



WATER-RIGHT DOCKET

Kalaupapa National Historical Park

Docket No: 1

WAIHANAU WELL #239

State Water Rights Documentation

12-17-1992: letter to nps from state of hawaii regarding the publishing of water use permit application

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621
HONOLULU, HAWAII 96809

DEC 17 1992

WILLIAM W. PATY
CHAIRPERSON

JOHN C. LEWIN, M.D.
ROBERT S. NAKATA
RICHARD H. COX, P.E.
GUY K. FUJIMURA

RAE M. LOUI, P.E.
DEPUTY

Mr. Neal Borgmeyer
U.S. Department of the Interior
National Park Service
Kalaupapa National Historic Park
P.O. Box 2222
Kalaupapa, HI 96742

Dear Mr. Borgmeyer:

Enclosed is a copy of the public notice for your water use permit application which will be published in the Honolulu Star Bulletin, issues of December 14 & 21, 1992.

Please be aware that there may be objections to your application. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.

You, or any other party, may respond to objections by filing a brief in support of your application with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

In response to your question, under 13-171-11(a), HAR, no permit shall be required for domestic consumption of water by individual users. Therefore, the 150 homes that are serviced need not apply for a water use permit. Individual private water systems usually cover one (1) to a few homes. However, since there are 150 homes in your private, non-fee, water system, accounting is need for such a large number of users. Under the county planning estimates, water needs for 150 homes @ 600 gpd should total 90,000 gpd. Your application request is for 120,000 gpd. These are significant amounts of water use that the Commission is responsible for regulating, since Molokai is designated as a ground water management area.

If you have any questions, please contact Roy Hardy at 587-0225.

Sincerely,

RAE M. LOUI
Deputy Director

RH:ko
Encl.

ROYAL HAWAIIAN 6 (Well No. 2045-06)

Applicant: Royal Hawaiian Country Club
1001 Bishop St. Ste 2210
Honolulu, HI 96813

Date Completed Application Received: October 28, 1992

Aquifer: Waimanalo System, Windward Sector, Oahu

Well Source: ROYAL HAWAIIAN 4, Well No. 2145-06, Maunawili Valley, Kailua, Oahu at

Tax Map Key: 4-2-9:1

Quantity Requested: 5,000 gallons per day

Proposed Water Use: Golf course irrigation covering 176.4 acres

Place of Water Use: Royal Hawaiian Country Club at Tax Map Key: 4-2-8:1 & 9:1

WAIHANAU #239 (Well No. 1058-01)

Applicant: National Park Service
P.O. Box 2222
Kalaupapa, HI 96742

Date Completed Application Received: November 18, 1992

Aquifer: Kahanui System, Central Sector, Molokai

Well Source: Waihanau #239, Well No. 1058-01, Waihanau Valley, Molokai at

Tax Map Key: 6-1-1:2

Quantity Requested: 120,000 gallons per day

Existing Water Use: Domestic for 150 homes

Place of Water Use: Kalaupapa Settlement at Tax Map Key: 6-1-1:1

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (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 permits. Send written objections by JANUARY 5, 1992 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT



WILLIAM W. PATY, Chairperson

Dated: DEC -9 1992

Publish in: Honolulu Star Bulletin, issues of December 14 & 21, 1992



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Kalaupapa National Historical Park
Kalaupapa, Hawaii 96742



November 12, 1992

To: Rae Loui, Deputy Director, Commission On Water Resource
Management

From: Neal Borgmeyer, Facility Manager, Kalaupapa National
Historical Park

Subject: Application for Water Use Permit

Dear Mrs. Loui:

Enclosed is the additional information and signature which you requested. However, since we are still unsure why our non-fee, community, domestic system "may" require a permit when other, similar systems do not, please advise as to how our system may differ from other such systems. Since we take our responsibility to provide water to this unique community very seriously, we look forward to your response and welcome any inspections or other inquiries which may help expeditiously resolve any questions you may have about our system.

Sincerely,

Neal Borgmeyer
Facility Manager



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

92 OCT 1 10:55

APPLICATION FOR WATER USE PERMIT

☒ Ground Water or ☐ Surface Water

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of \$25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225.

1. (a) APPLICANT

Firm/Name NATIONAL PARK SERVICE
Contact Person NEAL BORGMEYER
Address 567-6102
BOX 2222
KALALUPAPA 96742

(b) LANDOWNER

Firm/Name STATE OF HAWAII
Contact Person BOB HOBBS Ph: _____
Address DLNR, DOPAW

2. WATER MANAGEMENT AREA: _____ ISLAND: MOLOKA'I3. (a) EXISTING SOURCE NAME AND STATE NUMBER: WAIHANAU #239 1055-01
(well or stream diversion name/number)

(b) PROPOSED (NEW) SOURCE NAME: _____

4. SOURCE LOCATION: Address SEE TRK Tax Map Key 6-1-01
(Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)5. SOURCE TYPE (check one): ☐ Stream ☐ Basal ☒ Dike-confined ☐ Perched ☐ Caprock6. METHOD OF TAKING WATER (check one): ☐ Artesian Flow ☒ Well & Pump ☐ Diverted Surface Flow ☐ Other (explain)

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)

(a) Address KALALUPAPA SETTLEMENT Tax Map Key _____
(b) Land Use District (check one): ☐ Urban ☐ Agriculture ☐ Conservation ☐ Rural N/A
(c) County Zoning (describe) _____

8. QUANTITY OF WATER REQUESTED: 120,000 gallons per day9. METHOD OF MEASUREMENT: ☒ Flowmeter ☐ Open-pipe ☐ Weir ☐ Orifice ☐ Other (explain)10. QUALITY OF WATER REQUESTED: ☐ Fresh ☐ Brackish ☐ Salt ☒ Potable ☐ Non-Potable11. PROPOSED USE: ☐ Municipal (including hotels, stores, etc.) ☒ Domestic (individual, noncommercial, etc.) ☐ Irrigation
☐ Industrial ☐ Military ☐ Other (explain)12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain): 150 HOUSEHOLDS, HOSPITAL
ALL OF KALALUPAPA13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: NONE
(acres) (crop)14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: THROUGHOUT DAY
(Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:

(a) Impact on Sustainable yield (?): 3 med - 0.12 med
(b) Permanent or Interim
Instream Flow Standards affected (?): NO
(c) Hawaiian Home Land uses affected (?): POSSIBLY
(d) Other existing legal uses affected (?): NONE
(e) Other _____

KALAUAPAPA 96742

2. WATER MANAGEMENT EA: _____ ISLAND: MOLOKAI

3. (a) EXISTING SOURCE NAME AND STATE NUMBER: WAIHANAU # 239 1956-01
(well or stream diversion name/number)

(b) PROPOSED (NEW) SOURCE NAME: _____

4. SOURCE LOCATION: Address SEE TRK Tax Map Key 6-1-01
(Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

5. SOURCE TYPE (check one): ☐ Stream ☐ Basal ☒ Dike-confined ☐ Perched ☐ Caprock

6. METHOD OF TAKING WATER (check one): ☐ Artesian Flow ☒ Well & Pump ☐ Diverted Surface Flow ☐ Other (explain)

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
(a) Address KALAUAPAPA SETTLEMENT Tax Map Key _____
(b) Land Use District (check one): ☐ Urban ☐ Agriculture ☐ Conservation ☐ Rural N/A
(c) County Zoning (describe) _____

8. QUANTITY OF WATER REQUESTED: 120,000 gallons per day

9. METHOD OF MEASUREMENT: ☒ Flowmeter ☐ Open-pipe ☐ Weir ☐ Orifice ☐ Other (explain)

10. QUALITY OF WATER REQUESTED: ☐ Fresh ☐ Brackish ☐ Salt ☒ Potable ☐ Non-Potable

11. PROPOSED USE: ☐ Municipal (including hotels, stores, etc.) ☒ Domestic (individual, noncommercial, etc.) ☐ Irrigation
☐ Industrial ☐ Military ☐ Other (explain)

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain): 150 HOUSEHOLDS HOSPITAL
ALL OF KALAUAPAPA

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: NONE
(acres) (crop)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: THROUGHOUT DAY
(Indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
(a) Impact on Sustainable yield (?): ?
(b) Permanent or Interim Instream Flow Standards affected (?): NO
(c) Hawaiian Home Land uses affected (?): POSSIBLY
(d) Other existing legal uses affected (?): NONE
(e) Other: _____

16. REMARKS, EXPLANATIONS: _____

(If more space is needed, continue on back side)

NOTE: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, a permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that, upon permit approval, a water shortage plan must be submitted should the Commission require one.

