

---

---

# A BILL FOR AN ACT

RELATING TO THE WAHIAWA IRRIGATION SYSTEM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that the Wahiawa  
3 irrigation system is a critical irrigation system providing  
4 water to farmers in Wahiawa, Waialua, and Haleiwa on the island  
5 of Oahu. Built by the Waialua Sugar Company, the Wahiawa  
6 irrigation system was created with a dam and freshwater  
7 reservoir fed by the north fork and south fork of the Kaukonahua  
8 stream. The dam is essential to agriculture as the water in the  
9 reservoir provides irrigation to farmers in Wahiawa, Waialua,  
10 and Haleiwa. The reservoir also provides a venue for  
11 recreational activities for the surrounding community and the  
12 State.

13 The legislature further finds that Dole Food Company, Inc.,  
14 has listed the irrigation system for sale for \$20,000,000. The  
15 Dole portion of the system includes the Wahiawa reservoir,  
16 Wahiawa dam, and ditch system. The spillway, owned by  
17 Sustainable Hawaii, LLC, is also an integral component of the



1 irrigation system. Dole has offered to donate its interests to  
2 the State of Hawaii in exchange for the State's agreement to  
3 repair the spillway to meet and maintain dam safety standards.  
4 It is in the interest of the public for the State to acquire the  
5 Wahiawa irrigation system and preserve the system for public  
6 access and the agriculture industry.

7 The purpose of this Act is to authorize the department of  
8 agriculture, department of land and natural resources, and  
9 agribusiness development corporation to acquire the Wahiawa  
10 irrigation system, on terms negotiated and agreed upon by the  
11 office of the governor, and to purchase, repair, and maintain  
12 the associated spillway.

13 PART II

14 SECTION 2. (a) The office of the governor shall negotiate  
15 with Wahiawa Water Company, Inc.; Dole Food Company, Inc.;  
16 Sustainable Hawaii, LLC; or any other appropriate owner for the  
17 State's fee simple acquisition of the Wahiawa irrigation system.

18 (b) The department of land and natural resources may  
19 acquire from Wahiawa Water Company, Inc., or Dole Food Company,  
20 Inc., on terms agreed upon by the office of the governor, the



1 fee simple interest in the Wahiawa irrigation system, including  
2 the following parcels:

3 (1) TMK (1) 7-3-001-003;

4 (2) TMK (1) 7-3-001-019;

5 (3) TMK (1) 7-3-006-023;

6 (4) TMK (1) 7-3-007-001;

7 (5) TMK (1) 7-3-008-001;

8 (6) TMK (1) 7-3-010-003;

9 (7) TMK (1) 7-3-011-003;

10 (8) TMK (1) 7-3-011-006;

11 (9) TMK (1) 7-3-011-007;

12 (10) TMK (1) 7-3-012-002;

13 (11) TMK (1) 7-3-012-006;

14 (12) TMK (1) 7-4-001-003; and

15 (13) TMK (1) 7-4-012-001.

16 (c) The department of agriculture may acquire:

17 (1) From Dole Food Company, Inc., or the appropriate  
18 owner, a fee simple interest in the Wahiawa dam, on  
19 terms agreed upon by the office of the governor; and

20 (2) From Sustainable Hawaii, LLC, a fee simple interest in  
21 the spillway associated with the Wahiawa irrigation



1 system, located at parcel TMK (1) 7-1-012-014;  
2 provided that the sale terms shall be conditioned on  
3 an appraisal of the property pursuant to section  
4 171-30, Hawaii Revised Statutes.

5 (d) The agribusiness development corporation may acquire  
6 from Dole Food Company, Inc., or the appropriate owner, on terms  
7 agreed upon by the office of the governor, the ditch system  
8 associated with the Wahaiawa irrigation system.

9 (e) The agribusiness development corporation may acquire  
10 from Wahaiawa Water Company, Inc.; Dole Food Company, Inc.; or  
11 Sustainable Hawaii, LLC; on terms agreed upon by the office of  
12 the governor, the fee simple interest in the Wahaiawa irrigation  
13 system, including the following parcels:

- 14 (1) TMK (1) 7-1-001-013;
- 15 (2) TMK (1) 7-1-001-017;
- 16 (3) TMK (1) 7-1-012-003;
- 17 (4) TMK (1) 7-1-012-004;
- 18 (5) TMK (1) 7-1-012-007;
- 19 (6) TMK (1) 7-3-005-005; and
- 20 (7) TMK (1) 7-3-013-003.



1 (f) The department of land and natural resources shall not  
2 impose administrative fines on the department of agriculture for  
3 safety deficiencies at Wahiawa dam or the associated spillway;  
4 provided that the department of agriculture shall repair and  
5 maintain the Wahiawa dam and spillway and shall ensure the  
6 structures meet dam safety standards.

7 (g) No fines owed by Wahiawa Water Company, Inc.; Dole  
8 Food Company, Inc.; or Sustainable Hawaii, LLC; for violations  
9 of dam safety standards at Wahiawa dam or the associated  
10 spillway shall transfer to the State upon the sale of the  
11 property to the State.

12 PART III

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2023-2024 for  
16 the department of agriculture to acquire a fee simple interest  
17 in the spillway associated with the Wahiawa irrigation system,  
18 located at parcel TMK (1) 7-1-012-014; provided that the sale  
19 terms shall be conditioned on an appraisal of the property  
20 pursuant to section 171-30, Hawaii Revised Statutes.



1           The sum appropriated shall be expended by the department of  
2 agriculture for the purposes of this Act.

3           SECTION 4. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                    or so  
5 much thereof as may be necessary for fiscal year 2023-2024 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2024-2025 for the department of agriculture to repair and  
8 expand the spillway associated with the Wahiawa irrigation  
9 system and to bring the spillway into compliance with all  
10 relevant dam safety requirements.

11           The sums appropriated shall be expended by the department  
12 of agriculture for the purposes of this Act.

13           SECTION 5. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                    or so  
15 much thereof as may be necessary for fiscal year 2023-2024 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2024-2025 for the agribusiness development corporation to  
18 manage and maintain its acquired portion of the Wahiawa  
19 irrigation system and the spillway and dam acquired by the  
20 department of agriculture.



1 The sums appropriated shall be expended by the agribusiness  
2 development corporation for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2023-2024 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2024-2025 for the department of land and natural resources  
8 to manage and maintain its acquired portion of the Wahiawa  
9 irrigation system and for the establishment of full-time  
10 equivalent ( FTE) positions to effectuate these purposes.

11 The sums appropriated shall be expended by the department  
12 of land and natural resources for the purposes of this Act.

13 PART IV

14 SECTION 7. The appropriations made for the capital  
15 improvement projects authorized by this Act shall not lapse at  
16 the end of the fiscal biennium for which the appropriations are  
17 made; provided that all moneys from the appropriations  
18 unencumbered as of June 30, 2025, shall lapse as of that date.

19 SECTION 8. This Act shall take effect on June 30, 3000.



**Report Title:**

Wahiawa Irrigation System; Land Purchase; Office of the Governor; HDOA; ADC; DLNR; Appropriations

**Description:**

Requires the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa irrigation system on the island of Oahu. Authorizes and appropriates funds for the Department of Agriculture, Agribusiness Development Corporation, and Department of Land and Natural Resources to purchase, repair, and maintain the Wahiawa irrigation system and the associated spillway. Appropriates funds for positions in the Department of Land and Natural Resources. Effective 6/30/3000. (HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

