

# BRIEFING ON WATER RESERVATIONS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS



Presentation to the Commission on Water Resource Management  
by CWRM Planning Branch

June 18, 2024

# OVERVIEW

IN THIS PRESENTATION WE WILL DISCUSS:

- What are water reservations?
- What is the process to reserve water for DHHL?
- Existing DHHL water reservations
- Pending DHHL water reservations
- Future DHHL water demands

# WHAT ARE WATER RESERVATIONS?

- A set-aside of water for future use in a particular location and quantity (§174C-49(d) HRS).
- Water reserved for the Department of Hawaiian Home Lands (DHHL) can be either ground or surface water.
- Intended to provide adequate amounts of water for current and “foreseeable” needs so that homestead lands can be usable and accessible.
- A reservation is not immediate access to “wet water.”
- The Hawai‘i Supreme Court recognizes and prioritizes 4 public trust uses of water, including “Reservations of water for Hawaiian home lands.”

# WHAT IS THE PROCESS TO RESERVE WATER?

- In designated Water Management Areas (WMAs), reservations are made through rule-making.
  - §174C-49(d) Hawai‘i Revised Statutes (HRS)
    - “The commission, by rule, may reserve water...Such reservations shall be subject to periodic review and revision...”
  - §13-171-60 Hawai‘i Administrative Rule (HAR)
- In non-designated areas, reservations are established through Commission action.
  - §174C-101(a) Hawai‘i Revised Statutes (HRS)
    - “Native Hawaiian water rights. Decisions of the commission...shall incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands...”

\* DHHL can reserve water in both designated and non-designated areas

# WHAT IS THE PROCESS TO RESERVE WATER?

DHHL water reservation triggers:

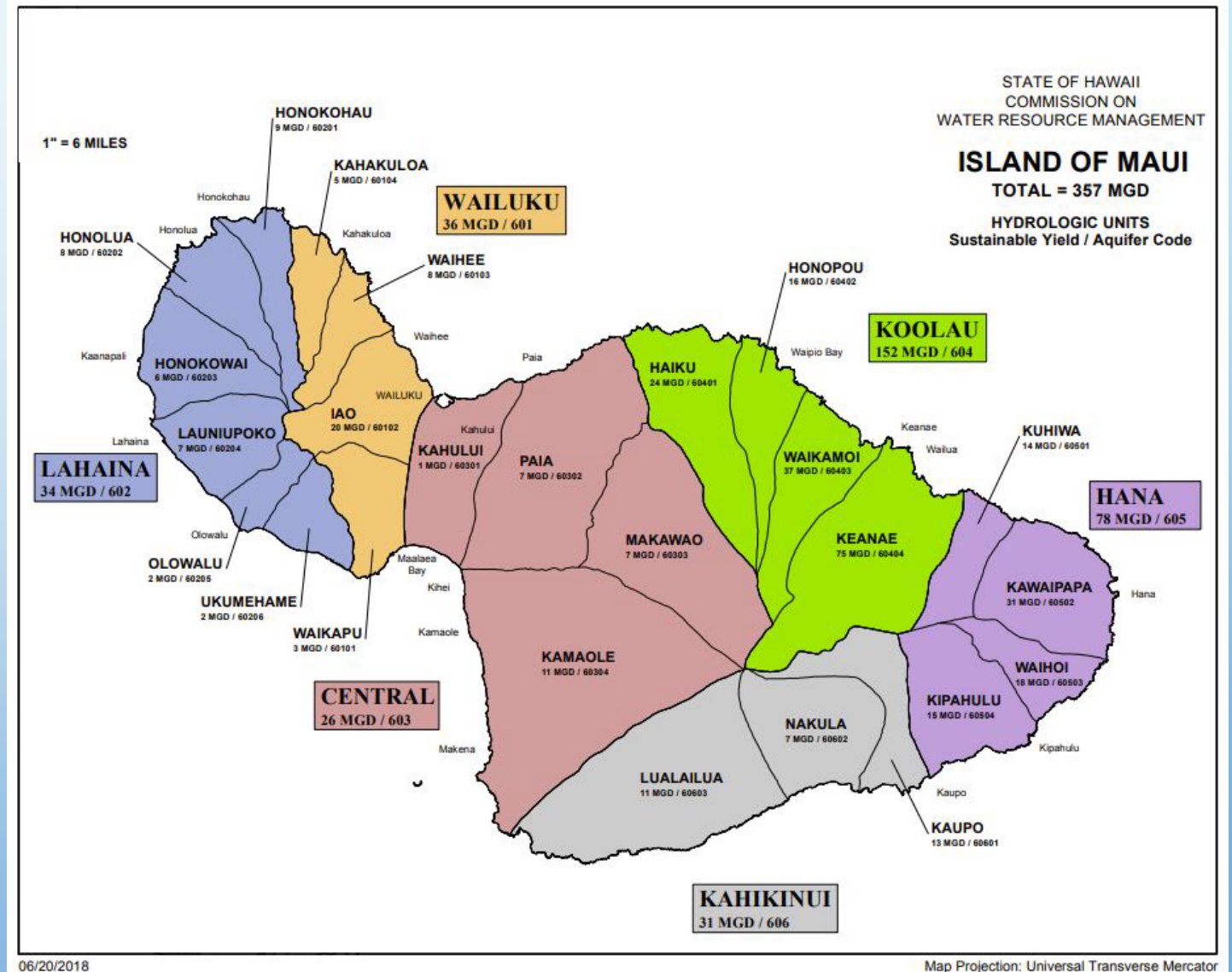
- DHHL can request via written petition
- Staff submittal may include a reservation request as part of a larger Commission action
- In conjunction with the establishment of Interim Instream Flow Standards (IIFS)
- In conjunction with the water leasing process (HRS §171-58(g))

\* New reservation petition form now available on the CWRM website

# WHAT IS THE PROCESS TO RESERVE WATER?

## Ground Water Reservations

- Made under the remaining Sustainable Yield (SY) for a particular aquifer system
- In designated areas:
  - Water Use Permit (WUP) review process ensures DHHL reservation is not impacted
- In non-designated areas:
  - No formal process to ensure no impact to DHHL reservation





# WHAT IS THE PROCESS TO RESERVE WATER?

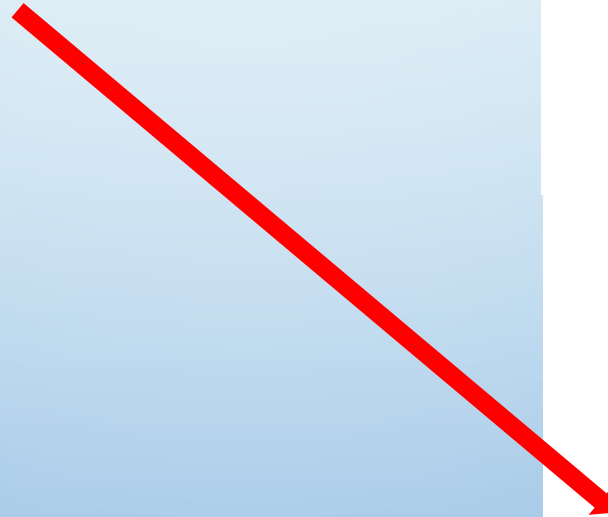
## Surface Water Reservations

- Typically made in conjunction with the setting of Interim Instream Flow Standards (IIFS) for a particular stream(s)
- If IIFS is already established, the Commission may have to adjust the IIFS to account for DHHL needs



