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 million gallons per day (mgd), or 458 gallons per day (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>
<thead>
<tr>
<th>ITEM</th>
<th>Mokulē‘ia Aquifer System Area (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable Yield</td>
<td>17</td>
</tr>
<tr>
<td>Less: Other Existing Water Use Permits (shown in Exhibit 4)</td>
<td>7.792</td>
</tr>
<tr>
<td>Reservation to DHHL</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal (Current Available Allocation)</td>
<td>9.208</td>
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<tr>
<td>Less: Other Completed Applications (shown in Exhibit 5)</td>
<td>0.479</td>
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<tr>
<td>Less: This Application</td>
<td>0.000 (468 gpd)</td>
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<tr>
<td>Subtotal (Potential Available Allocation/Allocation Deficit)</td>
<td>8.729</td>
</tr>
</tbody>
</table>

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" as

"...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:

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 offshoot of the Wahiawa Ditch. However, the very minimal use for agricultural purposes makes this a non-practicable alternative.

Desalination. The applicant states that drilling deeper for desalination is cost prohibitive and the disposal of brine from any desalination 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 Kawaiola 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 (HWCPIS) 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 HWCPIS, 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
Well and end use site

EXHIBIT 1: LOCATION MAP
EXHIBIT 1: LOCATION MAP

Wells within 1-mile of site
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER:
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

WELL:
Legend Farms Well (Well No. 3-3308-009)
Mokulē‘ia, O‘ahu, TMK: (1) 6-7-002:034
Not yet drilled
Location:
Mokulē‘ia Aquifer System, North Sector, O‘ahu
Year Drilled:
Casing Diameter: 6 in.
Elevations (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

<table>
<thead>
<tr>
<th>Quantity Requested:</th>
<th>0.000 million gallons per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Type of Water Use:</td>
<td>Domestic/Agricultural</td>
</tr>
<tr>
<td>Place of Water Use:</td>
<td>TMK: (1) 6-7-002:034</td>
</tr>
</tbody>
</table>

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.
For Offical Use Only:

STATE OF HAWAI'I
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

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 the name of the quarter section.
- Property tax map, aerial view source location referenced to established property boundaries.
- Photograph(s) of the source and location of proposed and used, if applicable.

APPLICANT INFORMATION
Applicant's Name:
Legend Farms LLC
Contact Person:
Fay Miller-Beadley
Address:
P.O. Box 6015 Waialihi, HI 96791
Phone:
Fax:
E-mail:
fay.millerbeadley@gmail.com

LANDOWNER'S INFORMATION
Landowner's Name:
Legend Farms LLC
Contact Person:
Fay Miller-Beadley
Address:
P.O. Box 6015 Waialihi, HI 96791
Phone:
Fax:
E-mail:
fay.millerbeadley@gmail.com

SOURCE INFORMATION

4. GROUND WATER MANAGEMENT AREA
Maunaloa

5. SOURCE INFORMATION
Attach additional sheets, if necessary.

Proposed Use Information

PROPOSED USE INFORMATION

1. State the proposed use (Agricultural, Domestic, Industrial).
2. State the proposed use (Agricultural, Domestic, Industrial).
3. State the proposed use (Agricultural, Domestic, Industrial).
4. State the proposed use (Agricultural, Domestic, Industrial).
5. State the proposed use (Agricultural, Domestic, Industrial).
6. State the proposed use (Agricultural, Domestic, Industrial).

FOR MANUAL USE ONLY

Note 1: This form is to be used for the proposed use as described in the application. This form is not to be used for the proposed use as described in the application.

Signatures:
Fay Miller-Beadley
Date: 3/8/21

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION
### EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

#### TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE

<table>
<thead>
<tr>
<th>PURPOSE / WATER USE CATEGORY</th>
<th>LAND USE CONSISTENCY</th>
<th>EFFICIENCY OF USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purposes of Water Use</td>
<td>Land Use Consistency</td>
<td>Efficiency of Use</td>
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#### USES THAT REQUIRE POTABLE WATER

<table>
<thead>
<tr>
<th>Purpose</th>
<th>LAND USE CONSISTENCY</th>
<th>EFFICIENCY OF USE</th>
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<tbody>
<tr>
<td>Purposes of Water Use</td>
<td>Land Use Consistency</td>
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#### USES THAT DO NOT REQUIRE POTABLE WATER

