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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI`I

`Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Iao, & Waikapū Streams Contested Case Hearing	Case No. CCH-MA06-01 **OFFICE OF HAWAIIAN AFFAIRS' JOINDER IN HUI ON NĀ WAI `EHĀ AND MAUI TOMORROW FOUNDATION, INC.'S OPENING BRIEF AND OPENING STATEMENT**

OFFICE OF HAWAIIAN AFFAIRS' JOINDER IN HUI ON NĀ WAI EHĀ AND MAUI TOMORROW FOUNDATION, INC.'S OPENING BRIEF AND OPENING STATEMENT

Office of Hawaiian Affairs ("OHA"), by and through its undersigned counsel, hereby joins in the Opening Brief and Opening Statement filed by Hui O Nā Wai `Ehā and Maui Tomorrow Foundation, Inc. on January 7, 2014. OHA reserves its right to make an oral opening statement.

DATED: Honolulu, Hawai`i, January 7, 2014.

PAMELA W. BUNN
Attorney for OHA

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`Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Iao, & Waikapū Streams Contested Case Hearing	Case No. CCH-MA06-01 **OFFICE OF HAWAIIAN AFFAIRS' WITNESS LIST**

OFFICE OF HAWAIIAN AFFAIRS' WITNESS LIST

NO.	NAME/ORGANIZATION/ POSITION (List in order of Appearance:	TO BE QUALIFIED AS AN EXPERT IN: (If applicable)	SUBJECT MATTER	EXHIBITS TO BE INTRODUCED BY WITNESS	REQ. LENGTH OF DIRECT
1.	Levi Kainalu Almeida		`Ohana's Need for and Desired Uses of Water	C-R 1, C-R 2 (A-E)	15 mins.
2.	Ethan Harders		`Ohana's Need for and Desired Uses of Water	C-R 3, C-R 4(A-C), C-R 5(A-C), C-R 6(A-B), C-R 7(A-C), C-R 8(A-C)	15 mins.

				C-R 9(A-C) C-R 10, C-R 11	

Office of Hawaiian Affairs ("OHA") reserves the right to call any witness designated by any other party, and any witnesses necessary for impeachment or rebuttal. OHA also reserves the right to cite to and/or rely on any testimony given in the original proceedings in this matter.

Dated: Honolulu, Hawai`i, January 7, 2014.

ANNA ELENTO-SNEED
PAMELA W. BUNN
Attorneys for OFFICE OF HAWAIIAN AFFAIRS

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

`Īao Ground Water Management Area High Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Īao, & Waikapū Streams Contested Case Hearing	)	Case No. CCH-MA06-01 TESTIMONY OF LEVI KAINALU ALMEIDA

TESTIMONY OF LEVI KAINALU ALMEIDA

1. I am Kanaka Maoli (Native Hawaiian), and my ancestral home is in Paukūkalo, Maui, at the mouth of `Īao Stream in Nā Wai `Ehā, where I was born and raised and currently reside. I am twenty years old, and recently graduated from the University of Hawai`i, Maui, with an Associates' Degree in Hawaiian Studies. I currently study with Mike Lee, a Papakilohoku (Hawaiian Astronomer), and Kahuna o Ke Kai (Hawaiian limu and marine invertebrate medicinal expert).

2. My `ohana (extended family) resides on four lots in Paukūkalo: TMK Nos. 3-3-001:022, 023, 024, and 025. Exhibit C-R 1 is a true and correct copy of the Tax Map for Zone 3, Section 3, Plat 01, with highlighting added, which shows the location of these parcels.

3. I am part of the Reinhardt and Krueger `ohana, and can trace my lineage for nine generations to Kaianui, who received Land Commission Award No. ("LCA") 3234C during the Māhele. Our ancestral kuleana land is Apana 2 of LCA 3234C.

4. Exhibit C-R 2 includes true and correct copies (with highlighting added) of: (a) LCA 3234C to Kaianui (Exh. C-R 2A); Royal Patent No. 4256 to Kaianui (Exh. C-R 2B; (c) the Foreign Testimony in support of Kaianui's claim (together with a copy that has been enhanced by

tracing) (Exh. C-R 2C); the Native Testimony in support of Kaianui's claim (Exh. C-R 2D; and (e) Kaianui's claim, from the Native Register (Exh. C-R 2E). Both the LCA and the Royal Patent refer to a Poalima on Apana 2, and the Native Testimony refers to Apana 2 as "Aina Kalo" or kalo land. The claim of Kaianui in the Native Register is for "Helu 448," but it must have been renumbered to 3234C at some point. The claim refers to land in Paukūkalo, Nehe and Waiehu, which correspond to the locations described in both the foreign and native testimony in support of LCA 3234C, and the two apana described in the LCA and Royal Patent are in Nehe and Paukūkalo. With respect to the land in Paukūkalo, Kaianui's claim describes it as "27 loi" (of which 7 were taken back by the konohiki). The land is described as being "ke kahawai nee [?] ke kai," or between the stream and the sea, which is the location of our kuleana land.

5. I am the great-grandson of Hannah Reinhardt Antonio and Catalino B. Antonio, and the grandson of Noelani Almeida. According to family lore passed down by Tutu Hannah, Tutu Noelani, and aunts and uncles who also grew up here, our `ohana was once able to live a self-sustaining lifestyle on this kuleana land, relying on the bounty of the land, water and sea.

6. Paukūkalo is a natural coastal wetland that once contained numerous groundwater springs and seeps. When Tutu Noelani was a child, the springs and seeps on our kuleana land ran freely and provided sufficient water for kalo cultivation. Tutu Hannah pounded the kalo for poi. Tutu Noelani and her siblings had the job of keeping the ditches cleared, and planks were used as gates to direct the flow where needed. The `ohana also grew sweet potato, banana, coconuts, citrus, figs, paypaya, ulu, ki leaf, a vegetable garden, and lā`au (medicinal plants) such as noni and aloe. They raised animals including pigs, cows, chickens, ducks, turkeys, geese, and goats.

7. In addition to raising crops and livestock on the kuleana, the `ohana gathered limu (seaweed) along the coast, caught fish such as moi and mullet near the mouth of the stream, and gathered delicacies such as o`opu and opae from `Īao Stream.

8. I have learned about this way of life from my kūpuna, but have never been able to experience it for myself. I would like to grow kalo on our kuleana land, not just for subsistence but because kalo has a unique role in traditional Hawaiian culture and reinforces the connection of the Hawaiian people to the land and water that is at the very core of Hawaiian culture and spiritual belief. I cannot do so, however, because the springs and seeps that once supported kalo cultivation, livestock, and other crops on our kuleana land no longer flow freely and support only limited crops.

9. The nearshore and stream resources my `ohana once relied on in their daily lives have become scarce. Stream flow to the ocean provides fresh water and nutrients vital to the growth of limu, an important food and medicinal resource. `Īao Stream rarely flows to the ocean now, and limu is no longer abundant. Fish species that thrived in the brackish water created by the freshwater flows from `Īao Stream, such as āholehole, moi, and ama`ama, were once plentiful but are now hard to find. O`opu and opae can no longer be gathered in `Īao Stream.

10. Restoration of stream flow to Nā Wai `Ehā would replenish the resources upon which the exercise of traditional and customary Hawaiian practices depends, and allow Kanaka Maoli of my generation and future generations to actually experience our cultural traditions rather than study them academically.

11. My `ohana and I support full restoration of stream flow to ʻĪao Stream, so that we and our neighbors can practice the traditions and culture of our ancestors.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

`Īao Ground Water Management Area High Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Īao, & Waikapū Streams Contested Case Hearing	)	Case No. CCH-MA06-01 TESTIMONY OF ETHAN HARDERS

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TESTIMONY OF ETHAN HARDERS

1. I am Kanaka Maoli (Native Hawaiian) and a member of Hui o Nā Wai `Ehā. My 'ohana (extended family) and I reside on kuleana lands in Waikapū, which have been in our 'ohana for many generations.

2. Our 'ohana's land includes an 11.25 acre parcel, TMK No. 3-5-4-28 (the "Parcel"), on which many of my 'ohana and I live. The Parcel is on the north side of Waiko Road above Honoapi'ilani Highway, as depicted on Exhibit C-R 3, which is a true and correct copy, with highlighting added, of the tax map for Zone 3, Section 5, Plat 04. The Parcel (together with a small additional piece that was subsequently subdivided and sold), was identified as Lot A in Land Court Application 1315. Exhibit C-R 4A is a true and correct copy of Map 1 for Land Court Application 1315; Exhibits C-R 4B and C-R 4C are enlargements of the same Land Court map showing Lot A and the description of Lot A, respectively.

3. Lot B created by Land Court Application 1315 is on the south side of Waiko Road, and was later subdivided. The subdivided parcels in Lot B are owned by members of my 'ohana and other 'ohana. Owners of several of the subdivided parcels previously testified in this case, including the Gushi 'ohana and Soong 'ohana.

4. The Parcel includes the following kuleana parcels: Grant 3042 to D. Adam Pupuhi; a portion of Land Commission Award No. ("LCA") 460, Apana 1, to Puupahoehoe; a portion of LCA 6041, Apana 3 to Eeka; a portion of LCA 3105, Apana 2 to Kaaa, a portion of LCA 3296 to Mumuku; and all of LCA 8808, Apana 1, 2, and 4 to Kekeleiaiku. *See* Exhibit C-R 4C.

5. Exhibit C-R 5 includes true and correct copies, with highlighting added, of: LCA 460 to Puupahoehoe (Exhibit C-R 5A), Royal Patent 2165 to Puupahoehoe (Exhibit C-R 5B), and the Native Testimony of Eeka and Kaili in support of Puupahoehoe's claim, each of which attest that the land in Pilipili (Apana 1) has lo`i and kula (Exhibit C-R 5C).

6. Exhibit C-R 6 includes true and correct copies, with highlighting added, of: LCA 6041 to Eeka (Exhibit C-R 6A) and the Native Testimony of Kamai in support of Eeka's claim, which establishes that Apana 3 is "2 loi kalo" (Exhibit C-R 6B).

7. Exhibit C-R 7 includes true and correct copies, with highlighting added, of: LCA 3105 to Kaaa (Exhibit C-R 7A), Royal Patent 3154 to Kaaa (Exhibit C-R 7B), and the Native Testimony of Kamai in support of Kaaa's claim, which establishes that Apana 2 is "Pauku kalu – 10 loi" (Exhibit C-R 7C).

8. Exhibit C-R 8 includes true and correct copies, with highlighting added, of: LCA 3296 to Mumuku (Exhibit C-R 8A), Royal Patent 3147 to Mumuku (Exhibit C-R 8B), and the Foreign Testimony of Eeka in support of Mumuku's claim, which establishes that Apana 1 is "a section of kalo land" (Exhibit C-R 8C).

9. Exhibit C-R 9 includes true and correct copies, with highlighting added, of: LCA 8808 to Kekeleiaiku (Exhibit C-R 9A), Royal Patent 2164 to Kekeleiaiku (Exhibit C-R 9B), and

the Foreign Testimony of Eeka in support of Kekeleiaiku's claim, which establishes that Apana 1 and 2 are each sections of loi, and Apana 4 is kula (Exhibit C-R 9C).

10. These kuleana lands receive water through an ancient ʻauwai known in this case as the "North Waikapū" ʻauwai. This ʻauwai also feeds other kuleana lands in our neighborhood, including those of the Pellegrino ʻohana who previously testified in this case (who are also our distant relatives).

11. The North Waikapū ʻauwai draws water directly from Waikapū Stream. The ʻauwai begins at a poʻowai (intake) upstream which is a traditional hand-built dam of loose stones that raises the water level and channels some flow into the ʻauwai. The ʻauwai first supplies the kuleanas of the Shimizu, Riyu, Soong, and Pellegrino ʻohana, in that order. After the Pellegrino's kuleana, the ʻauwai branches into two. One branch goes under the road to its north side, where it feeds our ʻohana's Parcel. The other branch continues on the south side of the road, where it feeds the other kuleanas owned by my ʻohana, as well as the Rosario and Gushi ʻohana.

12. Currently, the only streamflow that reaches the poʻowai under non-rainy conditions comes from a small tributary that flows into Waikapū Stream downstream of the Wailuku Water Company's main diversion. This flow is nowhere near enough to supply all the kuleana lands on the North Waikapū ʻauwai.

13. The traditional poʻowai, by nature and design, will capture only a portion of the streamflows, while the rest flows through downstream. We and other ʻauwai users have done everything we can under current streamflow conditions to make the poʻowai as efficient as possible in channeling stream flows and also to augment the capacity and flow of the ʻauwai. We really cannot do anything more to increase the ʻauwai flow under current streamflow

conditions. In any event, even if we could somehow capture more of the streamflow, we could and would not in good conscience drain the stream totally dry.

14. Our ʻohana have used the small flow in the ʻauwai branch that brings water to our Parcel to cultivate loʻi on our land. We currently are cultivating ten (10) small loʻi covering about 0.5 acres. Exhibit C-R 10 is a true and correct copy of a photograph showing these loʻi. We previously had a nursery operation using a portion of this land, but that has discontinued, and our ʻohana intends to make as much of this kuleana land productive in cultivation as possible. We plan to open five (5) acres of wetland kalo. We have already restored some of the ancient loʻi on the Parcel, but they are currently lying fallow and waiting for water. Exhibit C-R 11 is a true and correct copy of a photograph showing several of the fallow loʻi. We also plan to cultivate three (3) acres of other crops, including an orchard of fruit trees and forage crops for animals.

15. This is a family labor of love and vision for our land, and not a money making operation. Members of our larger ʻohana, my siblings, cousins, and uncles and aunties are contributing their spare time and labor, and we will use the crops to feed our ʻohana and, with any extra, cover our expenses such as materials and property taxes.

16. In addition, there are ten (10) houses on the 11.25 acre parcel occupied by members of our ʻohana and others, and seven (7) houses on the subdivided kuleana parcels on the south side of the road owned by our ʻohana members. We use water for these households' crops and gardens.

17. Our ʻohana is very aware of this ongoing case concerning restoration of streamflows in Nā Wai `Ehā , including Waikapū Stream, and we support restoring full flow to the traditional stream system including kuleana lands like those of our ʻohana and neighbors on

the North Waikapü auwai, which have traditionally depended on these flows and have shared and given back these flows to the stream. The stream is the natural and cultural lifeline for our ahupua'a. We want it restored as a part of our 'ohana's and community's way of life, to observe and gather stream life, to swim and play and appreciate the flowing stream. Currently, the stream is just a trickle and a constant reminder of how Wailuku Water Company takes the water away and leaves nothing for others downstream.

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`Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Iao, & Waikapū Streams Contested Case Hearing	Case No. CCH-MA06-01 **OFFICE OF HAWAIIAN AFFAIRS' EXHIBIT LIST**

OFFICE OF HAWAIIAN AFFAIRS' EXHIBIT LIST

OHA EXHIBIT NO.:	DESCRIPTION	REFERENCES	ADM
C-R 1	Tax Map for Zone 3, Section 3, Plat 01	Testimony of Levi Kainalu Almeida ("Almeida WT"), ¶ 2	
C-R 2A	Land Commission Award No. 3234C to Kaianui	Almeida WT, ¶¶ 3, 4	
C-R 2B	Royal Patent No. 4256 to Kaianui	Almeida WT, ¶ 4	

C-R 2C	Foreign Testimony in support of Kaianui's claim	Almeida WT, ¶ 4	
C-R 2D	Native Testimony in support of Kaianui's claim	Almeida WT, ¶ 4	
C-R 2E	Kaianui's claim from Native Register	Almeida WT, ¶ 4	
C-R 3	Tax Map for Zone 3, Section 5, Plat 04	Testimony of Ethan Harders ("Harders WT"), ¶ 2	
C-R 4A	Map 1 for Land Court Application 1315	Harders WT, ¶ 2	
C-R 4B	Enlargement of portion of Map 1	Harders WT, ¶ 2	
C-R 4C	Enlargement of portion of Map 1	Harders WT, ¶ 2	
C-R 5A	Land Commission Award No. 460 to Puupahoehoe	Harders WT, ¶ 5	
C-R 5B	Royal Patent No. 2165 to Puupahoehoe	Harders WT, ¶ 5	
C-R 5C	Native Testimony of Eeka and Kaili in support of Puupahoehoe's claim	Harders WT, ¶ 5	
C-R 6A	Land Commission Award No. 6041 to Eeka	Harders WT, ¶ 6	
C-R 6B	Native Testimony of Kamai in support of Eeka's claim	Harders WT, ¶ 6	
C-R 7A	Land Commission Award No. 3105 to Kaaa	Harders WT, ¶ 7	
C-R 7B	Royal Patent No. 3154 to Kaaa	Harders WT, ¶ 7	
C-R 7C	Native Testimony of Kamai in support of Kaaa's claim	Harders WT, ¶ 7	
C-R 8A	Land Commission Award No. 3296 to Mumuku	Harders WT, ¶ 8	

C-R 8B	Royal Patent No. 3147 to Mumuku	Harders WT, ¶ 8	
C-R 8C	Foreign Testimony of Eeka in support of Mumuku's claim	Harders WT, ¶ 8	
C-R 9A	Land Commission Award No. 8808 to Kekeleiaiku	Harders WT, ¶ 9	
C-R 9B	Royal Patent No. 2164 to Kekeleiaiku	Harders WT, ¶ 9	
C-R 9C	Foreign Testimony of Eeka in support of Kekeleiaiku's claim	Harders WT, ¶ 9	
C-R 10	Photograph of cultivated lo`i	Harders WT, ¶ 14	
C-R 11	Photograph of fallow lo`i	Harders WT, ¶ 14	
C-R 12	Excerpts from Keālia Pond National Wildlife Refuge Comprehensive Conservation Plan dated September 2011	Hui o Nā Wai `Ehā and Maui Tomorrow's Opening Brief and Opening Statement, p. __	
C-R 13	Surface Water Use Permit Application filed May 1, 2009 by U.S. Fish and Wildlife Service	Hui o Nā Wai `Ehā and Maui Tomorrow's Opening Brief and Opening Statement, p. __	

Office of Hawaiian Affairs ("OHA") reserves the right to introduce additional exhibits at the remand hearing for purposes of impeachment or rebuttal, and to cite to and/or rely on all exhibits admitted in the original contested case proceeding, and all documents in the Commission on Water Resource Management's ("CWRM's") files relative or relevant to this matter, including all Water Use Permit Applications and Surface Water Use Permit Applications, all correspondence, and all other filings in CCH-MA-06-01.

