



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

March 15, 2022  
Honolulu, O'ahu

Legend Farms, USA, Inc. and Valley Well Drilling  
APPLICATION FOR WELL CONSTRUCTION, PUMP INSTALLATION,  
AND WATER USE PERMITS  
LEGEND FARMS WELL (Well No. 3-3308-009), TMK (1) 6-7-002:034, WUP No. 1107  
New Agricultural Use for 0.000 mgd (458 gpd)  
Mokulē'ia Ground Water Management Area, O'ahu

APPLICANT AND LANDOWNER (FOR  
WATER USE PERMIT)

Legend Farms USA, Inc.  
P.O. Box 1015  
Waialua, HI 96791

CONTRACTOR (FOR WELL CONSTRUCTION  
AND WATER USE PERMITS)

Valley Well Drilling  
111 Hekili St., Ste. A PMB 2761  
Kailua, HI 96734

SUMMARY OF REQUEST:

Valley Well Drilling requests approval of well construction and pump installation permits for a proposed well. Legend Farms USA, Inc. requests approval of a water use permit for that well, for an allocation of 0.000 million gallons per day (mgd), or 458 gallons per day (gpd) of potable basal ground water for agricultural use and domestic use for one house.

LOCATION MAP: See Exhibit 1

BACKGROUND:

On November 13, 2020, the Commission on Water Resource Management (Commission) received a water use permit application from Legend Farms USA, Inc. Additional information regarding the source, use, and notification is provided in Exhibit 2.

The public notice (Exhibit 3) for this application was published in the Honolulu Star Advertiser on May 3, 2021 and May 10, 2021.

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 17 mgd as the sustainable yield for the Mokulē‘ia 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. Mokulē‘ia Aquifer System Area**

<u>ITEM</u>	<b>Mokulē‘ia Aquifer System Area (mgd)</b>
<b>Sustainable Yield</b>	17
Less: Other Existing Water Use Permits (shown in Exhibit 4)	7.792
Reservation to DHHL	0
<b>Subtotal (Current Available Allocation)</b>	9.208
Less: Other Completed Applications (shown in Exhibit 5)	0.479
Less: This Application	0.000 (468 gpd)
<b>Subtotal (Potential Available Allocation/Allocation Deficit)</b>	8.729

Based on the above table, there is adequate water to accommodate the requested allocation.

(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 potable ground water for domestic use and agricultural use (livestock and irrigation of cacao trees and mixed vegetables). 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, which include domestic and agricultural uses.

## *II. Quantity Justification*

The applicant is requesting a total of 0.000 mgd for domestic use and agricultural use. This doesn't mean that the applicant is requesting no water. Rather, the total quantity amounts to 468 gallons per day, which, when converted to million gallons per day, doesn't show up to three decimal places. The question might be why not round up to 0.001 mgd, but if rounded up, it would amount to over 200% of the total use. Therefore 0.000 mgd makes more sense to regulate, so that overpumpage occurs as soon pumpage reaches 0.001 or greater.

### Domestic Use

The applicant is requested 400 gallons per day for the domestic use. The combined counties' Department of Water Supply's Water System Standards estimates that for O'ahu, daily demand for domestic use is 500 gallons per unit. The requested quantity is less than that, and it should be noted that even with the demand for the agricultural portion added (examined in the next section) that the total demand is less than the domestic quantity guideline.

The link to the Water System Standards is here:  
(<https://www.boardofwatersupply.com/bws/media/files/water-system-standards-with-amendments-2002-updated-2022-02-09.pdf>)

### Agricultural Use

#### Irrigation

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.

Exhibit 6 shows the results of the IWREDSS program summary for cacao trees (substituted coffee trees) and miscellaneous vegetables. The requested quantities are less than staff's calculations. Therefore staff is recommending approval of this portion of the allocation.

Livestock

IWREDSS is for plants, so livestock needs a different reference. Staff uses a study titled “A Literature Compilation of Water Usage for Hawaii”, prepared by the Hawaii Water Resources Research Center, to compare requested quantities where IWREDSS cannot provide an estimate.

Exhibit 6 shows the total needed for livestock, and the requested quantities are again less than staff’s calculations. Therefore staff is recommending approval of this portion of the allocation.

Exhibit 7 shows the total requested amount.

Staff recommends that the Commission approve the requested amount of 460 gallons per day, which again shows as 0.000 mgd.

*III. Efficiency of Use*

The applicant states that its operations are as water efficient as possible because monitoring of groundwater use via the flowmeter will help to find leaks in the irrigation system that utilize trickle drip for cacao trees and container nursery sprinkler for mixed vegetables.

*IV. Analysis of Practical Alternatives*

The applicant has addressed the following alternatives to using potable groundwater for non-potable turf grass agricultural use.

*Municipal sources.* The applicant states that no municipal sources are available for their use. The Board of Water Supply commented on this application and had no comments or objections.

*Wastewater reuse.* The applicant states that no wastewater reuse is available. Staff confirms that Schofield wastewater recycling facility is a great distance from the applicant, and the Wahiawa wastewater treatment plant is both far away, and doesn’t produce recycled water for reuse.

*Ditch systems.* The applicant states that the Wahiawa reservoir is mauka of the property but would require easements from private properties. Staff assessed that Ito ditch is an off-shoot of the Wahiawa Ditch. However, the very minimal use for agricultural purposes makes this a non-practicable alternative.

*Desalinization.* The applicant states that drilling deeper for desalinization is cost prohibitive and the disposal of brine from any desalinization will be dangerous for the potable water aquifer. Staff agrees with this statement.

*Surface water.* The applicant states that there are no surface water bodies in the vicinity of the parcel. Kaukonahua and Makaleha streams are in the vicinity, but neither appear to be riparian to the applicant. And further, the use is so small that any effort to transport water to the parcel probably wouldn’t be a practicable alternative.

Based on the above analysis, there are no feasible alternatives that the applicant can use in lieu of potable groundwater.

