STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

April 19, 2022
Honolulu, Hawai‘i

Request to Approve Extension of Interim Water Use Permits to Mary Ann Velez (Higa) (SWUPAs 2241/2242N), Jordanella Ciotti (SWUPAs 2247/2248N), and Greg Ibara (SWUPAs 2245/2246N) on the Wailuku Town Kuleana ‘Auwai and Order Wailuku Water Company to Implement Certain Actions for Commission Staff to Assess Water Loss, Nā Wai ‘Ehā Surface Water Management Area; Wailuku, Maui

SUMMARY OF REQUEST

Staff is requesting that the Commission on Water Resource Management (Commission) approve the extension of interim water use permits to Mary Ann Velez (Higa) (SWUPAs 2241/2242N), Jordanella Ciotti (SWUPAs 2247/2248N), and Greg Ibara (SWUPAs 2245/2246N) on the Wailuku Town Kuleana ‘Auwai, to provide immediate relief in accordance with recognized appurtenant and domestic use rights and provide for the continued assessment of system losses by Commission staff; Order Wailuku Water Company to provide for a full release of water from the Wailuku Town Kuleana Pipeline distribution point, estimated at 200 to 250 gallons per minute (gpm) or 300,000 gallons per day (gpd).

LEGAL AUTHORITY

Under the State Water Code (Code), the Commission shall have jurisdiction statewide to hear any dispute regarding water resource protection, water permits, or constitutionally protected water interests, or where there is insufficient water to meet competing needs for water, whether or not the area involved has been designated as a water management area under this chapter. The final decision on any matter shall be made by the Commission. HRS § 174C-10.
Map: Wailuku Town Kuleana ‘Auwai. (Solid line indicates open-ditch sections; dotted line indicates underground portions.)
BACKGROUND

Note: For a more complete background of events related to this submittal, please see Exhibits 1 and 2 (Briefing A3 and Testimony, respectively) from January 18, 2022 Commission meeting; and Exhibits 3 and 4 (Submittal B2 and Testimony, respectively) from February 15, 2022 Commission meeting.

The Wailuku Town Kuleana ‘Auwai (‘Auwai) receives water from a distribution pipe and control valve that is located on TMK (2) 3-4-014:006. The property was formerly owned by Kaanapali Kai Inc. and is now owned by Imua Family Services. The distribution pipe conveys water from an intake located on Waihe’e Ditch approximately 1,800-feet mauka. Wailuku Water Company currently manages the distribution of water both from Waihe’e Ditch using a valve located at the intake, and a control valve located at the boundary on Imua Family Services property. From the distribution point, the water flows underground in a concrete lined channel for about 200 feet, then drops into an open channel where it flows for another 200 feet through two properties. The water goes back into a concrete-lined channel and continues on to the end, where it flows into an unlined channel for the last 250 feet. The total length of the ‘Auwai is approximately 0.54 miles. An access point is located behind the Wailuku Public Library, and a storm drain grate which captures runoff into the ditch is located at the corner of Kaohu Street and Kalua Road, and a second storm drain gate approximately 1,000 feet further down Kalua Road.

On April 17, 2014, under contested case hearing CCH-MA06-01, the Commission issued an Order adopting the; 1) Hearings Officer’s Recommendation on the Mediated Agreement Between the Parties; and 2) Stipulation re Mediator’s Report of Joint Proposed Findings of Fact, Conclusion of Law, Decision and Order.

On June 28, 2021, the Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order (D&O) in contested case hearing CCH-MA15-01 regarding the Surface Water Use Permit Applications, Integration of Appurtenant Rights and Amendments to the Interim Instream Flow Standards, Na Wai Eha Surface Water Management Areas of Waihee, Waiehu, Iao and Waikapu Streams, Maui. In its D&O, regarding the management of the WWC delivery system and the ‘Auwai, the Commission set forth the following provisions:

D&O, pp. 305-307, Line 39:
B. Appurtenant Rights and Surface Water Use Permits (SWUPs)

