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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

November 13, 2007

828.wup

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dan Clegg
Monsanto Company
P.O. Box 56
Kunia, HI 96759

Dear Mr. Clegg:

Transfer of Water Use Permit (WUP No. 809 to WUP No. 828) for
Well Nos. 2657-05, 2853-01, 2953-01 to 03, 3053-01, 3154-01
Waipahu-Waiawa, Kahana, and Koolaupoko Ground-Water Management Area, Oahu

This is in regards to an August 8, 2007 request to transfer a portion of Water Use Permit No. 809 for Waiahole Ditch. On August 21, 2007, we received additional map and acreage information to complete the transfer request.

This letter transmits your water use permit for Waiahole Ditch (Well Nos. 2657-05, 2853-01, 2953-01 to 03, 3053-01, 3154-01) for use of 2.636 million gallons per day (mgd) of water on a 12-month moving average basis that was approved through the Decision and Order of the Commission on Water Resource Management (Commission) in contested case hearing CCH-OA95-1. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

1. Refer to the Decision and Order for CCH-OA95-1 for the terms and conditions of use, as may be amended by subsequent appeals.
2. The permitted use area is limited to the areas shown on the attached map (Monsanto, UHWO/Monsanto) and to the permitted use area approved by the Commission in their Decision and Order for CCH-OA95-1.

Please be sure to read the conditions of your approved permit.

You are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Waipahu-Waiawa, Kahana, and Koolaupoko Ground-Water Management Areas and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Lenore Nakama of the Commission staff at 587-0218.

Sincerely,

W. Roy Hardy
for

LAURA H. THIELEN
Chairperson

c: Alfredo Lee, Agribusiness Development Corporation
Bert Hatton, James Campbell Company LLC

EXHIBIT 8



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

GROUND-WATER USE PERMIT

WUP NO. 828

PERMITTEE

Permittee/Water User

Address Monsanto Company
P.O. Box 56
Kunia, HI 96759

Landowner of Source

Address Agribusiness Development
Corporation
235 S. Beretainia St., Room 205
Honolulu, HI 96813

PERMITTED SOURCE INFORMATION

Island Oahu
Water Management Area _____
Aquifer Sector Pearl Harbor and Windward
Aquifer System Waipahu-Waiawa, Kahana, and Koolaupoko
System Sustainable Yield 104, 13, 43 mgd
Well Name Waiahole Ditch (27 mgd capacity)
State Well No. 2657-05, 2853-01, 2953-01 to 03, 3053-01, 3154-01

PERMITTED USE INFORMATION

Reasonable beneficial use Agriculture (2,052 acres)
Withdrawal (12 month moving ave.) 2.636 mgd
Location of water use
TMK # Various
State land use classification AG
County zoning classification AG-1

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:

EXHIBIT 8

GROUND WATER USE PERMIT

Page 2

Monsanto Company, Well No. 2657-05, 2853-01, 2953-01 to 03, 3053-01, 3154-01, WUP No. 828

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)
2. The right to use ground water is a shared use right.
3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
 - a. Can be accommodated with the available water source;
 - b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
 - c. Will not interfere with any existing legal use of water;
 - 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 policies; and
 - g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).
4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.
5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
 - a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
 - b. The interim or permanent instream flow standard, as applicable, must be amended.
6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.
7. The water use permit application and submittal, as amended, approved through the July 13, 2006 Decision and Order of the Commission are incorporated into this permit by reference.
8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
 - a. protect the water sources (quantity or quality);
 - b. meet other legal obligations including other correlative rights;
 - c. insure adequate conservation measures;
 - d. require efficiency of water uses;
 - e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
 - f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
 - g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.
10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

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GROUND WATER USE PERMIT

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Monsanto Company, Well No. 2657-05, 2853-01, 2953-01 to 03, 3053-01, 3154-01, WUP No. 828

11. This permit shall be subject to the Commission's periodic review of the Waipahu-Waiawa, Kahana, and Koolaupoko Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Waipahu-Waiawa, Kahana, and Koolaupoko Aquifer System, or relevant modified aquifer(s), is reduced.
12. A permit may be transferred, in whole or in part, from the permittee to another, if:
 - a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
 - b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.
13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee's water use.
15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.
16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Waipahu-Waiawa, Kahana, and Koolaupoko Ground-Water Management Area.
17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.
18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
19. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