(3) Interference with other existing legal uses

There are 14 other wells within a mile of the well (see Exhibit 1). Of these 14 wells, 7 are used primarily for agriculture, 4 are used for domestic use, 2 are observation wells and one is lost. The well construction and pump installation permits will require the conductance of pump tests. If any adverse impacts (i.e. interference with other existing legal uses) are observed from the pump test results, staff will reduce the pump capacity allowed until no adverse impacts are observed. Therefore, staff does not anticipate that the final pump capacity will interfere with other existing uses.

(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.”*

This application is for agriculture, which follows the liberal interpretation described above. However, adequate provisions made the second sentence of that paragraph need to be addressed. Generally item (3) above addresses interference with other existing uses attributed to pumping, but further elaboration on the provision to protect traditional and customary Hawaiian rights is addressed in the Ka Pa’akai analysis below.

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

The proposed agricultural use is consistent with the State AG District and county AG2 zoning.

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 (DPP) and the Board of Water Supply;

No comments were received that indicate use inconsistencies.

Based on the above, staff has determined to the best of our ability that this criteria is met.

(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.

Based on the above, staff has determined to the best of our ability that this criteria is met.

(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.

DHHL did not respond to a request for comments. Also, DHHL doesn't have a reservation in the Mokulē'ia Aquifer System.

Based on the above, staff has determined to the best of our ability that this criteria is met.

(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 .

*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:

*“Legend Farms site is located in Waialua, O’ahu within the Kamananui Ahupua’a. The Kamananui ahupua’a is of great significance. According to anthropologist Marshall Sahlins, this ahupua’a was once the political and ritual center of Waialua. Of significant importance is Kūkaniloko, the sacred birthing place of ali’i kapu (sacred chiefs) (Kamakau 1991). Some people consider this place as the piko (navel or center) of O’ahu.*

*The moku of Waialua has four major streams that flow through the mountains to Waialua and Kaiakabays and two large fishponds. In pre-contact times, there were large irrigated taro fields on the floodplains of the streams and small fishing communities along the shore. There are numerous wahi pana in the moku including heiau, pōhaku and other ceremonial and/or religious structures.*

*In the 1820s, the then ruling chief moved from the Kamananui ahupua’a to Anahulu Valley in the Kawailoa ahupua’a in which the ahupua’a boundaries were changed. The closest wahi pana to the site is the Kalakiki Heiau which is located in an adjacent parcel on the crest of a ridge below Pu’u Kaupakuhale.”*

(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:

*“In the late 1880s, Chinese immigrant laborers began buying taro land from the Hawaiians and converted it to rice farming. By the late 1890s, Oahu Railroad system had reached Waialua and Waialua Agriculture Company later named Waialua Sugar Company started cultivating sugar cane.*

*The cultural landscape of the Kamananui ahupua’a has been severely disturbed, obscured or destroyed, due to clearing and plowing of coastal and prime upslope agriculture land for sugarcane cultivation.*

*The well site is located far inland and does not contain any bodies of water. According to the Kipuka database, there are no historical sites or crown lands within the parcel. Due to the small amount of groundwater 468 gallons per day, no streams or bodies of water should be affected. Based on the information gathered, the proposed drilling of a waterwell with minimum basal water withdrawal is not anticipated to impact Hawaiian cultural practices customarily and traditionally exercised.”*

(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”.*

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

### III. Well Construction and Pump Installation Permits

DEC-ADM92-G0 states that Water Use Permits should be obtained before approval of Well Construction and Pump Installation permits. Though approval of well construction and pump installation permits is delegated to the Chairperson through that declaratory ruling, staff typically presents well and pump permit applications that are concurrently submitted with the Water Use Permit applications to the Commission. The reason for this is that assurance that the well is drilled in accordance with the Hawaii Well Construction and Pump Installation Standards (HWCPIIS) helps to support the statement of no adverse impacts. Additionally there is a layer of protection that if a water use permit is not approved, no pump should be installed and CWRM should not issue a pump installation permit. Because the well and pump will be drilled in accordance with the HWCPIIS, staff recommends approval of the well construction and pump installation permits.

### RECOMMENDATION:

Staff recommends that the Commission:

- A. Approve the issuance of water use permit no. 01107 to Legend Farms USA, Inc. for the reasonable and beneficial use of 0.000 million gallons per day of fresh potable water for domestic and agricultural use from the Legend Farms Well (Well No. 3-3308-009), as described in the recommended allocation portion of Exhibit 7, and subject to the standard water use permit conditions listed in Exhibit 8 and the following special conditions:
  1. This permit is subject to suspension and/or revocation if the use as described in Exhibit 7 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 Legend Farms Well (Well No. 3-3308-009) to Valley Well Drilling, subject to the standard well construction permit conditions as described in Exhibit 9.

- C. Approve a pump installation permit for the Legend Farms Well (Well No. 3-3308-009) to Valley Well Drilling, subject to the standard pump installation permit conditions as described in Exhibit 10.

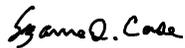
Respectfully submitted,



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 (Pending Water Use Permits)
  - 6 (IWREDSS calculations)
  - 7 (Summary of use request and recommended allocations)
  - 8 (Water Use Permit Standard Conditions)
  - 9 (Well Construction Permit Standard Conditions)
  - 10 (Pump Installation Permit Standard Conditions)

