

Water Use Permit Application Process Update CWARM Briefing

Meeting of July 27, 2005

Commission on Water Resource Management

Water Use Permit Application (WUPA) Process Update



Why WUPA Update?



- Supreme Court Rulings



- Changes to State Water Code (174C-HRS)

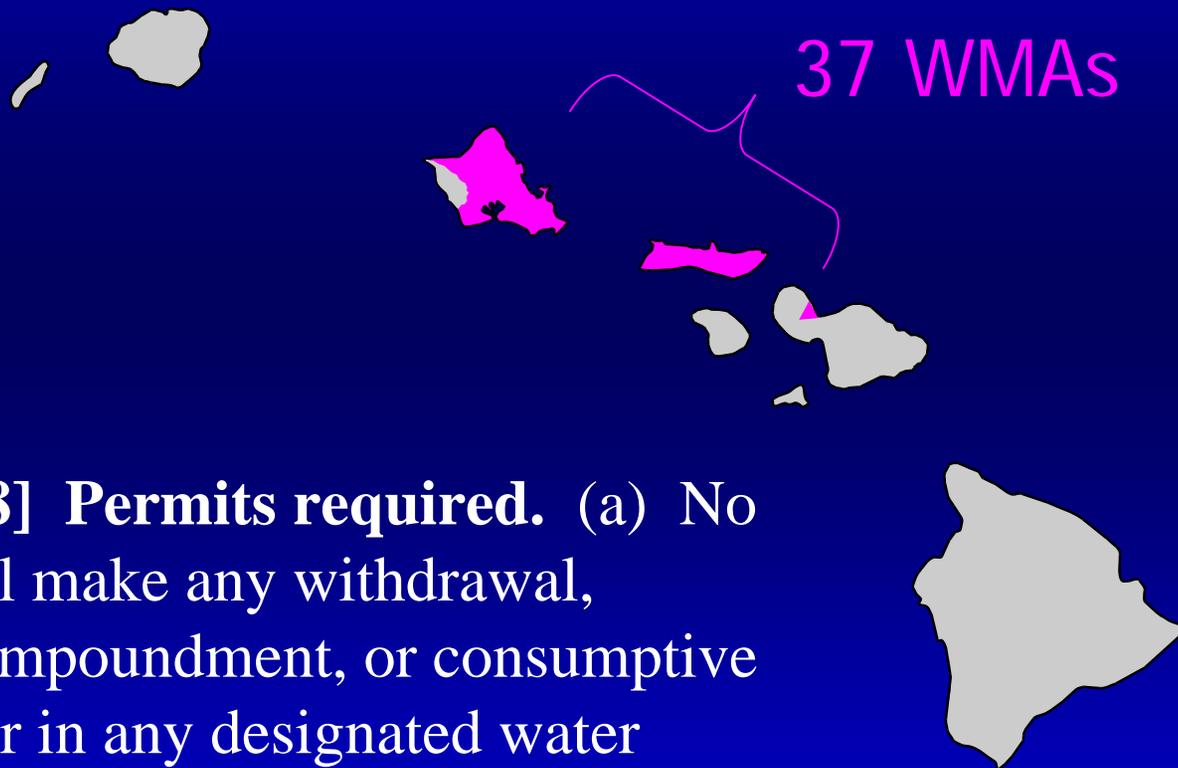


- Experience with 741 WUPAs (18 years)



Water Management Areas

Ground Water Only



- [§174C-48] **Permits required.** (a) No person shall make any withdrawal, diversion, impoundment, or consumptive use of water in any designated water management area without first obtaining a [water use] permit from the commission.



Who is involved with WUPAs?

- Existing vs. New - users/purveyors
- Individual domestic use - exempt
- Rain Catchment Systems - exempt
- State & County Agencies – reviews
- Public - review
- Commission – decision maker
- Supreme Court – direct appeals



What are WUPA Update Issues?

- What constitutes a complete WUPA?
 - Code requires different criteria for Existing vs. New
 - Balance between applicant burden and reviewer needs for information
 - Public Notice Cost is now borne by applicant (8/18/04)
 - Public trust vs. Non-public trust municipal/public system uses
 - Applicant and source landowner signatures are required

- Supreme Court clarifications (?)
 - Public Trust Purposes
 - Reasonable & Beneficial Use
 - Efficiency of use
 - Practical Alternatives (§174C-51.5 dual line Code update)

- Existing vs. New WUPs
 - Interim vs. Permanent WUP Issuance

What are WUPA Update Issues?

■ Contested Case Hearing Process

- There are no provisions for appeal or reconsideration of Commission decisions before the Commission.
- Required if applicant/objectors want to appeal a Commission decision to the Supreme Court.
- Existing (&New) users/objectors are compelled to request a CCH to protect themselves from an adverse Commission decision after a public hearing.



Current WUPA

http://www.hawaii.gov/dlnr/cwrm/forms/WUPA.pdf - Microsoft Internet Explorer

File Edit Go To Favorites Help

Back Forward Stop Home Search Favorites Media Print Copy Paste Address Links Google Answers.com

Save a Copy Search Select 42% Share photos like a pro

Options x

Pages

Attachments

Comments

1

2

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT
Groundwater or Surface Water

For Official Use Only:

Water Users: Please print in ink on one side of 8 1/2" x 11" paper. Application must be submitted to the Commission on Water Resource Management, P.O. Box 121, Honolulu, Hawaii 96810. Application must be accompanied by a non-refundable fee of \$25.00 payable to the Director of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Registrar's Branch at 581-9333. For further information, visit the application form at www.dlnr.gov.

PERMITTEE INFORMATION

1. (a) APPLICANT: First Name _____ Last Name _____
Contact Person _____ Contact Person _____
Address _____ Address _____
Phone _____ Fax _____ Phone _____ Fax _____
E-mail _____ E-mail _____

(b) LANDOWNER OF SOURCE: First Name _____ Last Name _____
Contact Person _____ Contact Person _____
Address _____ Address _____
Phone _____ Fax _____ Phone _____ Fax _____
E-mail _____ E-mail _____

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: _____ ISLAND: _____

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER: _____
(If source does not presently exist, please submit one or more subdivisions, complete permit or application.)
(b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME: _____
(c) LOCATION: Address _____ Tax Map Key _____
(Plot and show source location on a USGS map, scale 1:50,000, with a property line map.)

4. SOURCE TYPE (check one): Shallow Deep Overland Perched Coastal
5. METHOD OF TAKING WATER (check one): Artesian Well & Pump Drilled Surface Other (specify)

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on source map or source location. Otherwise, attach water map.)
 Non-Regulated Private System Regulated Division to Back of Water Right Non-Regulated Private System
(b) Tax Map Key: Please complete Table 1 on back of application at this application portion of property line map.

7. QUANTITY OF WATER REQUESTED: _____ gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: Flowmeter Openweir Other Orifice Other (specify)

9. QUALITY OF WATER REQUESTED: Fresh Brackish Salt Potable Non-Potable

10. PROPOSED USE: Irrigation of (specify crops, trees, etc.) Industrial/Commercial Domestic Other (specify)

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: _____ (Specify hours of operation, example: 7 a.m. to 5 p.m.)

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:

(a) Can be accomplished with the available water source.
(b) Is a reasonable beneficial use.
(c) Will not interfere with any existing legal use.
(d) Is consistent with the public interest.
(e) Is consistent with state and county general plans and land use designations.
(f) Is consistent with county land use plans and general policies.
(g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

*Section 15-173-2, Hawaii Revised Statutes -
"Reasonable beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a particular use, and in a manner which is not wasteful and which is compatible with the state and county land use plans and the public interest.

13. REMARKS, EXPLANATIONS: _____

NOTES: Signing in one indicates that the applicant understands and agrees that: (1) the information provided on this application is accurate and true to the best of their knowledge; (2) they are the responsible party of the applicant for the Commission's approval; (3) if necessary, further information may be required before the application is considered complete; (4) if a water use permit is granted by the Commission, this permit is subject to other existing permits, laws, changes in state water plans and practices, time alterations, water use as defined by the Commission, and other laws and rules that may apply, and (5) their permit approval, a water storage plan must be submitted by the applicant should the Commission require one.

Applicant (print) _____ Landowner (print) _____
Signature _____ Signature _____
Date _____ Date _____

WUPA FORM 01/05/2000

1 of 2

Done

Unknown Zone

Start G... R... M... 1... D... h... 3:04 PM

Current WUPA



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
 Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT
 Groundwater or Surface Water

For Official Use Only:

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96839. 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 incoming applications. For assistance, call the Regulations Branch at 587-9225. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/permits>.

PERMITTEE INFORMATION

1. (a) APPLICANT
 First Name _____
 Contact Person _____
 Address _____
 Phone _____ Fax _____
 Email _____

(b) LANDOWNER OF SOURCE
 First Name _____
 Contact Person _____
 Address _____
 Phone _____ Fax _____
 Email _____

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: _____ ISLAND: _____

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:
(If source doesn't presently exist, please attach and record well/stream diversion permit or application.)
 (b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME: _____
 (c) LOCATION: Address _____ Tax Map Key: _____
(Attach and show source location on a USGS map, scale 1"=1000', and a property tax map.)

4. SOURCE TYPE (check one): Stream Well Diversion Paved Cesspit

5. METHOD OF TAKING WATER (check one): Artesian Well & Pump Covered Surface Other (specify) _____

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (if possible, show on source maps as source location. Otherwise, attach similar maps)
 (a) PUC-Regulated Private System Intended Dedication to Dept. Board of Water Supply Non-PUC-Regulated Private System
(b) Tax Map Key: Please complete Table 1 on back of application and attach applicable portion of property tax map.

7. QUANTITY OF WATER REQUESTED: _____ gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: Flowmeter Open-pipe Weir Orifice Other (specify) _____

9. QUALITY OF WATER REQUESTED: Fresh Brackish Salt Potable Non-Potable

10. PROPOSED USE: Municipal (including hotels, stores, etc.) Individual Dwellings Irrigation
 Industrial Military Other (specify) _____

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: _____
(Specify hours of operation, e.g., 7 a.m. to 2 p.m.)

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
 (a) Can be accommodated with the available water source.
 (b) Is a reasonable-beneficial use.
 (c) Will not interfere with any existing legal uses.
 (d) Is consistent with the public interest.
 (e) Is consistent with state and county general plans and land use designations.
 (f) Is consistent with county land use plans and general policies.
 (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.
*Section 15-171.5, Hawaii Revised Statutes:
 "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

13. REMARKS, EXPLANATIONS: _____

NOTE: Signing below indicates that the signatory understands and agrees that: 1) the information provided on this application is accurate and true to the best of their knowledge; 2) they hold the responsibility of the applicant/landowner to the Commission regarding; 3) if necessary, a water use permit may be required before the application is considered complete. 4) if a water use permit is granted by the Commission, this permit is subject to prior written permit conditions, which may include, but not be limited to, metered uses as defined by the Commission, and Hawaii Home Land Use Control laws; and 5) upon permit approval, a water shortage plan must be submitted by the applicant should the Commission require one.

Applicant (print) _____ Landowner (print) _____
 Signature _____ Signature _____
 Date _____ Date _____

WUPA FORM (01/04/2000)

TABLE 1. TMKs TO USE REQUESTED WATER

PROJECT NAME & PHASES (include address if applicable) <small>(Identify project no. on TMK map)</small>	EXISTING or NEW USE <small>(If existing, fill in date of first use)</small>	POTABLE or NONPOTABLE	TMK	STATE USE	CURRENT COUNTY ZONING CODE	UNITS or NET ACRES	GROUND or GP/ACRE	4-YEAR CUMULATIVE PROJECTED DEMAND				ULTIMATE DEMAND GPD (TO BUILD OUT)	
								YEAR 1	YEAR 2	YEAR 3	YEAR 4		
								(gpm)	(gpm)	(gpm)	(gpm)		
1.													
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8.													
9.													
10.													
11.													
12.													
13.													
14.													
TOTAL GPD													
(For Oahu only) DEPARTMENT OF PLANNING AND PERMITTING SIGNATURE _____								DATE _____					
<small>Only for verification that: 1) TMKs listed are consistent with zoning and development plans; and 2) projects listed are allowed with respect to zoning and development plans.</small>													

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) stamp/sign before application is acceptably complete. Please consult with DPP at 800 South King Street, 7th Floor, Honolulu, HI 96813.

