

AMENDMENT TO AGREEMENT

This Amendment, made and entered into this _____ day of
MAY 23 2005, 20____, by and between HANS MICHEL, whose address is
1404 Olona Place, Lahaina, Maui, Hawai`i 96761-1754, herein
referred to as the "Owner", and the DEPARTMENT OF WATER SUPPLY
of the COUNTY OF MAUI, a political subdivision of the State of
Hawai`i, whose address is 200 South High Street, Wailuku, Maui,
Hawai`i 96793-2155, herein referred to as the "Department".

W I T N E S S E T H:

WHEREAS, the Owner and the Board of Water Supply of the
County of Maui, herein referred to as the "Board", made and
entered into that certain Agreement dated June 03, 1994; and

WHEREAS, the Department has succeeded to the rights and
obligations of the Board under the said Agreement; and

WHEREAS, the Owner and the Department now wish to amend the
said Agreement;

NOW, THEREFORE, for good and valuable consideration, it is
hereby agreed by and between the parties that:

1. Exhibits "A" and "B" shall be revised at the Kanaha Pump
Site 2 as follows:

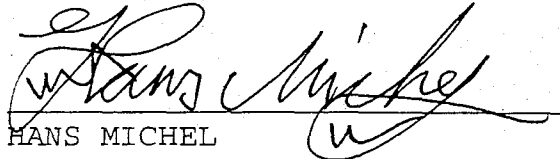
- a. Lot B shall be reduced to a total combined area of
2,000 square feet to reflect the existing fenced
Kanaha Pump Site 2 and the parking lot turnaround
(shown as shaded on Exhibits "A-1" and "B-1"); and

b. Non-transferable Easements 9 and 12 for access to Kanaha Pump Site 2 by Owner and Department of Water Supply only shall be revised to follow the south boundary line at Kanaha Pump Site 2 (shown as a dashed line on Exhibits "A-1" and "B-1"). The easement width where revised shall be approximately 20 feet.

2. Exhibits "A" and "B" to the said Agreement shall be changed as shown on Exhibits "A-1" and "B-1", attached hereto and incorporated herein by this reference;


3. Other than as changed in paragraphs 1 and 2, all of the other terms, covenants, and conditions of the said Agreement shall remain in full force and effect forever.

DATED: Lahaina, Maui, Hawai'i, May. 5. 2005.

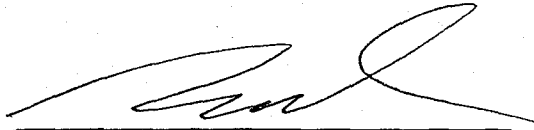

HANS MICHEL

DATED: Wailuku, Maui, Hawai'i, MAY 23 2005

COUNTY OF MAUI

By 
ALAN ARAKAWA
Its Mayor

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel

Dated: 4/28/05

APPROVAL RECOMMENDED:

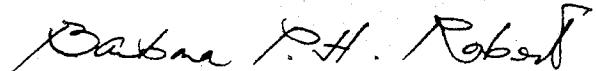


GEORGE Y. TENGAY

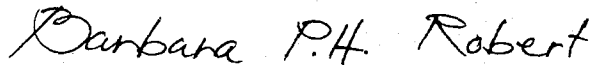
Director, Department of Water Supply

STATE OF HAWAI'I)
) SS.
COUNTY OF MAUI)

On this 5 day of May, 2005, before me personally appeared HANS MICHEL, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and, if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Notary Public, State of Hawai'i



TYPED OR PRINTED NAME OF NOTARY

My Commission expires: 10. 1. 07

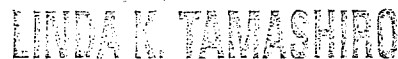
L.S.

STATE OF HAWAI'I)
) SS.
COUNTY OF MAUI)

On this _____ day of MAY 23 2005, 20____, before me personally appeared ALAN ARAKAWA, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and, if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Notary Public, State of Hawai'i



TYPED OR PRINTED NAME OF NOTARY

My Commission expires: 10/19/06

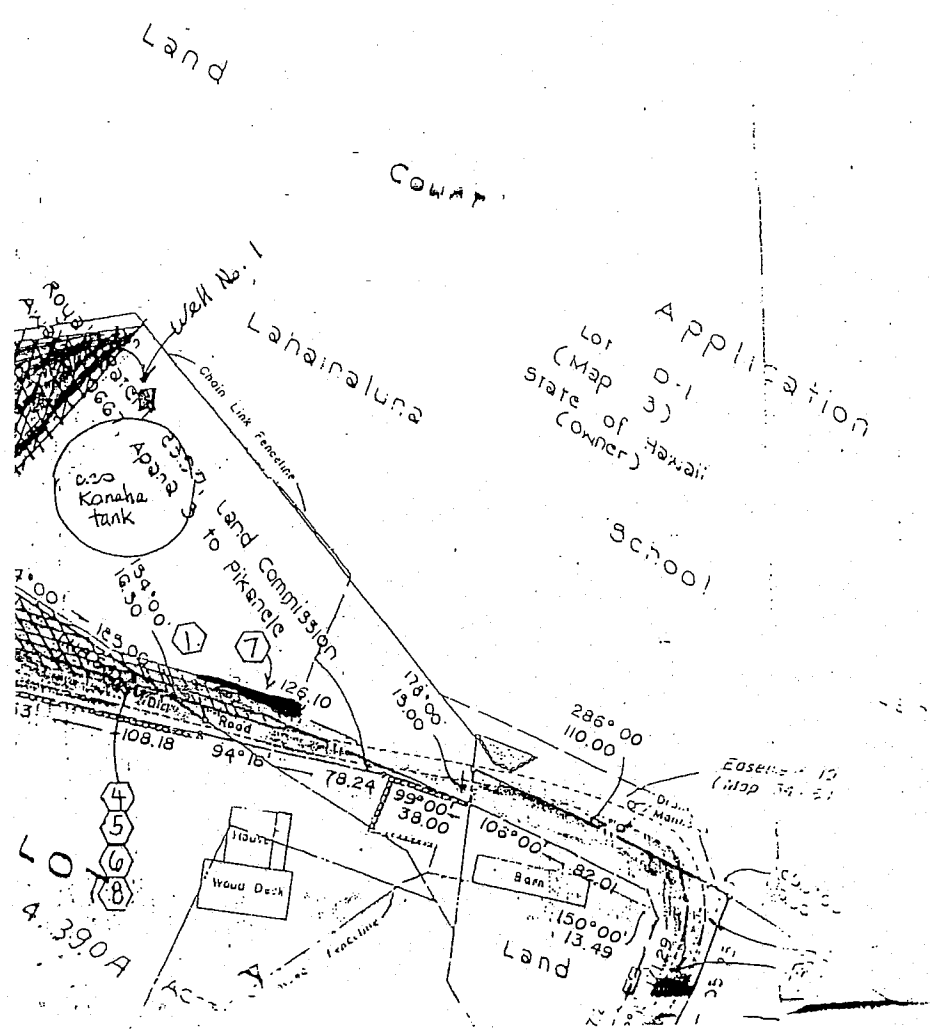
STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 12th day of May, 2005, before me appeared ALAN M. ARAKAWA, to me personally known, who being by me duly sworn did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Charter, and the said ALAN M. ARAKAWA acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

L.S.

Kay A. Ogasawara
NOTARY PUBLIC, State of Hawaii
Kay A. Ogasawara
(Print Name)
My commission expires: 7/1/05



Application
 Lot D-1
 (Map 3)
 State of Hawaii
 (Owner)

EASEMENT
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Tax Map Key: 4-6-17: 12 and 13

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