Dated: Honolulu, Hawai`i, January 7, 2014.

ANNA ELENTO-SNEED
PAMELA W. BUNN
Attorneys for OFFICE OF HAWAIIAN AFFAIRS

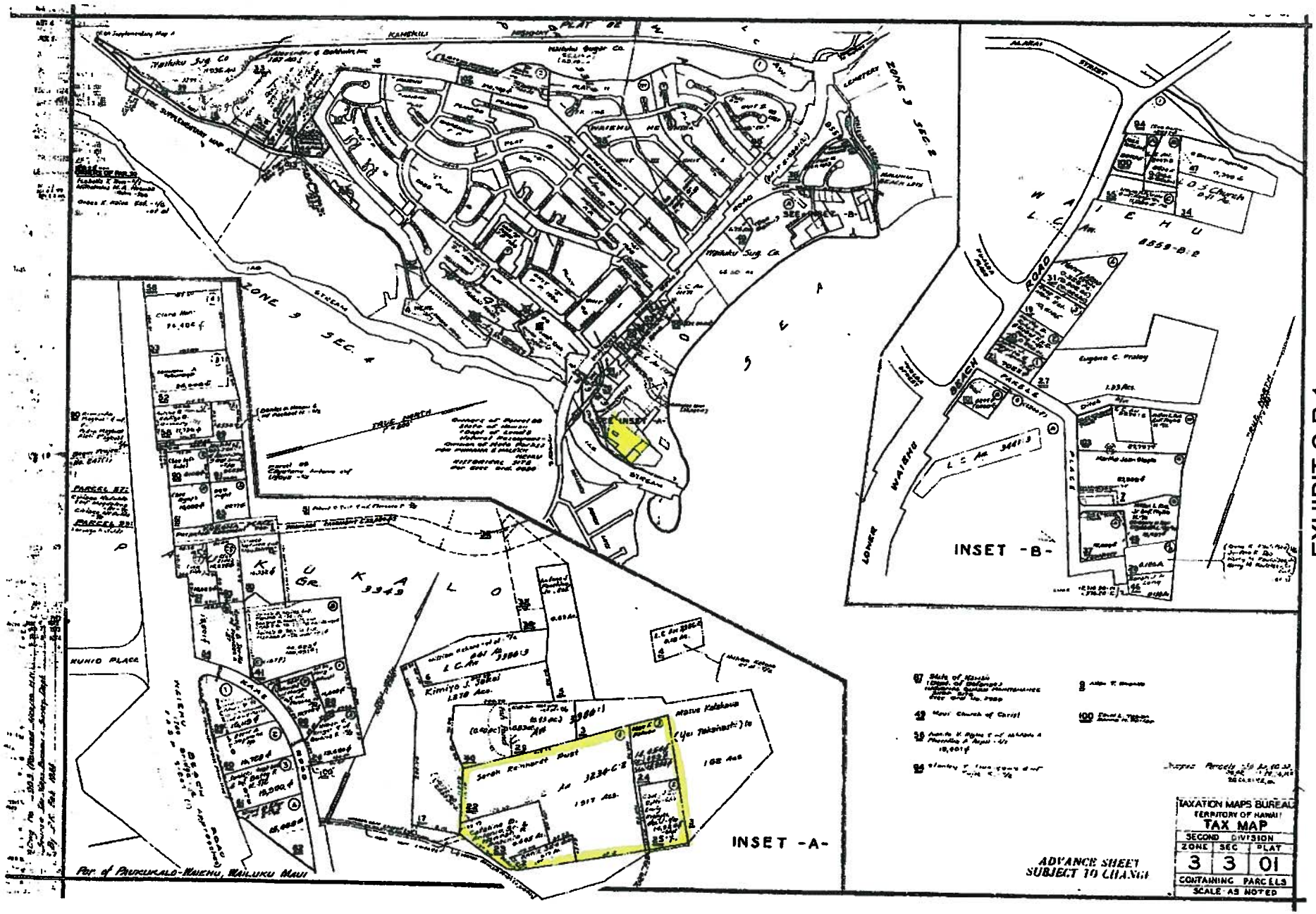

INSET -A-
INSET -B-
TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
SECOND DIVISION
ZONE 3 SEC 3 PLAT 01
CONTAINING PARCELS
SCALE AS NOTED
ADVANCE SHEET
SUBJECT TO CHANGE
Por. of Paukukalo-Waiehu, Wailuku Maui

EXHIBIT C-R 1

542

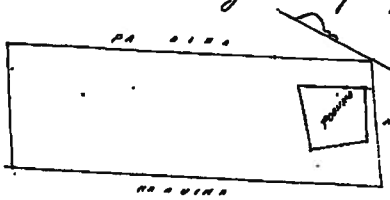
a puni Malohe ma apana 2 Eka. Pahina 16/100 Ek. 1.54

Nona Kekhekahele.

Mua ana aina

Na E. Bailey i hoopomopomo.

Apr. 8. 1852.



Pahina. Mai ke kihi Hema ana ka Ak. 63½ ki 1.00 Kh. ahiki i ke kihi mua akaila hele Ak. 60 Hi. 116 Kh. 3 ak. 2½ Kr. 136 Kh. Hr. 56½ Kr. 135 Kh. 3 Hi. 36 Hi. 116 Kh. ahiki ma ke kihi mua a 16/100 Eka. ma ke laauia mahele mai o Kuluaoa a ma kea 1 54/100 Eka.

E Bailey

Honolulu Julai 31. 1854. Ona manawa

2 Kaul. Kh.

Uku pau loa $ 5.00

W. L. Lee

G. M. Robertson

D. K. Laiela

S. Kahaulelio

Honolulu Januarg. 29. 1853.

Helu 3234 C Kaianui

Hailuku Maui.

Pahapaha ou ke ana ana i ke Kuleana, Apk. 3234 C no Kaianui, Hailuku Maui

Apana 1 Ili. Nahe. E hoomaka ana ma ke kihi Kikina o fili ana ia Kalaiwahea o Nalehu. E hele ana,

Hema	49°	Komohana	2.32	Kaulahao	Nalehu.
Akau	45°	Komohana	1.96	"	"
Akau	39° 15	Kikiina	0.50	"	"
Akau	53. 15	Komohana	0.94	"	"
Akau	49° 15	Kikiina	1.97	"	Kahuila
Hema	45° 15	Kikiina	2.85	"	Kalaiwahea

a hiki i kahi i hoomaka ai, a malohe ma apana 6 Kaulahao.

Apana 2 Ili. Pauku-Kalo. E hoomaka ana ma ke kihi Hema Kikiina o fili ana i ka pa. E hele ana,

Akau	47 15	Kikiina	6.15	Kaulahao	Pahina
Akau	42	Komohana	4.60	"	Pahuina
Hema	41. 30	Komohana	8.60	"	"
Hema	74. 45	Kikiina	4.48	"	Pahina

a hiki i kahi i hoomaka ai a malohe ma apana 3½ Eka. 69 3.50 4 16 Pa. 460

1 Pahina Mai ke kihi mua o kela apana kahi i hoomaka ai a mua ana ke Panana Ak. 56½ Kom. 1.56 a hiki i kekahi kihi o pa 5 a hele ana.

Akau	35	Kihi	1.00	Kaulahao
Akau	52	Kom	0 50	"
Hema	35	Kom	1.00	"
Hema	52	Kihi	0 50	" a puni a malohe ma apana pa 5 1/2 Kh

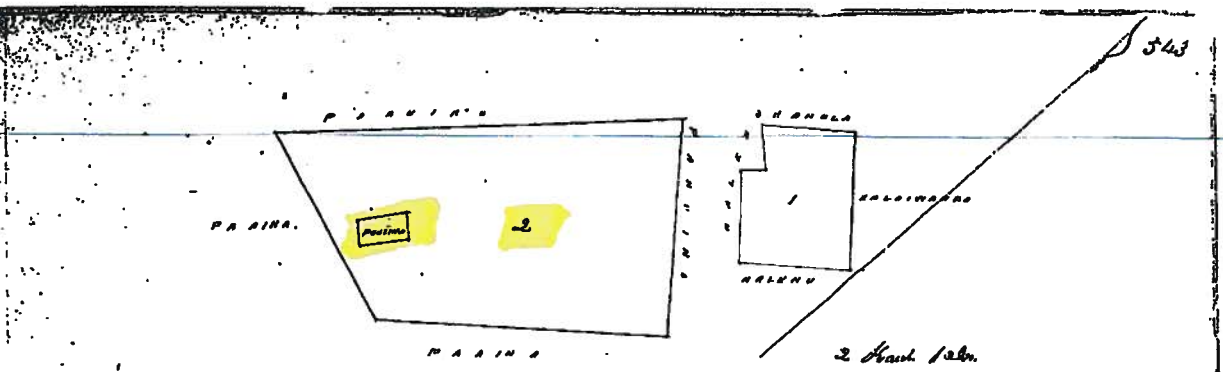
Nona Kekhekahele.

Hoopomopomo a E Bailey Mua ana aina

Apr 8. 1852

EXHIBIT C-R 2A

A



Ukuu pau loa $7.00

W. L. Lee
G. M. Robertson
J. K. Piilani
S. Kekaulahao

Honolulu, January 29, 1853

Helu 3225 Apuuui

Palapala no ka aina ana i ka Kuleana 3225 no Apuuui ma ka ili o Pelimoku o Pohakuhupukupu Kailuku Maui. E hoomaka ma ka kihi Akau Hikina o pili aina ma ka Kuahiwi a hele ana.

Akau	53	Komohana	7,74	Kaulahao	ma ke Kuahiwi o Kuka
Hema	19	Komohana	4,06	. .	Auwai ma ka Pali
Hema	41° 45	Komohana	2,87	. .	.
Hema	46° 15	Komohana	7,57	. .	.
Hema	30. 30	Komohana	2,51	. .	.
Hema	44 —	Komohana	3,50	. .	.
Hema	47 15	Komohana	2,20	. .	.
Hema	60. 15	Komohana.	2,75	. .	.
Hema	29. 15	Hikina	2,57	. .	.
Akau	41. 15	Hikina	6,70	. .	Kahawai.
Akau	65. 30	Hikina	2,90	. .	.
Hema	36. 45	Hikina	4,00	. .	Kahawihi
Akau	48	Hikina	8,00	. .	Kuka
Akau	39	Hikina	7,56	. .	Kuke o Nawa.
Akau	21	Hikina	4,00	. .	.

A owalaha via apana 15 Eka.

O ka palena Kahawai ma ka Hema ua hele ka wai ma kahi e, a ua mahoe ia wahi, nolaila ike ana ana ua kuma ke Kahawai a pili i ka kihi Hema o ke Kahawai a pili i ka Hema pu ma ka Hema i ua Kahawai nei

Po 5. 1 Mai ke kihi mua o ka apana Mk. 56½ Kom. 342 Loaa ke kihi mua Chole ana

Hema	44°	Komohana	1.00	Kaulahao
Akau	45°	Komohana	0.25	.
Akau	44°	Hikina	1.00	.
Hema	46°	Hikina	0.25	. a pumi owalaila 1/5 Kaulahao.

Po aliuia 2. Mai ke kihi alua aku o kela poaliuia a i Hema 34 Kom 4.60 Loaa ke kihi mua (1) Chole ana.

Hema	85	Hik.	0.65	Kaulahao.
Hema	15	Kom.	0.40	.
Akau	85	Kom.	0.65	.
Akau	15	Hik.	0.40	. a pumi malaila 1/5 Kaulahao

M. Kuokoalele

HELU

PALAPALA SILA NUI.

A KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

NO KA MEA, Ua hoohalo na Luna Hooko i na kumu kuleana aina i ka olelo, no kuigana mai ko [illegible]
ma ke **Aupuni Alii** iloko o kahi i oleloia maluo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kauikeaouli IV. ke Alii mai a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la mua iho, a no kona mau kope alii, ua hauwii aku ola ma ke **Aupuni Alii** ia [illegible]
i kela [illegible] wahi a pau loa ma [illegible]
ma ka mokupuni o [illegible] penei na mokuna,

Apana 1 Ili o Nuku
Hikiwawa ma ka aoao ma ke Kihi Akau o [illegible] a
Makaimoku & Palekua - e holo ana
Kuma 29° Kom 2.32 Kauk. ma Palekua
Akau 65° Kom 1.96 " " "
Akau 29°15' Kik 6.50 " " "
Akau 58°15' Kom. 6.96 " " "
Akau 29°15' Kik 1.97 " " Kakalia
Kuma 65° Kik 2.85 " " Makaimoku
a kihi i Kahi i hoomaka ai B. Kauk.
Apana 2. Ili o Paukukalo
Hikiwawa ma ka aoao ma ke Kihi Kuma Akau o [illegible]
ana e Ka pa - e holo ana
Akau 29.15' Kik 6.15 Kauk. ma Pa ana
Akau 62° Kom 4.60 " " Palunia
Kuma 27.15 Kom 6.60 " " "
Kuma 25.15 Kik 4.25 " " Pa ana
a kihi i Kahi i hoomaka ai 3½ Ohia
o Palunia a mai ke Kihi aoao ma Kuia apana Kuai
i hoomaka ai e mai a ma ke Kaauwa Ak. 45° Kom.
1. 45 Kauk. a kihi i ke Kahi Kihi o Palunia 5 a holo ana
Akau 25° Kik 1.00 Kauk.
Akau 59° Kom 2.50 "
Kuma 25° Kom 1.00 "
Kuma 62° Kik 6.50 " a puni a makai ke Kauk.

B

510

Maloko o [illegible] apana [illegible] Ela a oi iki aku, a emi iki mai paha. Ua koe nae i ke aupuni na mine minerela a me na uaelele a pau.

No [illegible]

ua alua ia i hawila ma ke ANO ALODIO a no kona mau hoolilna, a me kona waiona; ua pili nae ka auhau a ka Poe Aloolelo e kau like ai ma ua aina alodio i keia manawa i keia manawa.

A i mea e ikea ai, ua kau wau i ko'u inoa, a me ka Sila Nui o ke Aupuni Pae Aina ma Honolulu i keia la

o [illegible] 1859

[illegible]

[illegible]

Commissioner minute sheet, dated [illegible] Richards.

Kahili to Waiakua, the boundary of the 9th piece of land in [illegible] Kamaaina, Waiakua, Oahu.

The Pltff derives from Kamaaina before 1839 and his title has never been disputed. There are 3 persons living on it.

It is bounded North by Kamaaina's land, West by the sea of Waikiki, by the Pali of Waiakua, East by Nuuanu and Kamaaina, by the Pali of Waiakua.

C. 3234 C Kamaaina.

Kamaaina Sworn. Corroborates the Claim of Kamaaina and his age is as stated by Richards.

Kamaaina claims 2½ kuas of the Cot Ing consisting of 3 pieces.

No 1 is in the ili of Waiakua.