39. SWUPA 2157 – Wailuku Water Company
   b. As a condition of this permit, WWC is required to gage and continuously monitor with the installation of a parshall flume or a Commission staff approved water meter, at the following locations:
   2. Distribution Points:
      v. Wailuku Town Kuleana Pipeline
   c. WWC shall ensure that the following quantity of water is delivered to the following distribution points in the indicated amounts based on SWUPs that will be issued as a result of this decision. The amounts to be delivered shall be provided at all times unless identified in Tables 1-3, supra, or determined by the Commission to be an emergency:
5. Wailuku Town Kuleana Pipeline – 0.088 mgd

The following users were awarded water use permits under the D&O:

ii. Wailuku Town Kuleana Ditch

181. The Wailuku Town Kuleana Ditch is next on the Waihe'e Ditch

182. SWUPA 2181—Kaanapali Kai (FOF 469)

Kaanapali Kai is granted an existing use permit for 4,595 gpd based on her metered use.

183. SWUPAs 2209/2210N—Vernon Bal (FOF 470)

Because Bal did not submit testimony or participate in the contested case hearing, his request for recognition of appurtenant rights is denied without prejudice. Similarly, his request for an existing use permit is denied and his request for a new use permit is denied without prejudice.

184. SWUPAs 2241/2242N—Mary Ann Velez (Higa) (FOF 471)

a. Parcels 16 and 17 are recognized as having appurtenant rights of 136,950 gpd (0.913 acre x 150,000 gad).

b. Velez’s request for an existing use permit is denied.

c. Velez is granted a new use permit of 69,000 gpd (0.46 acre x 150,000 gad) for new lo‘i kalo. The 69,000 gpd is granted based on the recognition of appurtenant rights to Parcels 16 and 17.

d. Velez is also recognized as having a domestic use of 975 gpd (0.39 acre x 2,500 gad) for a home garden, for which a permit will be issued.

185. SWUPA 2247 & 2248N—Jordanella Ciotti (FOF 472)

a. Parcel 19 is recognized as having appurtenant rights of 34,500 gpd (0.23 acres x 150,000 gad).

b. Ciotti is granted a permit for 8,265 gpd consisting of the following:
   i. An existing use permit of 375 gpd (.0025 acre x 150,000 gad) for lo‘i kalo; and
   ii. A new use permit of 7,890 gpd (.0526 acre x 150,000 gad) for lo‘i kalo. 8,265 gpd is granted based on the recognized appurtenant rights for Parcel 19.

c. Ciotti is recognized as having a domestic use of 989 gpd (0.3957 acre x 2,500 gad) for a garden, for which a permit will be issued.

186. SWUPAs 2245/2246N—Greg Ibara (FOF 473)

a. Parcel 20 is recognized as having appurtenant rights of 175,650 gpd (1.171 acres x 150,000 gad).

b. Ibara is granted a permit of 4,050 gpd consisting of the following:
   i. An existing use permit of 1,050 gpd (0.007 acre x 150,000 gad) for existing lo‘i kalo; and
ii. A new use permit of 3,000 gpd (0.02 acre x 150,000 gad) for new lo‘i kalo. The 4,050 gpd is granted based on the appurtenant rights recognized for Parcel 20.

On February 15, 2022, the Commission approved the following actions under Staff Submittal B2:

1) Approve an interim water use permit for the following users from the Wailuku Town Kuleana Pipeline distribution points currently managed by Wailuku Water Company.
   a. Mary Ann Velez (Higa) equivalent to 40-percent of water released from the Wailuku Town Kuleana Pipeline.
   b. Jordanella Ciotti equivalent to 10-percent of water released from the Wailuku Town Kuleana Pipeline.
   c. Greg Ibara equivalent to 50-percent of water released from the Wailuku Town Kuleana Pipeline.

2) Order the three interim water use permittees to modify the distribution in the Wailuku Town Kuleana ‘Auwai along Kalua Road to ensure the appropriate percent of water is delivered as approved in action 1 above.

3) Order Wailuku Water Company to immediately fully open both control valves at the intake on Waihe'e Ditch and at the boundary on Imua Family Services property to release water to the Wailuku Town Kuleana Pipeline, for a period of 60 days to provide for immediate relief to the water use permittees located on the Wailuku Town Kuleana ‘Auwai and allow for Commission staff to assess system losses in the Wailuku Town Kuleana ‘Auwai.
   a. Wailuku Water Company shall provide photographic evidence of the McCrometer flow meter located at the distribution point for the Wailuku Town Kuleana Pipeline, showing a fully opened valve, estimated at not less than 500 gpm.
   b. Wailuku Water Company shall secure the main 4-inch valve at the Wailuku Town Kuleana Pipeline with a strong, anti-theft lock to prevent tampering while the Commission investigates system losses.