# WHERE CAN I FIND INFORMATION ABOUT DHHL WATER RESERVATIONS?

- Water reservations made through rule-making (i.e.: in designated areas) are incorporated into CWRM admin rules (HAR Title 13, Chapter 171)



HAWAII ADMINISTRATIVE RULES  
TITLE 13  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
SUB-TITLE 7. WATER RESOURCES  
CHAPTER 171  
DESIGNATION AND REGULATION OF WATER MANAGEMENT AREAS

Subchapter 6. Reservation of Water

Section 13-171-60	Reservations of water
Section 13-171-61	Department of Hawaiian home lands reservation for Honolulu and Leeward Oahu
Section 13-171-62	Department of Hawaiian home lands reservation for Windward Oahu
Section 13-171-63	Department of Hawaiian home lands reservation for Kualapuu, Molokai

Subchapter 6  
Reservation of Water

§13-171-60 Reservations of water. (a) As provided in HRS §174C-49(d), the commission, by rule, may reserve water in such locations and quantities and for such seasons of the year as in its judgment may be necessary.

(b) The commission shall adopt within this subchapter specific reservations of water in water management areas in such quantities as are deemed necessary for purposes which are consistent with the public interest, including the provision of water for current and foreseeable development and use of Hawaiian home lands pursuant to section 221 of the Hawaiian Homes Commission Act and HRS §174C-101(a).

(c) Proceedings for the establishment of a reservation of water resources within a designated water management area by the commission may be initiated:

- (1) Upon recommendation by the chairperson; or
- (2) Upon written petition to the commission by any interested person with proper standing.

(d) Reserved water shall not be allocated from water management areas by the commission except upon application for a water use permit by the party, or parties, for whom the water was reserved.

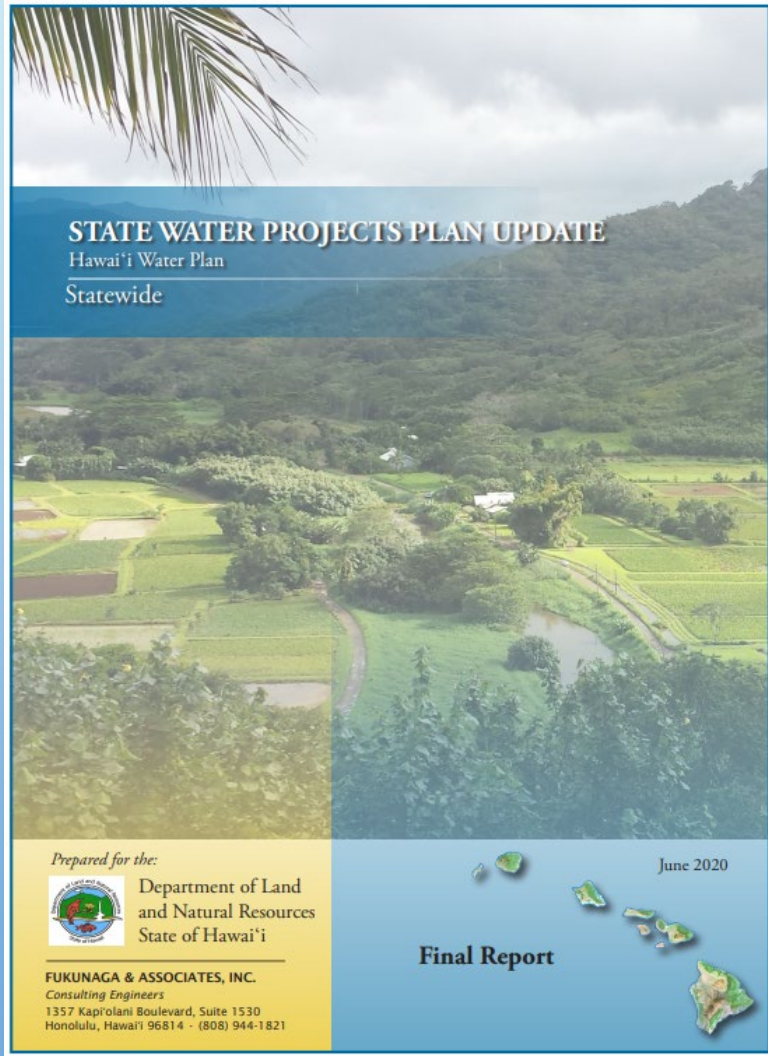
(e) All reservations shall be subject to periodic review and revision in light of changed conditions. [Eff. Feb. 18, 1994 ] (Auth: HRS §§174C-49(d), 174C-101(a)) (Imp: HRS §§174C-49(d), 174C-101(a))

§13-171-61 Department of Hawaiian home lands reservation for Honolulu and Leeward Oahu. The commission hereby reserves 1.724 million gallons per day of ground water from state lands in the Waipahu-Waiawa aquifer system for use in the Papakolea, Nanakuli, and Waianae-Lualualei Hawaiian homestead areas. This amount shall be in excess of the existing uses of water on Hawaiian home lands as of the effective date of this rule. [Eff. FEB 18 1994] (Auth: HRS §§174C-49(d), 174C-101(a)) (Imp: HRS §§174C-49(d), 174C-101(a), HHCA §221)

§13-171-62 Department of Hawaiian home lands reservation for Windward Oahu. The commission hereby reserves 0.124 million gallons per day of ground water from state lands in the Waimanalo aquifer system for use in the Waimanalo Hawaiian homestead area. This amount shall be in excess of the existing uses of water on Hawaiian home lands as of the effective date of this rule. [Eff. FEB 18 1994] (Auth: HRS §§174C-49(d), 174C-101(a)) (Imp: HRS §§174C-49(d), 174C-101(a), HHCA §221)



# WHERE CAN I FIND INFORMATION ABOUT DHHL WATER RESERVATIONS?



## State Water Projects Plan (SWPP)

### 8.2.1 SWPP Project Water Demand Overview

The individual SWPP projects and associated water demands located on the island of Maui, Moloka'i, and Lāna'i are listed in tabular form separated by Department in **Appendix F** (potable) and **Appendix G** (non-potable) and by Island in **Appendix H** (potable) and **Appendix I** (non-potable). The total SWPP water demands were sorted to summarize the yearly cumulative average day demands throughout the 20-year planning period. **Table 8-1** through **Table 8-3** summarize the SWPP project potable projected water demand by State department, for Moloka'i, Lāna'i, and Maui, respectively. **Table 8-4** and **Table 8-5** summarize the SWPP project non-potable water demand for by State department, for Moloka'i and Maui, respectively. There were no non-potable demands reported for the island of Lāna'i. **Figure 8-7** shows the map of the SWPP project water demands on the islands of Moloka'i and Lāna'i. **Figure 8-8** shows the map of the SWPP project water demands on the island of Maui.