Applicant (print) NEAL BORGMEYERLandowner (print) State of Hawaii, DWR, IDFASignature [Signature]Signature [Signature]Date 9/23/92Date 11/6/92

For Official Use Only:

Date Received _____

Hydrologic Unit No. _____

Diversion Works No. _____

Date Accepted _____

State Well No. _____

Notice Dates:

Public _____

Mayor _____

BWS _____

Mail List _____

Bulletin _____

Public Hearing _____

5/24/92 WLPA Form

SENT BY:

11- 2-92 ;12:31PM ;LAND MANAGEMENT-DIV.

5678033:# 1

TELECOPIER COVER SHEET

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
1151 PUNCHBOWL STREET, ROOM 220
HONOLULU, HAWAII 96813
(808) 587-0414/(808) 587-0455 (FAX)

DATE : NOVEMBER 2, 1992
NUMBER OF PAGES: (1) (INCLUDES COVER SHEET)

*****PLEASE DELIVER THIS MESSAGE TO:*****

NAME : NEAL BORGMEYER
FAX NUMBER : 567-6135
PHONE NUMBER : 567-6862
LOCATION : NPS--MOLOKAI--KALAUPAPA

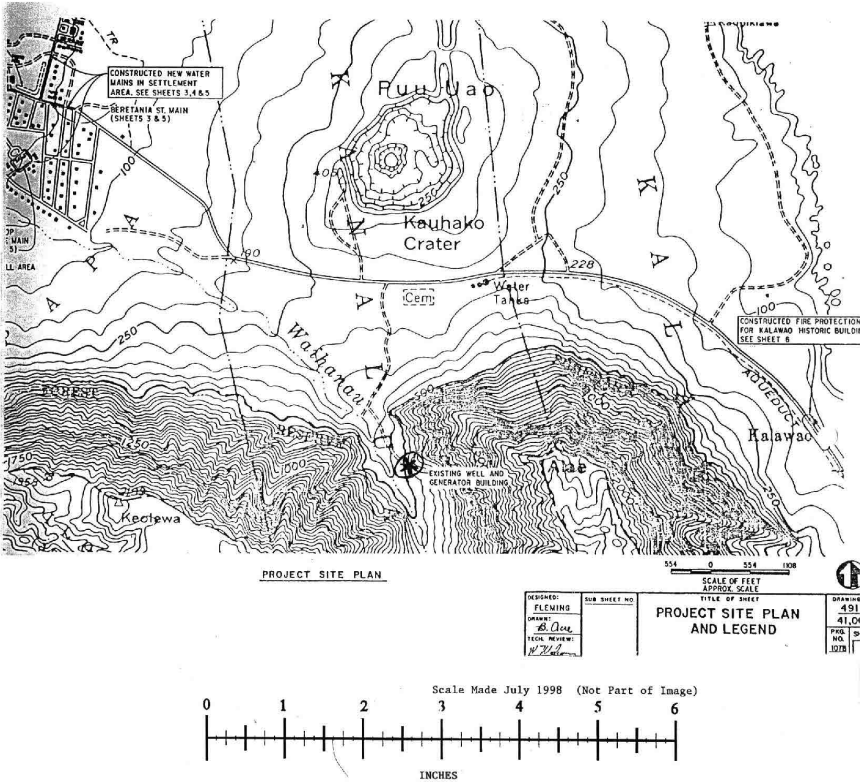
*****THIS MESSAGE IS FROM:*****

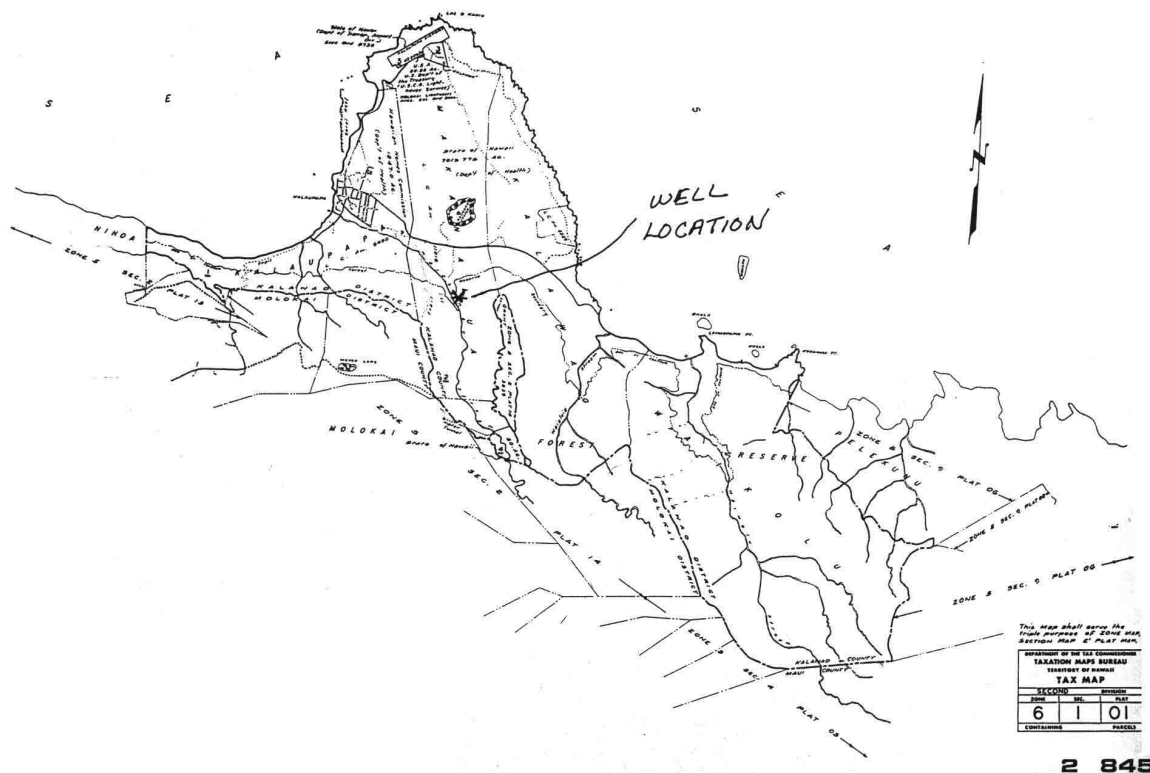
NAME : DEAN UCHIDA
PHONE NUMBER : (808) 587-0414
LOCATION : D.L.N.R.--LAND MANAGEMENT

*****COMMENTS:*****

BASED ON THE MAPS YOU FAXED, THE WELL SITE IS LOCATED ON STATE OWNED LAND SET ASIDE BY GOVERNORS PROCLAMATION AS A PART OF THE MOLOKAI FOREST RESERVE.







2 845

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621
HONOLULU, HAWAII 96809

OCT 28 1992

WILLIAM W. PATY
CHAIRPERSON

JOHN C. LEWIN, M.D.
MICHAEL J. CHUN, Ph.D.
ROBERT S. NAKATA
RICHARD H. COX, P.E.
GUY K. FUJIMURA

RAE M. LOUI, P.E.
DEPUTY

Mr. Neal Borgmeyer
National Park Service
P.O. Box 2222
Kalaupapa, HI 96742

Dear Mr. Borgmeyer:

Application for a Water Use Permit
Kahanui Ground Water Management Area, Molokai

We acknowledge receipt of your water use permit application for the Waihanau #239 Well (Well No. 1058-01), on October 1, 1992.