4) Order Mahi Pono, LLC, to install a berm in the Spreckels Ditch, upstream of the Velez (Higa) property to prevent stagnant conditions in the Sprekels Ditch resulting from the backflow of water from the Hopoi Chute and the additional flow through from the Wailuku Town Kuleana ‘Auwai.
On March 3, 2022, Commission staff began conducting the first of four (4) site visits to the Wailuku Town Kuleana ‘Auwai to conduct seepage run measurements at multiple points along the ‘auwai. At the start of each seepage run, water levels in Waihe’e Ditch were also recorded at the intake pipe (at concrete box) of the Wailuku Town Kuleana Pipeline. The depth was measured from the top of the water’s surface, down to the top of the intake pipe. The depth of water in Waihe’e Ditch was recorded to make relative comparisons to flows in the Wailuku Town Kuleana ‘Auwai, with the assumption that greater flows in Waihe’e Ditch should result in greater flows in the ‘auwai due to increased head pressure. Staff also recorded the totalizer flow meter value on the control valve to the Wailuku Town Kuleana ‘Auwai located at the Imua Family Services property (Table 1). Staff conducted additional site visits on March 9 (Table 2), March 22 (Table 3), March 29 (Table 4), and April 7 (Table 5). A comparison of ‘auwai flows at the Cook property and Kalua Road, versus water levels in Waihe’e Ditch, is presented in Figure 1.

### Table 1. Measurements recorded on March 3, 2022. Flows are provided in gallons per day (gpd).

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Measurement</th>
<th>Flow (gpd)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 AM</td>
<td>Wailuku Kuleana Town Intake Pipeline at Waihe’e Ditch</td>
<td>0.40 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10:45 AM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>4.38 inches</td>
<td>148,892 gpd</td>
<td>Water temperature at 70°F.</td>
</tr>
<tr>
<td>11:25 AM</td>
<td>Wailuku State Library</td>
<td></td>
<td>194,000 gpd</td>
<td></td>
</tr>
<tr>
<td>11:48 AM</td>
<td>Kuleana ‘Auwai at Cook (former Bal) Property</td>
<td>194,000 gpd</td>
<td>6% uncertainty (depth).</td>
<td></td>
</tr>
<tr>
<td>12:15 PM</td>
<td>Pipeline Meter at Imua Family Services Meter</td>
<td>518,400 to 532,800 gpd</td>
<td>Meter fluctuates between 360 to 370 gpm.</td>
<td></td>
</tr>
</tbody>
</table>

### Table 2. Measurements recorded on March 9, 2022. Flows are provided in gallons per day (gpd).

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Measurement</th>
<th>Flow (gpd)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:45 AM</td>
<td>Wailuku Kuleana Town Intake Pipeline at Waihe’e Ditch</td>
<td>0.45 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10:15 AM</td>
<td>Pipeline Meter at Imua Family Services Meter</td>
<td>648,000 to 662,400 gpd</td>
<td>Meter fluctuates between 450 to 460 gpm.</td>
<td></td>
</tr>
<tr>
<td>11:20 AM</td>
<td>Kuleana ‘Auwai at Cook (former Bal) Property</td>
<td>243,000 gpd</td>
<td>6% uncertainty (depth).</td>
<td></td>
</tr>
<tr>
<td>10:52 AM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>5.5 inches</td>
<td>215,183 gpd</td>
<td></td>
</tr>
</tbody>
</table>
Table 3. Measurements recorded on March 22, 2022. Flows are provided in gallons per day (gpd).

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Measurement</th>
<th>Flow (gpd)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>07:05 AM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>5.75 inches</td>
<td>230,839 gpd</td>
<td></td>
</tr>
<tr>
<td>07:15 AM</td>
<td>Wailuku Kuleana Town Intake Pipeline at Waihe’e Ditch</td>
<td>0.50 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>07:28 AM</td>
<td>Pipeline Meter at Imua Family Services Meter</td>
<td>489 600 to 518,400 gpd</td>
<td></td>
<td>Meter fluctuates between 340 to 360 gpm.</td>
</tr>
<tr>
<td>09:20 AM</td>
<td>Kuleana ‘Auwai at Cook (former Bal) Property</td>
<td>256,000 gpd</td>
<td></td>
<td>7% uncertainty (depth).</td>
</tr>
</tbody>
</table>

Table 4. Measurements recorded on March 29, 2022. Flows are provided in gallons per day (gpd).