Table 8-1 – SWPP Potable Water Demands by State Department – Moloka'i

State Department	Cumulative Average Day Demand (MGD)							
	2015	2016	2017	2018	2019	2024	2029	2034
DOE	0	0	0	0	0	0	0.0295	0.0295
DHHL	0	0.2594	0.2594	0.2594	0.2594	0.6620	1.0613	1.0613
UH	0	0	0	0.0003	0.0003	0.0003	0.0003	0.0003
<b>Total Moloka'i</b>	<b>0</b>	<b>0.2594</b>	<b>0.2594</b>	<b>0.2597</b>	<b>0.2597</b>	<b>0.6623</b>	<b>1.0911</b>	<b>1.0911</b>
<b>Total State</b>	<b>0.9414</b>	<b>5.4812</b>	<b>5.8039</b>	<b>6.0894</b>	<b>6.5019</b>	<b>13.286</b>	<b>24.273</b>	<b>34.147</b>

Table 8-2 – SWPP Potable Water Demands by State Department – Lāna'i

State Department	Cumulative Average Day Demand (MGD)							
	2015	2016	2017	2018	2019	2024	2029	2034
DHHL	0	0	0	0	0	0	0	0.0672
<b>Total Lāna'i</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0672</b>
<b>Total State</b>	<b>0.9414</b>	<b>5.4812</b>	<b>5.8039</b>	<b>6.0894</b>	<b>6.5019</b>	<b>13.286</b>	<b>24.273</b>	<b>34.147</b>

Table 8-3 – SWPP Potable Water Demands by State Department – Maui

State Department	Cumulative Average Day Demand (MGD)							
	2015	2016	2017	2018	2019	2024	2029	2034
DAGS	0	0	0	0.0400	0.0400	0.0460	0.3276	0.3276
DBEDT	0	0	0	0	0.1458	0.5133	0.9954	1.8185
DOE	0	0	0	0	0	0.0140	0.4940	0.5540
<b>DHHL</b>	<b>0</b>	<b>2.2134</b>	<b>2.2134</b>	<b>2.2134</b>	<b>2.2134</b>	<b>2.7151</b>	<b>3.4566</b>	<b>3.5212</b>
DLNR	0	0	0	0	0	0.5971	0.6214	0.6218
DOT	0	0	0.0002	0.0002	0.0002	0.0032	0.0092	0.1531
Judiciary	0	0	0	0	0	0.0090	0.0090	0.0090
UH	0	0	0.0003	0.0016	0.0016	0.0016	0.0016	0.0016
<b>Total Maui</b>	<b>0</b>	<b>2.2134</b>	<b>2.2139</b>	<b>2.2552</b>	<b>2.4010</b>	<b>0.38993</b>	<b>5.9148</b>	<b>7.0064</b>
<b>Total State</b>	<b>0.9414</b>	<b>5.4812</b>	<b>5.8039</b>	<b>6.0894</b>	<b>6.5019</b>	<b>13.286</b>	<b>24.273</b>	<b>34.147</b>

- Inventories existing and future water needs for State projects, including DHHL
- The SWPP is generally updated every 5 years
- Staff may refer to SWPP when reviewing requests for DHHL reservations of water

# WHERE CAN I FIND INFORMATION ABOUT DHHL WATER RESERVATIONS?

Hawai'i Water Plan

## WATER RESOURCE PROTECTION PLAN 2019 UPDATE



State of Hawai'i  
Commission on Water Resource Management

Townscape, Inc.

## Water Resource Protection Plan (WRPP)

Water Resources Protection Plan 2019 Update

Table 2-7 Current DHHL Water Reservations

Island	Hydrologic Unit	Quantity of Water Reserved (MGD)	Effective Date
O'ahu	Waipahu-Waiawa	1.358 <sup>24</sup>	February 18, 1994
O'ahu	Waimānalo	0.124 <sup>25</sup>	February 18, 1994
Moloka'i	Kualapu'u	2.905 <sup>26</sup>	June 10, 1995
Hawai'i	Keauhou	3.398	August 17, 2015
Kaua'i	Waimea River	6.903	June 20, 2017
Kaua'i	Wailua	0.708	September 18, 2018
Kaua'i	Anahola	1.470	September 18, 2018
Kaua'i	Kekaha	0.336	September 18, 2018
Kaua'i	Makaweli	0.405	September 18, 2018
Lāna'i	Leeward	0.067	September 18, 2018
Maui	Honokōwai	0.770	September 18, 2018
Maui	Kama'ole	2.547	September 18, 2018
Maui	Ke'ānae	0.003	September 18, 2018
Maui	Kawaiipapa	0.118	September 18, 2018
Maui	Luala'ilua	0.063	September 18, 2018
Hawai'i	Hāwī	0.148	September 18, 2018
Hawai'i	Māhukona	3.014	September 18, 2018
Hawai'i	Honoka'a	0.396	September 18, 2018
Hawai'i	Hakalau	0.083	September 18, 2018
Hawai'i	Onomea	0.250	September 18, 2018
Hawai'i	Hilo	0.492	September 18, 2018
Hawai'i	Ke'a'au	1.336	September 18, 2018
Hawai'i	Ōla'a	0.025	September 18, 2018
Hawai'i	Nā'ālehu	0.185	September 18, 2018
Hawai'i	Pāhoa	0.660	September 18, 2018

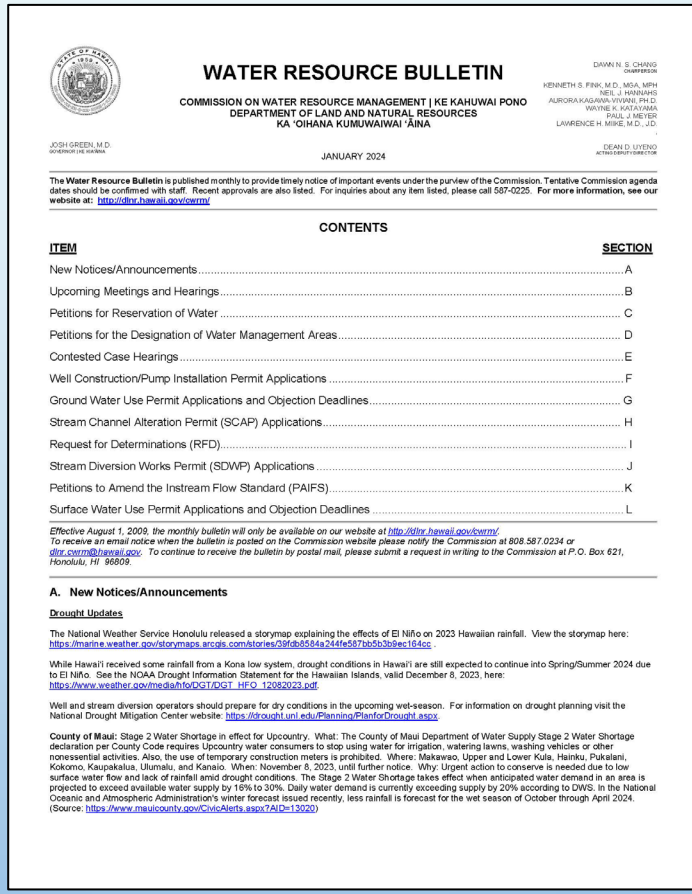
- Inventories all approved DHHL reservations
- This includes reservations in both designated and non-designated areas
- The WRPP is generally updated every 5 years



