



WAILUKU WATER CO.

WAIKAPU IAO WAIHEHU WAIHEE

Na Wai Eha

Wailuku Kuleana Town Auwai
Na Wai Eha Surface Water Management Area

Wailuku Water Company, LLC
January 14, 2022

Chairperson Case and Commissioners,

In the agenda published for its January 18, 2022 meeting, the Commission listed “Wailuku Kuleana Town Auwai, Na Wai Eha Surface Water Management Area, Maui” as a “Non-Action Item/Informational Briefing.” CWRM January 18, 2022 Agenda, Item A.3, page 2.

Wailuku Water Company (Company) did not receive the staff report as of the time that this submittal was prepared. If a staff report is provided before the meeting, Company reserves the right to comment on the staff report.

Based on the Commission’s Decision and Order entered concerning water delivery to the Wailuku Town Kuleana Auwai (WTK), an accurate description of how water is delivered to persons who received water from the WTK is essential to any actions to be taken concerning the WTK. The Company transmits water from the Waihee Ditch through a 4-inch pipe to the delivery point of the WTK that is located on property owned by Imua Family Services.

Attachment 1 is an aerial photo of the WTK delivery system. Point 1 is the diversion at Waihee Ditch. Point 2 is the delivery point into the WTK auwai. Point 3 is one of the three places where roadway/storm runoff is diverted into the WTK auwai. Point 4 is the end of the WTK Auwai.

Before September 21, 2021, Company delivered water by opening a valve at the delivery point for an 8-hour period, three times each week. Attachment 2 shows the valve as it existed

before September 21, 2021. This schedule was followed from at least 1982. Company records reflect deliveries of water for an 8-hour period, twice weekly in 1956; Company does not know how long before 1992 the additional day of delivery was made.

The Commission’s Decision and Order directed Company to deliver 88,000 gallons of water each day to the WTK delivery point. Company assumes that the amount was determined from the surface water use permits identified in the Decision and Order which were:

SWUP # 2181	Kaanapali Kai	4,595 gpd	5.2 %
SWUP # 2241	Higa	69,975 gpd	79.5 %
SWUP # 2247/2248N	Ciotti	9,254 gpd	10.5 %
SWUP # 2245	Ibara	4,050 gpd	4.6 %
Total		87,874 gpd	

As the Decision and Order required Company to measure the amount delivered to WTK, Company engineered the piping at the delivery point to allow for the installation of a meter to allow flows to be measured after the valve. In mid-September, 2021, work was begun on the piping; the work was completed on September 21, 2021. Attachment 3 shows the valve, meter and piping of the delivery point.

Company began delivering water to WTK on a 24 hour per day, 7 day per week basis on the following day. The meter was monitored regularly and the valve adjusted to achieve flows of about 3,700 gallons per hour or about 61 gallons per minute.



Just over 2 weeks later, Company experienced the first instance of self-help tampering with the valve. The following table lists the incidents of self-help that included damaging Company's equipment:

<u>Date</u>	<u>Day</u>	<u>Property Damage</u>	<u>Police Report</u>
10/7/2021	Thursday	None	
10/14/2021	Thursday	Lock cut	
10/18/2021	Monday	Lock and chain cut	21-036542
10/21/2021	Thursday	Lock and chain cut	21-037035
10/23/2021	Saturday	Lock and chain cut	21-037473
10/27/2021	Wednesday	Lock and chain cut	21-037742
11/8/2021	Monday	Lock and chain cut	21-039240
11/15/2021	Monday	Lock and chain cut	21-040138
11/19/2021	Friday	Lock and chain cut	21-040717

Despite these acts, Company continues to use its best efforts to comply with the Decision and Order. Company has examined other methods of metering, made modifications to the piping to achieve measurements with less variation due to head pressure in the Waihee Ditch, and securing of the valve. When the valve was set by Company, deliveries of just about 90,000 gallons per day are achieved. When the valve is adjusted by others, flows up to five times the amount stated in the Decision and Order were measured. Although Company continues to use best efforts to comply with the Decision and Order, neither communications

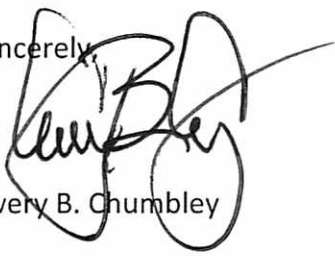


from Commission staff nor contact by the Maui Police Department achieved a stoppage of the acts of self-help and taking of water in excess of that authorized in the Decision and Order.