" 2 " " " " Kuhekahale " Waiakua.

" 3 " " " " Puuui " Waiakua.

No 1 Cot was taken from Kahuelio and Kahoua, six days before the Land Comn began in 1847 and his title is not disputed.

No 2 was not received until 1848.

No 1 is bounded North by Mrs Land Waiakua, by Kahuelio's Land Makai, by Kahauiwa's Land Waianiau, by Kahelio's Land.

No 2 is bounded North by the Gov't Lot Waiakua, by Kamaaina's Land Waiakua, by the same Waiakua, by Kahelio's Land Waiakua, by the Gov't Lot.

No 3 is bounded Waiakua by Kahelio's Land Waiakua, by the same Waiakua, by Kapiwahia's Land Waiakua, by the Gov't Lot.

Deft has one other piece of 2 kuas in Waiakua, which he received from Kahelio in the year before 1839, and has always held in peace.

It is bounded North by Kahelio's Land and so on all the other sides.

C. 3234 B Kuahelio.

Kahelio. Sworn. Corroborates the Claim in December 1847 and sent to the Com. The Copy has presented is a Correct one.

C

Cl 3234 C Kauanui,

Kamanaa Sw. I wrote out the Claim of Kauanui, and he [illegible] it to L. H. Richards.

Kamaka Sw. I know the lands of the Ot Hoy consist of 3 pieces.

No 1. is in the ili of Aekus Waiaka.

" 2. " " " " " Paukukalo Waiehu.

" 3. " " " " " Mikioi Waiehu

The Ot rec'd these Lands from Kailiula and Kahana, in the days before the laws (before 1839) and his title is not disputed. No 1 & 2. were not rec'd till 1843.

No 1 is bounded Mauka, by Kius Lands Waiehu, by Kahaulas Land Makai, by Kalauwahia's Land Maalaea, by Kalehua's Land.

No 2. is bounded Mauka by the Govt Lot Waihee by Pohaino's Land Makai, by the same Maalaea by the Govt Lot

No 3. is bounded Mauka, by Kailiula's Land Waihee, by the same, Makai, by Kapoulas Lands Maalaea, by the Govt Lot.

I forgot he has one other piece of Lois in Waihee, which he rec'd from Kailiula in the year before 1839, and has always held in peace.

It is bounded Mauka, by Kahaulas Land and so on all the other sides.

3 Eia na palena, M. Lipaakai, W. Alaiwa Aupuni
M. Kawaapohaku, M. Kalawaiahonua
4 Eia na palena, M. ili o Puaka, W. Pali o Ke-
puhakua, M. Kikana, M. Aa,
5 Eia na palena, M. Nahiipuhaku g Kawailiili, W.
Kawailiili g Kaupa, M. Nahiipuhaku, M. Nahiipuhaku g. Kahawai
6 Eia na palena, M. Maukili, W Kaunu, M.
puba no, M. o Kaunu no,

3934 Nimakahua Julai 10, 1849

Kaai Hoohikiia Ua ike au i kona Apana hookahi ma. Kalua ili no Wailuku, No Nahuk-piwa mai kona mauua o M. N. 1830. Hookahi poalima uuloku, Aole mea kuakua ia ia,
Eia na palena, M. George Sant. W. g. Kaauoai M. Paaupuui, M. Makahanohanu

3234 B Kalaiua

Kahelaaa Hoohikiia, Ua oiaio nau no i kakau a hooiua ma. Oahu i ka M. N. 1846. aole au i hiki mai nei, "A ua kooia mai au o Kalaiua,"
Kahili Hoohikiia Ua ike au hookahi no Apana ma Kamanaa ili ma Wailuku, No Auuai mai mauua o ka M. N. 1830, Ekolu mau poalima maloko o kua Apana, Aole ua kuakua ia ia,
Eia na palena, M. Kalawaiahua, W. Kahawai, M. Nawa, M. Pali o Wailuku

3234 C Kaianui

Kamaua Hoohikiia Ua oiaio kuu kakau ana i ka Kaianui i ka M. N. 1846.
Kaianui Hoohikiia, Aole mai ka kua mea Kuhaua

D

EXHIBIT C-R 2D

Ua kakauia Koio kuleana e Kamunas. Nāu no i hoawi aku ia ia e E. Kauwai i ke Peka una mai, mai loko mai o ke, pa.

Kamaka. Hoohikiia Ua ike au i kona mau Apana Eha makia mau ili ma Wailuku & Waiehu

Apana 1 Kinakalo ili o Nehe Wailuku
" 2. Kinakalo Kalo ili Paukukalo "
" 3. Kinakalo ili o Piilani Waiehu
" 4. Elua Loikalo ili o " "

No Nahahuna mai ka Apana 1 i ka M.K. 1863,
Apana 2 No Kahuna mai mamua o M.N. 1839,
Apana 3 & 4 ma Waiehu no Kaliuka mai mamua o ka M.K. 1839, Aole ma kaakea i keia mau Apana

1 Eia na palena, M, Mu; M. Kahuka, Ma Kahaiwelua, M Nahehu

2 Eia na palena, M Pa Aina, M. Pehuiwio, M, Pehuino, M. Pa Aina,

3 Eia na palena, M. Kaliuka, M. pela no M. Kapoula, M. Pa Aupuni,

4 Eia na palena, Ua puni i ka aina o Kaliuula

3231 L. Kaukaliu Iulai 3 1869

Mahaiki Hoohikiia Nāu no i kakau i kona palapala i Dekemapa 22, 1847. A hoouna ma Oahu, Aole no he hiki mai nei, Ua ike no au i kona mau Apana 2 7 makaia mau ili ma Wailuku mahele ili,

Apana 1 Kinaakalo ma Kalauka 2
" 2. 1 Loikalo ma " "
" 3. 1 Loikalo ma " "
" 4 1 Loikalo ma " "
" 5 2 Loikalo ma " "
" 6. 3 Loikalo ma " "
" 7. 3 Loikalo ma " "

Ka Apana 1, 3, 4, 5. no Naihiki mai M.N. 1843. Apana 2

XII

loi; nia i hui ia na loi a pau he 16.
Eia ke kahi. Ina i make au o Kalhiwaia
ka hoolilina o koi mau loi Pau.

Na Kaua, ka mea nana na loi

Helu. 447 Keano

Na

Aukea oe e Bolopahula Kaauwai o na
luna hoona eia koi manao ia olua. Ke hai
aku nei au i koi kuleana, umi kumama-
walu loi ma ka ahau ma kahawai elima
loi, ma ka hikina, umi kaumamalua loi
ma ke komohana ma ka hema. ma ka
auwai, o kapa auwai i pili ana ma ke
kula kaawai pipi apela, oia ka mokuna, aia
ma ka hikina kekahi mokuna, aia ma ka
ahau. ma kela kapa o kahawai. ma ke alo
o na puhala. e pili ana me oukua oia ka
mokuna ma ka ahau aia ma ke komoha-
na kekahi mokuna pau koi kuleana o
Kailihiwa koi koike

Nau na Keano. Aloha olua
o na luna hoona. o, Kane i koike.

Helu 448 Kaianui

Na Aloha oe e B. Kaauwai ke aloha aku
nei au ia oe me ka mahalo.
Eia koi wahi mea hoopii kuleana ai-
na nia Pauhukalo 37 loi eluku loi i lawe
ia e ke komohiki e Olua ke kahawai nei
ke kai:

E

Pikawo, ia Kahuna iaia oia maunea a pau kia kou wahi kuleana aina, e hoopii ia oe i keia manawa, he 15 loi iaia he wahi kula kahi, elua iala, o Kahuna kia hoike 6 5 loi mau Waiehu. No Piula ma Nohe he 11 loi e 3 loi i lilo, he manao nei ke Konohiki e pawe i keia mau loi ia ma Nohe

Na Kahuna kia hoike

Nana na Kaianui

Helu 449 Kuahine

Ma Aloha oe e Kaauwai. He mau kanaka ai kuhapai nahelehele mauu, ua hele mauu i kia la o keliii a me ke Konohiki; aohe ai o ka aina he nahelehele aia i kou manao e like me kia olelo a ke Kaiauwai mua aia a e h makahiki alaila, hele i ka la o keliii a me ke Konohiki

Na Kaumaka Kuahine

Helu 450 Imakana Nahela.

Ma E na Luna Hoona.

Aloha oukou.

He kuleana kou mai kia Moi mai. Kamehameha III. Ua noi aku wau he wahi kula ma Waiehu nei.

Penei ka waiho ana

Akau. He pali a me ka auwai

Hikina Pa o Naleipuleho

Kenia. He mau loi

Komohana Pa o Kaumu a me ka

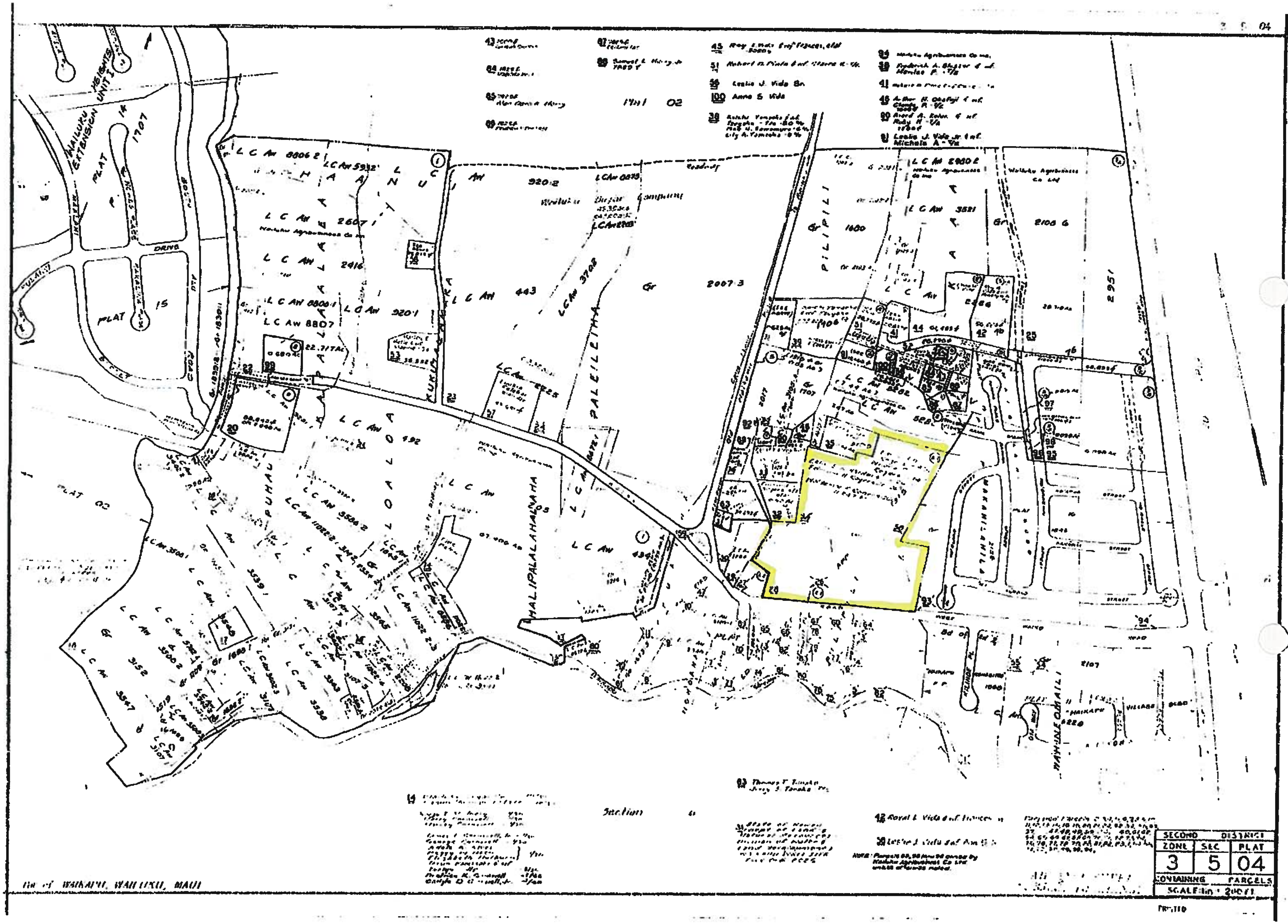

SECOND DISTRICT
ZONE 3
SEC 5
PLAT 04
PILIPILI
PALEILEIHA
PUHAU
MAKAHILAHILA
WAILUKU HEIGHTS EXTENSION UNIT I
PLAT 15
PLAT 14
PLAT 02
Section

EXHIBIT C-R 3

MAP 1

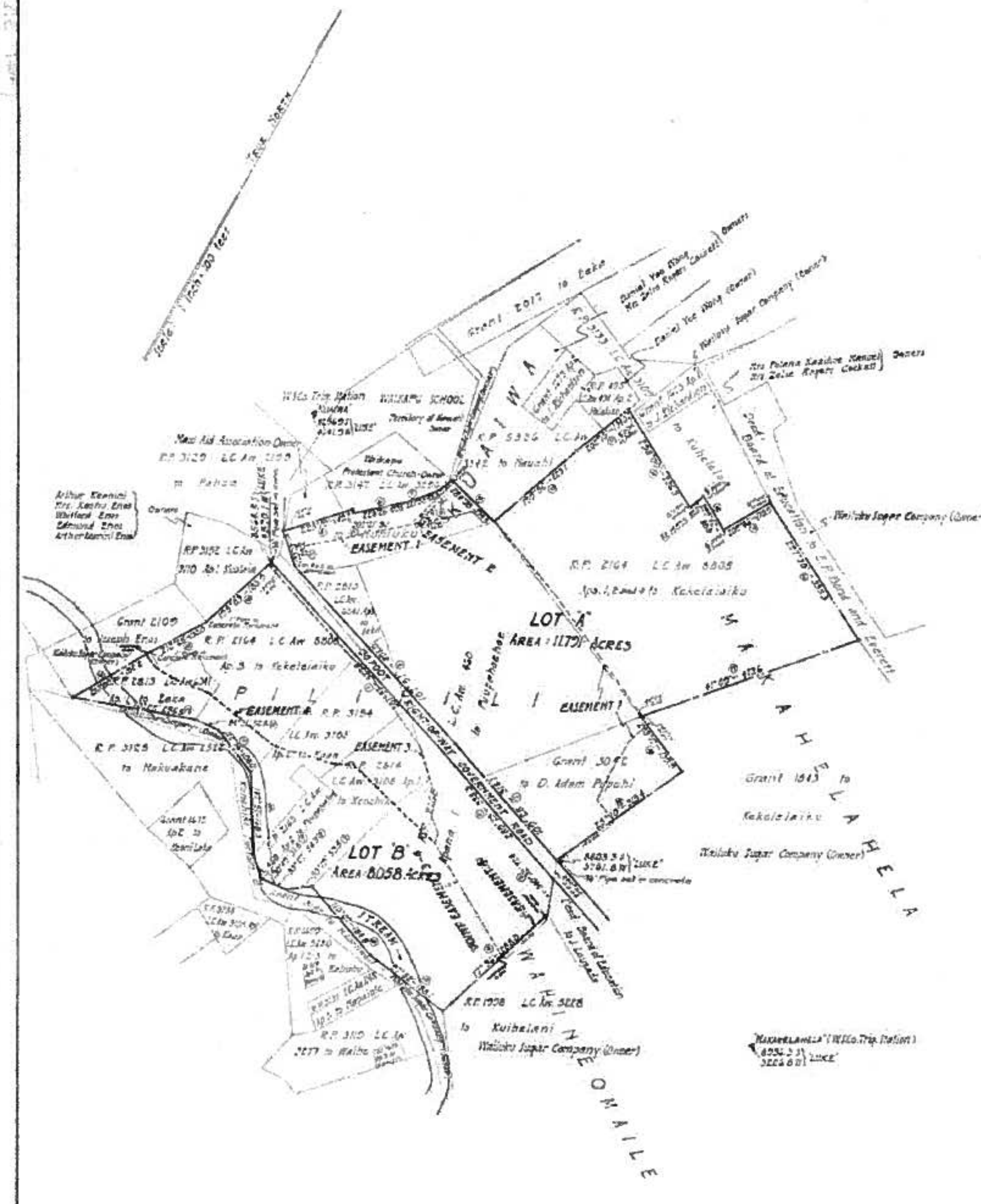
LAND COURT

TERRITORY OF HAWAII

MAP AND DESCRIPTION WITH APPLICATION 1315

ZELIE ROGERS COCKETT - APPLICANT

LAND SITUATED AT PILIPILI, KUAIWA AND MAKAHELAHELA · WAIKAPU · DISTRICT OF WAILUKU, MAUI T.H.