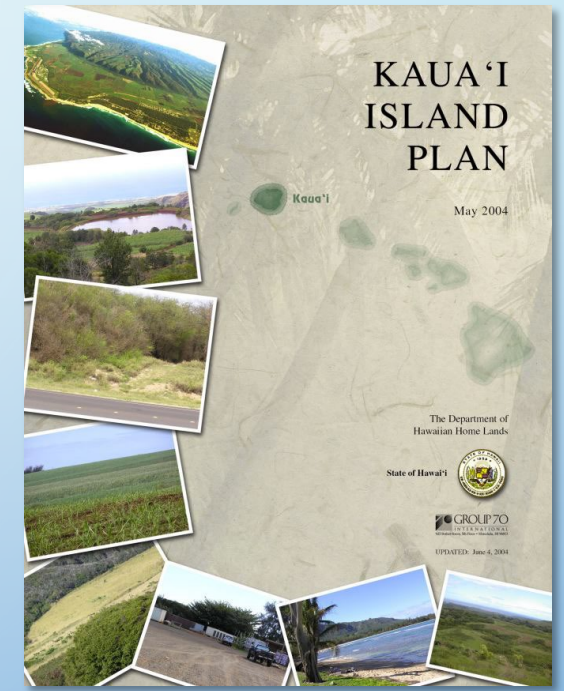
# WHERE CAN I FIND INFORMATION ABOUT DHHL WATER RESERVATIONS?



County Water Use and Development Plans (WUDPs)



CWRM Water Resource Bulletin and website

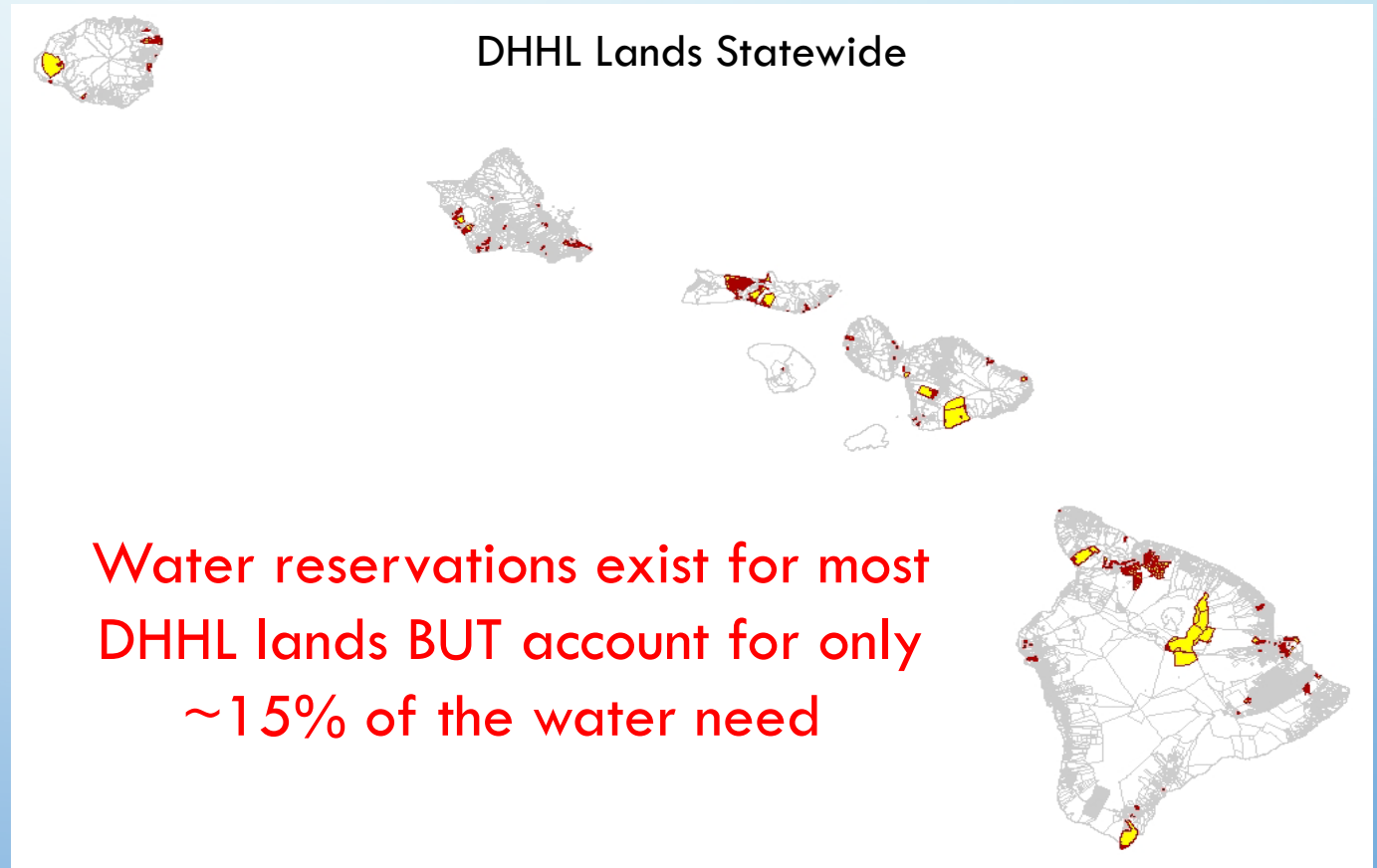


DHHL Island Plans

# EXISTING DHHL WATER RESERVATIONS

Current DHHL Reservations

Island	Hydrologic Unit	Reservation Amounts MGD	Effective Date	
Kaua'i	Wailua GWHU	0.708	9/18/18	
	Anahola GWHU	1.470	9/18/18	
	Kekaha GWHU	0.336	9/18/18	
	Makaweli GWHU	0.405	9/18/18	
	Waimea SWHU ★	6.903	6/20/17	
	Wailua SWHU ★	0.513	10/16/18	
O'ahu	Waipahu-Waiawa GWHU	1.724	2/18/94	
	Waimānalo GWHU	0.124	2/18/94	
Lāna'i	Leeward GWHU	0.067	9/18/18	
Moloka'i	Kualapu'u GWHU	2.905	6/10/95	
	Kawela GWHU	0.2436	3/15/22	
	Kamiloloa GWHU	1.000	3/15/22	
	Pālā'au GWHU	0.433	3/15/22	
	'Ualapu'e GWHU	0.855	3/15/22	
	Waikolu SWHU	6.0914	4/19/22	
Maui	Honokōwai GWHU	0.770	9/18/18	
	Kama'ole GWHU	2.547	9/18/18	
	Ke'anae GWHU	0.003	9/18/18	
	Kawaipapa GWHU	0.118	9/18/18	
	Luala'iula GWHU	0.063	9/18/18	
	Honokōhau SWHU ★	2.000	5/18/21	
	Huelo-Region, East Maui ★	1.3275	11/15/22	
	Ho'olawa SWHU			
	Waipi'o SWHU			
	Hoalua SWHU			
	Hanawana SWHU			
	Kailua SWHU			
	Nailiilhaele SWHU			
	Puehu SWHU			
'O'opuola SWHU				
Ka'aiea SWHU				
Punalu'u SWHU				
Kōlea SWHU				
Hawai'i	Keaouhou GWHU	3.398	8/17/15	
	Hawi GWHU	0.148	9/18/18	
	Māhukona GWHU	3.014	9/18/18	
	Honoka'a GWHU	0.396	9/18/18	
	Hakalau GWHU	0.083	9/18/18	
	Onomea GWHU	0.250	9/18/18	
	Hilo GWHU	0.492	9/18/18	
	Kea'au GWHU	1.336	9/18/18	
	'Ōla'a GWHU	0.025	9/18/18	
	Nā'ālehu GWHU	0.185	9/18/18	
	Pāhoa GWHU	0.660	9/18/18	
	Wailuku SWHU ★	1.600	3/17/20	
	<b>TOTAL</b>		<b>42.1935</b>	