As discussed with Mr. Roy Hardy of our office, your application was thought to be unnecessary since your use is for 150 individual domestic needs only and there are no associated service fees. However, upon further discussion within our office, we have decided that you may need a water use permit.

Therefore, we are returning your incomplete application. Please furnish the highlighted line item(s) information so we can continue processing your application. For your convenience, we have attached what we believe to be the appropriate TMK maps. You may call the Maui County Department of Land Use for zoning information at 1-800-272-0117. Additionally, you will need the source landowner's signature from the State which can be determined through our Department's Division of Land Management.

Upon receipt of the requested information, we will continue to process your application and will send you a copy of the public notice and any further information regarding your application status. In addition, we may need to visit and verify your proposed water source and use sites if we have not done so already under our registration program.

If you have any questions, please contact Roy Hardy at 587-0225.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rae M. Loui".

RAE M. LOUI
Deputy Director

RH:ko
Enc.

DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF WELL
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and file form with the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3948 or 548-7543 for assistance.

BATTERY OF WELLS: For a battery of wells, on the surface, in a tunnel, or in a shaft, submit a registration form for each well together with a single map or plot plan showing layout of wells.

STATE WELL NO.: USGS [#] 1058-1 ISLAND: MOLOKAI
WELL NAME OR DESIGNATION: WAIHANAU
SOURCE OR STATION NAME (For a battery of wells): _____

A. WELL OPERATOR

Firm name: NATIONAL PARK SERVICE
Contact person: NEAL BORGMAYER
Address: KALAWAPA NHP
KALAWAPA HI
Zip: 96742 Phone: 567-9093

B. OWNER OF WELL SITE STATE OF HAWAII

Firm name: DEPT. OF LAND & NATURAL RES.
Contact person: _____
Address: _____
Zip: _____ Phone: _____

C. WELL LOCATION

Tax Map Key: _____ Town, Place, District: WAIHANAU VALLEY, KALAWAPA, MO
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the well location.

D. WELL DATA

For Drilled Wells, submit "as-built" drawing, driller's log, and pump test results, and complete items below.
For Tunnels and Shafts, submit construction drawings, plot plan, or sketch map.

Ground elevation (Mean sea level): 471 ft.
Reference point (Used to measure depth to water):
Elevation: 471.5 ft.
Description: TOP OF WELL HEAD
SLAB

Depth to water (Below reference point): 460 ft.
Maximum recorded chloride: 35 ppm
Minimum recorded chloride: 31 ppm
Maximum chloride in 1987: 34 ppm

Year drilled or constructed: 1983
Well contractor: ROCKFORD CORP.
BIG ISLAND DRILLING INC.
Casing diameter: 10 in.
Solid casing depth (Below ground): 492.2 ft.
Perforated casing depth (Below ground): 565.5 ft.
Total depth of well: 565.2 ft.
Minimum chloride in 1987: 34 ppm

E. INSTALLED PUMP DATA

Pump type: ☐ Vertical shaft ☒ Submersible ☐ Centrifugal ☐ Other (specify): _____
Power: ☐ Diesel, _____ HP ☐ Gas, _____ HP ☒ Electric, 50 HP ☐ Other (specify): _____
Pump capacity: 300 gallons per minute
Pump installation contractor: M-W DRILLING, INC.
ANCHORAGE, ALASKA

... (continued over)

For Official Use Only:

Date received: _____ Date accepted: _____
Field checked by: _____ Date: _____ Latitude: _____ Hydrologic Unit: _____
Comments: _____ Longitude: _____ State Well No.: _____

References: Hawaii Revised Statutes, Chapter 174C.

Hawaii Administrative Rules, Chapters 13-167 to 13-171.

DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Water use data are recorded: ☒ Daily ☐ Weekly ☐ Monthly

☐ Other (Describe): _____

Method of measurement: ☒ Flow Meter ☐ Orifice

☐ Other (Describe): _____

Quantity of Use (Report metered or estimated monthly water use from the well described on the reverse side of this form, for the calendar years 1983 through 1987. For a battery of wells which are not individually metered, but which are connected to a single meter or other measuring device, report total use from the battery.):

WATER USE, IN GALLONS x 1000

	1983	1984	1985	1986	1987
January					1,906
February					1,627
March					2,671
April					2,379
May				3,036	1,692
June	N/A	N/A	N/A	2,752	2,357
July				2,892	2,602
August				2,456	3,132
September				3,038	2,747
October				2,991	2,446
November				2,222	1,900
December				2,017	1,371
ANNUAL					26,835

Minimum day's use: 34,000 gallons Maximum day's use: 130,000 gallons
Typical times of usage: USED THROUGHOUT DAY

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

Category

Additional Information

☒ Municipal (including resorts, hotels, businesses)

☒ Domestic (systems serving 25 people or less)

☐ Irrigation

☐ Industrial

☐ Military

☐ Other

Number of service connections: 150

Acres Irrigated: _____

Crop(s): ☐ Sugar ☐ Pineapple

☐ Other (specify): _____

Non-Crop: ☐ Landscape ☐ Golf Course

☐ Other (specify): _____

Method: ☐ Drip ☐ Furrow ☐ Sprinkler

☐ Cooling ☐ Manufacturing ☐ Mill

☐ Other (specify): _____

Specify (livestock, aquaculture, etc.): _____

I declare that the contents of the above Declaration of Water Use are, to the best of my

Form 8810-2



STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

REGISTRATION OF STREAM DIVERSION WORKS
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and mail form to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone: 548-3948 or 548-7543 for assistance.

MULTI-SOURCE SYSTEMS: For a system of two or more diversion structures, submit a single package to describe the complete system. Include a single location map (or a set of maps if required) showing all diversion structures and measurement points, and a separate copy of this form for each structure and measurement point. On forms describing diversion structures, complete parts A, B, D, and E. On forms describing measurement points, complete parts A, B, and F.

STREAM NAME: WAIHANAU ISLAND: MOLOKAI
DIVERSION STRUCTURE NAME: NA
DIVERSION SYSTEM NAME: NA

A. DIVERSION WORKS OPERATOR

Firm name: NATIONAL PARK SERVICE
Contact person: NEAL BORLMeyer
Address: KALAUAPAPA NHP
KALAUAPAPA
Zip: 96742 Phone: 567 6102

B. OWNER OF DIVERSION WORKS SITE

Firm name: DEPT. LAND & NAT. RES.
Contact person: _____
Address: STATE OF HAWAII
Zip: _____ Phone: _____

C. STREAM DIVERSION LOCATION

Tax Map Key: NA Town, Place, District: _____
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the diversion location.

D. STREAM DATA

Streamflow at diversion site is: ☐ Perennial (Water is always flowing) ☒ Intermittent (Channel is sometimes dry)

Is streamflow gaged? ☐ Yes ☒ No

If yes, provide gage name, and show location on map. Name: _____

Average flow before diversion: _____ ☐ mgd ☐ gpm ☐ cfs

E. DIVERSION STRUCTURE DATA

Year constructed: NA Elevation (Above mean sea level): _____

Diversion structure is: ☐ Concrete ☐ Wood ☐ Pipe ☐ Other (Describe): _____

Diverted flow is: ☐ Controlled ☐ Uncontrolled

Divertable capacity is: _____ ☐ mgd ☐ gpm ☐ cfs

Submit an "as-built" drawing and dated photograph of the diversion works, if available.

... (continued over)

For Official Use Only:

Date received: _____ Date accepted: _____

Field checked by: _____ Date: _____ Latitude: _____ Hydrologic Unit: _____

Comments: _____ Longitude: _____ State Diversion No.: _____

References: Hawaii Revised Statutes, Chapter 174C.

Hawaii Administrative Rules, Chapters 13-167 to 13-171.

DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Location and name of measurement point (Show on location map): NA

Water use data are recorded: ☐ Continuously ☐ Daily ☐ Other: _____

Method of measurement (Check box and describe below): ☐ Weir ☐ Rating flume ☐ Other

Description: _____

Quantity of Use (Report gaged or estimated monthly water use from the diversion described on the reverse side of this form, for the calendar years 1983 through 1987):

WATER USE, IN NA (unit of measurement)

	1983	1984	1985	1986	1987
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
ANNUAL					

Typical times of usage; _____

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

Category

☐ Municipal (including resorts, hotels, businesses)

☐ Domestic (systems serving 25 people or less)

☐ Irrigation

☐ Industrial

☐ Military

☒ Other

Additional Information

Number of service connections: _____

Acres Irrigated: _____

Crop(s): ☐ Sugar ☐ Pineapple

☐ Other (specify): _____

Non-Crop: ☐ Landscape ☐ Golf Course

☐ Other (specify): _____

Method: ☐ Drip ☐ Furrow ☐ Sprinkler

☐ Cooling ☐ Manufacturing ☐ Mill

☐ Other (specify): _____

Specify (livestock, hydroelectric, aquaculture, etc.): RIPARIAN HABITAT, SCENIC VISTA, RECREATION

Location of Use (Describe the location of water use, relative to the diversion, and indicate on location map. If water is used by others, submit a list of their names and addresses.):

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: NEAL BORGMAYER Date: 1/2/90

Printed Name: NEAL BORGMAYER

Firm or Title (Diversion Operator, etc.): FACILITY MANAGER, NATIONAL PARK SERVICE



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Kalaupapa National Historical Park
Kalaupapa, Hawaii 96742



August 11, 1993

To: Jeff Hughes

From: Facility Manager, Kalaupapa National Historical Park

Re: Well 1058-01 Data

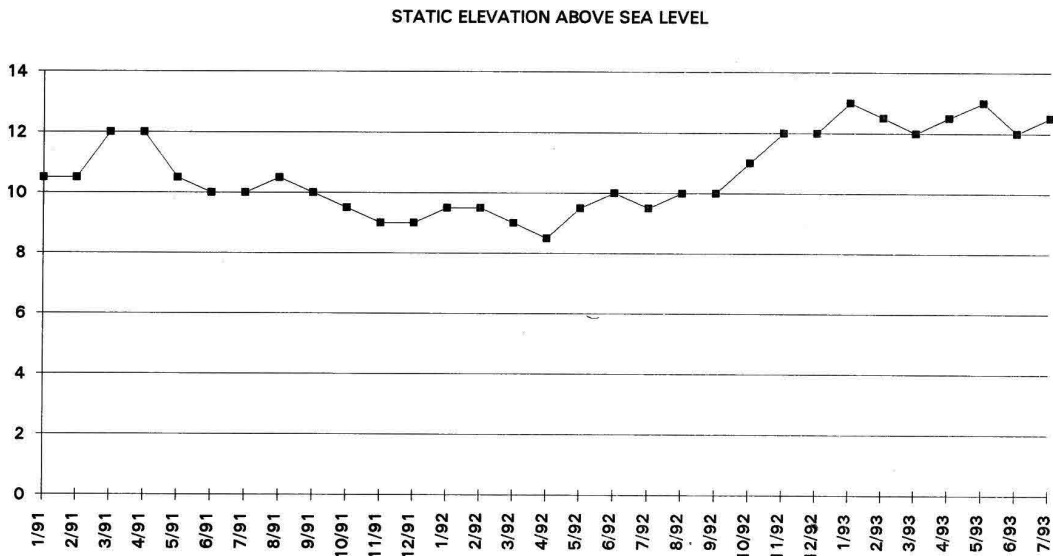
Jeff:

I think this is all the pertinent information, let me know if there is anything else you might need. By the way, Peter's Fax # is 808-567-6102.

