
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 will best serve the interests of the State and subject to
7 a maximum term of one year and other restrictions under the law;
8 provided that [any]:

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 or
14 for three years, whichever is sooner; provided further
15 that the holdover is consistent with the public trust
16 doctrine and any applicable law;

17 (2) Any disposition by lease shall be subject to
18 disapproval by the legislature by two-thirds vote of



1 either the senate or the house of representatives or
2 by majority vote of both in any regular or special
3 session next following the date of disposition;
4 ~~[provided further that after]~~ and

5 (3) After a certain land or water use has been authorized
6 by the board subsequent to public hearings and
7 conservation district use application and
8 environmental impact statement approvals, water used
9 in nonpolluting ways, for nonconsumptive purposes
10 because it is returned to the same stream or other
11 body of water from which it was drawn, and essentially
12 not affecting the volume and quality of water or biota
13 in the stream or other body of water, may also be
14 leased by the board with the prior approval of the
15 governor and the prior authorization of the
16 legislature by concurrent resolution."

17 SECTION 2. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$150,000 or so much
19 thereof as may be necessary for fiscal year 2016-2017 for the
20 department of land and natural resources to hire one full-time
21 equivalent project development specialist (1.0 FTE) for the land



1 division and one full-time equivalent hydrologist IV (1.0 FTE)
2 for the commission on water resource management; provided that
3 the appropriation and positions provided by this section shall
4 only be used to expedite applications, submitted on or after the
5 effective date of this Act, to continue previously-authorized
6 dispositions of water rights.

7 The sum appropriated shall be expended by the department of
8 land and natural resources for the purposes of this Act.

9 SECTION 3. The department land and natural resources shall
10 prepare and submit annual reports to the legislature no later
11 than twenty days before the convening of each of the regular
12 sessions of 2017, 2018, 2019, and 2020. The reports shall
13 include:

- 14 (1) The status of applications to continue previously-
15 authorized dispositions of water rights;
- 16 (2) Actions taken on the applications during the fiscal
17 period of July 1, 2016, to November 30, 2016, fiscal
18 year 2016-2017, fiscal year 2017-2018, and fiscal year
19 2018-2019, respectively; and
- 20 (3) Any relevant recommendations for legislative action or
21 appropriation.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval
4 and shall apply to applications for the disposition of water
5 rights that are filed with the board of land and natural
6 resources on or after the effective date of this Act; provided
7 that:

8 (1) Section 2 shall take effect on July 1, 2016; and

9 (2) This Act shall be repealed on June 30, 2019, and
10 section 171-58(c), Hawaii Revised Statutes, shall be
11 reenacted in the form in which it read on the day
12 prior to the effective date of this Act.



Report Title:

Water Rights; Holdover; Appropriation

Description:

Requires that where an application has been made for a lease to continue a previously authorized disposition of water rights, a holdover may be authorized annually until the pending application for the disposition of water rights is finally resolved or for three years, whichever is sooner. Requires that the holdover is consistent with the public trust doctrine and any applicable law. Makes an appropriation. Applies to applications filed on or after the effective date of this Act. Repeals on June 30, 2019. (SD2)

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