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson

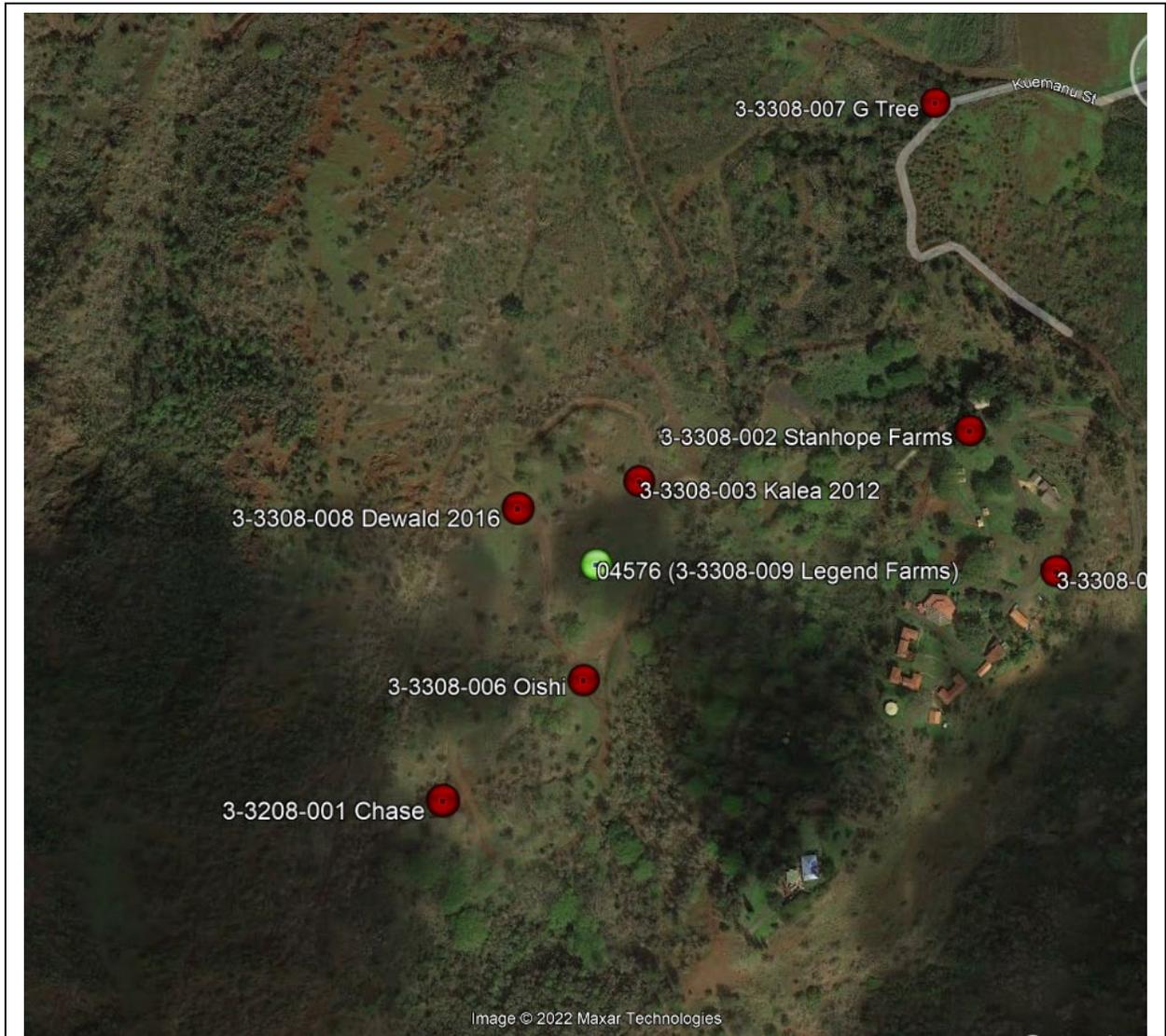


Image © 2022 Maxar Technologies

**Well and end use site**

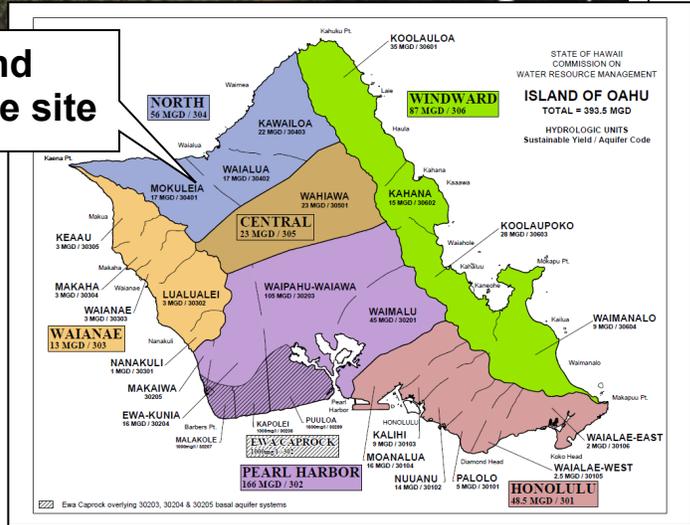
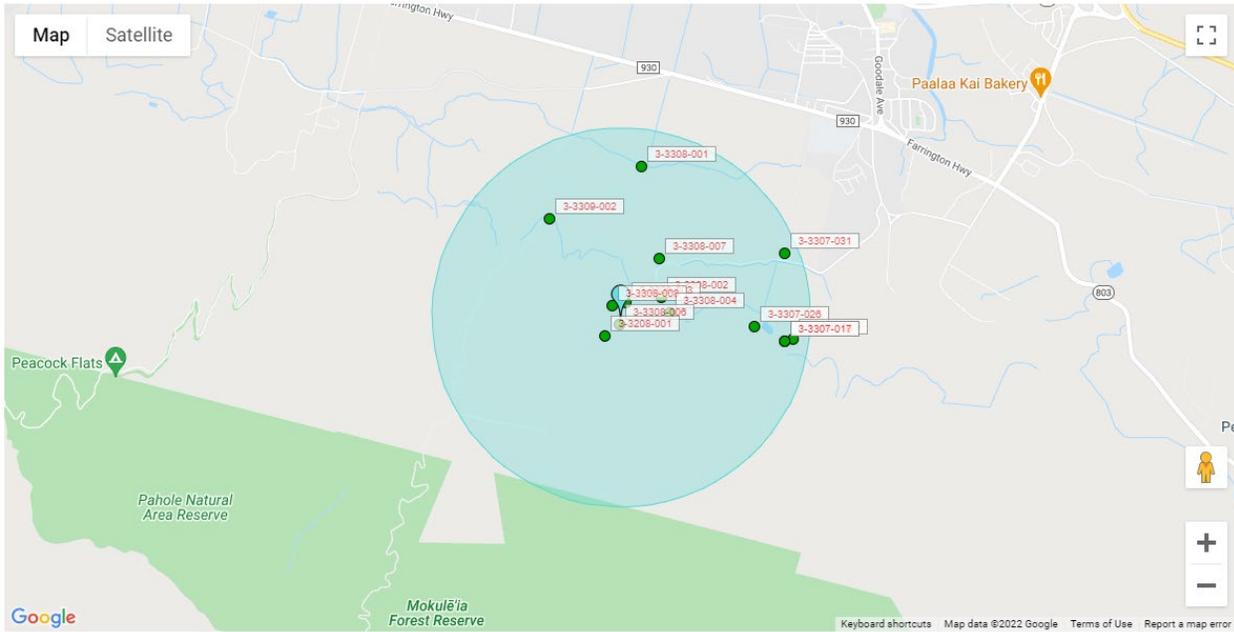