★ Reservation for surface water



# EXISTING DHHL WATER RESERVATIONS

Island	Commission Approval Date	Reservation Request (mgd)	Aquifer System Area/SWHU
Maui	September 18, 2018	0.770	Honokōwai 60203
Maui	May 18, 2021	2.000	Honokōhau ★ 60203
Molokaʻi	July 20, 2021	2.677	Kualapuʻu 40203
Molokaʻi	March 15, 2022	0.2436	Kawela 40302
Molokaʻi	March 15, 2022	1.000	Kamiloloa 40301
Molokaʻi	March 15, 2022	0.530	Pālāʻau 40202
Molokaʻi	March 15, 2022	0.8550	ʻUalapuʻe 40303

THESE RESERVATIONS ARE CURRENTLY UP FOR RULE-MAKING

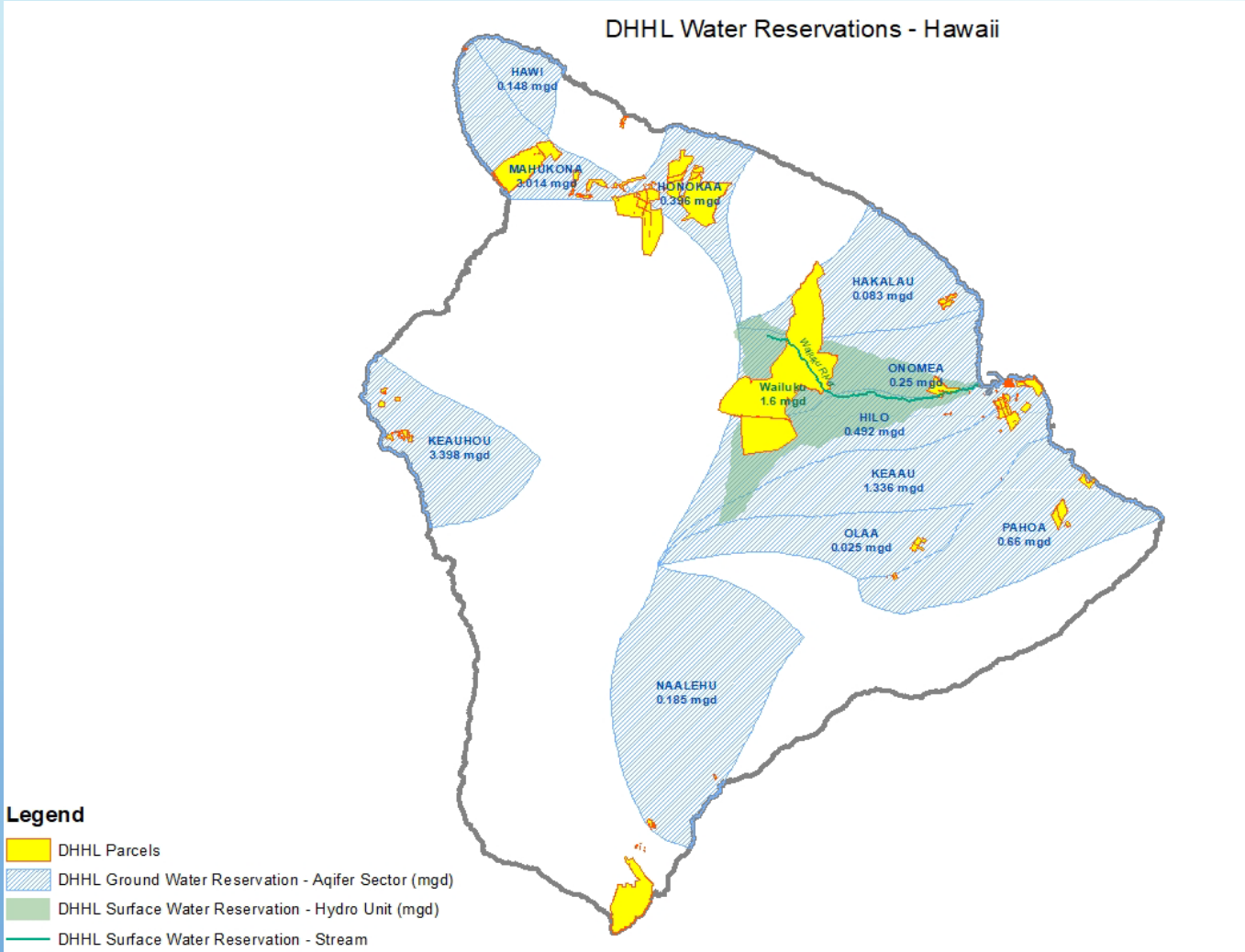
On April 3, 2024  
CWRM received Governor's approval  
to conduct public hearings for water  
reservations on Maui and Molokaʻi.

★ Reservation for surface water

# RULE-MAKING STEPS WITH GOV.'S OFFICE

1. Ramseyer New Rule-making
2. To AG for Review
3. Submittal to Commission for approval to initiate rule-making
4. Memo to Small Business Regulatory Review Board (SBRRB) + Small Business Impact Review Statement (HRS201M-2)
5. Letter to Gov. Office requesting approval to hold public hearing. Begin HARP process.
6. Upon approval, Hold public hearings – Draft Hearing Notice 30-days requirement
7. Conduct Public Hearings
8. Submit post-hearing statement to SBRRB
9. Submittal to Commission for final approval of Ramseyer draft
10. Following conclusion of Commission meeting – Send a Ramseyer copy + 3 standard copies to Land/Tran Chief then to the Chair for Signature
11. Upon Signature send a memo to sign with copies
12. Once signed by Gov. the copy is sent to Lt. Gov. Office for filing
13. The Department's original official copy shall be kept at a depository of the Department's administrative rules in the Chairperson's Office.
14. Prepare a PDF file of the new rules to post on CWRM's website.