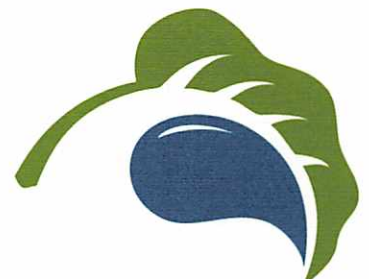
Company was contacted by one person using water from the WTK auwai. By letter of September 22, 2021 (the day after the meter was installed), Jordanela Ciotti asked Company to follow the Decision and Order. Company responded on September 27. Copies of both letters are attachments 4 and 5. Company provided the portion of the Decision and Order requiring users of auwais to manage and maintain the auwai. Additionally, Company requested information on the acreage in production presently and in the future. Company received no response from Ms. Ciotti.

Company has not been contacted by any other persons who were identified as having a surface water use permit application from the WTK auwai.

Upon review of the staff report, Company may have additional comments for the Commission concerning the WTK auwai.

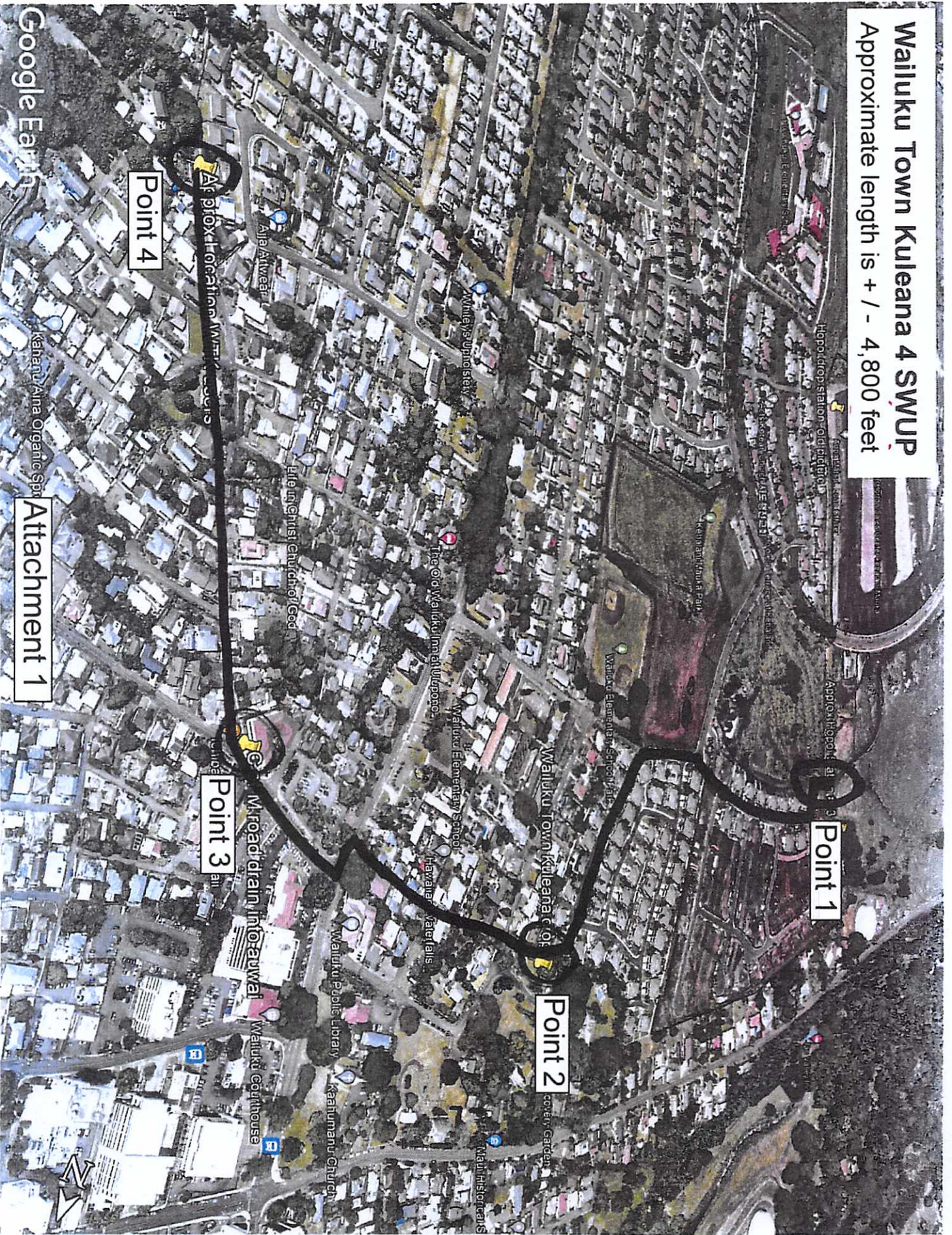
Sincerely,

Avery B. Chumbley
President, Wailuku Water Company

Cc: Paul R. Mancini , James W. Geiger



Wailuku Town Kuleana 4 SWUP

Approximate length is + / - 4,800 feet



Point 1

Point 2

Point 3

Point 4

Approximate location Wailuku SWUP