EXHIBIT 1: LOCATION MAP



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)
3-3208-001	30401 Mokuleia	Chase	Candace Chase	Candace Chase	Candace Chase	(1) 6-7-002.034	AGRCP	2017		9/30/2021	0.15
3-3307-017	30401 Mokuleia	T-116	G Tree Ranch, LLC	Charles Kelley (G Tree Ranch, LLC)	G Tree Ranch, LLC	(1) 6-7-002.043	OBS	1963			0.88
3-3307-018	30401 Mokuleia	T-117	G Tree Ranch, LLC	Charles Kelley (G Tree Ranch, LLC)	G Tree Ranch, LLC	(1) 6-7-002.043	OBS	1964			0.88
3-3307-019	30401 Mokuleia	Waialua-Mauka	G Tree Ranch, LLC	Charles Kelley (G Tree Ranch, LLC)	G Tree Ranch, LLC	(1) 6-7-002.043	AGRLI	1984	0.002	2/6/2022	0.92
3-3307-026	30401 Mokuleia	Paty	G Tree Ranch, LLC	Randy Paty (North Shore Macadamia)	G Tree Ranch, LLC	(1) 6-7-002.043	DOM	2008		11/30/2021	0.71
3-3307-031	30401 Mokuleia	Gay and Ranch Exploratory	Pioneer Hi-Bred International, Inc.	Aika Napier (Pioneer Hi-Bred International, Inc.)	Pioneer Hi-Bred International, Inc.	(1) 6-7-002.044	AGRCP	2018	0.101	1/31/2022	0.92
3-3308-001	30401 Mokuleia	Mokuleia	Pacific Islands Water Science Center, USGS, U.S. Geological Survey		Pioneer Hi-Bred International, Inc.	(1) 6-8-007.002	ABNLOS	1962			0.78
3-3308-002	30401 Mokuleia	Stanhope Farms	Susan L. Smith Trust	Susan Smith (Stanhope Farms)	Stanhope Farms	(1) 6-7-002.006	AGRLI	1968	0.016	1/26/2022	0.23
3-3308-003	30401 Mokuleia	Kalea 2012	Kalea Properties LLC	Annie Bendon (Kalea Properties LLC)	Kalea Properties LLC	(1) 6-7-002.028	AGRCP	2012	0.000	11/23/2021	0.05
3-3308-004	30401 Mokuleia	Brown 2013	Gary M & Kathleen P Brown	Gary M & Kathleen P Brown	Gary M & Kathleen P Brown	(1) 6-7-002.006	DOM	2013		8/13/2015	0.26
3-3308-006	30401 Mokuleia	Oishi	Colin and Kristin Oishi	Colin and Kristin Oishi	Colin and Kristin Oishi	(1) 6-7-002.034	DOM	2016	0.000	12/1/2021	0.07
3-3308-007	30401 Mokuleia	G Tree	G Tree Ranch, LLC	Charles Kelley (G Tree Ranch, LLC)	G Tree Ranch, LLC	(1) 6-7-002.043	AGRCP	2018	0.003	2/1/2022	0.34
3-3308-008	30401 Mokuleia	Dewald 2016	Stephen & Lisa Dewald	Stephen & Lisa Dewald	Stephen & Lisa Dewald	(1) 6-7-002.034	DOM	2016	0.002	12/31/2021	0.05
3-3309-002	30401 Mokuleia	Mokuleia	Ka'ala Ranch LLC	Aika Napier (Pioneer Hi-Bred International, Inc.)	Pioneer Hi-Bred International, Inc.	(1) 6-8-007.002	AGRLI	1994	0.002	1/31/2022	0.61

Wells within 1-mile of site

**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

<b>AQUIFER:</b>	Mokulē'ia Aquifer System, North Sector, O'ahu
Sustainable Yield:	17 mgd
Existing Water Use Permits:	7.792 mgd
DHHL Reservation:	0 mgd
Available Allocation:	9.208 mgd
Total other pending applications:	0.479 mgd
This application:	0.000 mgd
 <b>WELL:</b>	 Legend Farms Well (Well No. 3-3308-009)
Location:	Mokulē'ia, O'ahu, TMK: (1) 6-7-002:034
Year Drilled:	Not yet drilled
Casing Diameter:	6 in.
<u>Elevations</u> (msl= 0 ft.)	
Water Level (estimated):	40 ft.
Ground:	423 ft.
Bottom of Solid Casing:	23 ft.
Bottom of Perforated:	-17 ft.
Bottom of Open Hole:	Not applicable
 Total Depth:	 440 ft.
Grouted Annulus Depth:	280 ft.
 Pump Capacity	 35 gpm