# EXISTING DHHL WATER RESERVATIONS – HAWAI‘I ISLAND



Island	Hydrologic-unit	Quantity of Water Reserved (MGD)	Effective Date
Hawai'i	Keauhou	3.398	August 17, 2015
Hawai'i	Hāwī	0.148	September 18, 2018
Hawai'i	Māhukona	3.014	September 18, 2018
Hawai'i	Honoka'a	0.396	September 18, 2018
Hawai'i	Hakalau	0.083	September 18, 2018
Hawai'i	Onomea	0.250	September 18, 2018
Hawai'i	Hilo	0.492	September 18, 2018
Hawai'i	Kea'au	1.336	September 18, 2018
Hawai'i	'Ōla'a	0.025	September 18, 2018
Hawai'i	Nā'ālehu	0.185	September 18, 2018
Hawai'i	Pāhoa	0.660	September 18, 2018
Hawai'i	Wailuku ★	1.600	March 17, 2020

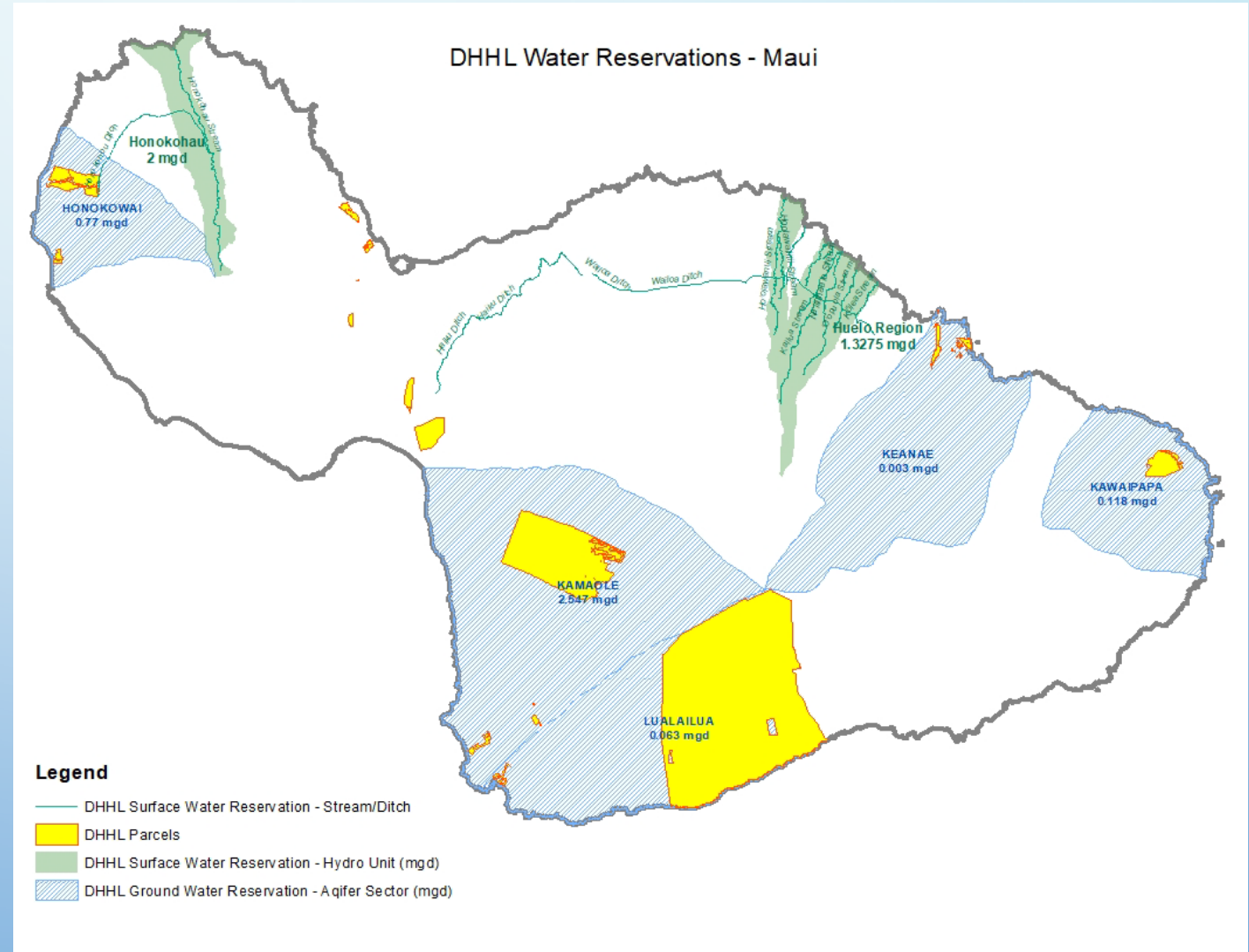
★ Reservation for surface water

# EXISTING DHHL WATER RESERVATIONS – MAUI

Island	Hydrologic-unit	Quantity of Water Reserved (MGD)	Effective Date
Maui	Honokōwai	0.770	September 18, 2018
Maui	Kama'ole	2.547	September 18, 2018
Maui	Ke'anae	0.003	September 18, 2018
Maui	Kawaipapa	0.118	September 18, 2018
Maui	Luala'ilua	0.063	September 18, 2018
Maui	Honokōhau ★	2.000	May 18, 2021
Maui	Huelo-Region★	1.3275	November 15, 2022

★ Reservation for surface water

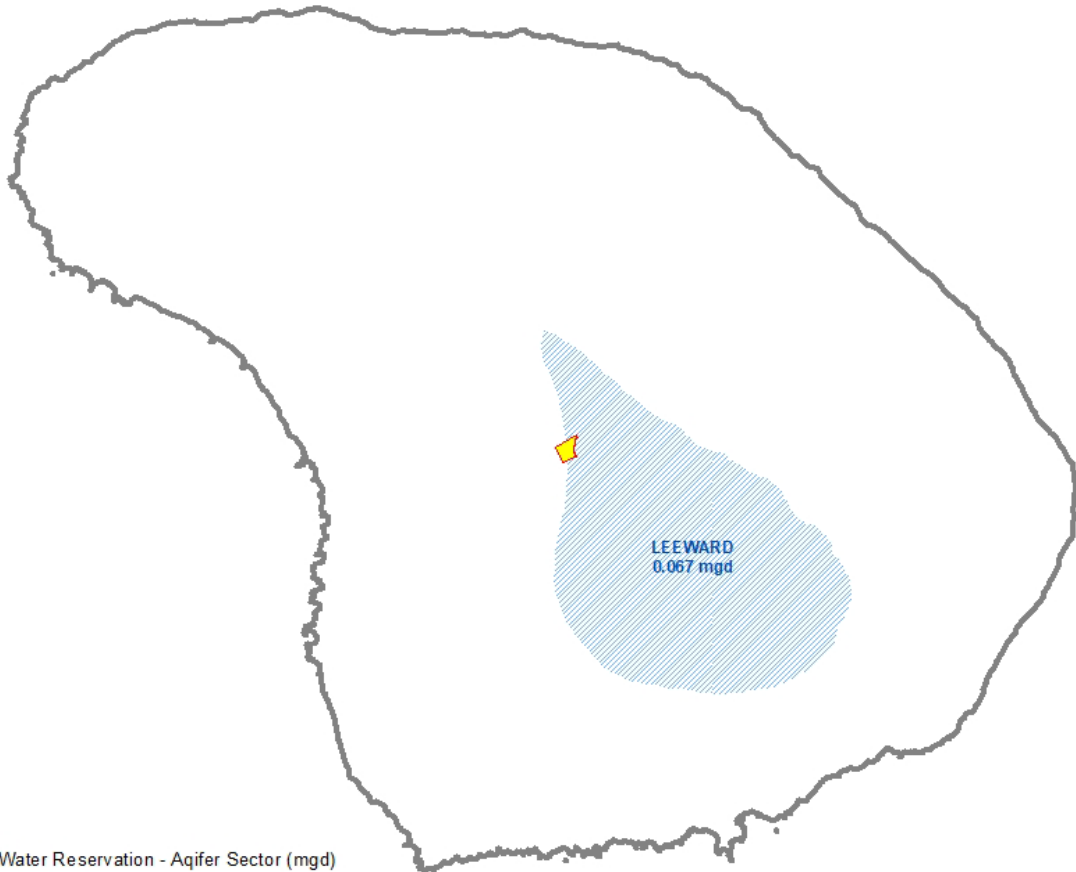
Part of upcoming public hearings









# EXISTING DHHL WATER RESERVATIONS – LANAI‘I

DHHL Water Reservations - Lanai



**Legend**

-  DHHL Parcels
-  DHHL Ground Water Reservation - Aqifer Sector (mgd)
-  DHHL Surface Water Reservation - Hydro Unit (mgd)
-  DHHL Surface Water Reservation - Stream

