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## A BILL FOR AN ACT

RELATING TO WATER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to provide for the  
2 acquisition of the Wahiawa irrigation system, including Lake  
3 Wilson, by the State.

4           SECTION 2. Chapter 163D, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§163D-    Wahiawa irrigation system. (a) The corporation  
8 shall accept the fee simple interest in the Wahiawa irrigation  
9 system and any easement for facilities of the system under the  
10 following conditions:

11           (1) All private owners of the fee simple interest in the  
12 Wahiawa reservoir and Wahiawa dam offer to the  
13 corporation their fee simple interest without  
14 demanding or requesting any compensation from the  
15 corporation;

16           (2) All private owners of real property through which  
17 facilities of the system run offer to the corporation,  
18 without demanding or requesting any compensation from



the corporation, easements and entry rights necessary for the corporation to operate, maintain, and improve the facilities;

(3) All private owners of agricultural land irrigated by the system agree to:

(A) Retain that agricultural land in the agricultural district in perpetuity;

(B) Additionally, submit a petition to the land use commission to designate the land as "important agricultural land" pursuant to chapter 205 and, if the petition is approved, retain that designation for the land in perpetuity; and

(C) Require by covenant recorded in the bureau of conveyances all subsequent private owners of the land to agree to the conditions of subparagraphs (A) and (B); and

(4) The attorney general, after consultation with the chairperson of the board, finds in writing that the conditions of paragraphs (1) to (3) have been met.

The corporation also may impose other terms and conditions for its acceptance of the Wahiawa irrigation system that are not inconsistent with this section.



1        (b) Upon acceptance of the Wahiawa irrigation system, the  
2 corporation shall operate, maintain, and improve the system in  
3 accordance with this chapter and other applicable law.

4        (c) There is established within the state treasury a  
5 revolving fund to be known as the Wahiawa irrigation system  
6 revolving fund which shall be administered by the corporation.

7        The following shall be deposited into the revolving fund:  
8 revenues from assessments or tolls for use of water from the  
9 system, appropriations by the legislature to the revolving fund,  
10 interest earned from investments or deposits of moneys in the  
11 revolving fund, and other income and revenues received by the  
12 corporation for the revolving fund. If such charges are  
13 authorized by the legislature, the corporation also shall  
14 deposit into the revolving fund revenues derived from charges  
15 imposed upon any government agency to dispose wastewater into  
16 the Wahiawa reservoir.

17        Expenditures from the revolving fund shall be made for the  
18 operation, maintenance, and improvement of the Wahiawa  
19 irrigation system, including the payment of debt service on  
20 bonds or other instruments of indebtedness authorized and issued  
21 for the system. No expenditure, use, or transfer of moneys from  
22 the revolving fund shall be subject to chapter 42F or 103D.



1        (d) For the purposes of this section:  
 2        "Agricultural land" means land in the agricultural district  
 3 under chapter 205.  
 4        "Wahiawa irrigation system" means the Wahiawa reservoir,  
 5 which is also known as Lake Wilson, Wahiawa dam, and the  
 6 irrigation ditch system that transports water from the reservoir  
 7 to Central Oahu and the North Shore."



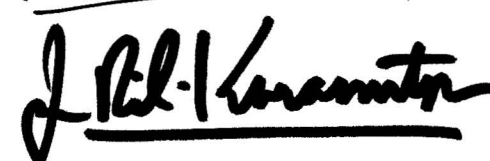
8        SECTION 3. Chapter 343, Hawaii Revised Statutes, is  
 9 amended by adding a new section to be appropriately designated  
 10 and to read as follows:

11        "§343-    Wahiawa irrigation system; exception. The  
 12 acquisition of the Wahiawa irrigation system shall be  
 13 specifically exempt from the requirements of this chapter."

14        SECTION 4. New statutory material is underscored.

15        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_  
  
  




**Report Title:**

Wahiawa Irrigation System Acquisition; Agribusiness Development Corporation

**Description:**

Provides for the acquisition of the Wahiawa irrigation system, including Lake Wilson, under certain conditions.