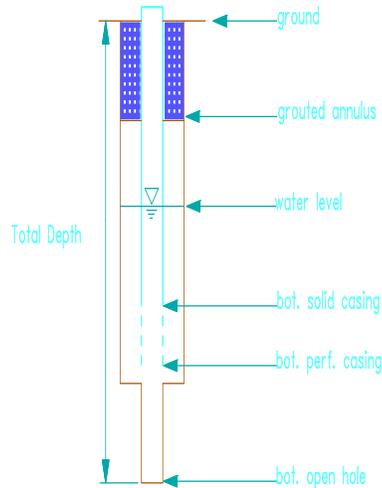


EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

Use Information

Quantity Requested:	0.000 million gallons per day
New Type of Water Use:	Domestic/Agricultural
Place of Water Use:	TMK: (1) 6-7-002:034
Mokulē‘ia Aquifer System	
Current 12-Month Moving Average Withdrawal (See Exhibit 4):	0.503 mgd

Nearby Surrounding Wells and Other Registered Ground Water Use

There are 14 other wells within a mile of the well (see Exhibit 1). Of these 14 wells, 7 are used primarily for agriculture, 4 are used for domestic use, 2 are observation wells and one is lost.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on May 3 and May 10, 2021 and a copy of the notice was sent to the Office of the Mayor. Copies of the completed application were sent to the 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 May 24, 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 Mokulē‘ia 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.



**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 maps, 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			2. SOURCE LANDOWNER'S INFORMATION		
Name/Company Legend Farms LLC	Contact Person Charles Beasley & Fay Miller-Beasley		Name/Company Legend Farms LLC	Contact Person Charles Beasley & Fay Miller-Beasley	
Mailing Address P.O. Box 1015 Waikele, HI 96791			Mailing Address P.O. Box 1015 Waikele, HI 96791		
Phone 397-6493	Fax	E-mail fay.millerbeasley@gmail.com	Phone 397-0483	Fax	E-mail fay.millerbeasley@gmail.com

**SOURCE INFORMATION**

3. ISLAND Oahu	4. GROUND WATER MANAGEMENT AREA Mokulele	4A. SUSTAINABLE YIELD FOR ITEM 4 17 MGD
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**5. SOURCE INFORMATION**

Attach additional sheets, if necessary.

Well Number (if known)	Well Name	Existing or Proposed?	TMK	Flowmeter Installed?
TBO	Legend Farms	Proposed	6 7 002 034 Lo0002	<input checked="" type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No
				<input type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No
				<input type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No
				<input type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No
				<input type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No
				<input type="checkbox"/> Yes, date installed / / <input type="checkbox"/> No

**PROPOSED USE INFORMATION** (HRS 174C-51(4), (5), (6), HRS 174C-51(5))

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

and gallons per day, averaged over 1 year

7. PROPOSED USE(S):  Agriculture  Domestic  Industrial  
 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. If necessary, 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.

<p>9. APPLICANT</p> <p></p> <p>Signature Fay Miller-Beasley Print Name</p> <p>3/8/21 Date</p>	<p>10. SOURCE LANDOWNER'S SIGNATURE (if applicable)</p> <p></p> <p>Signature Charles Beasley Print Name</p> <p>3/8/21 Date</p>
---	--

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

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.)	TMU: FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property 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	GPOUNT or GPOACRE	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.	
<b>USES THAT REQUIRE POTABLE (DRINKING) WATER</b>												
DOM	6	7	002	034	AG	<input type="checkbox"/> Yes, date approved / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG2	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	1	400	400	1 Farm Dwelling
						<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No				
						<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No				
						<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No				
<b>TOTAL POTABLE USE</b>									<b>K</b>	<b>400</b>		<b>GPD</b>
<b>USES THAT DO NOT REQUIRE POTABLE WATER</b>												
AGRLI	6	7	002	034	AG	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG2	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	12	1	12	12 Goats
AGRLI	6	7	002	034	AG	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG2	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	20	1	20	20 Egg Layer Chickens
AGRLI	6	7	002	034	AG	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG2	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	8	2	16	6 Cacao Trees
AGRLI	6	7	002	034	AG	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG2	<input type="checkbox"/> Yes, date approved / / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	1	20	20	Misc. Vegetables in a high tunnel 20' x 60' = 1200sq ft
<b>TOTAL NON-POTABLE USE</b>									<b>L</b>	<b>68</b>		<b>GPD</b>
<b>TOTAL QUANTITY OF WATER REQUESTED (sum of total potable use and total non-potable use) =</b>									<b>M</b>	<b>468</b>		<b>GPD</b>
Please explain if there are any limitations (e.g., legal, contractual) on the proposed water use(s) described in Table 1. Ref. HRS § 174C-5(5). None												

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

**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 T.M. 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.)
6 zone	7 sector	002 plot	034 Lot0002 parcel	Cacao Trees	<0.02 acres	<0.25	Jan	Dec	Trickle Drip	Deficit Irrigation		
6 zone	7 sector	002 plot	034 parcel	Mixed Vegetables	0.02 acres	0.02	Jan	Dec	Sprinkler, Container Nursery	Deficit Irrigation	20' x 60' High Tunnel	

Comments (continued from Column I). Please clearly indicate the crop (i.e., the row in table) these comments relate to.

**OTHER PERTINENT INFORMATION**

**13. TABLE 3: ALTERNATIVES ANALYSIS**

	A. Analysis of potable alternatives Attach additional sheets if necessary.	B. Analysis of non-potable alternatives Attach additional sheets if necessary.
Municipal sources	None Available	None Available
Wastewater reuse	Non Available	None Available
Ditch system	Not an option for potable water	The Wehiawe Reservoir is mauka of the property but would require easements from private properties.
Desalination	Too expensive and may contaminate the basal potable aquifer.	Too expensive and brine removal would be a problem.
Surface water	There are no surface water bodies in the vicinity.	No surface water bodies in the vicinity.
Conservation Measures	Monitor the flowmeter for leaks in the system.	Monitor the flowmeter for leaks in the system.
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 preservation 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 well water will be used for domestic purposes and other agriculture uses which is consistent with the declaration policies to obtain maximum beneficial use for purposes of residential and irrigation uses.