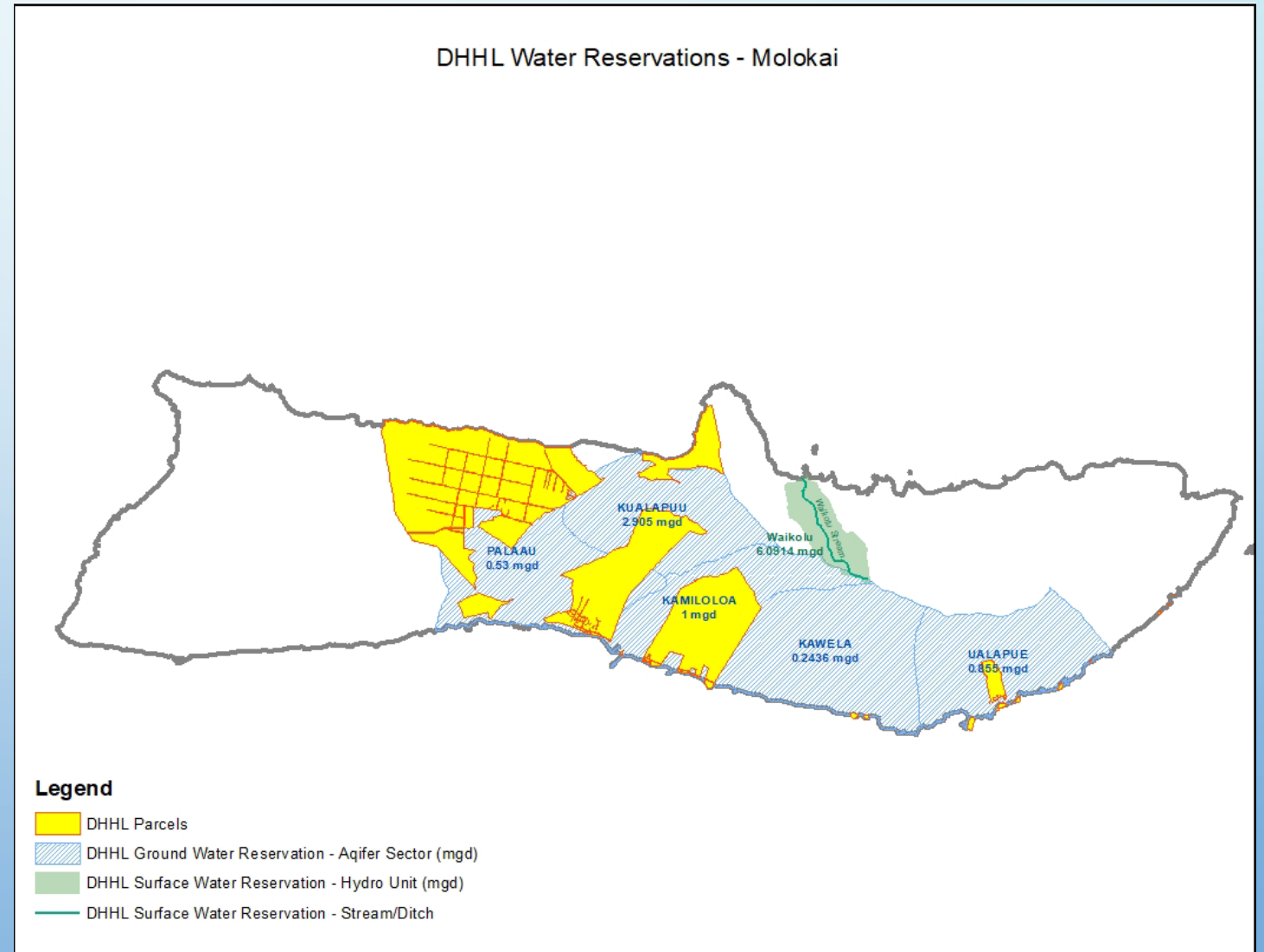
Island	Hydrologic-unit	Quantity of Water Reserved (MGD)	Effective Date
Lana'i	Leeward	0.067	September 18, 2018

# EXISTING DHHL WATER RESERVATIONS – MOLOKA‘I

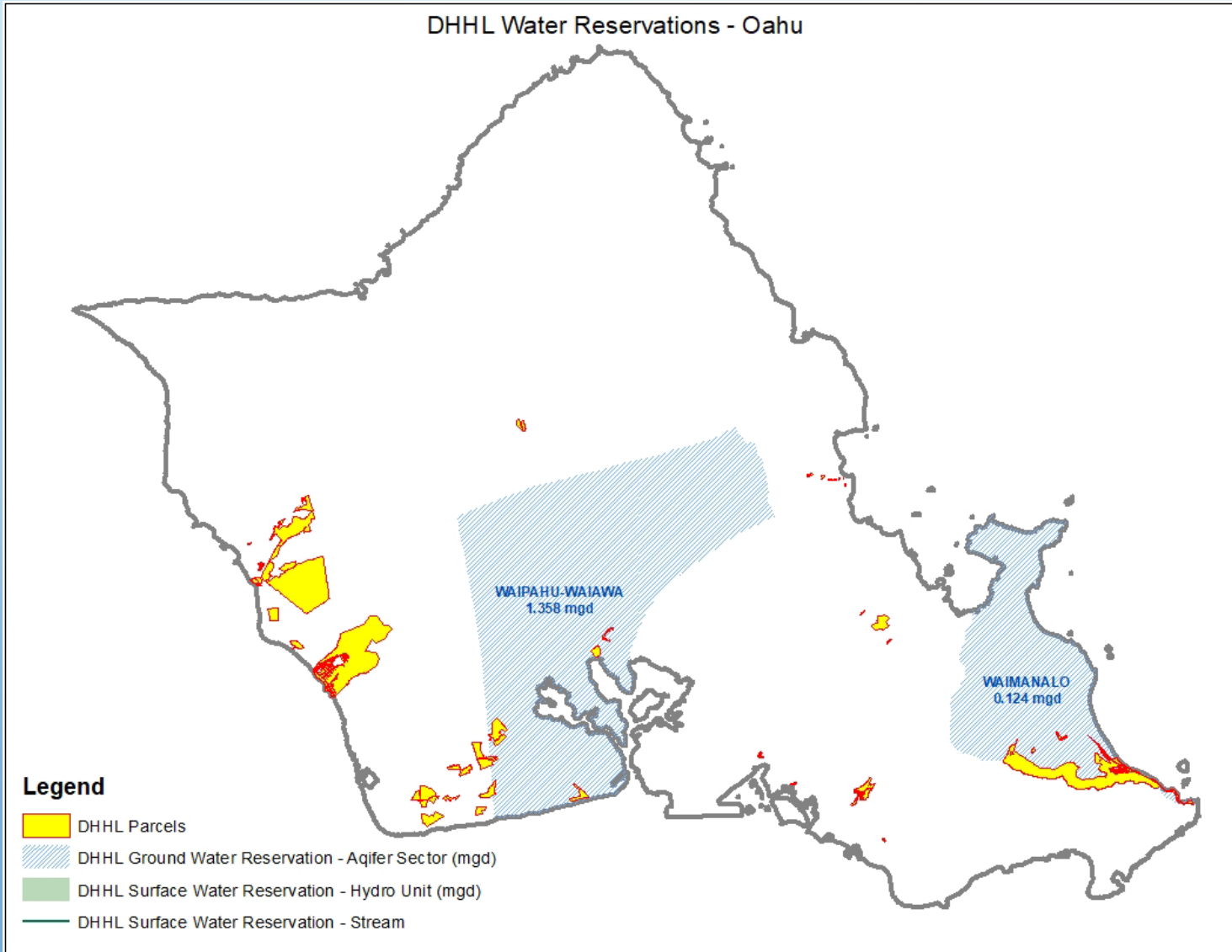
Island	Hydrologic-unit	Quantity of Water Reserved (MGD)	Effective Date
Moloka‘i	Kualapu‘u	2.905	June 10, 1995
Moloka‘i	Kualapu‘u	2.677	July 20, 2021
Moloka‘i	Kawela	0.2436	March 15, 2022
Moloka‘i	Kamiloloa	1.000	March 15, 2022
Moloka‘i	Pālā‘au	0.530	March 15, 2022
Moloka‘i	‘Ualapu‘e	0.8550	March 15, 2022
Moloka‘i	Waikolu ★	6.0914	April 19, 2022