Current WUPA

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
 Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT
 Groundwater or Surface Water

For Official Use Only:

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96839. 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 Regulations Branch at 585-9225. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/wrmp/>.

PERMITTEE INFORMATION

1. (a) APPLICANT
 First Name _____
 Contact Person _____
 Address _____
 Phone _____ Fax _____
 Email _____

(b) LANDOWNER OF SOURCE
 First Name _____
 Contact Person _____
 Address _____
 Phone _____ Fax _____
 Email _____

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: _____ ISLAND: _____

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:
(If source closed permanently, please attach and record subdivision division permit or approval.)
 (b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME: _____
 (c) LOCATION: Address _____ Tax Map Key: _____
(Sketch and show source location on a USGS map, scale 1"=500', and a property lot map.)

4. SOURCE TYPE (check one): Shallow Deep Overhead Perched Conduit

5. METHOD OF TAKING WATER (check one): Artesian Well & Pump Diverted Surface Other (specify)

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
 (a) PUC-Regulated Private System Intended Dedication to Dept. Board of Water Supply Non-PUC-Regulated Private System
 (b) Tax Map Key: Please complete Table 1 on back of application and attach applicable portion of property lot map.

7. QUANTITY OF WATER REQUESTED: _____ gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: Flowmeter Open-pipe Weir Orifice Other (specify)

9. QUALITY OF WATER REQUESTED: Fresh Brackish Salt Potable Non-Potable

10. PROPOSED USE: Mining (including holes, mines, etc.) Individual Domestic Irrigation
 Industrial Military Other (specify)

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: _____

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
 (a) Can be accommodated with the available water source.
 (b) Is a reasonable-beneficial use.
 (c) Will not interfere with any existing legal uses.
 (d) Is consistent with the public interest.
 (e) Is consistent with state and county general plans and land use designations.
 (f) Is consistent with county land use plans and general policies.
 (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

*Section 15-171.5, Hawaii Revised Statutes:
 "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

13. REMARKS, EXPLANATIONS: _____

NOTE: Signing below indicates that the signatory understands and agrees that: 1) the information provided on this application is accurate and true to the best of their knowledge; 2) they hold the responsibility of the applicant and/or Commission signatory; 3) if necessary, a clear explanation may be required before the application is considered complete; 4) if a water use permit is granted by the Commission, this permit is subject to prior existing permitted uses, usage limitations, grade and drainage flow standards, reserved uses as defined by the Commission, and Hawaii's Water Land Use Control Act; and 5) upon permit approval, a water shortage plan must be submitted by the applicant should the Commission require one.

Applicant (print) _____ Landowner (print) _____
 Signature _____ Signature _____
 Date _____ Date _____

WUPA FORM (01/04/2000)

- **APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:**
- (a) Can be accommodated with the available water source.
- (b) Is a reasonable-beneficial use. **(R&B)**
- (c) Will not interfere with any existing legal use.
- (d) Is consistent with the public interest.
- (e) Is consistent with state and county general plans and land use designations.
- (f) Is consistent with county land use plans and general policies.
- (g) Will not interfere with the rights of the Dept. of Hawaiian Home Lands. **(DHHL)**

Code WUPA Criteria

Existing vs. New

A Comparison of Existing Use Criteria (R&B) (174C-50(b)) & New Use Criteria 174C-49(a)

174C-3 R&B	174C-49(a) but existing use <i>excluded</i> in 50(a)
<u>silent</u>	1) Water source accommodate?
R&B	2) R&B
<u>economics</u>	<u>silent</u> –but included in R&B
<u>efficient</u>	<u>silent</u> –but included in R&B
<u>state & county land use plans</u>	5) <u>state</u> and county general plans and land use designations
	6) <u>county</u> land use plans and policies
<u>public interest</u>	4) <u>public interest</u>
<u>silent</u>	3) Will not interfere with any existing legal use of water
<u>silent</u>	7) <u>Will</u> not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act

***Therefore, existing uses do not explicitly need to address water source accommodations, interference with existing legal use of water or 221 HHCA (DHHL). Further, 13-171 doesn't even mention 221 HHCA. However, **174C-51(8)** gives the authority to the CWRM to do so.