**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.

According to the Kipuka Database, there are no historical sites or crown lands.

**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 numerous domestic wells in the vicinity of this parcel and the majority draw less than 40 gpm, this Ground Water Use Permit is for a small amount of 0.000488 gallons per day (gpd) which is less than the City & County of Honolulu Planning department's estimate of 2,500 gpd.

**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**

- 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: \_\_\_\_\_

The 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 type="checkbox"/> None of the above 11 items  |

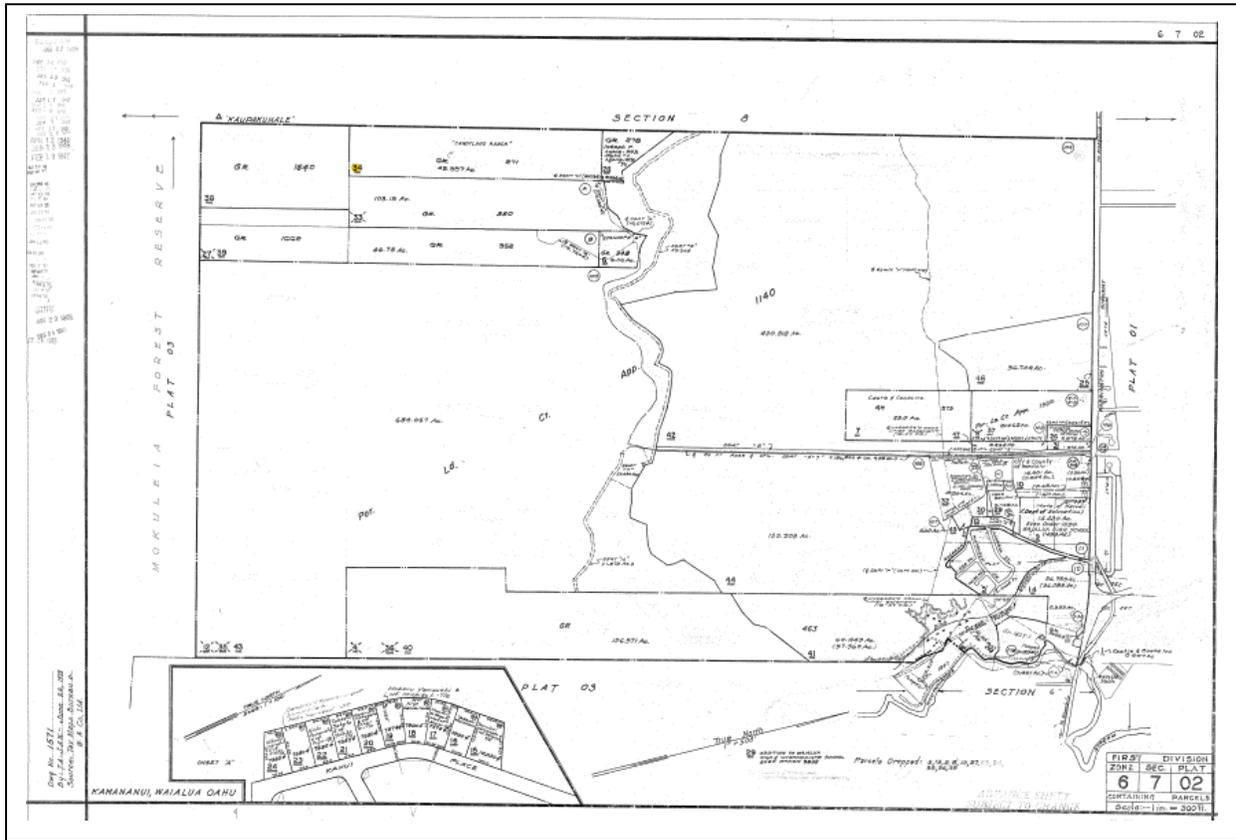


EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

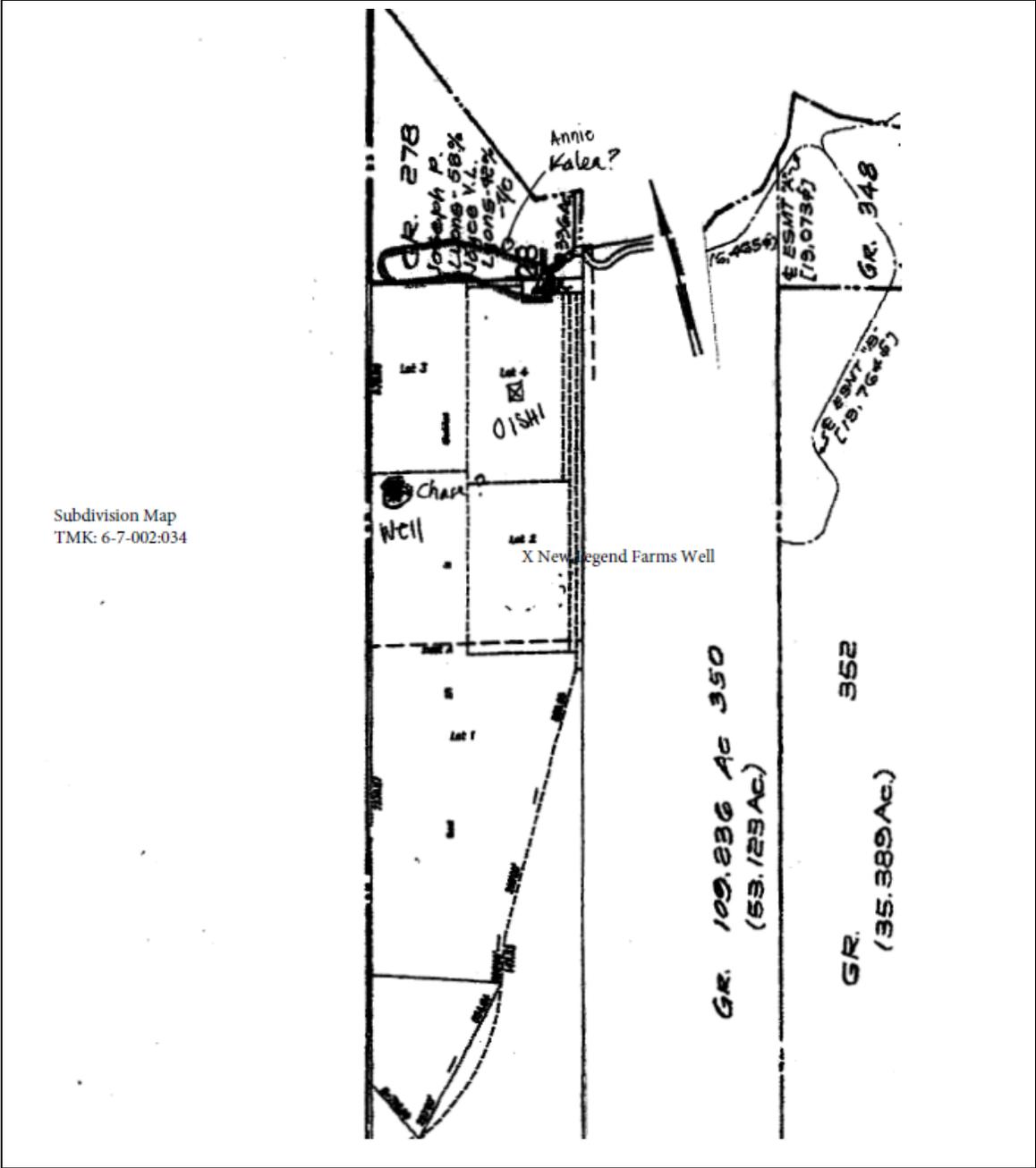


EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

DOCUMENTS CART:  
0 Items

**\$0.00**  
(/documents/order.htm)

**LEGENDS FARMS LLC** [Back to search results](#)

Domestic Limited Liability Company (LLC)

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**MASTER NAME**

LEGENDS FARMS LLC

**BUSINESS TYPE**

Domestic Limited Liability Company (LLC)

**FILE NUMBER**

130991 CS

**STATUS**

Active

**PURPOSE**

AGRICULTURE

**PLACE INCORPORATED**

Hawaii UNITED STATES

**REGISTRATION DATE**

Jun 11, 2015

**MAILING ADDRESS**

PO BOX 1015  
WAIALUA, Hawaii 96791  
UNITED STATES

**PARTNER TERM**

ATWILL

**MANAGED BY**

MEMBER(S)

**AGENT NAME**

CHARLES BEASLEY

**AGENT ADDRESS**

67-290 FARRINGTON HWY UNIT 2  
WAIALUA, Hawaii 96791  
UNITED STATES

**Annual Filings**

Filing Year	Date Received	Status	Help
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Filing Year	Date Received	Status
2020	May 28, 2020	Processed
2019	Jun 7, 2019	Processed
2018	Apr 5, 2018	Processed
2017	Aug 31, 2017	Processed
2016	Mar 28, 2017	Processed

### Member/MGR

Name	Office (More Info)	Date
BEASLEY,CHARLES	MEM	Jun 11, 2015