★ Reservation for surface water

Part of upcoming public hearings



# EXISTING DHHL WATER RESERVATIONS – O‘AHU

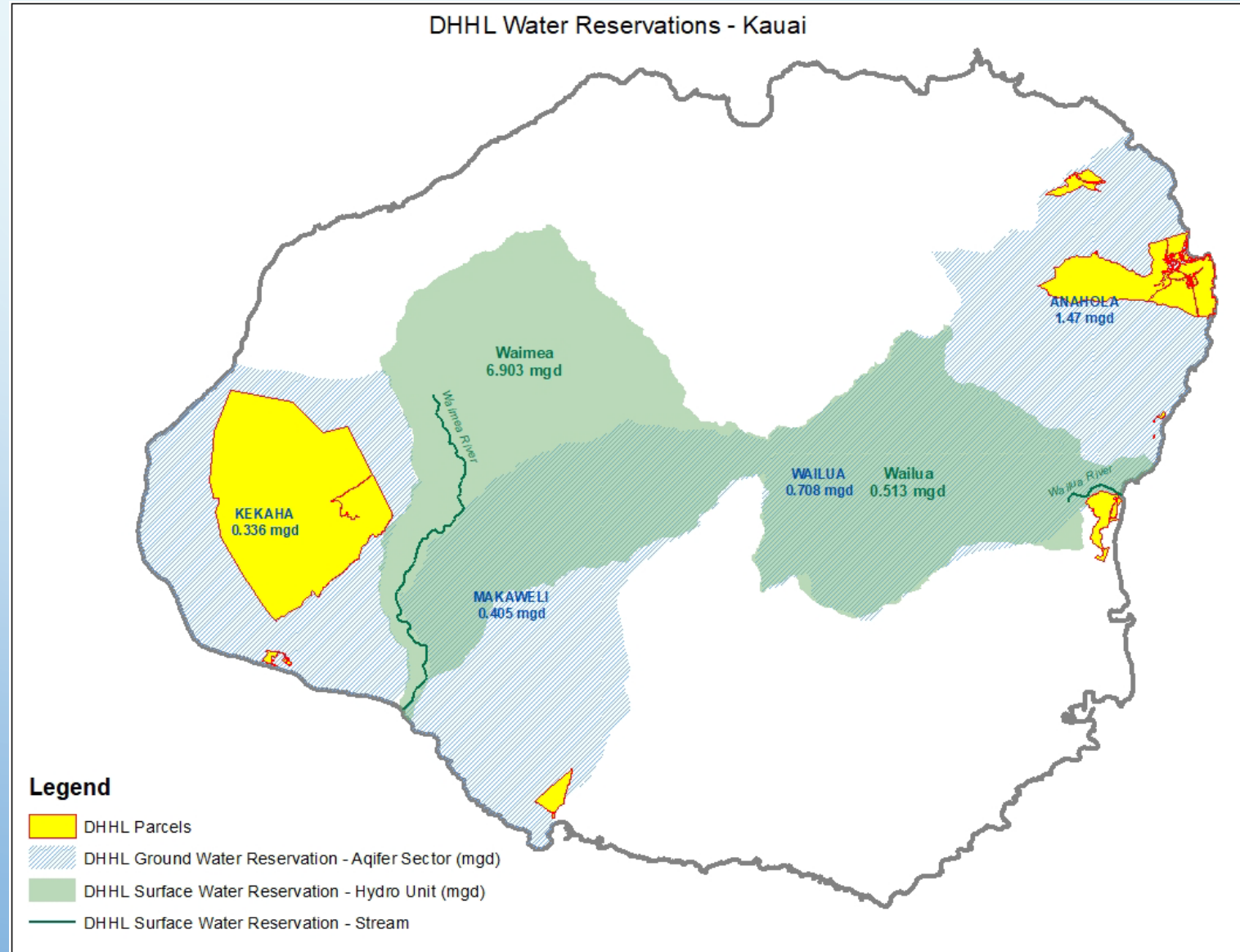


Island	Hydrologic-unit	Quantity of Water Reserved (MGD)	Effective Date
O‘ahu	Waipahu-Waiawa	1.724	February 18, 1994
O‘ahu	Waimānalo	0.124	February 18, 1994

# EXISTING DHHL WATER RESERVATIONS – KAUA‘I

Island	Hydrologic -unit	Quantity of Water Reserved (MGD)	Effective Date
Kaua‘i	Waimea River ★	6.903	June 20, 2017
Kaua‘i	Anahola	1.470	September 18, 2018
Kaua‘i	Kekaha	0.336	September 18, 2018
Kaua‘i	Wailua	0.708	September 18, 2018
Kaua‘i	Wailua ★	0.513	October 16, 2018
Kaua‘i	Makaweli	0.405	September 18, 2018

★ Reservation for surface water





# FUTURE DHHL DEMANDS

## In Process Reservations

- East Maui (surface water); Waikoloa (Waimea), Hawai'i Island (surface water)

## Future Demands

- Ongoing conversations with DHHL

## Challenges

- Infrastructure - *“You can get water but you have to pay for the straw”*
- Better coordination with CWRM and other agencies to geographically locate reservations in areas that make the most sense
- How to ensure enough water for DHHL needs prior to reservation requests, esp. in areas with limited supply
- DHHL water needs extend beyond the 20 year planning horizon

**MAHALO**

