c) What feasible actions, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably provide protection of Native Hawaiian rights?

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”.

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.

SEARCH

INFO

TMK

PLAT

Map Contents

☒ Main Map

☐ Cultural & Demographic

☐ Public Safety

☐ Cadastral

☒ Zoning & Regulatory

☐ Ohana

☐ State Land Use District

☒ Special Management

☐ Zoning Map Height Limit

☐ Zoning Special District

☐ Zoning

☐ Structures & Facilities

☐ Transportation

☐ FEMA Flood & Hydrography

☐ Utilities

☒ Administrative & Political

Street

Aerial

Terrain

2004

2008

Labels

9008

07

68009006

68009001

68003037

SMA Status: 1

68003017

68003006

SMA Status: 2

68003015

0

32

64

128

192

256 Feet



City & County of Honolulu

Department of Planning & Permitting (DPP)

Property Information

41 770 A MAHAILUA ST

Friday, March 11, 2022 | 12:47:04 PM

General Information

TMK: 41024081:0000
Building Value: \$120,700.00
Building Exemption: \$93,500.00
Land Value: \$342,200.00
Land Exempt: \$46,500.00
Acres: 2
Square Feet: 0
Property Tax Class: Residential
City: Waimanalo
Zip Code: 96795
Realtor Neighborhood: Waimanalo



Nearest Park:

Waimanalo District Park

[show route](#)

[show all addresses >>](#)

Tax Bill Owner Information

Name	Type	Address	Address 2	City State Zip
NICHOLS,KITTY D TR	Fee Owner	41-770 MAHAILUA ST		WAIMANALO HI 96795

2010 Census Information

Tract Number: 011300
Block Number: 1012
Population (block): 96

Voting Information

City Council Member: Ester Kia aina
Polling Place: Waimanalo Elem/Inter Sch
Address: 41-1330 Kalaniana'ole Hwy
Neighborhood Board: Waimanalo

School and Transit Information

Elementary School: Waimanalo [show route](#)
High School: KAILUA [show route](#)
Near Transit Route: Yes
Near Bus Routes:

Zoning and Flood Information

Zoning (LUO) Designation: AG-2
Ohana Zoning Designation: Eligible
FEMA Flood Designation: AE / AE / AEF / X / X
Tsunami Evacuation Zone: No

[more public safety info >>](#)

Page Tools: [PRINT](#) | [BOOKMARK](#) | [EMAIL](#) | [STREET/BIRD'S EYE](#)

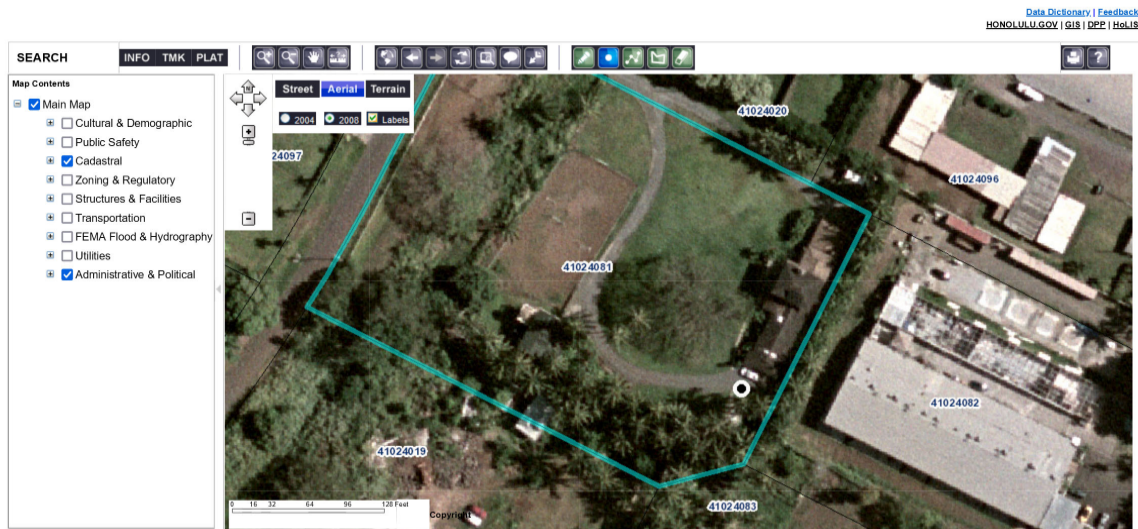
More info: [ZONE INFO](#) | [BUILDING PERMITS](#) | [PROPERTY TAX](#)

Information shown on these maps are derived from public records that are constantly undergoing change and do not replace a site survey, and is not warranted for content or accuracy.

2010 Assessed Values as of October 1, 2009.

Department of Planning & Permitting
650 S. King St, Ste 8, Honolulu, HI 96813
gis@honolulu.gov
[Property Info Page FAQ](#)

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Tracie Sober <traciesober@gmail.com>

Re: Domestic Water well

1 message

Kitty Nichols <kittynichols8@gmail.com>
To: Tracie Sober <traciesober@gmail.com>

Wed, May 18, 2022 at 9:56 AM

To whom this may concern,

I Kitty Nichols do authorize Valley Well Drilling to apply for a well Construction/pump installation permit and ground water use permit on my behalf as the land owner.

Thank you,
Kitty Nichols

On Wed, May 18, 2022 at 9:49 AM Tracie Sober <traciesober@gmail.com> wrote:

Hi Kitty,
I need a quick email authorizing Valley Well Drilling to apply for the well construction/pump installation permit and groundwater use permit on your behalf as the land owner. I can probably get this out today. The part that took so long was writing the cultural, historical and natural resources in which traditional and customary Native Hawaiian rights are exercised in the area and how they would be affected or impaired by drilling the well. You can just reply to this email.
Thanks,
Tracie

For e-mail Containing Sensitive or Restricted Data

Please send to tracie.sober@vwdhi.com
Valley Well Drilling, LLC
111 Hekili St. Suite A PMB 2761
Kailua, HI 96734
(808)682-1767

On Mon, Feb 28, 2022 at 2:11 PM Kitty Nichols <kittynichols8@gmail.com> wrote:

Hi Tracy,

Just following up to see if the permit got submitted for the well we will be drilling.

Aloha,
Kitty

Sent from my iPad

On Oct 8, 2020, at 9:56 AM, Kitty Nichols <kittynichols8@gmail.com> wrote: