

Honolulu, Hawaii

**APR 28**, 2022RE: H.B. No. 1768  
H.D. 2  
S.D. 2  
C.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1768, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF WATER RIGHTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Exempt the instream use of water for traditional and customary kalo cultivation practices from the existing process for disposition of water rights;
- (2) Clarify that the powers and duties of the Commission on Water Resource Management to determine appurtenant water rights include the specification of the water course or the means of access and delivery entitled to by that right;

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- (3) Clarify that nothing in chapter 174C, part IV, Hawaii Revised Statutes, relating to the regulation of water use, shall be construed to deny the exercise of an appurtenant right, including access by the holder to conduct activities necessary to assure the use, delivery, and quality of water, that shall not be unreasonably withheld; and
- (4) Clarify that the appurtenant water rights of kuleana and taro lands include access by the holder to conduct activities necessary to assure the use, delivery, and quality of water, that shall not be unreasonably withheld.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1768, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1768, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

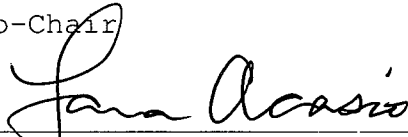
ON THE PART OF THE HOUSE



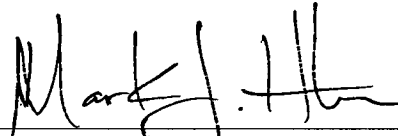
LORRAINE R. INOUE  
Chair



MIKE GABBARD  
Co-Chair



LAURA ACASIO  
Co-Chair



MARK J. HASHEM  
Co-Chair



DAVID A. TARNAS  
Co-Chair



MARK A. NAKASHIMA  
Co-Chair