W. Roy Hardy
for

LAURA H. THIELEN, Chairperson
Commission on Water Resource Management

Attachment

c: Agribusiness Development Corporation

HONOULIULI
FOREST
RESERVE

WAIHOLE WATER

APPROX. SCALE



JULY 21, 2007

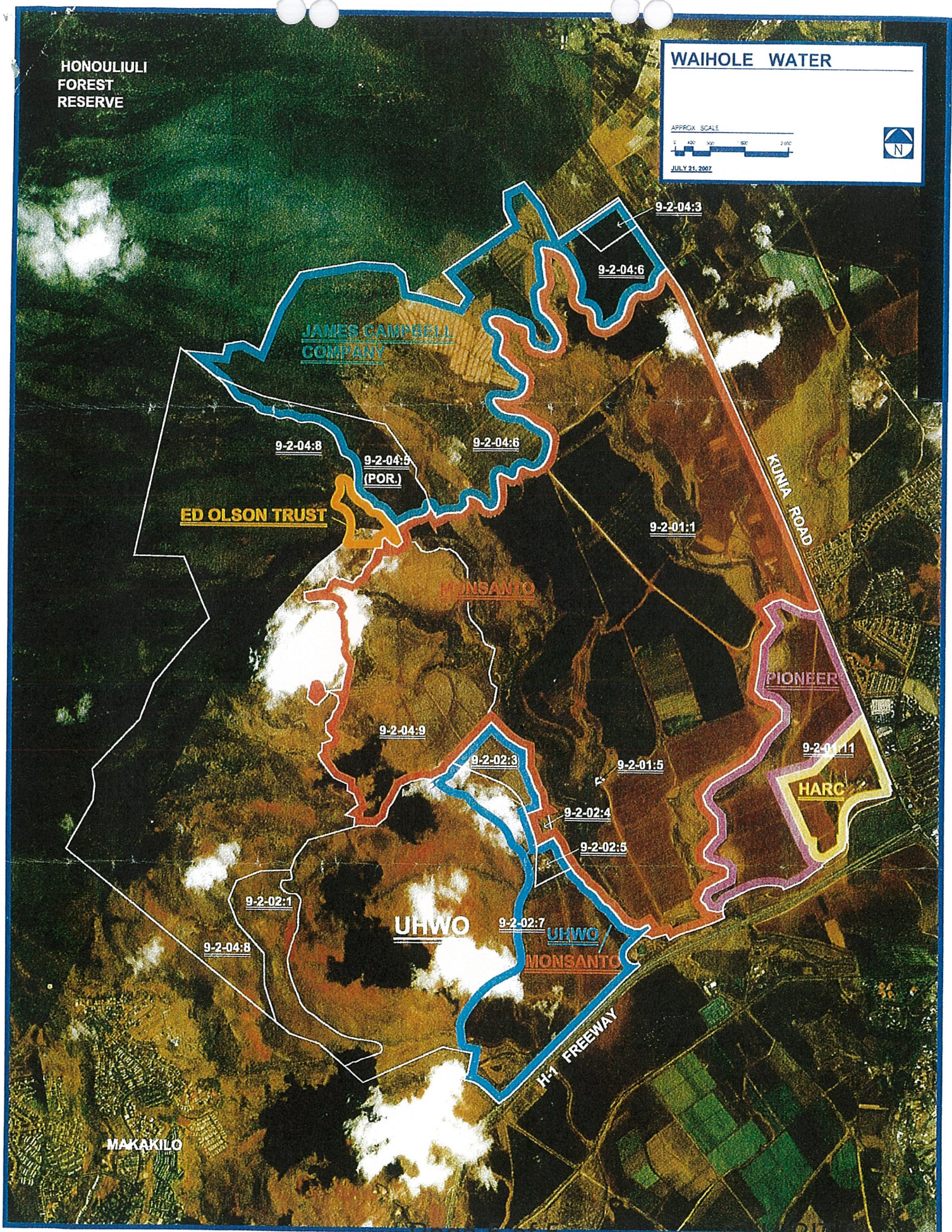


EXHIBIT 9
WATER USE DATA
(From ADC)

