

JAN 17 2014

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# A BILL FOR AN ACT

RELATING TO STATE WATER CODE.

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

1       SECTION 1. The legislature finds that drought conditions  
2 on the island of Hawaii are at a critical point, making the  
3 availability of fresh water for consumption, irrigation,  
4 agriculture, and animal husbandry a major concern. There is  
5 evidence of water wells that have been recently constructed by  
6 private persons or entities in some areas that did not  
7 previously have water wells and seemed to have no need for them.  
8 The legislature has concerns about the taking of a public  
9 resource by private parties.

10       Article XI, section 7, of the Hawaii State Constitution,  
11 relating to water resources, states in pertinent part: "The  
12 State has an obligation to protect, control and regulate the use  
13 of Hawaii's water resources for the benefit of its people."

14       The purpose of this Act is to control the taking of ground  
15 water by private persons or entities.

16       SECTION 2. Section 174C-41, Hawaii Revised Statutes, is  
17 amended by amending its title and subsection (a) to read as  
18 follows:



1       "§174C-41 Designation of water management area[-];  
2 designation by statute. (a) When it can be reasonably  
3 determined, after conducting scientific investigations and  
4 research, that the water resources in an area may be threatened  
5 by existing or proposed withdrawals or diversions of water, the  
6 commission shall designate the area for the purpose of  
7 establishing administrative control over the withdrawals and  
8 diversions of ground and surface waters in the area to ensure  
9 reasonable-beneficial use of the water resources in the public  
10 interest[-]; provided that any county with a population of less  
11 than two hundred twenty-five thousand shall be designated as a  
12 water management area for the purpose of establishing  
13 administrative control over ground water withdrawals by private  
14 persons or entities."

15       SECTION 3. Section 174C-48, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       "[+]§174C-48[+] **Permits required.** (a) No person shall  
18 make any withdrawal, diversion, impoundment, or consumptive use  
19 of water in any designated water management area without first  
20 obtaining a permit from the commission. However, no permit  
21 shall be required for domestic consumption of water by  
22 individual users, and no permit shall be required for the use of



1 a catchment system to gather water. An existing use in newly  
2 designated areas may be continued until such time as the  
3 commission has acted upon the application subject to compliance  
4 with section 174C-51.

5 A permit shall be required for ground water withdrawals by  
6 private persons or entities in any county with a population of  
7 less than two hundred twenty-five thousand. A ground water  
8 withdrawal permit shall not exceed a two year period, subject to  
9 renewal at the discretion of the commission. A fee of  
10 \$ \_\_\_\_\_ shall be assessed and collected for the issuance and  
11 renewal of a permit.

12 (b) In its regulation of water resources in designated  
13 water management areas, the commission shall delegate to the  
14 county boards of water supply the authority to allocate the use  
15 of water for municipal purposes, subject to the limits of water  
16 supply allocated to the county boards of water supply in their  
17 role as water purveyors[-]; provided that the commission shall  
18 not delegate authority over ground water supply for any county  
19 with a population of less than two hundred twenty-five  
20 thousand."

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

*Madame Justice*

*Mad R*

*Dimitri Kalyde*

*Clarence K. Rushikawa*



**Report Title:**

Water Resources

**Description:**

Requires a private person or entity to obtain a permit to withdraw ground water in certain counties. Establishes certain counties as a designated water management area.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