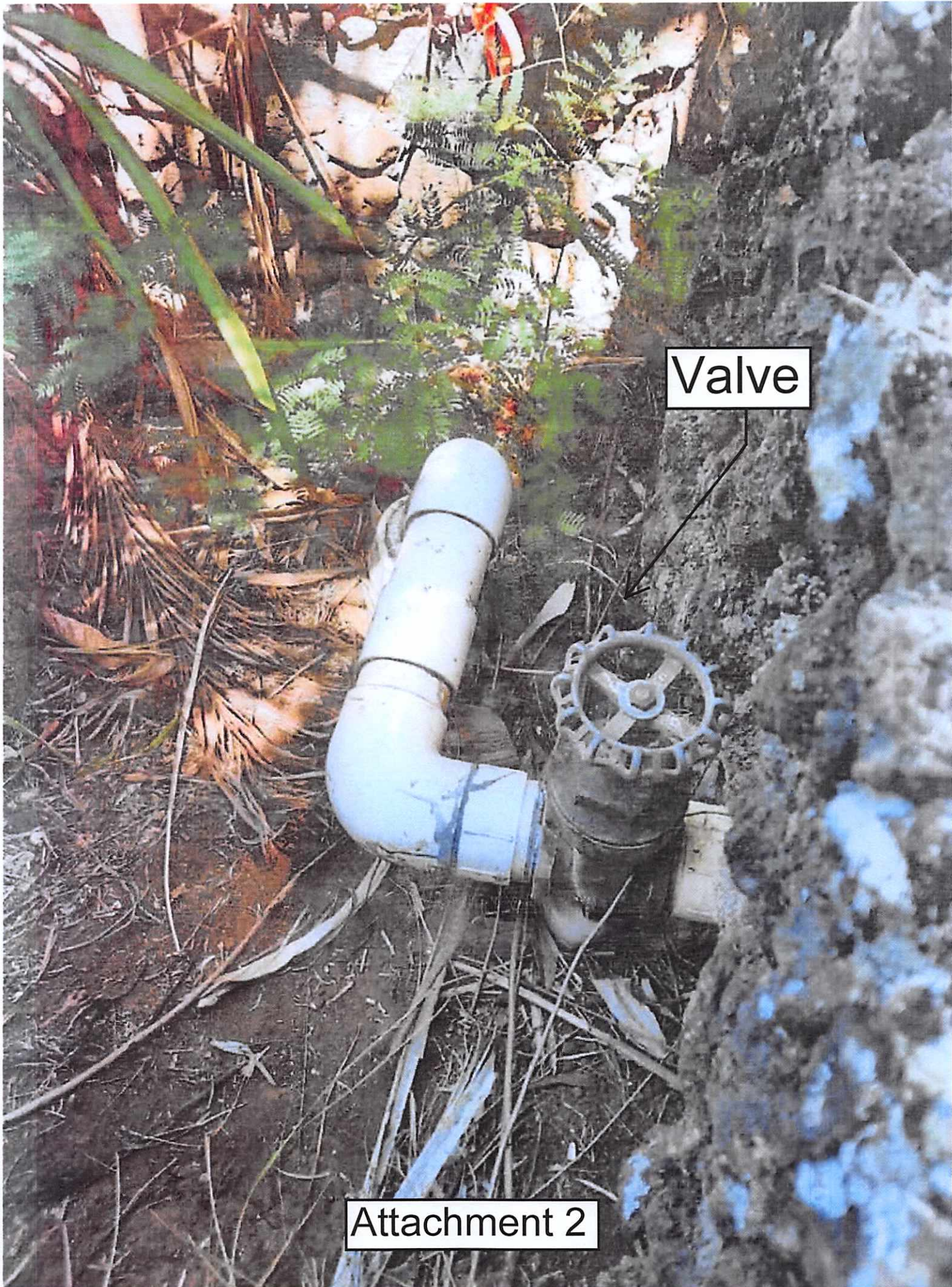
Road drain into awai

Google Earth

Kahanu Aina Organic Spn

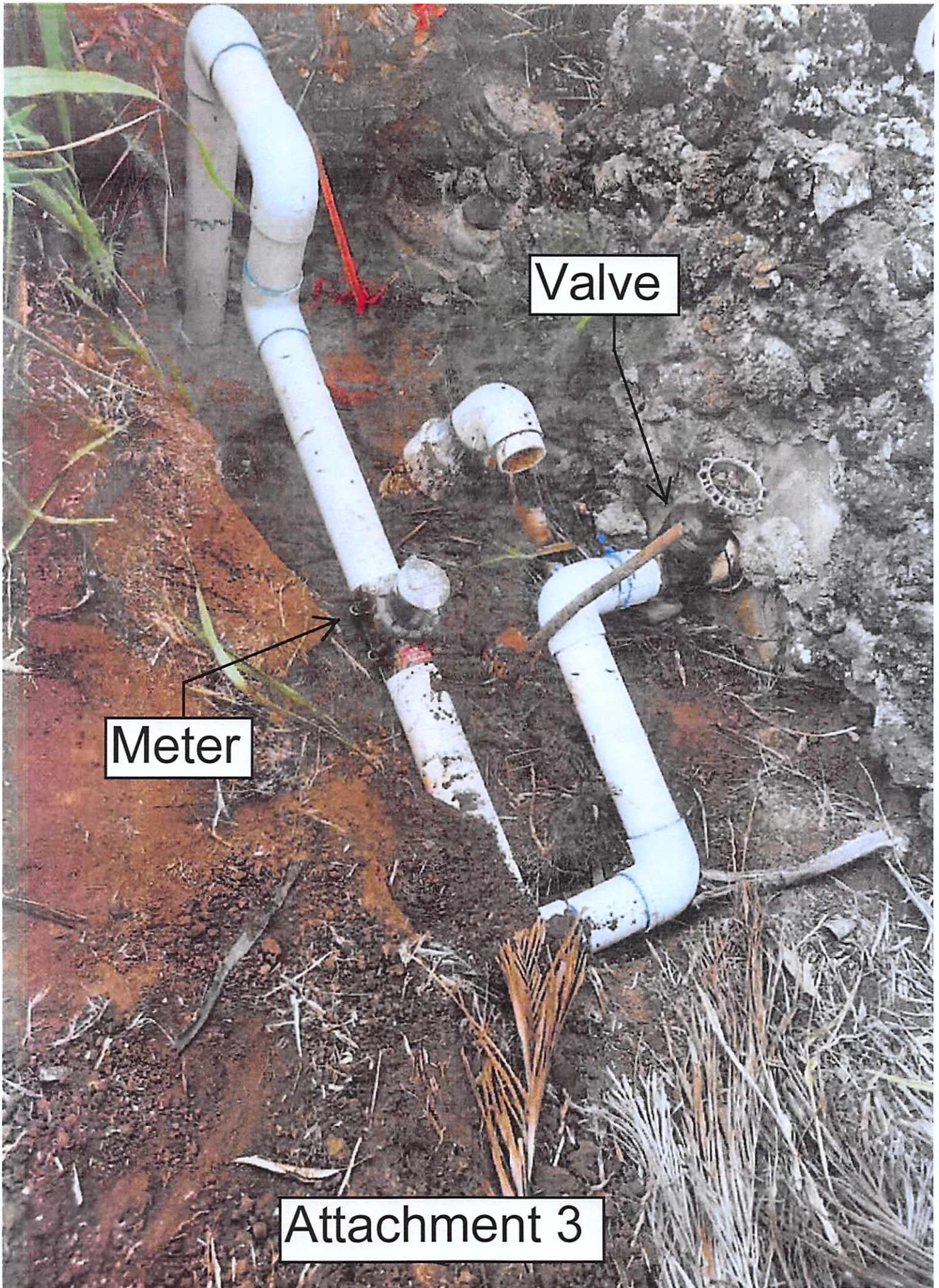
Attachment 1





Valve

Attachment 2



Valve

Meter

Attachment 3

September 22, 2021

Avery Chumbley
Wailuku Water Company
255 E. Waiko Road
Wailuku, HI 96793

Re: SWUPA 2247/2248N / Parcel 19 / 484 Kalua Rd, Wailuku

Greetings Mr. Chumbley:

According to the State of Hawaii Commission on Water Resource Management, CN CCH-MA 15-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION & ORDER dated June 28, 2021, it was decided that 484 Kalua Road, Parcel 19 was granted a permit for 8,265 gpd. This is granted based on the recognized appurtenant rights for parcel 19. We are kindly requesting that Wailuku Water Company follow this order. Please see enclosed order.

Your cooperation on this matter would be greatly appreciated.

Sincerely,



Jordanella Ciotti

CC: State of Hawaii, Commission on Water Resource Management



WAILUKU WATER CO.

WAIKAPU IAO WAIHEHU WAIHEE

Na Wai Eha

Jordanella Ciotti
484 Kalua Road
Wailuku, Hawaii 96793

September 27, 2021

Dear Ms. Ciotti,