Month	Year	# Days/Month	Tenants	Monsanto	Total	GPD	Annual Average
December	2012	31	10,801,500	73,885,000	84,686,500	2,731,823	
January	2013	31	6,993,900	52,716,000	59,709,900	1,926,126	
February	2013	28	7,347,200	43,285,000	50,632,200	1,808,293	
March	2013	31	5,425,300	19,673,000	25,098,300	809,623	
April	2013	30	10,343,200	35,575,000	45,918,200	1,530,607	
May	2013	30	4,887,200	66,619,000	71,506,200	2,383,540	
June	2013	30	6,850,400	65,704,000	72,554,400	2,418,480	
July	2013	31	14,475,100	75,964,000	90,439,100	2,917,390	
August	2013	30	25,415,900	21,508,295	46,924,195	1,564,140	
September	2013	30	9,139,200	34,677,000	43,816,200	1,460,540	
October	2013	31	109,200	46,551,073	46,660,273	1,505,170	
November	2013	30	5,059,700	44,012,000	49,071,700	1,635,723	
December	2013	31	8,438,000	48,038,000	56,476,000	1,821,806	1,815,120
January	2014	31	1,907,500	44,000,000	45,907,500	1,480,887	
February	2014	28	1,373,000	33,268,000	34,641,000	1,237,179	
March	2014	31	1,218,800	44,436,000	45,654,800	1,472,735	
April	2014	30	372,900	81,956,800	82,329,700	2,744,323	
May	2014	30	987,910	72,405,700	73,393,610	2,446,454	
June	2014	30	471,160	121,385,300	121,856,460	4,061,882	
July	2014	31	217,110	58,565,200	58,782,310	1,896,204	
August	2014	30	426,580	59,733,600	60,160,180	2,005,339	
September	2014	30	1,399,990	67,304,100	68,704,090	2,290,136	
October	2014	31	8,500	42,770,200	42,778,700	1,379,958	
November	2014	30	1,594,700	52,679,400	54,274,100	1,809,137	
December	2014	31	24,227,800	70,944,300	95,172,100	3,070,068	2,157,858
January	2015	31	10,529,900	61,646,900	72,176,800	2,328,284	
February	2015	28	6,358,600	54,007,800	60,366,400	2,155,943	
March	2015	31	7,413,300	57,844,600	65,257,900	2,105,094	
April	2015	30	4,622,900	52,281,200	56,904,100	1,896,803	
May	2015	30	10,537,500	41,104,800	51,642,300	1,721,410	
June	2015	30	6,070,700	79,973,700	86,044,400	2,868,147	
July	2015	31	2,092,800	53,721,100	55,813,900	1,800,448	
August	2015	30	876,600	34,695,500	35,572,100	1,185,737	
September	2015	30	11,600	35,702,000	35,713,600	1,190,453	
October	2015	31	5,661,100	64,051,700	69,712,800	2,248,800	
November	2015	30	9,437,200	56,074,900	65,512,100	2,183,737	
December	2015	31	27,451,100	81,415,400	108,866,500	3,511,823	2,099,723
January	2016	31	-	-	-	-	
February	2016	29	23,931,700	60,691,800	84,623,500	2,918,052	
March	2016	31	13,604,000	77,110,200	90,714,200	2,926,265	
April	2016	30	2,811,800	56,293,600	59,105,400	1,970,180	
May	2016	30	2,811,800	56,293,600	59,105,400	1,970,180	
June	2016	30	55,412,500	53,958,864	109,371,364	3,645,712	
July	2016	31	23,445,600	55,854,400	79,300,000	2,558,065	
August	2016	30	704,900	41,669,900	42,374,800	1,412,493	
September	2016	30	2,504,500	28,524,900	31,029,400	1,034,313	
October	2016	31	7,212,700	57,069,800	64,282,500	2,073,629	
November	2016	30	10,540,600	49,181,700	59,722,300	1,990,743	
December	2016	31	6,821,100	44,011,300	50,832,400	1,639,755	2,011,616
January	2017	31	9,340,800	62,888,300	72,229,100	2,329,971	
February	2017	28	4,149,900	33,832,000	37,981,900	1,356,496	
March	2017	31	4,841,400	27,978,200	32,819,600	1,058,697	
April	2017	30	2,409,700	36,763,700	39,173,400	1,305,780	
May	2017	31	6,973,000	30,471,000	37,444,000	1,207,871	
June	2017	30	330,600	72,622,100	72,952,700	2,431,757	

EXHIBIT 10

MONSANTO
HAWAII



MONSANTO COMPANY
2111 PILANI HWY
KIHEI, HAWAII 96753
www.monsantohawaii.com

March 30, 2017

Kathy K. Sokugawa, Acting Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

RE: Oahu Important Agricultural Lands Mapping Project
TMK (1) 9-2-001:001 & (1) 9-2-004:009

Dear Ms. Sokugawa:

Monsanto Company supports the voluntary designation of high quality farmland as Important Agriculture Lands (IAL) throughout the state of Hawaii to help protect and preserve long-term agriculture use. In addition to preserving high quality farmland, the intent of IAL is to provide agricultural incentives that will encourage active farming for the long term. As owners of the above referenced parcels in the Kunia region consisting of approximately 2151 acres, we believe that a majority of the property is suitable for IAL designation, however some portions may not be suitable. Please contact me with any questions you may have at yarrow.flower@monsanto.com or 808-298-5222.

Sincerely,

Yarrow Flower
Land Asset Manager