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Measurement</th>
<th>Flow (gpd)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:17 AM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>4.25 inches</td>
<td>143,182 gpd</td>
<td></td>
</tr>
<tr>
<td>10:43 AM</td>
<td>Wailuku Kuleana Town Intake Pipeline at Waihe’e Ditch</td>
<td>0.61 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10:54 PM</td>
<td>Pipeline Meter at Imua Family Services Meter</td>
<td>374,400 to 432,000 gpd</td>
<td></td>
<td>Meter fluctuates between 260 to 300 gpm.</td>
</tr>
<tr>
<td>11:15 AM</td>
<td>Kuleana ‘Auwai at Cook (former Bal) Property</td>
<td>187,000 gpd</td>
<td></td>
<td>7% uncertainty (depth)</td>
</tr>
<tr>
<td>11:28 AM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>4.25 inches</td>
<td>143,182 gpd</td>
<td></td>
</tr>
</tbody>
</table>

Table 5. Measurements recorded on April 7, 2022. Flows are provided in gallons per day (gpd).

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Measurement</th>
<th>Flow (gpd)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>05:13 PM</td>
<td>USGS Modified Parshall Flume at Kuleana ‘Auwai at Kalua Road</td>
<td>3.75 inches</td>
<td>117,491 gpd</td>
<td></td>
</tr>
<tr>
<td>05:23 PM</td>
<td>Wailuku Kuleana Town Intake Pipeline at Waihe’e Ditch</td>
<td>0.56 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
On March 10, 2022, Chair Suzanne Case approved a modification to the implementation of the Commission D&O, per the delegation of authority granted to the Chair at its February 15, 2022 meeting. The following implementation actions are related to the operation and maintenance of the Wailuku Town Kuleana ‘Auwai. These actions are intended to adequately meet the needs of the kuleana users at the end of the ‘auwai system while allowing Imua Family Services to meet their irrigation needs and shall take effect immediately.

1. Wailuku Water Company (WWC) to properly train Imua Family Services staff to adjust the 3-inch valve (located on the downside drop below the air relief) to 100 gpm daily from 7:30am to 9:30 am (2 hours) to allow Imua Family Services to irrigate their property within their Water Use Permit allocation of 4,595 gpd. At 9:30am, the 3-inch valve shall be readjusted to the fully opened position per the Commission’s original implementation recommendation. *Note: Based on best irrigation practices, shifting irrigation to the late afternoons would be preferred, but for the time being this time period is what was requested by Imua Family Services.

2. WWC to ensure that the original 4-inch valve that comes out of the rock wall shall continue to remain in the fully open position.

3. Imua Family Services to provide images of the totalizer meter on their pump after each irrigation period in order to ensure that Imua Family Services is getting their proper allocation amount. These images can be submitted weekly to the Commission for their review. Please coordinate with Stream Branch (Malie Beach-Smith; malie.n.beach-smith@hawaii.gov) on best way to submit this information.
4. All of these modifications shall remain in effect until modified by Chairperson or Commission’s action.

On March 30, Commission staff met virtually with Hawai‘i State Public Libraries System staff regarding maintenance of the vegetation behind the Wailuku Public Library (located on S. High Street) and related to the access of the Wailuku Town Kuleana Ditch via a concrete access cover. It is our understanding that in past communications with Mr. Robert Street, Mr. Street has sought access to this area from Library staff in order to maintain the vegetation and accessibility to the ‘Auwai where it flows underground adjacent to the Library. The area is currently fenced off and accessible via a chain-link gate fronting S. High Street. While Mr. Street asserts that he has kuleana rights to access the area, the Library has liability concerns. The Library is currently seeking the assistance of the Department of Accounting and General Services to provide somewhat regular maintenance services to clear the vegetation; seek proposals to implement landscaping improvements to reduce maintenance (e.g., xeriscaping); and obtain a more secure access opening the underground culvert.

