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COURT ORDER OF
SEPTEMBER 6, 2000

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FILED

DEPARTMENT OF THE CORPORATION COUNSEL 205

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J. KAYA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorneys for Defendants
BOARD OF WATER SUPPLY, COUNTY
OF MAUI, and DAVID CRADDICK

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DEPT. OF WATER SUPPLY
COUNTY OF MAUI

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

THE COALITION TO PROTECT EAST MAUI WATER RESOURCES, an unincorporated association, et al.,)	CIVIL NO. 93-0734(3)
)	(Declaratory Relief)
)	
Plaintiffs,)	ORDER ON (1) TEST WELLS FOR
)	THE EAST MAUI DEVELOPMENT
vs.)	PLAN SEIS AND (2) THE WEST
)	KUIAHA TANK PROJECT NOT BEING
THE BOARD OF WATER SUPPLY, et al.,)	A COMPONENT OF THE EAST MAUI
)	DEVELOPMENT PLAN; EXHIBITS "1"
)	"2" AND "3"
Defendants.)	

ORDER ON (1) TEST WELLS FOR THE EAST MAUI DEVELOPMENT
PLAN SEIS AND (2) THE WEST KUIAHA TANK PROJECT NOT
BEING A COMPONENT OF THE EAST MAUI DEVELOPMENT PLAN

This matter was heard before the Honorable Judge Boyd P. Mossman on January 29, 1999, pursuant to agreement of the Parties and the Court on December 23, 1998. Gary W. Zakian, Esq., Deputy Corporation Counsel, appeared in behalf of Defendants David R. Craddick, Director, Department of Water Supply, and the Maui County

Board of Water Supply. Isaac D. Hall, Esq., appeared in behalf of Plaintiffs.

The Court having reviewed the files, the submittals of the Parties, and heard oral argument, and being prepared to rule,

HEREBY ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

I. TEST WELLS FOR THE EAST MAUI DEVELOPMENT PLAN SEIS

A. Defendants are hereby authorized to construct the following wells for the purposes of gathering data and information for use in the Supplemental Environmental Impact Statement ("SEIS") to be prepared for the East Maui Development Plan ("EMDP"):

1. A single monitoring well as described in the USGS letter dated September 9, 1998, attached hereto as Exhibit "1" in one of the locations previously identified by the parties in cooperation with William Meyer, of the USGS, which locations are identified on the map attached hereto as Exhibit "2";
2. If, after the release and distribution to the parties of the test results from the drilling of the monitoring well, for any reason the Department of Water Supply determines the results are not adequate, the Department may drill one additional well, as specified in Section 3, immediately below, without coming back to court for approval;
3. The one additional well ("Well") the Department may drill is subject to the following conditions;
 - a. The Well may be configured to contain three to four nested piezometers, as shown on Exhibit "3", attached hereto;
 - b. The Well may be a production size well;
 - c. The Well may have production size pumps installed;
 - d. The Well may be used only for test purposes to obtain data or information necessary for the preparation of the SEIS; and