WWC received your September 22, 2021, letter to which I am responding. You asked the Company to cooperate with the CWRM Decision and Order (D&O) dated June 28, 2021, copying the Commission on your letter. We are copying the Commission Chair and Deputy Director on our response.

The D&O directed the Company to deliver set amounts of water at identified distribution points. As for your permits (2247 and 2248N), the distribution point is where the Company delivers water to the Wailuku Town Kuleana auwai.

On September 22, 2021, the Company modified its equipment at the Wailuku Town Kuleana auwai distribution point to install a 4-inch meter after the valve. With this modification, the Company is able to monitor the deliveries and report the amounts delivered to the Wailuku Town Kuleana auwai as required under the D&O.

The daily delivery for the approved permits receiving water from the Wailuku Town Kuleana auwai is 88,000 gallons or an hourly delivery of 3,667 gallons. With the modifications, we can confirm delivery of the amounts permitted by the D&O.

The Company asks for your cooperation also. The D&O includes requirements and recommendations for users on auwai's such as the Wailuku Town auwai to individually or collectively manage and maintain the auwai from the distribution point through the end of the auwai. For your information, copies of these various portions of the D&O are attached. The Company does not know if or how the users from the Wailuku Town auwai have been meeting or intend to meet those requirements. Please get together with other users on your auwai to take steps to manage and maintain the auwai so that each permitted user will be able to receive water.

Additionally, the Company is required to inform the Commission on the amount of acreage in production. Would you please tell us the amount of acreage that you have in production presently? Please let us know if that amount changes in the future so we can inform the Commission of the change. Thank you in advance for your help.

Should you have any additional questions please feel free to contact me.

Sincerely,

Avery B. Chumbley,
President WWC

Enclosures as noted

Cc: Suzanne D. Case, Chairperson CWRM

Kaleo L. Manuel, Deputy Director CWRM

Attachment 5