Code WUPA Criteria

Existing vs. New

[§174C-51.5] Dual line water supply systems; installation in new industrial and commercial developments located in designated water management areas. (a) The commission, as a condition for issuing permits pursuant to this part, may require the use of dual line water supply systems in new industrial and commercial developments located in designated water management areas.... [L 2000, c 144, §2]

Code WUPA Criteria

Existing vs. New

R & B

R & B

- + Availability
- + Interference
- + DHHL Impacts
- + Dual-Line



Code WUPA Criteria Public Interest

(required for both existing and new uses)

A Comparison of Existing Use Criteria (R&B) (174C-50(b)) & New Use Criteria 174C-49(a)

174C-3 R&B	174C-49(a) but existing use <i>excluded</i> in 50(a)
<u>silent</u>	1) Water source accommodate?
R&B	2) R&B
<u>economics</u>	<u>silent</u> –but included in R&B
<u>efficient</u>	<u>silent</u> –but included in R&B
<u>state & county land use plans</u>	5) <u>state and county general plans and land use designations</u>
	6) <u>county land use plans and policies</u>
<u>public interest</u>	4) <u>public interest</u>
<u>silent</u>	3) Will not interfere with any existing legal use of water
<u>silent</u>	7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act

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Code WUPA Criteria

Public Interest

(required for both existing and new uses)

public interest - defined in §174C-2 Declaration of policy. Minimum objectives are:

1. Maximize beneficial use of	2a. Protect
Domestic	Traditional & Customary Hawaiian Rights
Aquaculture	Fish & Wildlife
Irrigation	Ecological Balance
Agriculture	Scenic Beauty
Power	2b. Preserve & Enhance
Commercial	Municipal
Industrial	Public water supply
	Public Recreation
	Agriculture
	Navigation

Code WUPA Criteria Land Use Consistency (required for both existing and new uses)

A Comparison of Existing Use Criteria (R&B) (174C-50(b)) & New Use Criteria 174C-49(a)

174C-3 R&B	174C-49(a) but existing use <i>excluded</i> in 50(a)
<u>silent</u>	1) Water source accommodate?
R&B	2) R&B
<u>economics</u>	<u>silent</u> –but included in R&B
<u>efficient</u>	<u>silent</u> –but included in R&B
<u>state & county land use plans</u>	5) <u>state and county general plans and land use designations</u>
	6) <u>county land use plans and policies</u>
<u>public interest</u>	4) <u>public interest</u>
<u>silent</u>	3) Will not interfere with any existing legal use of water
<u>silent</u>	7) <u>Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act</u>

***Therefore, existing uses do not explicitly need to address water source accommodations, interference with existing legal use of water or 221 HHCA (DHHL). Further, 13-171 doesn't even mention 221 HHCA. However, **174C-51(8)** gives the authority to the CWRM to do so.

Code WUPA Criteria

Land Use Consistency

(required for both existing and new uses)

■ County

- Mayor
- Board of Water Supply (Maui BWS no longer has authority)
- Interested Public
- Non-Code/Rules – County Council (Maui), Planning Depts (SMAs)

■ State (no Code/Rule requirements)

- Land Use Commission
- DLNR Divisions
 - Office of Conservation and Coastal Lands (CDUPs)
 - Division of Historic Preservation (historic sites inventory)
 - Land Division (state landowner signatures & water licenses)
- Others – DOH, DHHL, OHA

Code WUPA Criteria

Land Use Consistency

(required for both existing and new uses)

■ County

- Staff has worked with City and County of Honolulu Oahu and Maui County and the most recent understandings are that they do not prefer pre-review of applicant's land use consistency. Prefer current zoning information then work on case-by-case responses.