LOT 'A'

Being all of Grant 3042 to D. Adam Pupuhi, the northerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahoehoe, a portion of R.P. 2813, L.C.Aw. 6041, Apana 3 to Eeka and a small portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaea, the easterly portion of R.P. 3147, L.C.Aw. 3296 to Humuku and all of R.P. 2164, L.C.Aw. 8808, Apanas 1, 2 and 4 to Kekelaiaiku.

AREA: 11.791 ACRES

LOT 'B'

Being the southerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahoehoe, R.P. 2814, L.C.Aw. 3105, Apana 1 to Konohia, all of R.P. 2163, L.C.Aw. 460, Apana 2 to Puupahoehoe, a portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaea, a portion of R.P. 2164, L.C.Aw. 8808, Apana 3 to Kakelaiaiku and all of R.P. 2813, L.C.Aw. 6041, Apana 1 to Eeka.

AREA: 8.058 ACRES

Lot 'A' is subject to Easement 1, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 1.

Lot 'A' is also subject to Easement 2, a six (6) foot ditch right-of-way being another branch of the ancient auwai now used by the Applicant and others for irrigation purposes, as shown on this map or plan as Easement 2.

Lot 'B' is subject to Easement 3, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 3.

~~Lot 'B' is also subject to Easement 4, being a three (3) foot easement for the Wailuku Sugar Company's domestic water supply line, as shown on this map or plan as Easement 4.~~

This map is from an actual survey on the ground made by and under the direct supervision of the undersigned between the dates October 20, 1938 and May 22, 1939, and may be checked by the Territorial Surveyor with my Field Book Number 8, Calculation Folder 7.

Scale: 1 inch = 100 feet

Wailuku, Maui, T.H.
May 23, 1939

Robert P. Bouse
Registered Professional Surveyor
Certificate Number 2182
Wailuku, Maui, T.H.

Zelie Rogers Cockett, Applicant

I hereby certify that the description of survey and map hereon have been examined and checked as to form and mathematical correctness, but not on the ground, and the same have been found to be in accord.

Honolulu, T.H.
Jan. 18, 1941.

Surveyor, Territory of Hawaii.

I hereby certify that Decree of Registration dated December 28, 1945, and numbered 1524 has issued to Zelie Rogers Cockett covering the land described hereon, and that Owner's Certificate of Title No. 35893 has been transcribed therefrom.

Honolulu, T.H.
December 28, 1945

Registrar of the Land Court

Easement 4 as shown hereon has been deleted by Order of the Judge of the Land Court dated December 10, 1965

Honolulu, Hawaii
December 16, 1965

James M. Rivera
State Land Surveyor

Notes: Owners as shown on map are from records filed in the Taxation Maps Bureau.
Figures shown thus ⑧ indicates number of course.
All corners marked by ¾ pipes in concrete unless otherwise noted.

EXHIBIT C-R 4A

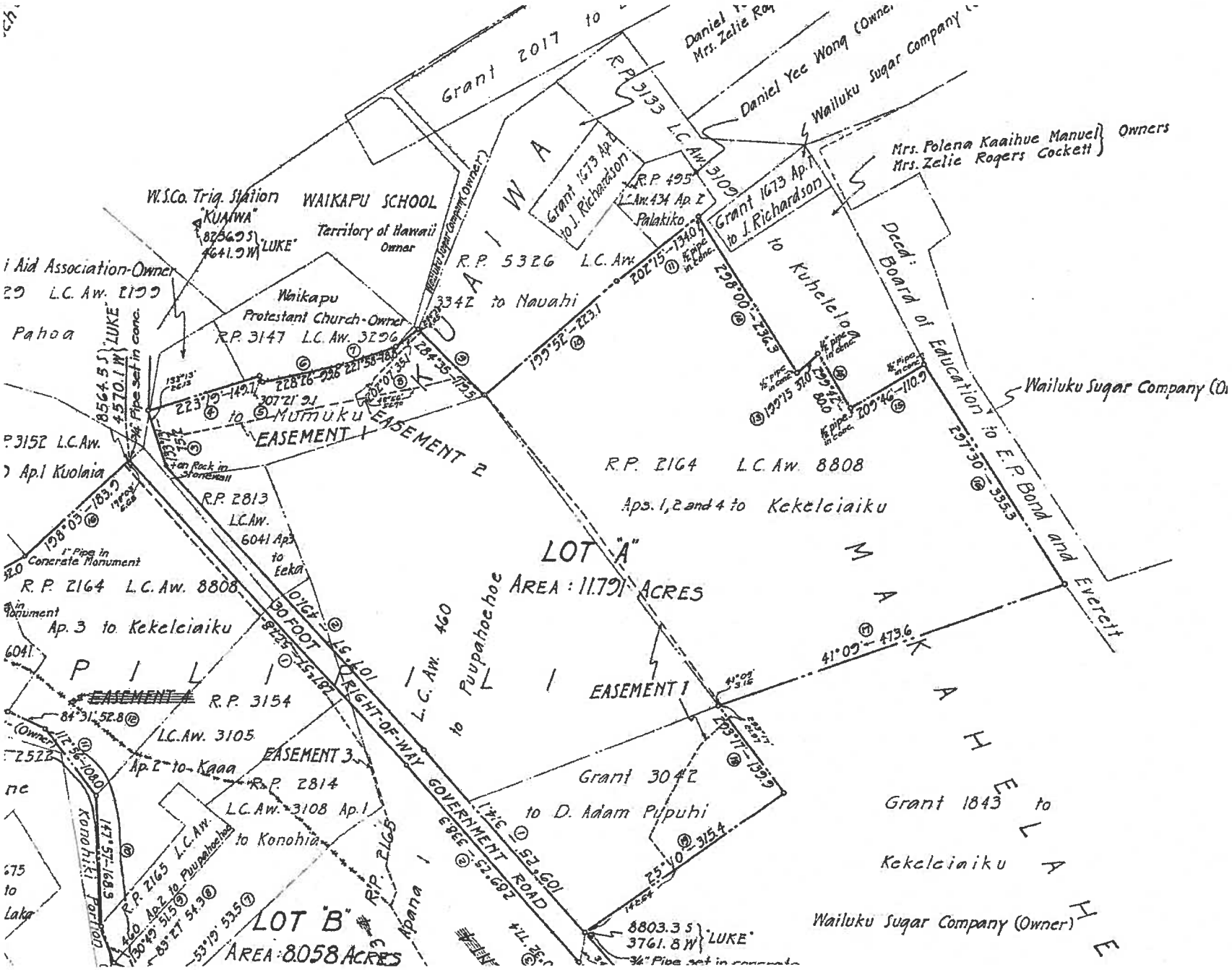


EXHIBIT C-R 4B

MAP 1

LAND COURT

TERRITORY OF HAWAII

MAP AND DESCRIPTION WITH APPLICATION 1315

ZELIE ROGERS COCKETT - APPLICANT

LAND SITUATED AT PILIPILI, KUAIWA AND MAKAHELAHELA - WAIKAPU - DISTRICT OF WAILUKU, MAUI T. H.

LOT 'A'

Owners

Being all of Grant 3042 to D. Adam Pupuhi, the northerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahoehoe, a portion of R.P. 2813, L.C.Aw. 6041, Apana 3 to Eeka and a small portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaaa, the easterly portion of R.P. 3147, L.C.Aw. 3296 to Mumuku and all of R.P. 2164, L.C.Aw. 8808, Apanas 1, 2 and 4 to Kekeleiaiku.

AREA: 11.791 ACRES

LOT 'B'

r Company (Owner)

Being the southerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahoehoe, R.P. 2814, L.C.Aw. 3108, Apana 1 to Konohia, all of R.P. 2165, L.C.Aw. 460, Apana 2 to Puupahoehoe, a portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaaa, a portion of R.P. 2164, L.C.Aw. 8808, Apana 3 to Kekeleiaiku and all of R.P. 2813, L.C.Aw. 6041, Apana 1 to Eeka.

AREA: 8.058 ACRES

Lot 'A' is subject to Easement 1, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 1.

Lot 'A' is also subject to Easement 2, a six (6) foot ditch right-of-way being another branch of the ancient auwai now used by the Applicant and others for irrigation purposes, as shown on this map or plan as Easement 2.

Lot 'B' is subject to Easement 3, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 3.

~~Lot B is also subject to Easement 4 being a three (3) foot easement for the Wailuku Sugar Company's domestic water supply line, as shown on this map or plan as Easement 4.~~

This map is from an actual survey on the ground made by, and under the direct supervision of the undersigned between the dates October 20, 1938 and May 22, 1939, and may be checked by the Territorial Surveyor with my Field Book Number 5, Calculation Folder 7.

Scale: 1 inch = 100 feet
Wailuku, Maui, T.H.
May 23, 1939

Robert P. Bruce
Registered Professional Surveyor
Certificate Number 248-3
Wailuku, Maui T.H.

ian)

Zelie Rogers Cockett Applicant

I hereby certify that the description of survey and map hereon have been examined and checked as to form and mathematical correctness, but not on the ground, and the same have been found to be in accord.

Honolulu, T.H.
Jan. 18, 1941

Surveyor, Territory of Hawaii

I hereby certify that Decree of Registration dated December 28, 1945, and numbered 1524 has issued to Zelie Rogers Cockett covering the land described hereon, and that Owner's Certificate of Title No. 33893 has been transcribed therefrom.

Honolulu, T. H.
December 28, 1945.

P. H. Mulholland
Registrar of the Land Court.

Easement 4 as shown hereon has been deleted by order of the Judge of the Land Court dated December 10, 1965.

Honolulu, Hawaii
December 10, 1965

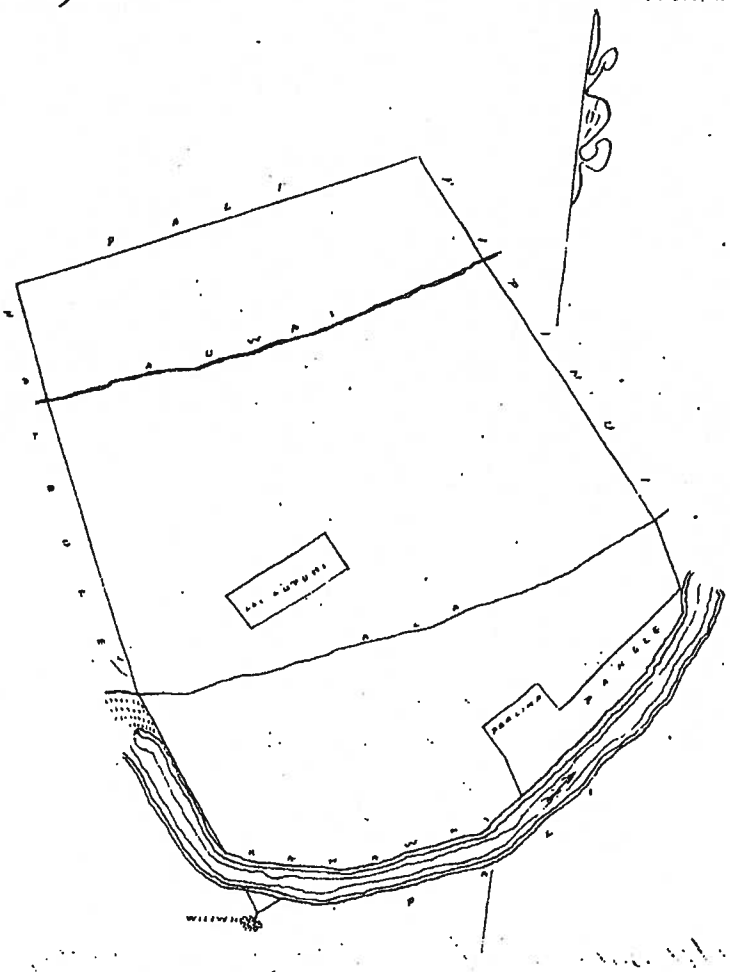
James M. Burns
State Land Surveyor

EXHIBIT C-R 4C

Aho. 35½ Ke 71 Kh. Ke. 57½ Ke. 201 Kh. Ke 32½ Ke 51 Kh. i kahu i kemakai 14½ Kh.

E. Bailey.

April 27. 1852. Mea ana i aina.



Ukiu pau loa $10.00

W. L. Lee
G. M. Robertson
J. Kekauluhaa
J. H. Smith

Honolulu June 25. 1852.

Helu 466 Puupahoehoe Waihapu Maui.

Palapala mehe ana ana i ke Kuleana Helu 466 no Puupahoehoe, ma ka ili o Pelifili, Waihapu, Mokupuni o Maui.

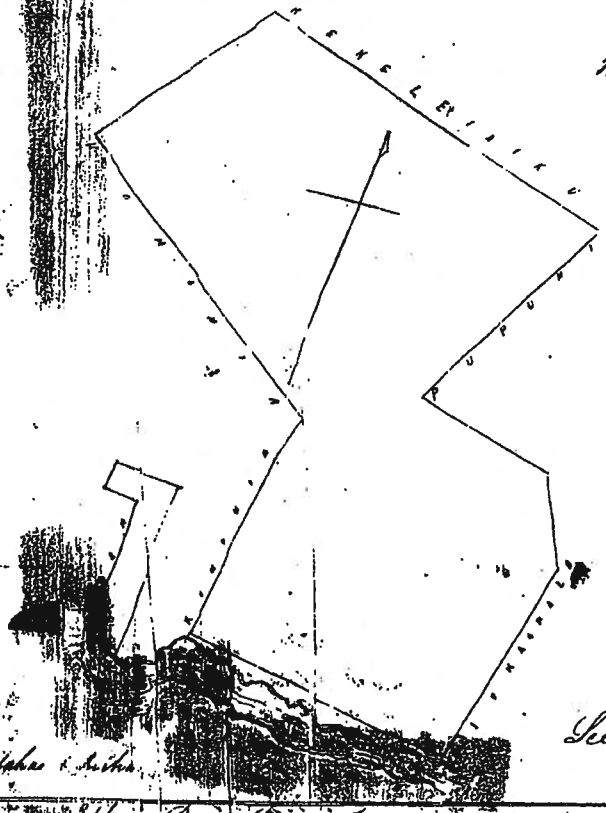
Aoana i E Kemaka i ke ana ana me ke kihi Akau i kuai e pili ana mo ka Hohelauloa Kauaha a me Muumuku, a i hele Kema 56½ Hikina 133 Kh. mai ke Kekelauoku Ke. 32½ Ke 151 Kh. ma ke Pelifili Ke 49 Ke 21½

ma Re Konohia - Ak 15½ Ai 150 Ah ma Re Konohia Ak 57 Ae 623 Ah ma Re Konohia Ak
Ai 442 Ah ma Re Kaa[illegible] a hikii ma Kahi i homaka'i a ma loko ia ana puni o Siloa
Ana 4½/100 o Ka Aka[illegible]

Apana 2 o [illegible] i Re ana ona Re Kahawai - pili ana me Re Konohia a e hele
Ak 4 Aik 363 Ah ma [illegible] Konohia Ae 29 Aom 141 Ah ma Re Kaaa me Konohia Ae 4 Aom 3
Ah. ona Re Kaaa. Ae [illegible] Ak 58 Ah ma Re Kaaa. Ae 4 Aom 258 ma Re Kaaa i Re Kahawai
Ae 58¾ Ai 78 Ah ma [illegible] Kahawai a hikii ma Kahi i homaka'i a malohi ia ana puni Ma 22/100 Ka

L. Bailey
Ma ana aina

7.41
22
7.63



See Page 484. 45. apana

2 Kalapa i kihi

Helu Pai Loa #4

M. Kekuewa
S. M. Robertson
J. Kuwaulahia
L. K. Ponioka

Honolulu June 1852

Helu 3539 Kapuka — Waikapu Maui

Kuleana 3538 Kapuka Waikapu Maui
Apana 1 ili o Palama [illegible] homaka ona M. Kiki Kaau ia Re Kiki Ai o Poupou a e hele Ae 31½
Ak 162 Ah e pili ana me [illegible] Ae 69½ Ae 34 Ah e pili ana me Re Keaikua Ae 38½ Ai 151 Ah
ma Re Keaikua Ak 38 [illegible] Ah ma Re Keaikua Ae 11½ Ai 17 Ah ma Re Keaka Ai 27½
Ai 584 Ah ma Re Poupou [illegible] Ae 65 Ae 17½ Ah ma Re Hiila mauka Ak 30¾ Ae 112 Ah ma Ka
ili o Ohia Ak 32½ Ae 97 Ah ma Ka ili o Ohia Ak 11½ Ai 219 Ah ma Re Poupou a hikii ma
Re Kiki mua 2 17/100 Ka

Apana 2 ili o Haaua [illegible] homaka ma Re Kiki Akau loa ia Re Kiki Ai o Kalapawa
e hele Ae 81½ Ai 355 Ah e pili ana me J Richardson Ae 8½ Ae 355 Ah e pili ana
Re J Richardson Ae 45 [illegible] Ah e pili ana me J Richardson Ae 35½ Ae 129 Ah
ana me J Richardson [illegible] Ae 15½ Ae 250 Ah e pili ana me J Richardson Ak
Ah e pili ana me J [illegible] Richardson Ak 11 Ai 320 e pili ana me Re Kalapa
ma Re Kiki mua 1 [illegible] Ka

L. Bailey
Luna o ka aina

Mai 1. 1852

HELU 2165.

