
A BILL FOR AN ACT

RELATING TO WATER RIGHTS.

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

1 SECTION 1. Section 171-58, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Disposition of water rights may be made by lease at
4 public auction as provided in this chapter or by permit for
5 temporary use on a month-to-month basis under those conditions
6 ~~[which]~~ that will best serve the interests of the State and
7 subject to a maximum term of one year and other restrictions
8 under the law; provided that:

9 (1) Where an application has been made for a lease under
10 this section to continue a previously authorized
11 disposition of water rights, a holdover may be
12 authorized annually until the pending application for
13 the disposition of water rights is finally resolved
14 ~~[or for a total of three consecutive one-year~~
15 ~~holdovers, whichever occurs sooner; provided that the~~
16 ~~total period of the holdover for any applicant shall~~
17 ~~not exceed three years]; provided [further] that the~~



1 annual authorization finds that the holdover is
2 consistent with the public trust doctrine~~[+]~~ and the
3 lease continues to be actively pursued;

4 ~~(2)~~ If a contested case pursuant to chapter 91 is
5 requested on a one-year holdover, the resulting
6 proceedings shall be expedited and, any provision of
7 law to the contrary notwithstanding, the holdover
8 shall be continued without action by the board pending
9 the completion of the proceedings;

10 ~~[(2)]~~ (3) Any disposition by lease shall be subject to
11 disapproval by the legislature by two-thirds vote of
12 either the senate or the house of representatives or
13 by majority vote of both in any regular or special
14 session next following the date of disposition; and

15 ~~[(3)]~~ (4) After a certain land or water use has been
16 authorized by the board subsequent to public hearings
17 and conservation district use application and
18 environmental impact statement approvals, water used
19 in nonpolluting ways, for nonconsumptive purposes
20 because it is returned to the same stream or other
21 body of water from which it was drawn, and essentially



1 not affecting the volume and quality of water or biota
2 in the stream or other body of water, may also be
3 leased by the board with the prior approval of the
4 governor and the prior authorization of the
5 legislature by concurrent resolution."

6 SECTION 2. The department of land and natural resources
7 shall prepare and submit an annual report to legislature no
8 later than twenty days before the convening of each regular
9 session of the legislature. The report shall include:

- 10 (1) The status of applications to continue previously-
11 authorized dispositions of water rights;
12 (2) Actions taken on the applications during the
13 immediately preceding fiscal period; and
14 (3) Any relevant recommendations for legislative action or
15 appropriation of funding.

16 SECTION 3. Act 126, Session Laws of Hawaii 2016, is
17 amended by amending section 4 to read as follows:

18 "SECTION 4. This Act shall take effect upon its approval,
19 and shall apply to applications for a lease to continue a
20 previously authorized disposition of water rights that are
21 pending before the board of land and natural resources on the



H.B. NO. 1326





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Report Title:

Department of Land and Natural Resources; Water Rights;
Contested Care Hearings; Extension; Holdover

Description:

Allows holdovers of revocable water permits to continue until the pending application for a lease is resolved. Requires prompt execution of contested case proceedings for 1-year holdovers. Allows holdovers to continue pending completion of contested case proceedings. Removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes.

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