■ State (no Code/Rule requirements)

- Land Use Commission (no problems with current application info)
- DLNR
 - Office of Conservation and Coastal Lands (meetings in progress)
 - Division of Historic Preservation (meetings in progress)
 - Land Division (no problems with current application info)
- Others (mentioned HWP/WUDP should contain the uses)

Code WUPA Criteria

Land Use Consistency

(required for both existing and new uses)

■ County

- Agencies prefer to make consistency determination after WUPA
- Current basic USGS and TMK maps and zoning info is adequate
- SMA's required before WUP can be approved (**new criteria**)

■ State

- Staff is still working with DHP and OCCL on information requirements
- HWP/WUDP inclusion requirement is a pending issue

Code WUPA Criteria Reasonable & Beneficial Use (required for both existing and new uses)

A Comparison of Existing Use Criteria (R&B) (174C-50(b)) & New Use Criteria 174C-49(a)

174C-3 R&B	174C-49(a) but existing use <i>excluded</i> in 50(a)
silent	1) Water source accommodate?
R&B	2) R&B
economics	silent –but included in R&B
efficient	silent –but included in R&B
state & county land use plans	5) state and county general plans and land use designations
	6) county land use plans and policies
public interest	4) public interest
silent	3) Will not interfere with any existing legal use of water
silent	7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act

***Therefore, existing uses do not explicitly need to address water source accommodations, interference with existing legal use of water or 221 HHCA (DHHL). Further, 13-171 doesn't even mention 221 HHCA. However, **174C-51(8)** gives the authority to the CWRM to do so.



Supreme Court Clarifications (?)

Public Trust Purposes & Issues

- Domestic uses (general)
- Natural Resource Protection
 - If surface water impacted - IFS required
 - Ocean discharge – unknown method of assessing impacts
 - Historically and Culturally Significant Sites
 - No approving authority for cultural surveys
- Traditional And Customary Hawaiian Rights
 - Individual right - burden of proof (applicant vs. right holder)
- DHHL Reservations
 - New use impact responsibility unclear



Supreme Court Clarifications (?)

Reasonable & Beneficial Use

■ Efficiency of use

- Metered existing use data is best
- Unmetered existing or new use
 - Duty Calculations
- Water conservation checklist (Pearl Harbor Shortage Plan)
- Water Shortage Plan as part of application?
- System Losses

■ Practical Alternatives

- Non-public trust purposes only? (higher level of scrutiny)
- Non-potable needs only?
- Dual Line requirement (Code update)



Supreme Court Clarifications (?)

Reasonable & Beneficial Use

■ Duty Calculations

- County DWS Water System Standards (2002)
- 1992 Oahu Water Management Plan (HWP/WUDP)
 - 7,784 gpd/acre Diversified Ag average
- 2004 DOA Agricultural Plan
 - 3,461 gpd/acre Diversified Ag based on Lalamilo 5 years record
- Past Contested Case Hearing
 - 2,500 gpd/acre Diversified Ag – Waiahole
 - 3,500 gpd/acre Diversified Ag - Laie
- Comparable Water Uses
- Specific analyses
 - No Standard or staff expertise to evaluate
 - Phase III of DOA Ag Plan will address irrigation standard calculation (due 1/06)