PALAPALA SILA NUI.

A KE ALII, MAMUILI O KA OLELO A KA POE HOONA KULEANA.

No ka mea, ua hoohoio na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko
Pumpkahuehue (Kuleana Ahu 406)
ma ke ano **Kuleana Nui** maluio o ke Ano Alodio iloko o kahi i olelcia maiaio, a no ka mea,

Nolaila, ma koia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, ke Alii Nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la, nona iho a no kona mau hope Alii ua hoolilo, a ua haawi aku oia ma ke **Ano Alodio** ia Pumpkahuehue

i kela wahi a pau loa ma Pilipili Waikapu.
ma ka mokupuni o Maui ; penei na mokuna:

Eiwamoku i Ke awa ana Ke kihi Akau o Keia e pili ana ma
Ke Kelakeiaiku, Nowahi a ma Mauumuku o e holo
Hema 76¼ Hik 755 Kuleana Ke Kahakeiaiku
Hema 32½ Kom 471 " Pumpkahuehue
Hema 77 Hik 279 " "
Hema 22 Hik 186 " ka ili o Waipalo
Hema 7 Kom 215 " " "
Hema 9 Kom 231 " " " i Kalauni
Hema 88 Kom 355 " Ke Kahanui
Akau 77¾ Kom 250 " " "
Akau 6¼ Hik 391 " Ke Nowahi
Akau 15¼ Hik 100 " " "
Akau 57 Kom 693 " " "
Akau 34¼ Hik 447 " " Mauumuku
i Ke Kihi awa ai Hema 7 44/100 Oka

Eiwamoku i Ke awa ana Ke Kahanui e pili ana ma Ke Nowahi
a e holo Akau 4 Hik 363 Kuleana Ke Nowahi
Hema 87 Kom 141 " " Kuleana Nowahi
Hema 4 Kom 53 " " "
Hema 87 Hik 65 " "
Hema ¼ Kom 256 " Ke Kahakeiaiku i Ke Kahanui
Hema 53¾ Hik 75 " Ke Kahanui
i Ke Kihi awa ai Ke 22/100 Oka

EXHIBIT C-R 5B

322.

Maloko o Keia mau Apana 7 63/100 Eka
a oi iki aku, a emi iki mai paha. Ua koe nae i ke aupuni na mine mineraka a me na metala a pau.

No Kamehameha

ua aina la i haawiia ma ke **Ano Alodio** a no kona mau hooilina, a me kona wahona, ua pili nae ka auhau a ka Poe Ahaolelo e kau like ai ma na aina alodio i kela manawa i keia manawa.

A i nuca e ikea'i, ua kau wau i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae Aina, ma Honolulu, i keia la 17 o Septemaba, 1855.

Victoria K. Kaahumanu

Kamehameha

Helu 429 Kauaiokea

(From page 172

Hoohikiia o Punipahaehae

Ua ike no au i kahi o Kauaiokea e hoopii mai nei, he malawaiwai, aka ma Kahiki ma. Iaole, nona no ia wahi mai a kuwai mai ka noho ana, a ia Kalawaiahou i keia wa i paiia ka mea i lilo ai ia ia Oole au loke ka mea i hemo ai, Ua ike au ka nui o ka loaa malaila ia ia he mau no ka loaa malaila

Wailuku Feb. 6 1847

Helu 460 Punipahaehae

Hoohikiia o Eeka ma ka olelo a ke Akua. Ua ike no au ia mau aina a pau a Pi e hoopii aku nei ia oukou, o Ohia, o Pelipili, o Kaakalahila, o Kaanio o Olohe, o kona mau palena, o ke ala ai o Kaumuhee ma ka Hik. ma ka Hema o ke Alia a me ke kai, ma ke Komohana ma ke kuahiwi mauka pono o Waikapu he mau kula no iloko o ka pa aina He aina o Pelipili, he mau loi a he kula kona, o Kaanui he aina no ia, nona ke kuahiwi mauka o Waikapu he mau loi no malaila a me ke kula malo'o o ka pa aina o Olohe, he loi no malaila a he kula no ua kapu ia e Kino i ke Ko mauna o kela mau loi i hoolimalimaia he kanaka ka waiwai i lilo malaila, a he Hoomi kahi a me na Kao he kanaka, oia ka lilo no kela mau loi

Mai kahiko loa mai no ka loaa ana o
keia mau aina ia Pumpahoehoe. Aole
ona mea nana i keakea mai.

Hoohikiia o Kaili ma ka olelo a ke
Akua. Ua ike no au i kahi o Pumpahoehoe
e hoopii mai nei aia ma Waikapu
o Okia, o Pilipili, o Makakelakela
o Haanui, o Aloke, no kona kuikua
ana mai kona o Kalainohoiio ka
inoa no Keeumoku mai ke Kalai-
noholano. Ua ike au i ka noho ana
malaila, ma kahi awau no au o
Waikapu, a hala kuhi mau makahiki
alaila hoi mai au a noho pu makou
malaila, a ia wa loke au he mau
aina ponoi kela no lakou. He
kai paakai o Okia a me ke kula
a he kai no hoi mai ke ala ae
mai a Kaumuhee a me na kula
e ae e pili ana ma Wailuku, a he
kula e ae no iloko o ka pa aina o
Waikapu no Okia, a he mau loi
kahi he mau loi no ke Pilipili
a ke kula no hoi maloko o ka pa
aina. O Haanui he mau Loi no
kona a me ke kula no, a no
Haanui no hoi ke kuakiwi o Waiha-
ku, o Hokakelakela, he kula kona,
o Aloke mau loi no kona a me
ke kula, aia ma ka Akau o ka
hale pule. He mau Loi no
kahi o Pumpahoehoe i hoolimalima

ia, he rana ke kuuu a ke hoou kahi a me na kao he kanaka, a he Mano kekahi i lilo no ka hana ana a he ia mau no kahi i lilo aku i ka mea nana i keakea o Haanui Ua ae mai no oia no Haanui io no ia aina.

Hilu 418 Kalualani

Hoohiki ia o Kalekua ma ka olelo a ke Akua Ua ike no au i kahi o Kalualani, aia ma Kapaakukui ma Iao, noi aku kona noho ana malaila, no Makuue mai kou, a no ka Moi mai ko Makuue, he kanakolu kumamalima au Loi i hoawi ai, a oka ma kahi eae, a hui a he kanakolukumamaiwa a pau, Aole ona mea nana i keakea mai.

Hoohiki ia o Kuhu ma ka olelo a ke Akua Ua ike no au i kahi o Kalualani i hoopii mai nei ia oukou, noi aku kahi mau Loi ona no Makuue mai kou, a no Kamehameha mai ko Makuue, aia ma Kapaakukui kauwahi ona he aina okoa no ia, aia ma Kaluauhi kahi ona, aole nae au ike i no i ka nui o na Loi malaila, Aole no koi he mea ona nana i keakea

Helu 3340 Nahau Haikapu Maui

Kuliana 3340 Nahau Haikapu Maui

Apana 1 Ili o Nohoana & homaka ma Ke kihi Akau e pili ana me ke Pahoa a e hele Kk 29 Hi 2 Kh e pili ana me Kuadeia Ke 23 Ko 45 Kh e pili ana me ka Pualima i Ke Kahawai alaila hui ma Ke Kahawai a i Ke kihi Komohana Ak 75½ Kuh 29 Ah Ak 37½ Hi 250 Kh e pili ana me Pualima Ak 23½ Ko 31 Kh e pili ana me Pahoa Ak 54½ Hi 317 Kh e pili ana Pahoa i Kahi i homaka i 1.09 Eka

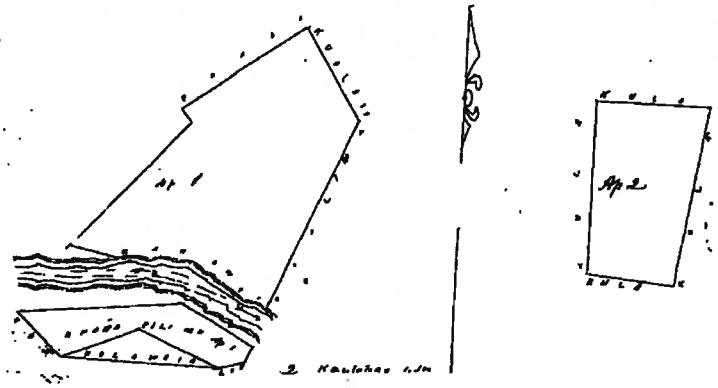
No ua hui ka Apana 1 o Kul. 2959 no Keia pauku o Keia ka makaaina o Nahau a ua make.

Apana 2 Ili o Olohe ma ka Apana 1 o Ke kihi Kuleana e homaka ma ke kihi Akau Apana Akau a e hele Ak 88½ Ko 25 Kh ma Ke Kula Koma 7½ Ko 80 Kh e pili ana i Ke Kula Koma 78½ Hi 180 Kh e pili ana me Ke Kula Ak 15½ Hi 409 Kh e pili ana me Ke Kula i kahi i homaka i 46 Eka 1.28

April 14 1852.

E Bailey
Maamaaina

Apana pili me Apana 1 & homaka ma Ke Kahawai e pili ana me Ka a e hele ana Ke Kahawai Ak 35° Hi 345 Kh & Ko 57½ Hi 114 Kh alaila Ko 81½ Ko 45 Kh & Ko 75° Ko 62 Kh ma Ke Koa Ak 65¼ Ko 182 & Ko 6 Ko 117 Kh ma Ke Kahawai Ak 44¼ Ko 150 Kh a pomai 46/100 Eka.



Oahu Kau Loa #6.

Wilder
G. M. Robertson
J. Kekauluohi
S. N. Pier

Honolulu Oahu June 25 1852

Helu 6041 Eka Haikapu Maui

Kuliana 6041 no Eka Haikapu Maui

Apana 1 Ili o Makahalahala & homaka ma Ke Kahawai Kihi Akau e pili ana me ka Pualima e hele Ak 20° Hi 26 Kh e pili ana me ka Pualima Ke 75 Ki 66 Kh e pili ana me Kekeleiaikau Ak 28½ Hi 127 Kh e pili ana me Kekeleiaikau Ke 62° Hi 76 Kh e pili ana me Kekeleiaikau Ke 89 Ki 61 Kh e pili ana me Kekeleiaikau Ke 42° Hi 181 Kh e pili ana me Kekeleiaikau i Ke Kahawai ma Ke Kahawai e hele ai a hiki i Ke kihi o ma 5/100 Eka

Apana 2 o Ili o Pilipili Ua haawiia e Eka i ka Apana 2 ia Mauna & homaka ka Apana 2 ma Ke Kihi Akau & pili ana me Nanuuku a me Puapahoehoe e hele Ke 5° Hi 248 Kh e pili ana me Puapahoehoe Ke 7½ Ke 71 Kh e pili ana i Ke Ak 18¾° Ke 220 Kh e pili ana me Kekeleiaikau Ak 65½° Hi 190 Kh e pili ana me i Kahi i homaka i 5/100 Eka

E Bailey
Ma

April 24 1852

EXHIBIT C-R 6A

3342. Nauahi. Julai 13. 1869.

Leba. Koohukiia. Ua ike au i 1 apana kalo ma ka ili o Kuaiwa, ma Waikapu.

No Nahiua wahine a Koohui mai kona aina i ka M. H. 1837. Aole mea kakau, aole pualima maloko. Ua make o Nauahi iloko o kuia M. H. 1839, ua koa moku o Emile W^a A. i kona wahine o Kauiki kona hoo lina.

Penei na palena. M. kula o Koohui. W. Pahua. K. Mumuku. M. o Pumpahoehoe.

2199. Leba.

Leba. Koohukiia. Ua ike au 2 apana ma ka ili o Kuaiwa, ma Waikapu kekahi apana. A ma ke Alupuaa o Waiohuli, Kula. kekahi apana.

No Kapu mai kona aina ma Waikapu i ka M. H. 1837. Ua kaiu wahine mai ka Apana ma Kula i ka M. H. 1846. he aina kahiko loa no nae no kona wahine. Aole mea kakau, 1 pualima ma ka aina kalo ma Waikapu.

1 Penei na palena o ka aina kalo ma Waikapu. M. aina o Palakiko. W. pela no. K. aina o Mumuku. M. aina o Kiko.

2 ma Waiohuli. Kula. Penei na palena. Mauka aina o Okuu. Komuaula. aina o Kapuaa. M. pela no. Makawao. aina o Emilia.

6041. Leba.

Kaana. Koohukiia. Ua ike au 3 apana, ma ka ili o Mokahulahula. ma Kuaiwa, i Waikapu. 1 apana ma Waiohuli i Kula.

Apana 1. 14 loi ma ka ili o Mokahulahula. Waikapu.
" 2. Palale " " " " " "
" 3. 2 kiekeale " " " Kuaiwa — "
" 4. kula wahi hale — Waiohuli — Kula

No Pumpahoehoe mai kona mau apana aina ma Waikapu i ka M. H. 1842. Ua Emilia mai ka apana 4. i ka M. H. 1846. No Pupuhi mai ka Emelia aina i ka wa o Kamehameha IV. Aole mea kakau.

Eono loi pualima iloko o ka Apana 1.

1 Penei na palena. M. W. Pualima. K. Ili o Pilipili 2. M. Kahauai.

2 Penei na palena. M. Ili o Pilipili. W. Aina o Konohiki. K. o Kaaa. M. aina o ke Konohiki.

3 Penei na palena. M. W. aina o Mumuku. K. aina o Konohiki — M. aina o Mumuku.

4 Penei na palena: M. K. M. aina o Punpahoehoe. M. Kahauai o Waiohuli.

3226. Ohunui. Julai 13. 1849.

Kahiki. Konohiki. Na ike au i kona aina ma Waikapu, me kula 6 Apana.

Apana 1. Loi ma ka ili o Kualala. Waikapu.
" 2. Pauku kalo " " Kapala "
" 3. " " " " Kaloaloa "
" 4. Loi " " " Punia "
" 5. Pahale ma " " Kapala "
" 6. Mala wala Ahup. " Waiohuli Kula.

No Kaai mai ka apana 2.35. i ka M. H. 1842. No Keake mai ke Kaai. No Naauao mai ka Apana 1.4. i ka M. H. 1835. Apana 6 no Punpahoehoe mai i ka M. H. 1846. Aole mea kuaka. Pualima ma ka Apana 2.

1 Penei na aoao. M. o Naauao. W. K. aina o Kaai. M. aina o Pohano.

2 Penei na aoao M. Ili Punia. W. o Kamakaipoo. K. o Kalaoopa. M. aina o Kaai.

3 Penei na aoao. M. W. K. Kahauai o Waikapu. M. Pali o Waikapu.

4 Penei na aoao. Aia puuni i ka aina o Naauao.

5 Penei na aoao. M. kiu aina. W. o Kalahoouka. K. o Kaai. M. o Kalaoopa.

6 Penei na aoao. M. o Emilia. K. o Konohiki. M. o Punpahoehoe. M. o Kamai.

3105. Kaaa.

Kamai. Konohiki. Na ike au i kona aina ma Waikapu, 3 Apana.

