



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

May 24, 1984

WOC 460
GEORGE R. ARIYO
Governor

WILLIAM W. L. YU
Chairman

RICHARD B. F. CHAMBERS
Vice Chairman

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Executive Officer

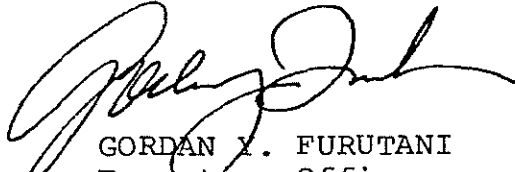
Mr. Sidney Fuke
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

SUBJECT: SP80-347 - GEOTHERMAL EXPLORATION AND
DEVELOPMENT CORPORATION

In reference to our letter to you dated
January 19, 1984, enclosed is a copy of the
Decision and Order on SP80-347 for your information
and records.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

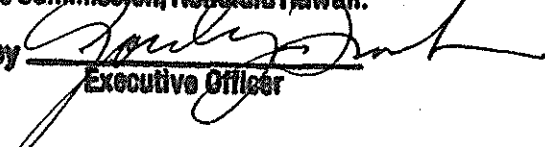
Enclosure

cc: E. C. Craddick, President
Barnwell Geothermal Corporation

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
to Amend Time Conditions and)
Consolidate Special Permits of) SP80-347 - GEOTHERMAL EXPLORATION
AND DEVELOPMENT)
CORPORATION)
GEOTHERMAL EXPLORATION AND)
DEVELOPMENT CORPORATION)
_____)

This is to certify that this is a true and correct
copy of the Decision and Order on file in the office
of the State Land Use Commission, Honolulu Hawaii.

5/24/84 by 
Date Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
to Amend Time Conditions and)
Consolidate Special Permits of) SP80-347 - GEOTHERMAL EXPLORATION
GEOHERMAL EXPLORATION AND) AND DEVELOPMENT
DEVELOPMENT CORPORATION) CORPORATION

FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

This proceeding was initiated by Geothermal Exploration and Development Corporation (GEDCO) pursuant to Section 205-6, Hawaii Revised Statutes, and Part IX of the Land Use Commission's Rules of Practice and Procedure. The Land Use Commission, having considered the entire record on this matter, hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On February 13, 1981, the Land Use Commission granted a Special Permit to Geothermal Exploration and Development Corporation (hereinafter "Petitioner") for the drilling of nine exploratory geothermal wells on approximately 180 acres of land situated within the State Land Use Agricultural District at Laepaoo, Puna, Hawaii, Tax Map Key 1-4-02: Portions of 10.

2. The subject property is located approximately 2,000 feet north of Pohoiki Road and about one mile northeast of the existing Hawaii Geothermal Project (HGP-A) site.

3. On August 17, 1983, the LUC amended Condition No. 4 of the Special Permit to require the Petitioner to complete drilling of the first exploratory well by June 4, 1984 and Condition No. 5 to extend the term of the permit to June 4, 1984.

4. The Petitioner has requested a time extension of four years, elimination of specific starting and completion dates for drilling wells, and modification of existing conditions to require the commencement of drilling a minimum of one new well each year, the consolidation of all GEDCO special permits under the name of Barnwell Geothermal Corporation and to terminate the consolidated permit once seven successful wells have been drilled and tested.

5. The Petitioner has encountered previously unexpected field conditions in its drilling program which required modification to equipment and procedures. The Petitioner requires additional time to collect and evaluate technical information in order to adequately determine the extent and capacity of the geothermal reservoir in the area.

6. At its meeting on November 22, 1983, the Hawaii County Planning Commission voted to approve the request with the 20 conditions recommended by the County of Hawaii Planning Department to replace those which are now in effect. In addition, the Planning Commission recommended that the permit be issued under the name of Barnwell Geothermal Corporation.

7. The Petitioner filed the complete record of the proceeding at the Land Use Commission office on December 19, 1983.

CONCLUSIONS OF LAW

8. Unusual circumstances warrant the granting of a time extension to complete GEDCO's exploratory drilling program as defined in Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission.

9. The Commission's approval of a four-year time extension will provide sufficient time for the Petitioner to complete its exploration program and will not alter the reasons for which the permit was originally approved nor increase any of the expected impacts of the project.

10. The approval of the time extension request will not be contrary to the purpose and intent of the time condition. The purpose of stipulating time conditions is to assure that projects are developed in a timely manner.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Petitioner Geothermal Exploration and Development Corporation's request for a four-year time extension, modifications of conditions and to consolidate all existing special permits in the name of Barnwell Geothermal Corporation be approved and Special Permit 80-347 be amended by replacing the existing conditions with the 20 conditions recommended by the Hawaii County Planning Commission.

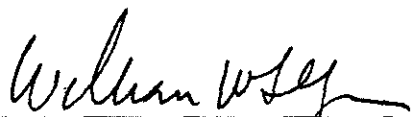
BE IT FURTHER ORDERED that the following additional condition be added to the Special Permit:

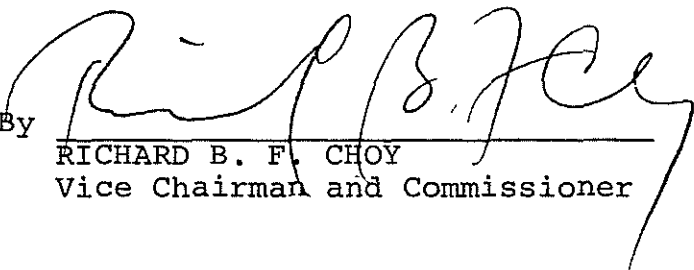
"21. Petitioner shall indemnify and hold harmless the Land Use Commission and its Commissioners from any and all claims and demands for damages arising from the Land Use Commission's approval of this Special Permit and any amendments, thereto, including, but not limited to any litigation regarding geothermal and environmental regulations or violations thereof, and any damages, expenses, liabilities, attorney fees and costs incurred by the Land Use Commission resulting from any such claims or demands or for which the Land Use Commission may be determined liable."

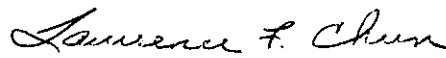
DOCKET NO. SP80-347 - GEOTHERMAL EXPLORATION AND
DEVELOPMENT CORPORATION

Done at Honolulu, Hawaii, this 16th day of May,
1984 upon motion duly adopted by the Land Use Commission on
the 17th day of January, 1984.

LAND USE COMMISSION
STATE OF HAWAII

By 
WILLIAM W. L. YUEN
Chairman and Commissioner

By 
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By 
LAWRENCE F. CHUN
Commissioner


By 
SHINSEI MIYASATO
Commissioner

By 
WINONA RUBIN
Commissioner

By 
TEOFILO PHIL TACBIAN
Commissioner

DOCKET NO. SP80-347 - GEOTHERMAL EXPLORATION AND
DEVELOPMENT CORPORATION

By 
ROBERT S. TAMAYE
Commissioner

By 
FREDERICK P. WHITTEMORE
Commissioner

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AND DEVELOPMENT
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DEVELOPMENT CORPORATION)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

SIDNEY FUKE, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

E. C. CRADDICK, President
Barnwell Geothermal Corporation
2828 Paa Street, Suite 2085
Honolulu, Hawaii 96819

DATED: Honolulu, Hawaii, this 24th day of May, 1984.


GORDAN Y. FURUTANI
Executive Officer