<table>
<thead>
<tr>
<th>Purpose</th>
<th>LAND USE CONSISTENCY</th>
<th>EFFICIENCY OF USE</th>
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<tr>
<td>Purposes of Water Use</td>
<td>Land Use Consistency</td>
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**Total Potable Use**: 400 GPD

**Total Non-Potable Use**: 120 GPD

*Please explain if there are any limitations (e.g., legal, regulatory) on the proposed water use(s) detailed in Table 1, per HC § 17406(e)(3).*

None
### EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

#### Table 2: Irrigation Information

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<thead>
<tr>
<th>Crop</th>
<th>Total Acres</th>
<th>Irrigated Acreage</th>
<th>Irrigation Method</th>
<th>Irrigation System</th>
<th>Comments</th>
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<td></td>
<td>March 2023</td>
<td></td>
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(continued from Column 1) Please clarify indicate the crop (i.e., the row in Table) these comments refer to.
### OTHER PERTINENT INFORMATION

#### 13. TABLE 3: ALTERNATIVES ANALYSIS

<table>
<thead>
<tr>
<th></th>
<th>A. Analysis of potable alternatives</th>
<th>B. Analysis of non-potable alternatives</th>
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</thead>
<tbody>
<tr>
<td>Municipal sources</td>
<td>None Available</td>
<td>None Available</td>
</tr>
<tr>
<td>Wastewater reuse</td>
<td>Non Available</td>
<td>None Available</td>
</tr>
<tr>
<td>Ditch system</td>
<td>Not an option for potable water</td>
<td>The Waianae Reservoir is subject to the property but would require assessments from private properties.</td>
</tr>
<tr>
<td>Desalination</td>
<td>Too expensive and may contaminate the basin potable aquifer.</td>
<td>Too expensive and brine removal would be a problem.</td>
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<tr>
<td>Surface water</td>
<td>There are no surface water bodies in the vicinity.</td>
<td>No surface water bodies in the vicinity.</td>
</tr>
<tr>
<td>Conservation Measures</td>
<td>Monitor the flowmeter for leaks in the system.</td>
<td>Monitor the flowmeter for leaks in the system.</td>
</tr>
<tr>
<td>Other (specify)</td>
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</tbody>
</table>

#### 14. PUBLIC INTEREST

§174-1.5(h), HRS states: The state water code shall be liberally interpreted so as to obtain maximum beneficial use of the waters of the State for purposes such as domestic use, aquaculture, 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 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 agricultural uses which are 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

- [ ] 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 completed 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: __________.

- [ ] Permit proposes:
  - Use of state or county lands, or use of state or county funds
  - Use within a state conservation district
  - Use within an adjoining state park
  - Use within a national or Hawaiian regulated historic site
  - Use within the Waianae Special Design
  - The construction, expansion or modification of a heliport
  - A wastewater treatment unit
  - Water-energy facility
  - Landfill
  - Oil refinery
  - Power-generating facility
  - None of the above 11 items

---

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION
EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION
LEGENDS FARMS LLC

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION

You can purchase a certificate of live-standing for this business.

Download company info in PDF (documents/farms.pdf?filename=30993-12)

Print certificate/registrations / Metro (documents/pdf?filename=30993-12)

View Annual Report Vermilion (documents/pdf?filename=30993-12)

WATER USE PERMIT

Annual Filings

Filing Year Date Filing Status

Date

Hawaii Business Express
Start, manage, and learn about Hawaii businesses
<table>
<thead>
<tr>
<th>Filing Year</th>
<th>Date Requested</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>May 28, 2020</td>
<td>Processed</td>
</tr>
<tr>
<td>2019</td>
<td>Jun 7, 2019</td>
<td>Processed</td>
</tr>
<tr>
<td>2018</td>
<td>Apr 5, 2018</td>
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**Member/MGR**

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<thead>
<tr>
<th>Name</th>
<th>Office (Mem/rd)</th>
<th>Date</th>
</tr>
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<tr>
<td>BEASLEY CHARLES</td>
<td>MEM</td>
<td>Jun 11, 2015</td>
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<tr>
<td>MILLER BEASLEY</td>
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**Other Filings**