Neal

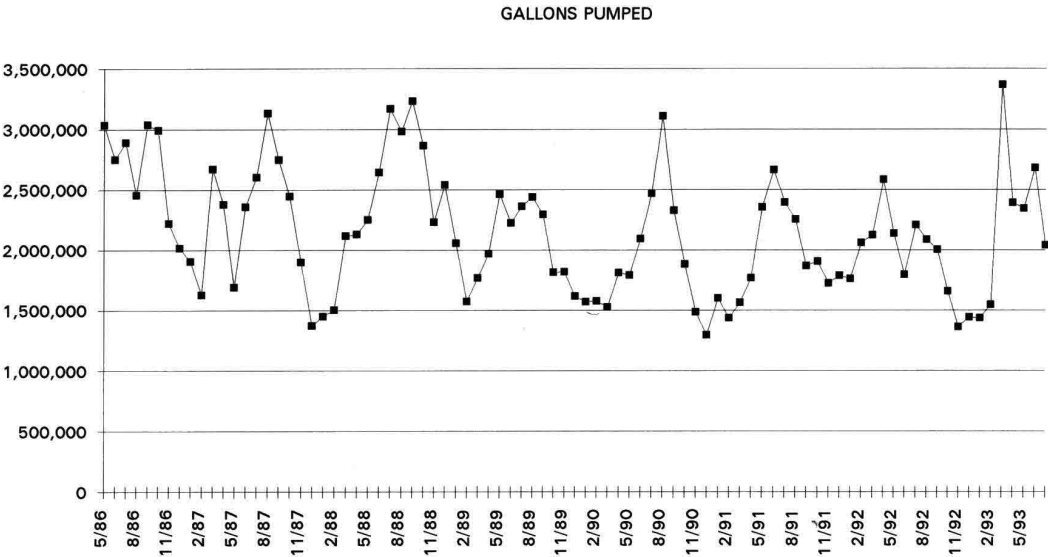
8/11/93 7:44 AM

Static Water Level
Well No. 1058-01
Kalaupapa NHP



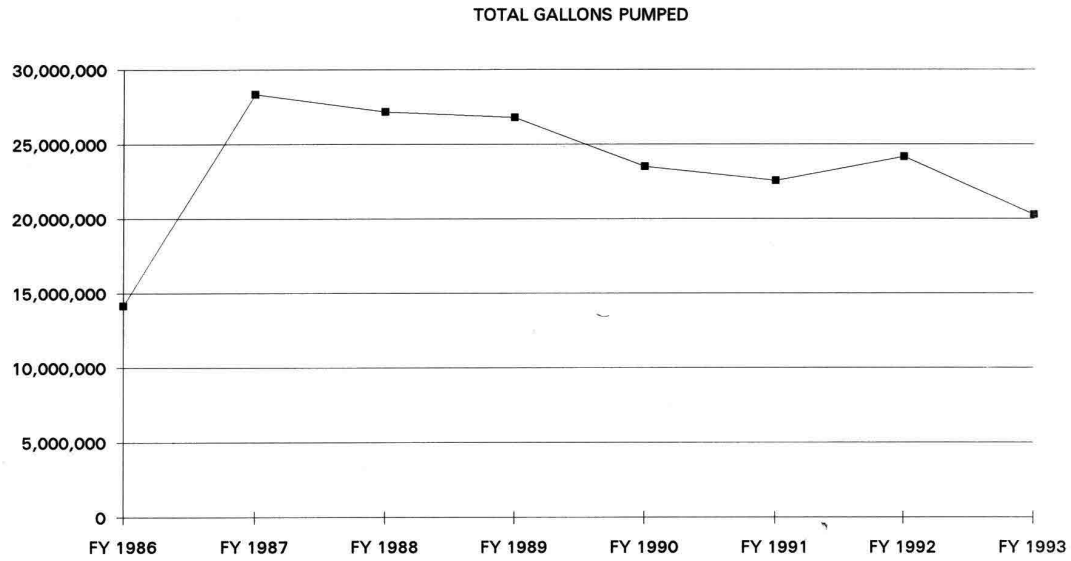
8/11/93 7:54 AM

Kalaupapa NHP
Monthly Water Usage



8/11/93 7:53 AM

Kalaupapa NHP
Annual Water Usage



8/11/93 7:48 AM

KALAUPAPA NHP
MONTHLY WATER
USAGE

MONTH / YEAR	GALLONS PUMPED	NUMBER HOURS PUMPED	PUMP RATE (GALS/MIN)	KW HRS	FUEL (GALS)	BLEACH (GALS)	OIL (QRTS)	AVG GALLONS PUMPED/DAY	CUMULATIVE TOTAL GALLONS PUMPED
5/86	3,036,500	337.00	150		1,400			97,951.00	3,036,500
6/86	2,752,100	305.00	150		1,360			91,736.00	5,788,600
7/86	2,892,000	321.00	150		1,375			93,290.00	8,680,600
8/86	2,456,800	272.00	151		1,215			79,251.00	11,137,400
9/86	3,038,000	337.00	150		1,465			101,266.00	14,175,400
10/86	2,991,200	332.00	150		1,390			96,490.00	17,166,600
11/86	2,222,400	247.00	150		1,100			74,080.00	19,389,000
12/86	2,017,000	224.00	150		935			65,064.00	21,406,000
1/87	1,906,800	211.00	151		900			61,509.00	23,312,800
2/87	1,627,280	180.00	151		760			58,117.00	24,940,080
3/87	2,671,090	296.00	150		1,310			86,164.00	27,611,170
4/87	2,379,630	264.00	150		1,120			79,321.00	29,990,800
5/87	1,692,700	188.00	150		806			54,603.00	31,683,500
6/87	2,357,640	262.00	150		1,100			78,588.00	34,041,140
7/87	2,602,970	289.00	150		1,240			83,966.00	36,644,110
8/87	3,132,190	348.00	150		1,491			101,038.00	39,776,300
9/87	2,747,720	305.00	150		1,373			91,590.00	42,524,020
10/87	2,446,060	272.00	150		1,223			78,905.00	44,970,080
11/87	1,900,610	157.00	202		668			63,353.00	46,870,690
12/87	1,371,190	76.00	301		270			44,231.00	48,241,880
1/88	1,450,570	80.10	302	3,645	295			46,792.00	49,692,450
2/88	1,504,950	83.50	300	3,774	295			51,894.00	51,197,400
3/88	2,118,110	117.90	299	5,311	415			68,326.00	53,315,510
4/88	2,129,720	118.20	300	5,311	440			70,990.00	55,445,230
5/88	2,251,970	125.80	298	5,660	440			72,644.00	57,697,200
6/88	2,643,640	147.70	298	7,416	540			88,121.00	60,340,840
7/88	3,171,460	177.40	298	8,023	635			105,715.00	63,512,300
8/88	2,981,620	167.00	298	7,580	601			96,181.00	66,493,920
9/88	3,232,260	181.60	297	8,235	654	61	5.7	107,742.00	69,726,180
10/88	2,865,820	161.60	296	7,320	582	51.7	4.1	92,445.00	72,592,000
11/88	2,230,925	126.30	294	5,711	454	42	3	74,364.00	74,822,925
12/88	2,541,675	144.10	294	6,521	518	46.7	2	81,900.00	77,364,600
1/89	2,056,250	116.90	293	5,279	421	39.5	1.5	66,330.00	79,420,850
2/89	1,575,720	89.70	293	4,054	323	21.4	2	56,275.00	80,996,570

8/11/93 7:48 AM

KALAUPAPA NHP
MONTHLY WATER
USAGE

MONTH / YEAR	GALLONS PUMPED	NUMBER HOURS PUMPED	PUMP RATE (GALS/MIN)	KW HRS	FUEL (GALS)	BLEACH (GALS)	OIL (QRTS)	AVG GALLONS PUMPED/DAY	CUMULATIVE TOTAL GALLONS PUMPED
3/89	1,769,930	100.40	294	4,523	361	25.3	2	57,094.00	82,766,500
4/89	1,970,620	110.60	297	5,023	398	32.7	5.2	65,687.00	84,737,120
5/89	2,462,280	137.40	299	6,248	495	47.3	2	79,423.00	87,199,400
6/89	2,225,070	124.30	298	5,669	448	41.5	1.5	74,169.00	89,424,470
7/89	2,361,070	132.00	298	6,027	475	39.5	2.2	76,163.00	91,785,540
8/89	2,440,950	137.90	295	6,240	496	49.5	1.4	78,740.00	94,226,490
9/89	2,296,050	130.90	292	5,978	471	48.5	2	76,535.00	96,522,540
10/89	1,815,300	103.30	293	4,583	372	32.7	1.8	58,558.00	98,337,840
11/89	1,820,690	103.60	293	4,708	373	39.3	2.1	60,689.00	100,158,530
12/89	1,616,720	92.20	292	4,172	333	26.7	1.2	52,152.00	101,775,250
1/90	1,571,450	89.50	293	4,053	331	35	1	50,691.00	103,346,700
2/90	1,575,950	89.40	294	4,057	331	31	2	56,283.00	104,922,650
3/90	1,527,430	86.50	294	3,914	320	26.3	2	49,271.00	106,450,080
4/90	1,810,760	102.80	294	4,822	370	26.3	1	60,358.00	108,260,840
5/90	1,791,870	101.50	294	4,607	376	34.3	1.1	57,802.00	110,052,710
6/90	2,094,840	118.70	294	5,395	439	36	2.1	69,828.00	112,147,550
7/90	2,470,260	140.50	293	6,372	520	43	2	79,685.00	114,617,810
8/90	3,109,100	177.00	293	8,022	655	49.5	6	100,292.00	117,726,910
9/90	2,328,000	132.50	293	6,023	490	41.5	2.1	77,600.00	120,054,910
10/90	1,881,450	107.10	293	4,882	396	32	3	60,691.00	121,936,360
11/90	1,485,690	84.40	293	3,858	312	24	1.1	49,523.00	123,422,050
12/90	1,295,870	73.60	293	3,366	272	12	1.5	41,802.00	124,717,920
1/91	1,600,860	91.10	293	4,152	337	15	2.2	51,640.00	126,318,780
2/91	1,437,480	82.00	292	3,727	303	15	3.5	51,338.00	127,756,260
3/91	1,565,570	88.80	294	4,082	329	21.5	1	50,502.00	129,321,830
4/91	1,769,100	100.90	292	4,553	373	27	2.5	58,970.00	131,090,930
5/91	2,354,150	134.70	291	6,093	498	31	4	75,940.00	133,445,080
6/91	2,664,610	152.90	290	6,874	566	35	2	88,820.00	136,109,690
7/91	2,395,390	137.80	290	6,174	510	22.5	1.7	77,270.00	138,505,080
8/91	2,255,550	130.20	289	5,803	482	26	1.5	72,759.00	140,760,630
9/91	1,871,170	107.60	290	4,823	398	23	2.1	62,372.00	142,631,800
10/91	1,906,390	110.30	288	4,922	408	29	1.7	61,496.00	144,538,190
11/91	1,725,240	100.10	287	4,464	370	20	2.5	57,508.00	146,263,430
12/91	1,788,810	103.30	289	4,624	382	22	3	57,703.00	148,052,240

8/11/93 7:48 AM

KALAUPAPA NHP
MONTHLY WATER
USAGE

MONTH / YEAR	GALLONS PUMPED	NUMBER HOURS PUMPED	PUMP RATE (GALS/MIN)	KW HRS	FUEL (GALS)	BLEACH (GALS)	OIL (QRTS)	AVG GALLONS PUMPED/DAY	CUMULATIVE TOTAL GALLONS PUMPED
1/92	1,761,020	102.00	288	4,566	377	25	4	56,807.00	149,813,260
2/92	2,059,750	119.40	288	5,332	442	20	2.5	71,025.00	151,873,010
3/92	2,125,220	123.00	288	5,497	455	23	7	68,555.00	153,998,230
4/92	2,582,325	149.70	288	6,711	554	25.5	7.5	86,077.00	156,580,555
5/92	2,138,200	119.50	298	5,380	442	22	8	68,974.00	158,718,755
6/92	1,797,090	100.10	299	4,504	370	20	7	59,903.00	160,515,845
7/92	2,207,305	123.00	299	5,554	455	24	7	71,203.00	162,723,150
8/92	2,087,595	116.80	298	5,255	432	24	7	67,341.00	164,810,745
9/92	2,002,170	112.10	298	5,142	415	22	8	66,739.00	166,812,915
10/92	1,658,750	92.30	300	4,099	342	19	2	53,508.00	168,471,665
11/92	1,363,450	76.30	298	3,448	282	21.5	7	45,448.00	169,835,115
12/92	1,444,290	80.60	299	3,745	298	22	6	46,450.00	171,279,405
1/93	1,436,770	80.40	298	3,521	297	15	6	46,347.00	172,716,175
2/93	1,547,620	86.70	298	3,905	321	22	8	55,272.00	174,263,795
3/93	3,367,440	187.00	300	8,497	692	45.5	16	108,627.00	177,631,235
4/93	2,392,720	134.00	298	6,031	496	33	9	79,746.00	180,023,955
5/93	2,344,420	131.90	296	5,909	488	27	11	75,626.00	182,368,375
6/93	2,678,720	150.50	297	6,774	557	32.5	4	89,290.00	185,047,095
7/93	2,041,210	114.70	297	5,164	424			65,845.00	187,088,305