Updated WUPA Criteria

Existing

New

WUPA Required Criteria for applicants to address

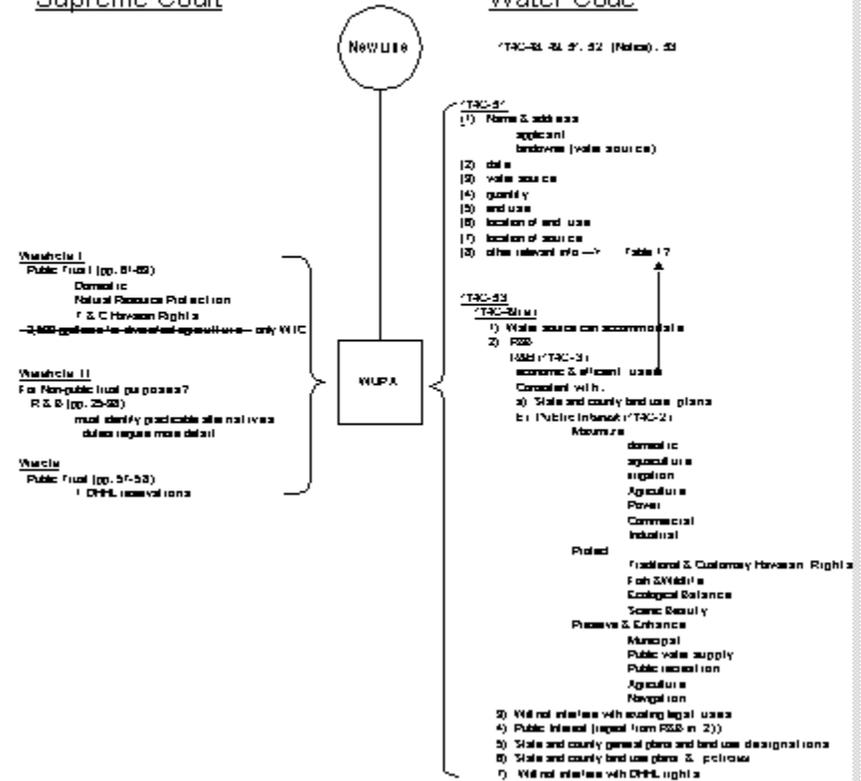
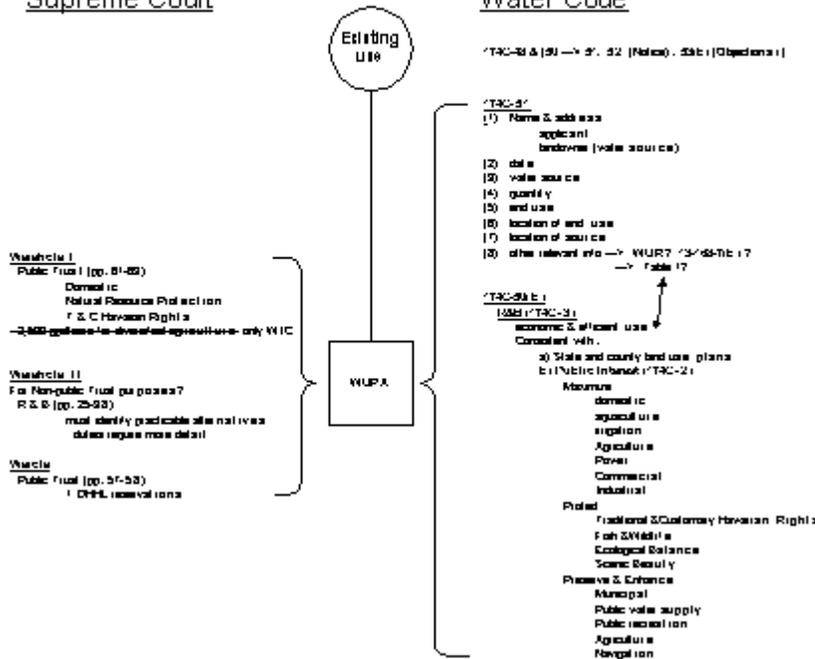
WUPA Required Criteria for applicants to address

Supreme Court

Water Code

Supreme Court

Water Code



Updated WUPA Processing

Approving Water Use Permits

■ Interim WUP

- Existing unmetered water uses only
- Administrative issuance where quantification verification is only issue (174C-50(e)) ■
- Maximum 5-yr. review period to verify amount

■ Permanent WUP

- Metered and verified Existing uses
 - Administrative issuance where amount is < 25,000 gals/month or no objections if > 25,000 gals/month (§13-171-14 HAR)
- New uses
- Commission discretionary action
- Subject to 20-yr. review

Updated WUPA Processing

Approving Water Use Permits Timelines

■ Interim WUP

- 90 days for administrative action
- Within 5 years proceed to permanent WUP processing

■ Permanent WUP

- 90 days to act if no objections made
- 180 days to act if objections made
- Contested Case hearings - indefinite time to act

Questions?



Updated WUPA Processing

Approved Water Use Permits

§174C-50 Existing uses. (e) The commission shall issue an interim permit; provided that the existing use meets the conditions of subsection (b). ...

