Section 7. The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people. The legislature shall provide for a water resources agency which, as provided by law, shall set overall water conservation, quality and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds and natural stream environments; establish criteria for water use priorities while assuring appurtenant rights and existing correlative and riparian uses and establish procedures for regulating all uses of Hawaii's water resources. [Add Const Con 1978 and election Nov 7, 1978]

Cross References
State water code, see chapter 174C.

Law Journals and Reviews
Cultures in Conflict in Hawai'i: The Law and Politics of Native Hawaiian Water Rights. 18 UH L. Rev. 71.

Case Notes
Although the public trust doctrine and the state water code share similar core principles, the code does not supplant the protections of the public trust doctrine. 94 H. 97, 9 P.3d 409.
In denying water use permit application, water resource management commission did not wrongfully ignore and abridge petitioner's "ali'i rights" where, to the extent that the ali'i exercised sovereign authority over water, they received such authority by delegation from the sovereign; pursuant to constitutional and statutory mandate, final delegated authority presently resides in the commission, to be exercised for the benefit of the people of the State. 94 H. 97, 9 P.3d 409.
The maintenance of waters in their natural state constitutes a distinct "use" under the water resources trust. 94 H. 97, 9 P.3d 409.
The rule of correlative rights applies to all ground waters of the State. 94 H. 97, 9 P.3d 409.
The state water resources trust embodies the following fundamental principles: the State has both the authority and duty to preserve the rights of present and future generations in the waters of the State; and the State bears an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible. 94 H. 97, 9 P.3d 409.
This section and article XI, §1 of the Hawaii constitution adopt the public trust doctrine as a fundamental principle of constitutional law in Hawaii. 94 H. 97, 9 P.3d 409.
Under this section, article XI, §1 of the Hawaii constitution and the sovereign reservation, the public trust doctrine applies to all water resources, unlimited by any surface-ground distinction. 94 H. 97, 9 P.3d 409.
Pursuant to this section and §1 of the Hawaii constitution, §220(d) of the Hawaiian Homes Commission Act, and §174C-101(a), a reservation of water constitutes a public trust purpose. 103 H. 401, 83 P.3d 664.
Where commission on water resource management failed to render the requisite findings of fact and conclusions of law with respect to whether applicant had satisfied its burden as mandated by the state water code, it violated its public trust duty to protect the department of Hawaiian home lands' reservation rights under the Hawaiian Homes Commission Act, the state water code, the state constitution, and the public trust doctrine in balancing the various competing interests in the state water resources trust. 103 H. 401, 83 P.3d 664.