Other Supporting Information



IN REPLY REFER TO:

L54(PAAR)

July 11, 1990

United States Department of the Interior

NATIONAL PARK SERVICE
PACIFIC AREA OFFICE
300 Ala Moana Blvd., Box 50165
Room 6305
Honolulu, Hawaii 96850



Mr. Manabu Tagomori
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Re: U. S. PARKS MAUI (ref: Your letter of December 29, 1989)

Dear Mr. Tagamori:

By this letter I would like to call attention to an error in the above-captioned letter concerning "Declarations of Water Use." Specifically, the entry concerning the well at Kalaupapa National Historical Park, Molokai is in error in that the water source is classified as an "Unused source; future use." Please find enclosed a copy of the REGISTRATION OF WELL and DECLARATION OF WATER USE for this facility. As is evident on its face, the application indicates the well has been in operation since 1986 and provides water to 150 service connections with approximate daily use of up to 130,000 gallons.

By this letter we would also like to initiate actions to register other water uses in National Park Service (NPS) units in Hawaii. Specifically, a future use well and three currently used spring/seeps at Haleakala National Park, Maui and several instream flow uses (as per Part VI sec. 174c-71 of Chapter 174C of the State Water Code). Additional registrations, we feel, will be necessary as we further research the on-the-ground situation. We, therefore, request that your office provide the NPS with the necessary materials and guidelines to complete this process.

The NPS has particular interests in protecting instream flow uses within its units and will seek to register such in the future. Registration and protection are becoming increasingly important because, at some NPS areas, resource values are already being impacted by upstream water development. These impacts, of obvious concern to both the NPS and the State of Hawaii, should be addressed jointly by the Service and the State through instream flow reservations as provided under State law. To this end the Service will seek to register such uses and, in cooperation with the State, subsequently quantify them for the protection of the natural environment and the continued enjoyment of the visiting public.

Finally, in accordance with the provisions of State Water Code, Chapter 174C, Sections 174C-52(a) and 174C-71(1)(D), please accept this as written request of notification, at the below listed NPS addresses, by monthly or other bulletins of pending permit applications. This request includes notification of applications for either new uses or changes existing uses of surface or ground water in counties in which the NPS has a land management interest (Hawaii, Kalawao, and Maui).

I hope this letter will effect the change noted above and serve to initiate the cooperative efforts which will be required to protect some of the most unique areas in Hawaii and the United States. If additional specific information is needed relative to any of the above, please feel free to call upon me or upon Owen Williams of the NPS Water Resources Division at 541-2693 and (303)221-8301, respectively.

Sincerely,



Albert G. Baldwin
Assistant Director, Pacific Area

Enclosure

NOTIFICATION ADDRESSES:

Director
Pacific Area Office
National Park Service
300 Ala Moana Blvd., Box 50165
Honolulu, Hawaii 96850

Chief, Water Rights Branch
National Park Service
Water Resources Division
301 South Howes Street
Fort Collins, Colorado 80521

bcc:

M. Kolipinski (WR-RN)
WASO-479

O. Williams
Supt., KALA
Supt., HALA

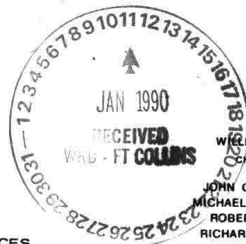
JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621
HONOLULU, HAWAII 96809

December 29, 1989



Dir
ADir
PL
LA
Arch
WILLIAM W. HARTY
CHAIRPERSON
JOHN C. LEWIN, M.D.
MICHAEL J. CHON, Ph.D.
ROBERT S. ~~WILSON~~
RICHARD H. OOK, P.E.
GUY K. FUJIMURA
Budget
MANABU TAGOMI, M.A.
DEPUTY

Mr. Bryan Harry
Director, Pacific Area
National Park Service, Pacific Area
U.S. Department of the Interior
300 Ala Moana Blvd., Box 50165
Honolulu, HI 96850

File Reference: U S PARKS MAUI

Dear Mr. Harry:

Notice to Declarants of Water Use

The Commission on Water Resource Management held a special meeting on November 29, 1989, to act on 7,300 declarations of water use which had been filed by approximately 2,600 declarants. At the meeting, the Commission unanimously approved a proposal:

- 1) that the amended recommendations regarding declarations of water use under H.R.S. §174C-26 be adopted at a special meeting of the Commission on February 28, 1990;
- 2) that all declarants be sent a copy of the amended recommendations; and,
- 3) that all declarants be sent a request to file additional information regarding their declarations of use.

Enclosed please find a copy of the submittal which will be formally brought before the Commission on February 28, 1990. It recommends four types of actions to be taken on four categories of declarations. The categories are based on the content and completeness of the declarations and are described on the second and third pages of the submittal. Recommended actions are described on the third and fourth pages of the submittal. Attachment "A" referred to by the submittal is a 300 page condensed summary of all 7,300 declarations, and is available for public inspection in Honolulu at room 227, 1151 Punchbowl, and at Department of Land and Natural Resources offices on the neighbor islands. The portion of Attachment "A" which refers to you is reproduced on the second page of this letter.

Based on an initial review, your declaration has been placed in Category 3, meaning that you submitted a declaration which does not reflect an actual existing use of water.

December 29, 1989

Page 2

Your declaration was summarized as containing the following:

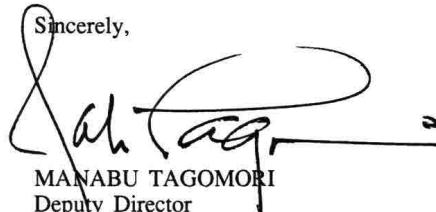
Unused source; future use.

Also enclosed with this letter is a sheet dated December 19, 1989, which describes additional information to be submitted for declarations of water use. Please read this sheet and provide any additional information which is applicable to your declaration, so that your existing use(s) of water can be accurately described. It is important that you advise us of any errors or omissions which need to be corrected. Changes from your additional information will not affect the submittal to the Commission on February 28, but will be added to your declaration file and changes will be shown in subsequent documents. When you respond, be sure to indicate that it is in regard to file reference *U S PARKS MAUI, Maui*, which has been assigned to you.

The Commission has scheduled a special meeting for 2:00 p.m. Wednesday February 28, 1990, at Room 132, 1151 Punchbowl Street, Honolulu, Hawaii. The purpose of this meeting is to decide whether the recommendations of the enclosed submittal should be adopted. The public is invited to attend this meeting. If you disagree with the recommendations or would like to suggest alternatives, you should write to the Commission before February 14, 1990 so that your comments and suggestions can be considered and be put on record. If you plan to attend the meeting, please let us know.

If you have questions regarding additional information for your declaration or if you plan to attend the meeting on February 28, please phone the commission staff in Honolulu at 548-2316 or 548-3948. Neighbor island residents can reach these and other state government numbers toll-free through the government switchboard at 1-800-468-4644.

Sincerely,



MANABU TAGOMORI
Deputy Director

Encls.:

- (1) Additional Information Sheet
- (2) Submittal for Feb 28, 1990.