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<td>Articles of Organization</td>
<td>Articles of Organization</td>
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<td>Jun 11, 2015</td>
<td>Articles of Correction</td>
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</tbody>
</table>

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

EXHIBIT 2: WATER USE PERMIT DETAILED INFORMATION
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://dnr.hawaii.gov/cwm/news/events/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

<table>
<thead>
<tr>
<th>Water Source</th>
<th>Well No.</th>
<th>Well Name</th>
<th>Tax Map Key</th>
<th>Aquifer System Area</th>
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<td></td>
<td>3-3308-009</td>
<td>Legend</td>
<td>(1) 6-7-002:034</td>
<td>Mokuleia System, North Sector, Oahu</td>
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Quantity Requested: 0 million gallons per day.
Proposed Use: Agriculture, Individual Domestic

<table>
<thead>
<tr>
<th>New/Existing</th>
<th>Description</th>
<th>Place of Water Use</th>
<th>Qty of Use (GPD)</th>
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<tbody>
<tr>
<td>New</td>
<td>Mixed vegetables</td>
<td>at Tax Map Key: (1) 6-7-002:034</td>
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<td>New</td>
<td>Cacao Trees</td>
<td>at Tax Map Key: (1) 6-7-002:034</td>
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<td>New</td>
<td>Goats</td>
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<td>New</td>
<td>Egg laying chickens</td>
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<td>Domestic</td>
<td>at Tax Map Key: (1) 6-7-002:034</td>
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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, anyone 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 821, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

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

Dated: Apr 23, 2021

Publish in: Honolulu Star Advertiser issues of May 3, 2021 and May 10, 2021
### Island of Oahu

**Aquifer System Ground Water Management Area:** 30401 Mokuleia

**Sustainable Yield (mgd):** 17

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<th>Wup No</th>
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<th>Permits</th>
<th>Well No</th>
<th>Well Name</th>
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<th>12 MAV (mgd)</th>
<th>Diff (mgd)</th>
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<td>WUP Type: Water Use Permit, Administrative Modification, Reservation, Transfer, CWRM Decision and Orders, Court Orders, Other</td>
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<table>
<thead>
<tr>
<th>Summary for Mokuleia (29 detail records)</th>
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<table>
<thead>
<tr>
<th>Sustainable Yield: 409</th>
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|  | 7.792 | 0.503 | 7.289 |
| SY Available: | 6.208 | 401.21 |

EXHIBIT 4: EXISTING WATER USE PERMITS AND 12-MONTH MOVING AVERAGE WITHDRAWAL
<table>
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<th>WUPA No</th>
<th>Well No</th>
<th>Applicant</th>
<th>Well Name</th>
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<th>Received</th>
<th>Accept</th>
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<tr>
<td>1088</td>
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<td>04/29/2020</td>
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<tr>
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4 WUPAs totaling 0.479

Number of Wells: 5

EXHIBIT 5: PENDING WATER USE PERMITS
### Cacao (substituted coffee trees):

**IWREDSS Results Summary**

<table>
<thead>
<tr>
<th>Drought Frequency:</th>
<th>1 in 2 years</th>
<th>1 in 5 years (recommended)</th>
<th>1 in 10 years</th>
<th>1 in 20 years</th>
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</thead>
<tbody>
<tr>
<td>Inches per acre:</td>
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<td>30.161</td>
<td>32.258</td>
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<td>gpd/acre:</td>
<td>1,916</td>
<td>2,244</td>
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2/25/2022 9:45 AM

### Mixed vegetables (used generic crops)

**IWREDSS Results Summary**

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<th>Drought Frequency:</th>
<th>1 in 2 years</th>
<th>1 in 5 years (recommended)</th>
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<th>1 in 20 years</th>
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<tbody>
<tr>
<td>Inches per acre:</td>
<td>125.873</td>
<td>134.913</td>
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<td>gpd/acre:</td>
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2/25/2022 9:46 AM
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<th>Unit</th>
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<th>Quantity recommended (gallons per day)</th>
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<td></td>
<td>812</td>
<td>460</td>
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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.

EXHIBIT 8: WATER USE PERMIT STANDARD CONDITIONS
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/cwrm/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/cwrm/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/cwrm/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.

EXHIBIT 10: PUMP INSTALLATION PERMIT STANDARD CONDITIONS