Kuhi 3765 Kaaa

Waikapu Maui

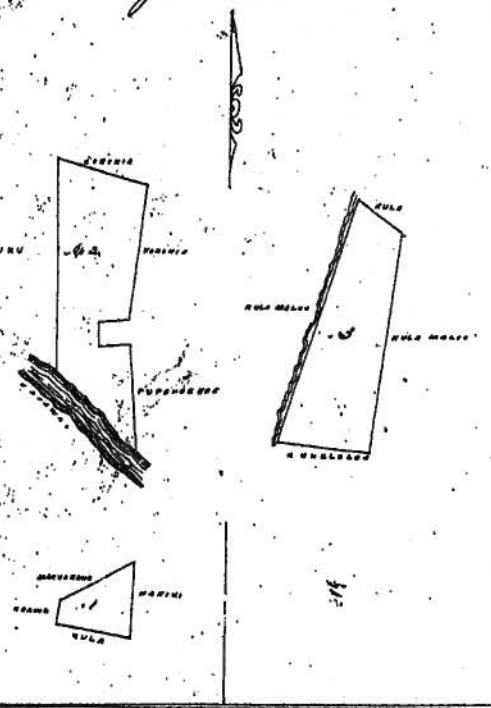
Apana 1. palaalo ili o Kaapala aole o Pilipili
E hoomaka ana ke kihi Akau i pili ana me Makuakane a e holo Hem. 1° Ke. 1.19 Kh. pili ana me Hakiki Ak. 74 3/4. Ke. 1.16 Kh. e pili ana me Hakiki a Kula Ak. 12 3/4° Ke. 50. Kh. e pili ana me Keawe Ak. 65° Ki. 2.00 Kh. e pili ana me Makuakane i kahi hoomaka. — 15 Eka.

Apana 2 ili o Pilipili E hoomaka ana ke kihi Akau, ma ke kihi Kihi o ke Kekeleiaiku a e holo Hem. 71° Ki. 2.16 Kh. e pili ana me Konohia Hem. 10½ Ke. 3.45 Kh. e pili ana me Konohia Hem. 89° Ke. 68 Kh. e pili ana me Pupahuehue Hem. 5° Hem. 55 Kh. e pili ana me Pupahuehue Hem. 89° Ki. 68 Kh. e pili ana me Pupahuehue Hem. 1° Ke. 3.16 Kh. e pili ana me Pupahuehue Ak. 61¾° Ke 2.66 Kh. e pili ana me ke Kahawai Ak. 3¾° Ki. 1.90 Kh. e pili ana me Kekeleiaiku i kahi i hoomaka. — 1 Eka.

Apana 3 ili o Pilipili — he mau loi a Kula
E hoomaka ana ke Kihi Kom. Hema e pili ana me Kihekeleiaiku a e holo Ak. 22¾° Ke. 6.10 Kh. e pili ana me ka auwai Hem. 69° Ki. 1.25 Kh. ma ke Kula. Hem. 15° Ke. 5.36 Kh. e pili ana me ke Kula Ak. 79½° Ke. 2.23 Kh. e pili ana me ke Kihekeleiaiku i kahi i hoomaka. — 25 1/2 Eka.

Wailuku Aug. 16. 1852.

E. Bailey
Mea ana aina



Uku Pau Loa 15.
Wilder
G. M. Robertson
D. K. Cairt —
J. Kekauluhaa

Wailuku Sep. 27. 1852.

EXHIBIT C-R 7A

1101

HELU 2124.

PALAPALA SILA NUI.

A KE ALII, MAMUA I O KA OLELO A KA POE HOONA KULEANA.

NO KA MEA, ua hoohole na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana olelo ko

Kauai (Kuleana Helu 3105)

ma ke **Ano Alodio** lioko o kahi i olelo ia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, ke Alii nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawai' Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona inau hope aku, ua hoawii aku ola ma ke **Ano Alodio** ia Kauai

i keia wahi a pau loa ma Waiakaiwi

ma ka mokupuni o Kauai -- penei na mokuna.

Apana 1 Pakele Akau o Kaapaia, aole o Wilipoli.

E hoomaka ana ma ke kihi Kauai o pili ana me Makaiakamai, a e hele

Komo ka i 179 Kauai e pili ana me Waiakaiwi

Kauai 71¾ " 1.76 " " " Kuula

Kauai 133½ Ak 1.81 " " " Kiinoa

Kauai 65 " 3.00 " " " Makaiakamai

a hiki i hoomaka ia. 15 Eka

Apana 2 ili o Wilipoli E hoomaka ana ma ke kihi Akau aia ke kihi

Hoiki o Kakaiwiliku, a e hele

Kauai 41° Ak 2.14 Kauai e pili ana me Kanahoa

Kauai 10½ Kom 3.14 " " "

Kauai 89° " 1.18 " " Papahoehoe

Kauai 4° " 1.85 " " "

Kauai 8° Ak 1.68 " " "

Kauai 1½° Ko 2.16 " " "

Kauai 41¾ " 3.66 " " Kahawai

Kauai 3½ Ak 4.90 " " Kakaiwiliku

a hiki i hoomaka ia. 1 Eka

Apana 3 ili o Wilipoli E hoomaka ana ma ke kihi Kauai o

E hoomaka ana ma ke kihi Kauai o pili ana me Kakaiwiliku

Kauai 224 Ak 6.10 Kauai e pili ana me Kakaiwiliku

Kauai 69 Ak 1.35 " " " Ke Kuula

Kauai 13 Ak 5.34 " " "

Kauai 79½ Ak 2.23 " " " Kakaiwiliku

a hiki i hoomaka ia. 95/100 Eka

EXHIBIT C-R 7B

102
92

Maloko o [illegible] apana 245 Eka
a oi iki aku, a emi iki mai paha. Ua koe nae i ke aupuni na mine mineresa a me na metela a pau.

No Kaau.
ua aina in i hanwiia ma ke ANO ALODIO a no kona mau hoolilna, a me kona waihona; ua pili nae ka uuhau a ka Poe Ahaolelo e kau like ai ma na aina alodio i kela manawa i keia manawa.

A i mea e ikea ai, ua kau wau i ko'u inoa, a me ka Sila Nui o ko
Hawaii Pae Aina ma Honolulu i keia la 7th
o August 1848.

Kauhanmann

Eono loi pealima iloko o ke Apana 1.

1 Penei na pealua. M. M. Pealima. K. Ke o Pilipili 2. M. Kahawai.

2 Penei na pealua. M. Ke o Pilipili. W. Keia o Konohiki. K. o Kaaa. M. aina o ke Konohiki.

3 Penei na pealua. M. W. aina o Mumuku. K. aina o Konohiki — M. aina o Mumuku.

4 Penei na pealua: M. K. M. aina o Punapahoehoe. M. Kahawai o Waiohuli.

3226. Ohumui. Julai 13. 1849.

Kahiki Konohiki. Ua ike au i kona aina ma Waikapu, me kula 6 Apana.

Apana 1. 7 loi mauka ili o Kualala. Waikapu.
" 2. Pankukala " " Kaopala "
" 3. " " " " Kalaalaa "
" 4. 1 loi " " " Punia "
" 5. Pahale ma " " Kaopala "
" 6. Mala uala Aupu. " Waiohuli Kula.

No Kaai mai ka apana 3. 35. i ka M. K. 1842. No Keake mai ke Kaai. No Naauaa mai ka Apana 1. 2. i ka M. M. 1835. Apana 6 no Punapahoehoe mai i ka M. M. 1846. Aole mea kaaka. 1 pealima ma ka Apana 3.

1 Penei na aoao. M. o Naauaa. W. K. aina o Kaai. M. aina o Pokeno.

2 Penei na aoao M. Ke Punia. W. o Kamakaipuna. K. o Kalaoopa. M. aina o Kaai.

3 Penei na aoao. M. W. K. Kahawai o Waikapu. M. Pali o Waikapu.

4 Penei na aoao. Ua puni i ka aina o Naauaa.

5 Penei na aoao. M. kiu aina. W. o Kalakoukea. K. o Kaai. M. o Kalaoopa.

6 Penei na aoao. M. o Emilia. K. o Konohiki. M. o Punapahoehoe. M. o Kamai.

3105. Kaaa.

Kamai Konohiki. Ua ike au i kona aina ma Waikapu. 3 Apana.

Apana 1. Pahale ma ka ili o Pilipili 2.
" 2. Pauku kalo 10 loi = "
" 3. 5 loi & kuka. — ".

N. Punipahoehoe mai kona i ka wa o Kamehameha I. a ole ma kuakea. 1 loi no Punipahoehoe ma ka Apana 1.

1 Penei ma palena. M. o Keawe. W. Kahawai o Waikapu. K. Ili o Kapeala. M. pila no.
2 Penei ma aoao. M. aina o Leba. W. Ili Pilipili o Komoka. K. o Konoka M. kahawai.
3 Penei ma aoao. M. o Punipahoehoi. W. o Kekeapaa. K. o Kaui. M. o Kekeapaa.

3337. Naauao. Julai 13. 1849

Apuunui Koolukia. Ua ike au i kona aina ma Waikapu, a me Kula-
5 Apana.

Apana 1. Pauku kalo ma ka ili o Puuia, Waikapu -
" 2. " loi " " " " " "
" 3. " kalo " " " " " "
" 4. " " " " " " Kaalaea "
" 5. Mala uala " " " " Kamaole. Kula.

Apana 1.2.3.4. no kona kaikuahine mai i ka M. K. 1832, Ua loaa i kona kaikuahine i ka wa o Kamehameha I. Apana 5. no Kapohaku mai i ka M. K. 1845. he aina kalaiku ko Kapohaku no Kalauao mai, ole ma kuakea. 1 Palena ma ka Apana 1.

1 Penei ma aoao. M. o Keikeua. W. o Kaai. K. o Kalalioouka. M. o Kepaa.
2 Penei ma aoao. M. o A. Paki. W. Ili o Kapeala. K. o Kaiwa. M. o Keikeua.
3 Penei ma aoao. M. o Kawaawa. W. o Keawe. K. pila no. M. o A. Paki.
4 Penei ma aoao. M. o Kahakumakaai. W. Komo. K. o Apuunui. M. o Puuia.
5 Penei ma aoao. M. o Keikeua. W. o Pipio. M. o Kapohaku. M. kahawai o Kamaole.

5551. Kekeua.

Kua. Koolukia. Ua ike au i kona mau apana aina ma Waikapu-

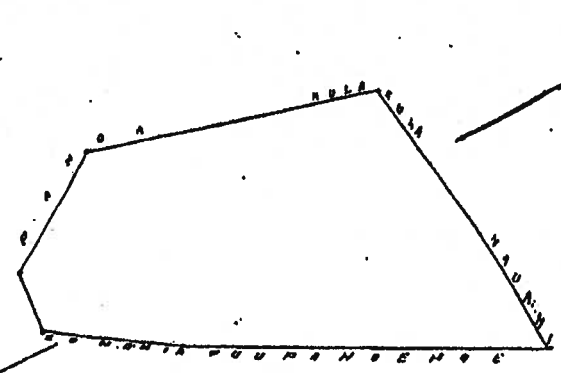
R. P. 3147

Helu 3396 Mumuku Hanakuu Maui.

Huleana 3396 mo Mumuku, Hanakuu, Maui. Ili o Nuanua, e komo ka ma ke kahe Hikina o pili ana me Anuahi Kekuleiaiku, & Punohaokoe ae kele Hema Ki. 44½ Hkl o pili ana me Punohaokoe, Hema Ki. 190 Hkl o pili ana me Konohia Ki. 45½ Ki. 78 Hkl o pili ana me Kekuleiaiku, Ki. 89 Ki. 150 Hkl o pili ana me Pakaa Ki. 19½ Ki. 345 Hkl o pili ana me Pakaa & Kula, Ki. 65½ Ki. 232 Hkl o pili ana me Kula Ki. 85½ Hi. 181 Hkl o pili ana me Anuahi a kahi i komakai. 1½ Eka.

April 15. 1852.

E Bailey Mea ana aina.



Ukuleaue loa 5-45

H. L. Lee
G. K. Robertson
J. K. Smith
J. Kekaulahao

Honolulu June 25. 1852.

(87 83

HELU 1147

PALAPALA SILA NUI.

A KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

NO KA MEA, ua hoholo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko ma ka **Ano Alodio** iloko o kahi i olelola malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, ko Alii nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawai' Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona mau hope alii, ua haawii aku oia ma ke **Ano Alodio** ia

i kela wahi a pau loa ma

ma ka mokupuni o penei na mokuna,

EXHIBIT C-R 8B

(88)

Maioko o Kz apana 1-62 1005 Eha
a oi iki aku, a emi iki mai paha. Ua koe nae i ke aupuni na mine mineraia a me na metela a pau.

No Mumuku
una.aina la i haawiia ma ke ANO ALODIO a no kona mau hoolilna, a me kona waihona; ua pili nae ka auhau a ka Poe Ahaolelo e kau like ai ma na aina alodio i kela manawa i keia manawa.

A i mea e ikea ai, ua kau wau i ko'u inoa, a me ka Pihi Nui o ke Hawaii Pae Aina ma Honolulu i keia la. 9th

Augate 1856.

Kamehameha

The Clt. rec'd No 1. from Napuu fisherman in ancient times 1829. and No 2. from Nuipali in the same year. His title is without dispute.

No 1. is bounded. Mauka, by the ili of Olohe. Waiku, by Mamio land. Kula, by the Creek of Waikapu. Makai, by the Pali of Waikapu.

No 2. is bounded. Mauka, by Kaai's land. Waiku, by the Creek. On other two sides, by Kaai's land.

Wailuku July 16. 1869.

C. 3296. Munuoku.

Ecka Sw. The Clt's land consists of 2 pieces in Waikapu, and the other in Kula.

No 1 is a Section of Kalo land in Kuehina. Waikapu Maui.
" 2. " " Potato ground " Kuiahale. Kula "

The Clt. rec'd these lands from Pepuali in 1844. and Pepuali had them from Governor Boki before 1829. His title has never been disputed.

No 1. is bounded. Mauka, by Palakiko's land. Waiku, by Kuapa's land. Kula, by Napuu fisherman's land. Makai, by my land.

No 2. is bounded. Mauka, by Pade's land. Nonuuula, by the Creek of Kuiahale. Kula, by Konohiki's land. Makaena, by Emelia's land.

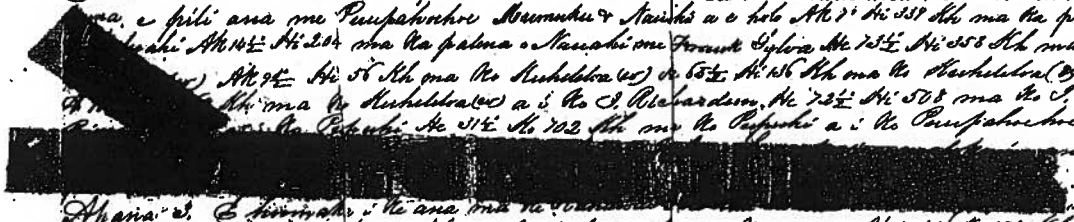
C. 11022. Kalimealii

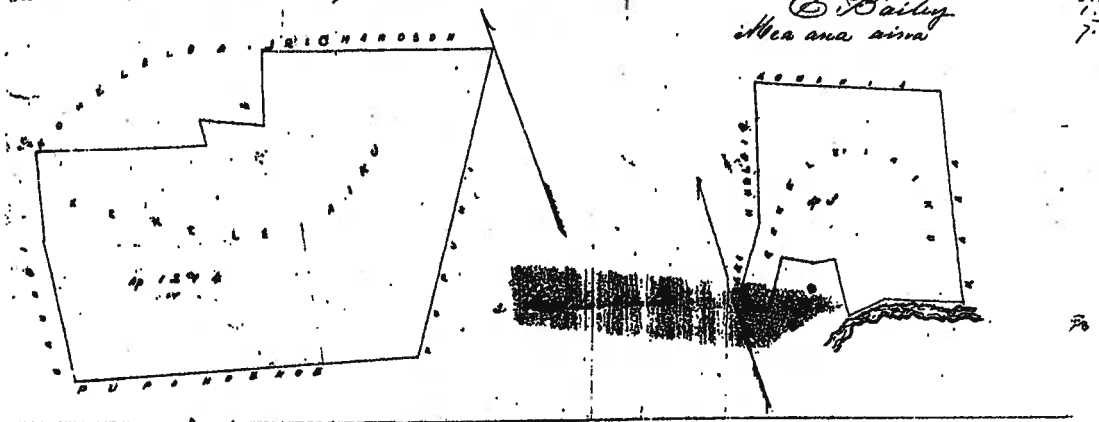
Kaai Sw. The Clt's land consists of 16 pieces of land in Kula and Waikapu. Maui.

No 1. is one Moo of kalo in Palama. Waikapu,
" 2. " " " " " " " "
" 3. " " " " " " " "
" 4. " " " " " " " "
" 5. " 11 lois " " " " "
" 6. " 5 " & kula " " " "
" 7. " 3 " " " Kamaukalii "

Honolulu June 25 1852

Hoku 8808 Kekeleiaiku [redacted] Waikapu Maui





Honolulu June 25 1852

Hoku 5742 Kaluahinui Waikapu Maui

EXHIBIT C-R 9A

HELU 2164.

PALAPALA SILA NUI.

A KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

No ka mea, ua hoholo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko Kekauonohi (Kuhina Nui 1845)

ma ke ano **Kuleana Nui** malalo o ke Ano Alodio iloko o kahi i olelo ia malalo, a no ka mea,

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, ke Alii Nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la, nona iho a no kona mau hope Alii ua hoolilo, a ua haawi aku oia ma ke **Ano Alodio** ia Kekauonohi

i kela wahi a pau loa ma Moekahakaha, Waiakea
ma ka mokupuni o Hawaii ; penei na mokuna:

E komoaka i ka aina o ka ahupuaa 12 a me ke kuia i koeheke ma ke Kihi Komohana o keia ahupuaa, holo ma ke Pumpehaehae, Mauumaka a me Nanaehi a i hope

Akau 7 Hik 339 Kaulana ma ka palena o Nanaehi
Akau 14½ Hik 204 " " " Honohono Lyons
Kona 73½ Hik 358 " " " Kuhikuhi Kuakini
Akau 9½ Hik 56 " " "
Kona 65½ Hik 136 " " "
Akau 15½ Hik 165 " " " Kuhikuhi Kuakini
Kona 72½ Hik 565 " " " Kuhikuhi Kuakini ike Pumpehaehae
Kona 31½ Nowe 702 " " " Pumpehaehae
Akau 76¼ Nowe 755 " " " Ke 5½ Eeka
i ke Kihi o keia ahupuaa,

E komoaka i Kona ma ke Kahawai i ke Kihi Hikina o keia ahupuaa holo ma Kaaa a i hope

Akau 3¾ Hik 491 Kaulana ma ka palena o Kaaa i ka Awawai
Akau 75¾ Nowe 398 " " " Konohiki me Maunaka
Kona 7¼ Nowe 322 " " " Kuolaia
Kona 23 Nowe 256 " " " Kuaii
Kona 75 Hik 60 " " " Eeka
Akau 23½ Hik 127 " " " "

EXHIBIT C-R 9B

Kepa 64 Hik. 70 Kaulana ka pa.kepa a Eka
Kepa 89 Hik 61 " " "
Kepa 4/p Hik 130 " " " i ke Kahawai
Apana 2 Hik 80 " ke Kahawai
Kepa 77 Hik 166 " " " ke 1/2 Eka
i ke Kihi mua

5 50 c
1 95 "
7 45

Maloko o Kepa 2 ma Apana — 7 45/100 — Eka

a oi iki aku, a emi iki mai paha. Ua koe nae i ko aupuni na mine minerala a me na metala a pau.

No Kekaiwilu

ua aina la i hanwiia ma ke **Ano Alodio** a no kona mau hooiliua, a me kona waihona, ua pili nae ka auhau a ka Poe Ahaolelo o kau like ai ma na aina alodio i kela manawa i kela manawa.

A i mea e ikea'i, ua kau wau i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae Aina, ma Honolulu, i kela la o

Kalaimoku, 1855.

Kamehameha

Victoria K. Kaahumanu

year from Ciprus, and has possessed it ever since up to his death in 1848. His own brother Pio is his heir.

No 1. is bounded. Mauka, by the Govt Lot Kaalua, by the ili of Kaanui. Kuhe, by the ili of Kukuiulaimuku. Maukua, by Kapeekauai's Land.

No 2. is bounded. Mauka, by Kapuai's Land. Kalua, by the Creek of Waikapua. Kuhe, by the pasturing lots of Kuai. Maukua, by Kuai's Land.

R. 5505. Kekeiaeiku.

Title &c. The Olt Lands consist of seven pieces in Waikapu & Kula, Maui.

No 1. is a Section of lots in Mokuhelehele.
" 2. " " " " " "
" 3. " 6 lots " "
" 4. " 2 kuleanas " "
" 5. " " Potato patch " Waiohuli, Kula.
" 6. " " " " " Kamaole. "
" 7. The Olt. rec'd his Lands in Waikapu from Kapuupakoloe in 1862, or rather from his wife sole as the daughter of Kapuupakoloe. Her father rec'd them in olden times. The lands in Waiohuli, he rec'd from Pupuhi, and those in Kamaole from Kuhuaua in 1866. His title has never been disputed.

No 1. is bounded. Mauka, by the ili of Kuaiwa. Waikue, by the ili of Auwaiolemuiki. Kuhe, by Pupuhi's Land. Maalaea by Kapuupakoloe's Land.

No 2. is bounded. Mauka, by the ili of Kuaiwa. Waikue, by Mumuku's Land. Kuhe, by Pupuhi's Land. Maalaea, by Kapuupakoloe's Land.

No 3. is bounded. Mauka, by the ili of Nihoana. Waikue & Kula sides, by the ili of Pilipili 1. Maalaea, by the Creek of Waikapu.

No 4. is bounded. Mauka, by Mumuku's Land. Waikue, by Kaui's Land. Kuhe, by the Govt Lot. Maalaea, by Kapuupakoloe's Land.

No 5. is bounded. Mauka, by Kapuupakoloe's Land. Nonuaula, by Mumuku's Land. Maliai, by Kapuai's Land. Maalaea, by Lunakai's Land.

No 6. is bounded. Mauka, by Kalehepue's Land. Nonuaula, by

EXHIBIT C-R 10

EXHIBIT C-R 11

Keālia Pond National Wildlife Refuge

Comprehensive Conservation Plan

Prepared by:

U.S. Fish and Wildlife Service
Maui National Wildlife Refuge Complex
Milepost 6 Mokulele Highway (Hwy. 311)
P.O Box 1042
Kīhei, HI 96753

and

U.S. Fish and Wildlife Service
Pacific Islands Planning Team
300 Ala Moana Boulevard, Room 5-231
Honolulu, HI 96850

September 2011

Approved: _____ 9/28/11
Acting Regional Director, Region 1 Date
Portland, Oregon

EXHIBIT C-R 12

Ae'o duo © Tony Temple

Chapter 1. Introduction

Keālia Pond National Wildlife Refuge (NWR or Refuge) was established in 1992 to preserve, restore, and manage essential habitat for two endangered Hawaiian waterbirds: the ae'o (Hawaiian stilt) and 'alae ke'oke'o (Hawaiian coot). The 704-acre Refuge is situated along the south-central shore of Maui in the isthmus separating the West Maui Mountains from the East Maui volcano, Haleakalā. Refuge habitats include open water (200 acres), vegetated flats (450 acres), and upland (54 acres). Keālia Pond is a significant foraging and nesting area for Hawai'i's endangered wetland birds, and is host to hundreds of migratory shorebirds and waterfowl during winter months. In addition, the Refuge provides coastal beach strand habitat for native plant species, endangered 'īlio-holo-i-ka-uaua (Hawaiian monk seal), threatened honu (Hawaiian green turtle), and endangered honu 'ea (hawksbill turtle).

The proposed 19-acre Molokini Unit of the Refuge encompasses a crescent-shaped islet located between the Islands of Maui and Kaho'olawe. It has a diameter of about 0.4 miles and hosts a colony of 'ua'u kani (wedge-tailed shearwaters) that nest from March-December. Other inhabitants include a smaller nesting population of 'ou (Bulwer's petrel), 'iwa (great frigate), noio (black noddy), and noio kōhā (brown noddy) that use the island for roosting. The 'ihi plant (*Portulaca molokiniensis*) is a rare Hawaiian endemic known from only two locations, one on Molokini and one on Kaho'olawe.

The Molokini Unit, Keālia Pond NWR, and Kakahai'a NWR (located on the southeastern coast of Moloka'i) make up the Maui National Wildlife Refuge Complex (Complex). This Comprehensive Conservation Plan (CCP) will focus on the Keālia Pond NWR and the Molokini Unit.

are quickly cooled by water before crystals can form. Glass is a geologically unstable material. It alters rapidly to brownish-yellow clays, giving Molokini its earthy yellow color. In contrast, cinders erupted on land are reddish and black. The Molokini deposits are basanite, a type of basalt with fairly low amounts of silicon (Si) and high concentrations of sodium and potassium (USGS 2008).

3.4 Hydrology

The hydrologic processes that occur in the Hawaiian Islands are unique compared to continental landmasses or temperate zones. Drainage basins are typically small and streams are characterized by steep longitudinal profiles and numerous waterfalls. Due to its location, Keālia Pond has historically served as a settling/deflation basin for a 56-square mile watershed extending to the West Maui Mountains. There are three major streams that are tributary to the wetland: Pōhākea Stream, Pale'a'ahu Stream, and Waikapū Stream. All three streams are unpredictable and intermittent, some of which is due to diversions for agriculture. Wilcox (1996) reports that most of Hawai'i's streams are flashy, with flow rates that rise and fall rapidly in response to precipitation. Several other streams occasionally flow into the wetland from the west side of Haleakalā during very high rainfall events. Historically, these streams may have flowed into the wetland more frequently.

Hydrologic conditions vary considerably seasonally and annually. During the wet season, the Main Pond usually maintains moderate to high water levels due to increased precipitation and streamflow with a maximum Pond depth of 3-4 feet. As summer progresses, precipitation decreases, less stream water flows into the Pond, and the water levels recede. Some years, inflows are sufficiently high to maintain water levels throughout the summer. Most years, the water level begins to recede by April or May, resulting in very low water or even dry conditions in the Pond by late summer or early fall.

3.4.1 Annual Hydrologic Cycle

The information presented next is based on Pond water level data collected at Keālia's Main Pond from 1996-2006. Since June 2000, Pond levels have been recorded hourly with a datalogger. Figures 3.4, 3.5, and 3.6 show the Pond levels and monthly precipitation for water years 1996-2007. The relationship between precipitation and water levels can be observed in the figures, with wetter years and wetter times of the year resulting in higher water levels.

In most years, the Main Pond fills quite abruptly (within days) due to a combination of rainfall and runoff following the first major storm in the fall or winter. Usually, this occurs in October or November, although it has happened later, as in 2000 and 2006. Rainfall directly on the Pond is a fairly minor component of the total inflow into the Pond. The majority of inflow is from runoff and streamflow. Inflow reaches the Pond in three forms: as direct streamflow from any of three major tributaries to the Pond; as runoff and diffuse surface flow from the surrounding lands; and as subsurface flow (groundwater seepage).

Of the three main streams flowing to the Pond, Waikapū Stream is the major contributor of inflow during the wet season. Although this stream is dry much of the time, the volume of water is considerable when it is flowing. Peak flow measurements were collected annually from 1963-1997 at USGS Station 16650500 Waikapū Stream, located just upstream of the Refuge at Lower Mā'alaea

Rd. The peak flows averaged 620 cubic feet per second (cfs) and ranged from 104-1,130 cfs. Flows greater than 1,000 cfs are not uncommon in the record. Weekly estimates of flow were collected at this same site by Refuge staff 2001-2006. The maximum estimated flow recorded was 450 cfs and the site was dry about 80 percent of the weekly visits. Historically, Waikapū Stream was believed to be perennial through its entire reach but the stream was fully diverted of all but peak flows many years ago for the purpose of sugarcane irrigation (Maciolek 1971). There is presently a reservoir upstream of the Refuge on Waikapū Stream that may affect inflows to the Pond. Within the past 5 years, water rights issues have come to the forefront between environmental groups, agricultural companies, and user groups that include the Waikapū Stream. However, to date, the State's decision to return water to some of the West Maui streams has not included the Waikapū Stream.

The other two streams, Pōhākea and Pale'a'ahu, make up a smaller fraction of the streamflow to the Pond. Weekly flow estimates of these two streams were collected by Refuge staff 2001-2006 as well. These two streams are still intermittent but flow more consistently than Waikapū Stream. Pōhākea Stream was dry an average of 50 percent and Pale'a'ahu Stream was dry an average of 20 percent of the weekly visits. The maximum estimated flow was 94 cfs in Pōhākea Stream and 25 cfs in Pale'a'ahu Stream. Flows in Pōhākea Stream have been greatly reduced since 2004, based on Refuge staff observations. From 2001-2004, Pōhākea Stream was observed to be dry 23 percent of the weekly visits to the stream. In 2005 and 2006, the stream was dry 92 percent of the weekly visits. The decrease is likely due to some upstream change in water or land management. Pōhākea Stream is not a major contributor of inflow to the Pond. The major effect of this change is that the area around the outlet channel of this tributary has become slightly drier.

Groundwater levels are quite dynamic and generally follow the same seasonal patterns as surface water levels in the Pond. There is large temporal and spatial variability in water table levels and groundwater salinity. However, the groundwater system appears to be only weakly connected to the surfacewater system and groundwater seepage to the Pond is a minor component of total inflow. Groundwater does not seem to influence the Pond in terms of quantity or quality, although groundwater storage adjacent to the Pond may buffer the Pond water levels to some extent.

During the wet season, inflows from rainfall and streamflow usually exceed outflows, maintaining high Pond water levels through this season. As precipitation and runoff decrease in the late spring and summer, Pond levels begin a slow, steady decline. This decline usually begins in April or May and continues unabated throughout the dry season until the fall rains begin. Water is lost from the Pond through three processes: 1) surface flows to the ocean; 2) groundwater seepage losses; and 3) evapotranspiration losses. Based on the physical constraints to surface outflow discussed below and the consistency of salinity measurements as the Pond recedes (discussed later), the primary water loss from the Pond appears to be through evaporation.

Figure 3.4. Water level depths and monthly precipitation at Keālia Pond NWR, water years (WY) 1996-1999.

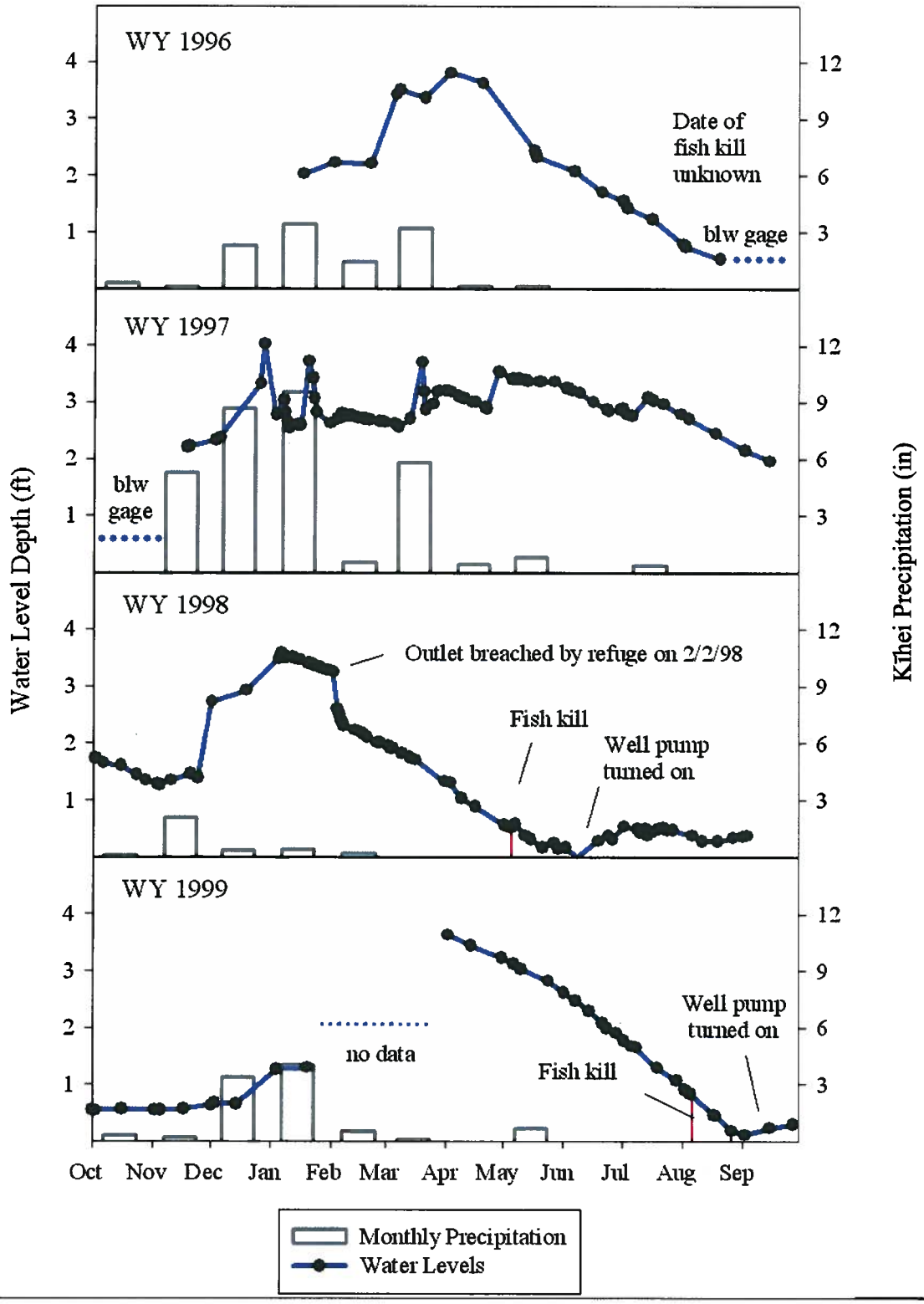


Figure 3.5. Water level depths and monthly precipitation at Keālia Pond NWR, 2000-2003.