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawaii, 96809

ADDITIONAL INFORMATION TO BE SUBMITTED FOR DECLARATIONS OF WATER USE

December 19, 1989

Background

The objective of declarations of water use required by the State Water Code is to identify and document all water users throughout the State as of May 1988, which is when the Administrative Rules for the Code were adopted. This information is essential for the Commission on Water Resource Management to make informed decisions regarding proposals for future water development and to resolve disputes in the future.

Once the Commission has confirmed the actual usage and has determined that the declared use is "reasonable and beneficial," it will issue certificates which "shall be deemed to describe the use declared." The certificates are not intended to describe unexercised water rights, or to grant or recognize any existing water right of any kind, nature, or form. The purpose of the certificates is to accurately describe existing water uses.

The certificates of use will provide important documentation of the water uses which now exist, and the confirmed uses will be recognized by the Commission in resolving future claims. Because of potentially significant future implications, it is important for the commission to verify whether the declared water uses are in fact existing water uses, and that these uses are thoroughly and accurately described.

As a declarant, you can help by providing the additional information indicated below for the declaration categories applicable to you. The accompanying letter indicates the categories in which your declarations have been placed.

Additional Information from Category 1 Declarants

Preliminary descriptions of use have been written for each reasonably complete declaration of water use which involves a withdrawal and use of water from ground or surface water sources. Please write to the Commission to state whether this description accurately summarizes your actual existing use, and to advise of any errors or changes which should be made. Please provide the following information if it is applicable to you:

- A detailed breakdown of acreages actually being irrigated, by crop type.
- Whether domestic use is for drinking water and, if so, by how many people.
- Whether your declared use includes water which is actually used by someone else who may have filed their own declaration. If so, provide a breakdown of your total declared use in terms of how much is your own use and how much is used by lessees or others persons sharing the same system.

Additional Information from Category 2 Declarants

Preliminary descriptions of use have been written for each reasonably complete declaration of instream water activity which does not involve a water withdrawal. The staff is recommending that the Commission not issue certificates of use where there is no withdrawal from the stream. Rather, the information will be incorporated into the development of permanent instream flow standards which are intended to ensure that necessary streamflows are maintained.

If the recommendation presented to the Commission is adopted, declarants of instream uses will be advised that they may file amended declarations to identify specific reasons why their declared activities constitute a "use of water" within the meaning of H.R.S. §174C-26 rather than an "instream use" within the meaning of H.R.S. §174C-71. The deadline for filing these amended declarations would be in August, 1990.

Additional Information from Category 3 Declarants

Category 3 declarations describe something other than an existing use as of May 1988. These include claims for water rights, proposed future water developments, and registrations of existing but unused wells and diversions. The State Water Code's certificate of use process does not certify legal rights as such, proposed future uses, or unused existing sources.

If you had an actual existing use of water as of May 1988 which you did not declare, you should file an amended declaration as soon as possible to describe that use. At this time, there is no penalty to do this.

If you constructed a well or stream diversion works or installed a well pump after May 1988, you must contact the Division of Water Resource Management as soon as possible to obtain any necessary permits required under other sections of the Water Code, unless you have already done so. If you propose a future water development, you must first obtain any necessary permits before proceeding with that development.

We appreciate and thank owners or operators of existing but unused wells and stream diversions for registering these sources as required under a different section of the Water Code. We will be contacting you at a later date if additional information is required for the registration.

Additional Information from Category 4 Declarants

Declarations are incomplete if they do not provide the necessary information (whether there is an existing water use, its type and quantity, a map showing the location of water source, how water is taken from the source, or a declarant's signature.) When the necessary information is received, these declaration(s) will be reviewed and acted upon. At this time, there is no penalty for late filing of this information.

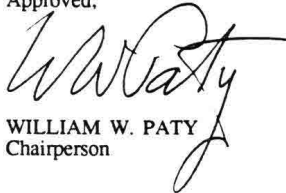
We will contact each person who filed an incomplete declaration to request the necessary additional information. Persons in Category 4 are requested at this time to submit the missing information which is indicated for them in letter enclosed with this sheet.

Additional Information from All Declarants

Please review the accuracy of the information sent to you, including your address and the spelling of your name, and advise the commission of any changes which should be made. If you or others you know have existing water uses which have not yet been declared, please file the proper forms as soon as possible to declare these uses. At present, there is no penalty for late filing of declarations.

The Commission's mailing address is given on the reverse side of this sheet. If you have any questions, you can phone the commission staff in Honolulu at 548-2316 or 548-3948. Neighbor island residents can reach these and other state government numbers toll-free through the government switchboard at 1-800-468-4644.

Approved,



WILLIAM W. PATY
Chairperson

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Honolulu Hawaii

Submittal to be presented on February 28, 1990

Chairperson and Members
Commission on Water Resource Management
Honolulu, Hawaii

Gentlemen:

Declarations of Water Use

This submittal is for the Commission on Water Resource Management to act on declarations of water use in accordance with Part II of the State Water Code, §174C H.R.S., entitled "Reports of Water Use." Part II of the Code provides:

[§174C-26] Filing of declaration. (a) Any person making a use of water in any area of the State shall file a declaration of the person's use with the commission within one year from the effective date of rules adopted to implement this chapter.

(b) When the commission requires filing of declarations by rules, it shall cause notice of the rule to be given by publication in a newspaper of statewide circulation for filings in the city and county of Honolulu and by publication in a newspaper of areawide or countywide circulation for filings in counties other than the city and county of Honolulu. The commission shall also cause notice of the rules to be given by mail to any person required to file of whom the commission has or could readily obtain knowledge or who has requested mailed notice to be given when the commission adopts rules requiring the filing of declarations.

(c) The declarations shall be in such form and contain such information as the commission by rule prescribes, including the quantity of water used, the purpose or manner of the use, the time of taking the water, and the point of withdrawal or diversion of the water. Each declaration shall contain a statement, signed and sworn to by the person required to file the declaration, or by some other person duly authorized in the person's behalf, to the effect that the contents thereof are true to the best of the person's knowledge and belief.

(d) If no declaration is filed, the commission, in its discretion, may conclusively determine the extent of the uses required of declaration.

(e) The commission shall act upon a declaration within six months after its filing. [L 1987, c 45, pt of §2]

[§174C-27] Issuance of certificate. (a) When a declaration has been filed in accordance with this section and the commission has determined that the use declared is a reasonable, beneficial use, the commission shall issue a certificate describing the use. The certificate shall be deemed to constitute a description of the use declared. With respect to certificates for water use, the confirmed usage shall be recognized by the commission in resolving claims relating to existing water rights and uses including appurtenant rights, riparian and correlative use.

(b) The commission shall hold a hearing upon the request of any person adversely affected by the certification or the refusal to certify any water use.

(c) Whenever a certified use of water is terminated, the owner of the certificate shall file a report with the commission, providing all information prescribed in the rules of the commission. [L 1987, c 45, pt of §2].

The Administrative Rules of the State Water Code were adopted on May 27, 1988. The one-year deadline for filing declarations under H.R.S. §174C-26(a) was May 30, 1989 (May 27th fell on a holiday weekend). The six-month deadline for the commission to act under H.R.S. §174C-26(e) was December 1, 1989. At a special meeting on November 29, 1989, the Commission took action on the water use declarations following an earlier version of this submittal by unanimous approval of a proposal that: 1) the amended recommendations contained herein be adopted at a special meeting of the Commission on February 28, 1990; 2) that all declarants be sent by mail a copy of the amended recommendations; and, 3) that all declarants be sent requests to file additional information regarding their declarations of use. This submittal was distributed to all declarants simultaneously with the requests for additional information and does not reflect subsequent changes or corrections made as a result of that additional information.

Approximately 7,300 separate declarations were filed by approximately 2,600 separate declarants. Forty (40) percent of declarants submitted forms which lack critical information such as the location of water source, the manner of taking water, whether there is an existing water use, and the type and quantity of use. Of the other 60% of declarants:

- 46% (728) declared existing uses of water from wells and stream diversion works;
- 34% (533) declared that they were claiming water rights;
- 24% (383) declared existing uses of water from systems operated by others;
- 21% (331) registered existing but unused wells, springs, or stream diversions;
- 21% (321) declared future or intended uses;
- 12% (181) declared existing instream uses including livestock watering and fishponds.