ANALYSIS

In its D&O, the Commission did not consider the system losses that occur from the delivery point, located at the Imua Family Services property, to the end users on the ‘Auwai (i.e., Velez (Higa), Ciotti, and Ibara), because no evidence was presented or data available for the system. The Commission staff believes that there is likely considerable loss occurring from the ‘Auwai as it traverses approximately 0.54 miles underground in a concrete lined channel for most of its course and in unlined channels in certain sections.

In its February 15, 2022 submittal, the Commission staff believed that it was in the best interest of the three water use permittees (Velez, Ciotti, and Ibara), who were recognized as having appurtenant rights totaling 347,100 gpd and domestic use rights (Velez and Ciotti) totaling 1,964 gpd, that the system losses occurring in the ‘Auwai be assessed by Commission staff. In the interim, while the Commission staff conducted the seepage run, the Commission approved interim water use permits for a period of 60 days to provide for immediate relief to these kuleana users.

During the course of investigations, Commission staff made the following findings:

1. Water from a large pipe located on the left bank of Waihe‘e Ditch that spills into the Ditch, upstream of the Wailuku Town Kuleana Pipeline intake, comes from the County of Maui DWS ‘Īao Water Treatment Plan as “outwash”.

2. The Imua Family Services meter at the end of the Wailuku Town Kuleana Pipeline, and metering what is released into the Wailuku Town Kuleana ‘Auwai, does not read accurately and cannot be relied upon for total flows or instant flow (gpm) readings. Instead, the meter is utilized by Imua Family Services as a reference meter to gage pressure in order for them to irrigate their property.
3. On March 29, 2022, Commission staff conducted a site visit with Mark Vaught, of Mahi Pono, to Spreckels Ditch to identify ways to prevent “backup” of water that was observed due to water leaks from Hopoi Chute. Staff confirmed that the Ditch also acts as a flood mitigation system where the County’s storm drains and rainfall is directed to the Ditch and transmits water away from Wailuku Town. Mahi Pono also plans to reengage their South Waiehu intake in the next 12-18 months when fields are planted. There is also very little water, if any, that was flowing from all three kuleana users (ho‘i) into the Ditch. Based on this investigation, staff recommends that there is no need for berm in the Ditch and will continue to coordinate with Mahi Pono on any ditch cleaning or flow issues as part of implementation of the Commission’s Decision and Order.

4. The function of Imua Family Services Irrigation System based on Chair’s modifications. The following is a schedule of what was observed:
   7:28am  Shut mid-point valve to zero in order to clean intake on Waihe’e Ditch.
   7:33am  Opened mid-point valve to 100 gpm.
   7:38am  Irrigation started at 50-100gpm based on meter at pump house for irrigation system meter read 3,501,940 gallons; irrigation of 2 sections occurring.
   8:04am  Flow at Parshall Flume – Kalua Rd. bottomed out at 1.5 inches or 25,000 gpd (36 minutes between shut off and low flow from complete shut off of valve, but never reached zero flow).
   8:16am  Flow at Parshall Flume – Kalua Rd. stabilized around 2.25 inches or 47,000 gpd.
   8:20am  Shut off irrigation and irrigation system meter read 3,504,940 gallons (3,000 gallons used in 42 minutes).
   8:25am  Opened valve completely and mid-point valve read 500 gpm and settled to 450 gpm.
   8:43am  Flow at Parshall Flume – Kalua Rd. up to 6.25” or 232,700 gpd.

4. A lateral pipe (approximately 3-in.) off of the Wailuku Kuleana Town ‘Auwai System and laid within the former Kama Ditch located on Imua Family Services Property was identified, which ran under Main Street (mauka to makai through Wailuku Town) to deliver water to multiple properties. That pipe was disconnected and capped as Imua Family Services was clearing/cleaning the property in preparation for their Imua Discovery Garden.