MILLER-BEASLEY,FAY	MEM	Jun 11, 2015

### Other Filings

Date	Description	Remarks
Jun 11, 2015	Articles of Organization	Articles of Organization
Jun 11, 2015	Articles of Correction	Articles of Correction

Note: Transactions may be available for purchase. Please see the **Buy Available Docs** tab for additional information.

BREG DCCA | [Contact us](http://www.hawaii.gov/breg/contact/)

King Kalanoiu Building  
335 Merchant St Rm 201  
Honolulu, Hawaii 96813

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EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

**PUBLIC NOTICE**

**Application for Water Use Permit  
Mokuleia 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. 01107 Legend well (Well No. 3-3308-009)

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

**Applicant:** Legend Farms USA, Inc.  
P.O. Box 1015  
Waialua, HI 96791  
**Landowner:** Legend Farms USA, Inc.  
P.O. Box 1015  
Waialua, HI 96791

**Date Application Filed as Complete:** April 15, 2021  
**Hydrologic Unit / Aquifer System Area:** Mokuleia System, North Sector, Oahu  
**Water Source**

Well No.	Well Name	Tax Map Key	Aquifer System Area
3-3308-009	Legend	(1) 6-7-002:034	Mokuleia System, North Sector, Oahu

**Quantity Requested:** 0 million gallons per day.  
**Proposed Use:** Agriculture, Individual Domestic  
**End Use**

New/Existing	Description	Place of Water Use	Qty of Use (GPD)
New	Mixed vegetables	at Tax Map Key: (1) 6-7-002:034	20
New	Cacao Trees	at Tax Map Key: (1) 6-7-002:034	16
New	Goats	at Tax Map Key: (1) 6-7-002:034	12
New	Egg laying chickens	at Tax Map Key: (1) 6-7-002:034	20
New	Domestic	at Tax Map Key: (1) 6-7-002:034	400

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 May 24, 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: Apr 23, 2021

Publish in: Honolulu Star Advertiser issues of May 3, 2021 and May 10, 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: 30401 Mokuleia  
 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: 30401 Mokuleia**