The total adds to more than 100% because many declarants submitted two or more forms which fell into different categories.

The declarations include numerous instances of:

- Multiple declarations involving a common source and use of water; i.e., declarations by both the operator and landowner of the source; by both the landowner and lessee of land with an existing use, and by each person holding part title to such land. Also, there are overlapping declarations involving sources and uses within systems; i.e., declaration of total system use by system operators and of fractional system use by end users.
- Irrigated acreage which corresponds exactly to the total acreage owned by declarants. In each of several instances where telephone contact was made to clarify other items, the verbal description of the acreage actually being irrigated was considerably less than the amount indicated by the declaration.
- Declarations of use which do not indicate whether the use is historical, existing, or proposed. Through telephone contact with a sample group of declarants, it was found that some had declared past or proposed future use where no verifiable use presently exists, and that others who did have existing verifiable use had included past and proposed uses as part of their declared use, without distinction from the existing use.

CATEGORIES FOR ACTION ON DECLARATIONS

Declarations have been sorted into four categories for purposes of commission action, depending on whether they are complete and whether they describe an actual existing use. Attachment 'A' presents alphabetical listings of declarants in each category, together with unverified descriptions of their declared uses, as applicable. Each declarant is listed only once in the attachment, by the first of the four categories in which they have been placed.

ACTION CATEGORY 1. For relatively complete declarations of actual existing use:

- Existing uses from wells, filed by operator or owner of site;
- Existing uses from springs and stream diversions, filed by operator or owner of site;
- Existing uses on receiving end of non-municipal distribution system operated by a third party, filed by lessee or owner of lands on which water is used.

ACTION CATEGORY 2. For declarations of instream use:

- Existing instream uses including but not limited to recreation, aquatic habitat, fishponds, and watering livestock. For purposes of this submittal, all non-withdrawal activities are included as instream uses. "Non-withdrawal" means that the water is not taken out of the stream and transported by flume, bucket, pipe, ditch, or any other means for use at some other location.

ACTION CATEGORY 3: For declarations which do not reflect an actual existing use:

- Declarations of water rights without any indication of an existing use of water;
- Declarations of non-use of existing wells, springs, or stream diversions;
- Declarations of future or intended uses without any indication of an existing use of water. For purposes of this action, "existing" means as of May 27, 1988, the date of adoption of administrative rules for the State Water Code. In practice, because the declaration asked for the year but not the month of well or diversion construction, declarations categorized as "future" water uses when the well or diversion was constructed a

ACTION CATEGORY 4. For incomplete declarations missing critical information such as:

- An existing use of water, described by type and quantity;
- Location of water source;
- Manner of taking or removing water from source;
- Signature.

Note: In the case of individual users, a clear indication of the type and extent of use (i.e., domestic supply for two houses; irrigation of 1/2 acre of truck crops) has been considered to be sufficient information to describe the approximate quantity of use.

ANALYSIS

Many of the declarations reflect past or proposed future uses. In some cases, the declarations confuse these with existing uses. Some simply declare rights. Others are incomplete. Still others involve relationships between declarants which need to be sorted out. The commission staff has not yet determined whether declared existing uses are reasonable and beneficial.

While the State Water Code requires the commission to "act" on the declarations within six months, the law does not require that the certificates of use be issued in such a short time frame. Because the certificates of use may in the future become important evidence of actual existing use, it would be both premature and improper to certify a use until the commission has properly assessed and accurately described each declared use and has determined it to be both reasonable and beneficial.

RECOMMENDATION

That the commission adopt the following types of action with regard to the four categories of water use declarations described above and which are listed in Attachment 'A.' Attachment 'A' is a condensed summary of the actual declarations filed with the Commission, and will be revised in accordance with additional information submitted by the declarants. In the event of any questions or discrepancies, the actual declarations are to take precedence over Attachment 'A.'

Action on Category 1 Declarations (1,064 Declarants)

These declarations are deemed to have been submitted in accordance with Hawaii Revised Statutes §174C-26 and Hawaii Administrative Rules §13-168-5. The commission staff is directed to follow up on the declarations with activities to verify the nature and extent of the use declared, including field inspections as may be deemed necessary, and to determine whether the use is reasonable and beneficial. This work is to lead to the issuance of certificates of water use, as applicable, in accordance with H.R.S. §174C-27.

Action on Category 2 Declarations (181 Declarants)

The determination whether to issue certificates of water use under §174C-27 for instream uses which are protected under §174C-71 presents questions of interpretation under the Code. On one hand, infrequent recreational uses of stream water would appear to be outside of the intent of the Code's provisions relating to certificates of water use. However, relatively permanent uses such as by fishponds or the preservation of aesthetic values on adjacent lands could conceivably fall within the definition of use.

To facilitate a disposition of the issue, the commission denies with leave to amend those declarations seeking certificates of use for instream activities. Declarants may file amended declarations within 180 days of notice of this action for this purpose. Amended declarations for instream activities should identify, to the extent practicable, specific reasons why their declared activity constitutes a "use of water" within the meaning of H.R.S. §174C-27 rather than an "instream use" within the meaning of H.R.S. §174C-71.

Nine months following this action, the commission staff is directed to make recommendations to the commission proposing further actions on the instream use declarations.

At the present time, declarations of non-withdrawal instream uses will not lead to the issuance of certificates of use. The commission staff is directed to review these declarations in the context of H.R.S. §174C-71, Protection of Instream Uses, and to incorporate this information, as applicable, into the development of permanent instream flow standards.

Action on Category 3 Declarations (820 Declarants)

These declarations, as reviewed by the commission staff, describe something other than "a use of water from a well or stream diversion works in existence on the effective date of these rules." §13-168-5, Administrative Rules of the State Water Code. Under the certificate of use program of the Code, the commission does not certify legal rights as such, nor is this program applicable to future uses or unused existing sources where there is no current use of water within the meaning of H.R.S. §174C-26(a). Moreover, at the present time it appears that declarations will not be required of such declarants or other persons who begin a use of water sometime in the future. The commission staff is directed to notify these declarants that the State Water Code certifies actual present uses from particular sources but does not certify legal rights as such, proposed future uses, or unused existing sources.

In light of the foregoing, Category 3 declarations are denied without prejudice subject to the following conditions:

a. As to any declaration denied on the basis that it sought a certification of legal rights as such, declarants should be permitted 180 days from the date of notice of this action to amend their declarations to state and document any actual existing use which they may have within the meaning of the statute and the commission rules. Nine months following this action, the commission staff is directed to make further recommendations to the commission as to the proper disposition of these declarations.

b. As to any declaration denied on the basis that it sought a certification of a future use or an unused existing source not encompassed by the program, these declarations are denied without prejudice and are subject to any future rule the commission duly adopts regarding declarations and certification for uses which begin after the date of adoption of the administrative rules of the Code.

The commission advises, however, that persons who declared proposed future water developments are to be notified that they must first obtain any necessary permits (such as well or stream diversion construction, channel alteration, or water use permits) from the commission as required under other sections of H.R.S. §174C.

The commission also advises that persons who declared that they are not presently using existing wells, stream diversions, and spring sources are to be notified that their sources will be registered under other sections of H.R.S. §174C as unused existing sources.

Action on Category 4 Declarations (1,014 Declarants)

These declarations are denied without prejudice, and with leave to amend, on the basis that they are deemed incomplete. The commission staff is directed to request additional information and to advise affected declarants that the denial is without prejudice and that they have an additional 180 days after the date of the mailing of the notice of this action to submit the additional information.

No action need be taken on any category of declaration which the filer may have submitted until this information is received. There will be no penalty for late filing of any additional information received within 180 days of the date of the commission staff's request.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVED FOR SUBMITTAL

WILLIAM W. PATY, Chairperson
Attachment 'A'

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Docket Information

Number of Documents in Docket 31

Documents Dated from 12/19/1989 to 8/11/1993

Docket Compiled: 4/19/2011