5. System losses in the Wailuku Town Kuleana ‘Auwai, between the Cook property and Kalua Road are estimated as follows (all measurements are in gallons per day, gpd):

<table>
<thead>
<tr>
<th>Date</th>
<th>Cook Property</th>
<th>Kalua Road</th>
<th>Difference</th>
<th>Percent Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2, 2022</td>
<td>194,000</td>
<td>148,892</td>
<td>45,108</td>
<td>23.3%</td>
</tr>
<tr>
<td>March 9, 2022</td>
<td>243,000</td>
<td>215,183</td>
<td>27,817</td>
<td>11.4%</td>
</tr>
<tr>
<td>March 22, 2022</td>
<td>256,000</td>
<td>230,839</td>
<td>25,161</td>
<td>9.8%</td>
</tr>
<tr>
<td>March 29, 2022</td>
<td>187,000</td>
<td>143,182</td>
<td>43,818</td>
<td>23.4%</td>
</tr>
</tbody>
</table>

The Commission staff is seeking an extension of 60 days of the interim water use permits and order to Wailuku Water Company approved by the Commission at its February 15, 2022 meeting for the purpose of conducting additional investigations. In particular, the staff would like to
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Wailuku Town Kuleana ‘Auwai, Nā Wai ‘Ehā Surface Water Management Area

April 19, 2022

further collect and analyze the daily water level/flow data collected at Kalua Road, and investigate the users associated with the disconnected pipe located in the former Kama Ditch alignment located on the Imua Family Services property.

Additional items that require further investigation during the proposed 60-day extension period are as follows:

1. Confirm with WWC that the Wailuku Town Kuleana Pipeline Intake at Waihe‘e Ditch is completely open. The flows observed in the ditch was highest on March 29, 2022, yet the flow measured at Cooke ‘Auwai and observed at Kalua Road were the lowest measurements taken. Staff is concerned whether or not the valve was modified between measurements, since the control valve at Imua Family Services was completely open.

2. Coordinate with County of Maui Department of Water Supply (Maui DWS) to determine if they have water rates for non-profit organizations. The quantity of water currently being used by Imua Family Services is approximately 5,000 gpd for irrigation, therefore it may be more beneficial for them to utilize the Maui DWS water system to meet their needs versus use of the Wailuku Kuleana Town ‘Auwai System.

3. Investigate system losses of 20,000 to 40,000 gpd discovered in seepage assessments. Staff has also reached out to the County of Maui, Department of Environmental Management to see if running a camera in the ‘auwai is possible to identify leakage and/or unknown laterals on the system.

4. Conduct additional site visits of properties adjacent to the Cook property and along the ‘auwai on Kalua Road to determine if there is any unpermitted use happening.

5. Continue coordination with the State Public Library System on maintenance of property, both short and long term, to ensure that the ‘auwai can be accessed to assess flow and blockage.

6. Further assess whether Item 2 (Order the three interim water use permittees to modify the distribution in the Wailuku Town Kuleana ‘Auwai along Kalua Road to ensure the appropriate percent of water is delivered as approved in action 1 above) in the Commission’s February 15, 2022 Order is appropriate and how best to achieve this action if deemed as such.

RECOMMENDATIONS

Staff recommends that the Commission:

1) Approve an extension of the interim water use permits for the following users from the Wailuku Town Kuleana Pipeline distribution points currently managed by Wailuku Water Company.
a. Mary Ann Velez (Higa) equivalent to 40-percent of water released from the Wailuku Town Kuleana Pipeline.

b. Jordanella Ciotti equivalent to 10-percent of water released from the Wailuku Town Kuleana Pipeline.

c. Greg Ibara equivalent to 50-percent of water released from the Wailuku Town Kuleana Pipeline.

2) Order Wailuku Water Company to maintain fully open both control valves at the intake on Waihe'e Ditch and at the boundary on Imua Family Services property to release water to the Wailuku Town Kuleana Pipeline, for an additional period of 60 days to provide for immediate relief to the water use permittees located on the Wailuku Town Kuleana ‘Auwai and allow for Commission staff to continue to assess system losses in the Wailuku Town Kuleana ‘Auwai.

3) Vacate the February 15, 2022 Order to Mahi Pono, LLC, to install a berm in the Spreckels Ditch, upstream of the Velez (Higa) property to prevent stagnant conditions in the Spreckels Ditch resulting from the backflow of water from the Hopoi Chute and the additional flow through from the Wailuku Town Kuleana ‘Auwai.

Ola i ka wai,

M. KALEO MANUEL
Deputy Director

Exhibit:
4. February 15, 2022, Testimony related to Submittal B2
   *(Exhibit 4 available online)*

APPROVED FOR SUBMITTAL:

[Signature]

SUZANNE D. CASE
Chairperson