**Sustainable Yield (mgd): 17**

Wup No	Approved	Permittee	Well No	Well Name	WUP (mgd)	12-MAV (mgd)	Diff (mgd)	Date Last Report
00038	09/11/1981	United States Air Force	3-3314-003	USAF Kaena Point	0.018	0.000	0.018	01/31/2020
00052	06/02/1993	Waialua Sugar Company, Inc.	3-3411-004	Pump 5	2.560	0.000	2.469	04/30/2020
			3-3411-006	Pump 5		0.065		04/30/2020
			3-3411-007	Pump 5		0.016		04/30/2020
			3-3411-008	Pump 5		0.000		04/30/2020
			3-3411-009	Pump 5		0.000		04/30/2020
			3-3411-010	Pump 5		0.000		04/30/2020
			3-3411-011	Pump 5		0.000		04/30/2020
00053	09/11/1981	Directorate of Public Works, Environmental Division, DPW, U.S. Army Garrison	3-3412-002	Dillingham Airfield	0.055	0.109	-0.054	12/27/2020
00669	02/18/2004	Hawaii Fish Company Inc	3-3412-004	Hawaii Fish Co. 1	0.576			01/31/2020
00679	01/13/2004	Ka'ala Ranch LLC	3-3309-002	Mokuleia	0.127	0.002	0.125	01/31/2020
00766	07/12/2006	Mark Hamamoto (Mohala Farms)	3-3306-016	Hamamoto 2006	0.013	0.003	0.010	10/31/2020
00777	12/14/1988	Dillingham Ranch Aina LLC	3-3310-002	Mokuleia 2	0.850	0.000	0.850	01/31/2020
00779	09/11/1981	Dillingham Ranch Aina LLC	3-3410-003	Shop Well	1.500	0.127	1.373	01/31/2020
00813	09/11/1981	North Shore Water Company, LLC	3-3410-001	Crowbar Ranch	0.500	0.051	0.449	01/31/2020
00896	08/25/2010	Brent Cullinan	3-3104-003	Brent's	0.029			
00941	09/17/2003	Stanhope Farms	3-3308-002	Stanhope Farms	0.056	0.016	0.040	01/26/2020
00984	08/11/2015	Kealia Farms	3-3412-006	Kealia Farms	0.009			02/16/2020
00999	09/16/2015	Candace Chase	3-3208-001	Chase	0.068			09/30/2020
01002	09/16/2015	Kalea Properties LLC	3-3308-003	Kalea 2012	0.029	0.000	0.029	11/23/2020
01010	01/28/2016	G Tree Ranch, LLC	3-3308-007	G Tree	0.066	0.003	0.063	02/01/2020
01011	01/28/2016	G Tree Ranch, LLC	3-3307-026	Paty	0.130			11/30/2020
01012	01/28/2016	G Tree Ranch, LLC	3-3307-019	Waialua-Mauka	0.081	0.002	0.079	02/06/2020
01013	01/28/2016	Ka'ala Ranch LLC	3-3307-030	Pietsch	0.462	0.008	0.454	12/06/2020
01044	07/10/2018	Pioneer Hi-Bred International, Inc.	3-3307-031	Gay and Ranch Exploratory	0.530	0.101	0.429	01/31/2020
01086	07/16/2019	Frank Hinshaw (Island Skydiving, LLC)	3-3410-014	Hinshaw	0.081			
01091	09/17/2019	Mokuleia Ag Lands LLC	3411-016	4Rs	0.058			
01092	07/21/2020	Maja Holdings, LLC	3-3409-025	Maja 2019	0.004			

**EXHIBIT 4: EXISTING WATER USE PERMITS AND 12-MONTH MOVING AVERAGE WITHDRAWAL**



Report Parameters

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

Summary for Mokuia (29 detail records)

Total: 7.792 0.503 7.289

\$Y Available: 9.208

Sustainable Yield: 409

\$Y Available: 401.21



WUPA No	Well No.	Applicant	Well Name	mgd	Received	Accept
<b>Aquifer System: 30401 Mokuleia</b>						
1088	3-3310-001	Dillingham Ranch Aina LLC	Mokuleia 1	0.417	04/24/2019	04/29/2020
1088	3-3310-002	Dillingham Ranch Aina LLC	Mokuleia 2		04/24/2019	04/29/2020
1090	3-3208-002	David Summers	Summers 2019	0.037	05/13/2019	
1107	3-3308-009	Charles & Fay Beasley (Legend Farms USA, Inc.)	Legend	0.000	03/10/2021	04/15/2021
1108	3-3409-026	Paul Alston (Dentons US LLP)	Alston	0.025	03/22/2021	04/07/2021

4 WUPAs totalling 0.479

Number of Wells: 5

## Cacao (substituted coffee trees):

### IWREDSS Results Summary

Total Parcel Area in Acres: 50.410

<b>Drought Frequency:</b>	<b>1 in 2 years</b>	<b>1 in 5 years (recommended)</b>	<b>1 in 10 years</b>	<b>1 in 20 years</b>
Inches per acre:	25.752	30.161	32.258	33.892
gpd/acre:	1,916	2,244	2,400	2,521
Total Parcel Mgd:	0.048	0.057	0.060	0.064

2/25/2022 9:45 AM

## Mixed vegetables (used generic crops)

### IWREDSS Results Summary

Total Parcel Area in Acres: 50.410

<b>Drought Frequency:</b>	<b>1 in 2 years</b>	<b>1 in 5 years (recommended)</b>	<b>1 in 10 years</b>	<b>1 in 20 years</b>
Inches per acre:	125.873	134.913	138.950	141.994
gpd/acre:	9,364	10,037	10,337	10,564
Total Parcel Mgd:	0.142	0.152	0.156	0.160

2/25/2022 9:46 AM

USE	Quantity requested (gallons per day)	Staff determined duty	Unit	Staff determined quantity	Quantity recommended (gallons per day)
DOMESTIC	400	500.00	1.000	500	400
AGRICULTURAL					
Cacao trees	16	2244.00	0.005	10	16
Miscellaneous	20	10037.00	0.028	277	20
Goats (12)	12	2.00	12.000	24	12
Chickens (20)	12	0.04	20.000	1	12
	460			812	460

EXHIBIT 7: 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 monthly basis (attached).
11. This permit shall be subject to the Commission's periodic review of the **Waipahu-Waiawa** 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 **Waipahu-Waiawa** 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 **Waipahu-Waiawa** 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.