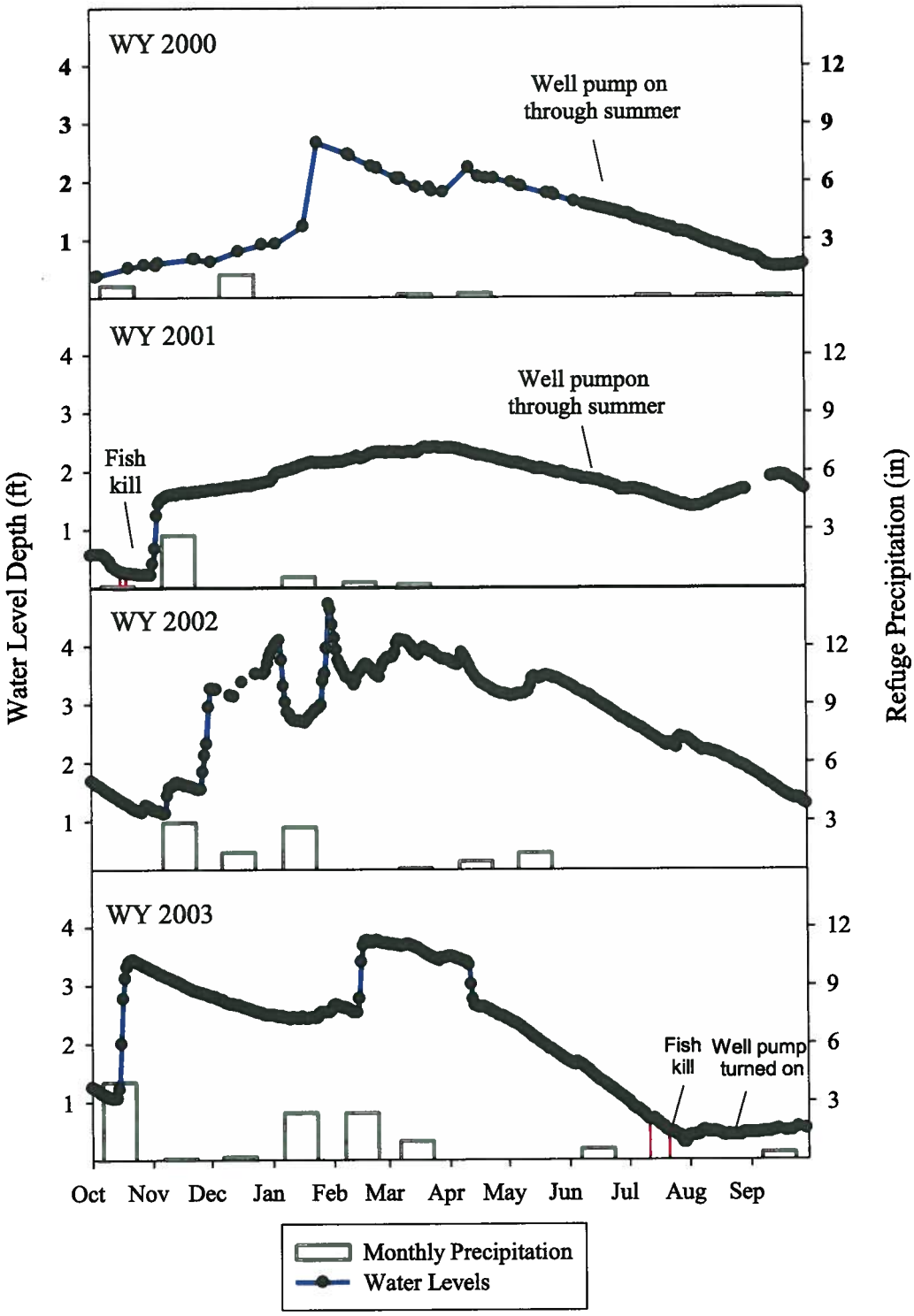
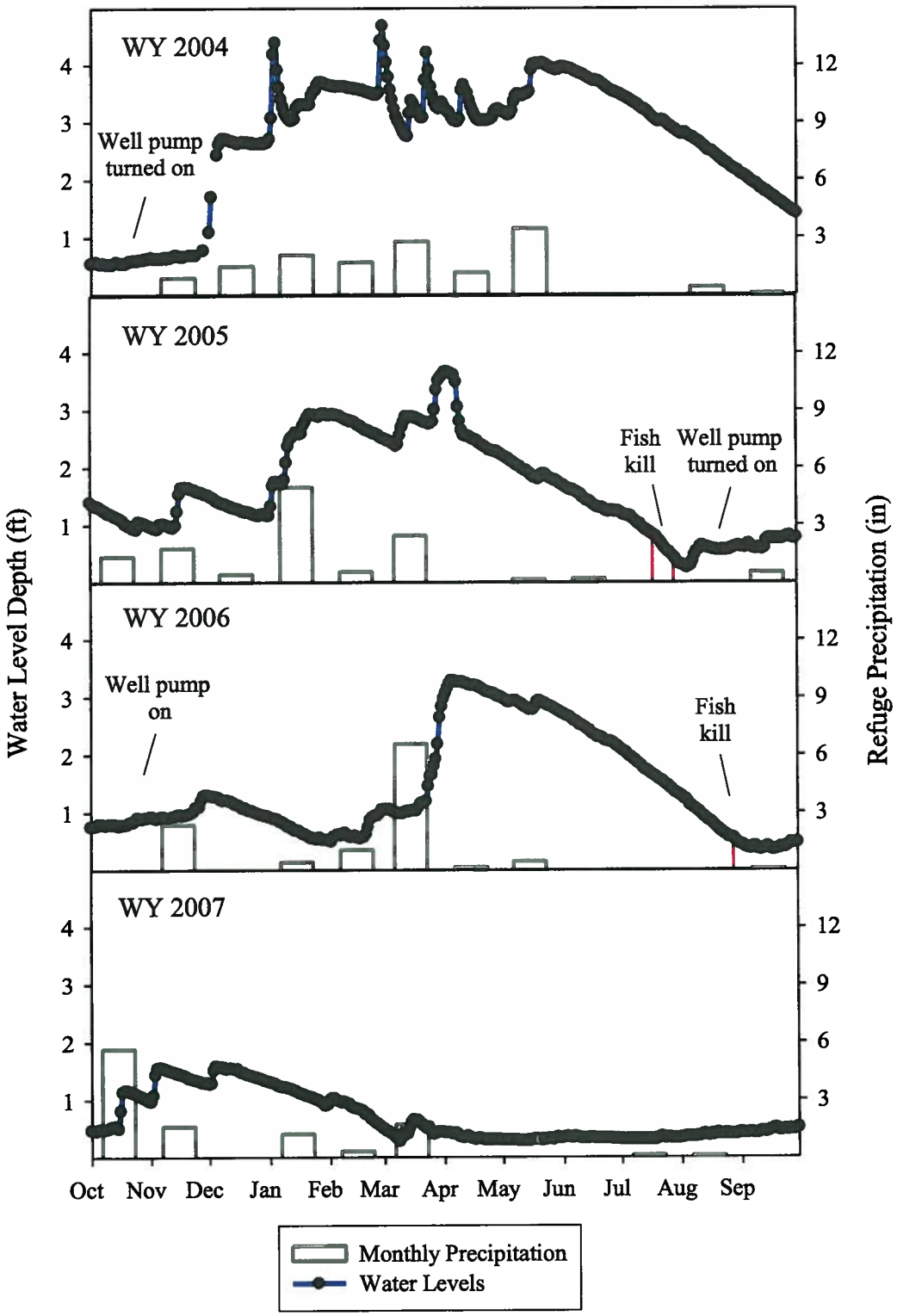


Figure 3.6. Water level depths and monthly precipitation at Keālia Pond NWR, 2004-2007.



Surface outflows to the ocean occur only occasionally in the winter at high Pond levels which are greater than 4 feet mean lower low water (MLLW). The outlet channel from the bridge to the ocean is usually blocked by a sandplug formed naturally by ocean currents and tidal action. This sandplug and the berm separating the Pond from the ocean cause water to Pond. Large rain events will raise the Pond level enough to breach the sandplug temporarily, allowing surface outflow to the ocean and resulting in a rapid drop in Pond levels. The sandplug typically rebuilds within several days. Although the water that outflows to the ocean contains some suspended sediment and organic matter, Maciolek (1971) believed that, at the time of the report, this turbidity was not severe enough to harm the Mā'alaea coral reef community living at or to the west of the discharge point.

There appears to be a small amount of subsurface seepage through the sand beach berm and plug from the Pond to the ocean. Water can be observed to be flowing out under the bridge on N. Kīhei Rd. even when the sandplug is in place and there is no surface outflow to the ocean. This indicates the existence of subsurface seepage through the beach berm separating the Pond and the ocean. The sand substrate of the beach berm is probably more permeable than the silts and clays underlying the remainder of the Pond. The subsurface seepage outflow is estimated to be as high as 2 cfs or 4 acre-feet/day, depending on the Pond elevation. Subsurface seepage losses will be head-dependent, meaning the higher the Pond level, the greater the subsurface seepage outflow.

The elevation of the bottom of the box culvert under the bridge is 2.54 feet MLLW. As the water level recedes below this elevation, the box culvert blocks any outflow under the bridge, isolating the Pond from the area of seepage outflow. Seepage losses in other areas of the Pond are very small and, it appears that Pond outflows at water surface elevations less than about 2.5 feet MLLW are solely through evaporation. The Pond essentially acts as a closed basin as water levels recede below the elevation of the box culvert at the bridge. This has important chemical and biological implications since evaporation concentrates salts, nutrients, and other solutes, as will be discussed later.

One of the characteristics of evaporative losses at Pond levels less than 2.5 MLLW is that they are quite predictable. The rate of evaporation varies seasonally but is consistent from year to year in the absence of any significant inflows. The dry season rate of decline, without any pumping of well water into the Pond, has averaged 0.023 feet/day (0.65 feet/month), with a range from 0.020 feet/day, in 2002, to 0.026 feet/day, in 1999 and 2008 (Table 3.1). Variability in the rate of decline during the dry season appears to be related mainly to fluctuations in evaporation rates and to occasional stream inflows during the period of decline. Pumping groundwater into the Pond slows the rate of decline considerably. In 2000, the rate was 0.01 feet/day and in 2001, it was 0.008 feet/day. In both years, pumps were running fairly consistently throughout the spring and summer during the period of declining water levels. The rate of water level decline is slightly slower in the cooler wet season. In the absence of any groundwater pumping or inflows, it averages about 0.013 feet/day during the winter months and about 0.18 feet/day during spring/fall months, based on data from 2007-2008.

At the previous well capacity of approximately 700 gallons per minute (gpm), groundwater pumping slowed the rate of decline and stabilized the Pond elevation at about 1.00-1.30 feet MLLW (about 0.4-0.5 feet average Pond depth) in the summer. This elevation range represents about 50-60 percent water coverage. Above this elevation, the evaporative losses are too great and the existing well capacity cannot meet the demand.

Table 3.1. Rates of Water Level Decline for Periods with No Significant Inflow to Pond.

Water Year	Period with No Significant Inflow	Season	Rate of Pond Level Decline (ft./day)
1998	2/24-5/21/98	Winter/Spring	0.021
1999	6/23-8/26/99	Summer	0.026
2000	4/17-9/5/00	Spring/Summer	0.010*
2001	4/1-8/1/01	Spring/Summer	0.008*
2002	8/24-10/11/02	Summer/Fall	0.020
2003	5/17-7/24/03	Spring/Summer	0.023
2004	9/5-24/04	Summer/Fall	0.022
2005	5/26-8/1/05	Summer	0.022
2006	7/4-9/5/06	Summer	0.026
2007	2/3-3/12/07	Winter	0.017
2008	2/22-4/30/08	Winter/Spring	0.018
Summer Average			0.023

* Wells were pumping continuously during the summer period during 2000 and 2001. These years were not included in the summer average rate of decline calculation.

There is about 2 feet of difference between winter maximum water levels and summer minimum water levels. Maximum water levels typically occur in winter months of February -April, with mean depths of about 3 feet. Even during the dry winter in 2006, the Pond was full by April. June, July, and August levels have been quite variable, but are usually quite low in dry years. October and November have consistently been the months of minimum water elevations. Early fall storms are responsible for the higher elevations observed during October and November in some years.

3.4.2 Water Quality of the Main Pond

The water quality and algae information presented here is based on 5 years of monitoring at the Main Pond from 2001-2006. In general, the Pond is extremely productive and hypereutrophic, meaning chlorophyll-a concentrations greater than 100 parts per billion (ppb) as classified by the Organization for Economic Cooperation and Development. Chlorophyll-a had a median concentration of 125 ppb for the period but concentrations were greater than 1000 ppb on several occasions. Water temperatures, salinity, turbidity, macronutrient concentrations, chlorophyll- a concentrations, and algal biomass were usually greater in summer and fall at lower water levels. The Pond has a very low relative depth (ratio of depth to surface area) and flat bathymetry, and is polymictic (mixed continuously) due to the shallow depth and strong local winds. There is little spatial variability in water quality conditions in the Pond because it is so well-mixed. Water quality is strongly related to Pond water levels; this is the single most important factor affecting water quality. Pond depths and water quality are strong controls of its biota as well (OECD 1982).

Temperature

Mean annual water temperature at Keālia is 76.6° F and ranges from an average of about 73° F in winter (December-March) to 79° F in summer (June-September). This is very close to the annual average of 75.2° F predicted for water bodies at this latitude. A time series plot of hourly water

ORIGINAL

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT FOR *EXISTING USE* IN THE NA WAI EHA, MAUI, SURFACE WATER MANAGEMENT AREAS

For Official Use Only:
RECEIVED
COMMISSION ON WATER RESOURCE MANAGEMENT
2009 MAY -1 PM 12:59
Event ID:

FORM SWUPA-E (NA WAI EHA, MAUI)

For detailed instructions on filling out this application, refer to the attached instructions.

APPLICANT INFORMATION: Note: In accordance with §174C-51(1)(B), HRS, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
U.S. Fish and Wildlife Service Kealia Pond National Wildlife Refuge	Glynnis L. Nakai Project Leader	Department of the Interior U.S. Fish and Wildlife Service	Glynnis L. Nakai Project Leader
Applicant's Mailing Address, or Principal Place of Business		**Source Landowner's Mailing Address, or Principal Place of Business**	
P.O. Box 1042 Milepost 6 Mokulele Highway Kihei, Hawaii 96753		U.S. Fish and Wildlife Service Division of Water Resources 911 N.E. 11th Avenue Portland, Oregon 97232-4181	
Applicant's Phone / Applicant's Fax / Applicant's E-mail		Source Landowner's Phone / Source Landowner's / Source Landowner's E-mail	

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: ☐ Waihee/6022 ☐ Waiehu/6023 ☐ Iao/6024 ☒ Waikapu/6001

4. DIVERSION LOCATION: Choose the appropriate category and enter information in either 4a or 4b.

4a. TMK OF STREAM DIVERSION LOCATION: 3 (Zone) - 8 (Sector) - 005 (Plat) : 02 (Parcel)

4b. TMK OF DITCH DIVERSION LOCATION: ____ (Zone) - ____ (Sector) - ____ (Plat) : ____ (Parcel)

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☐ Pipe ☐ Pump ☐ Ditch/auwai ☒ Other Describe: Stream flows directly into Kealia Pond National Wildlife Refuge

Is the diverted water returned to the stream or ditch? ☐ Yes. ☒ No. If yes, how much water is returned?

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☐ Yes. Enter the installation date:

Describe the device and enter measured amounts in Table 1.

☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

Periodic flow measurements are conducted

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☒ Yes ☐ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☒ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☐ Yes ☒ No

If yes, who is the operator of the water system?

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☐ Yes. List the file reference name(s):

☒ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) If necessary, further information may be required before the application is considered complete; 2) If a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) the applicant is responsible for paying the required public notice fees associated with this application.

11. APPLICANT	12. SOURCE LANDOWNER
Glynnis Nakai Signature	Glynnis Nakai Signature
Glynnis L. Nakai Print	(Agent) Glynnis L. Nakai Print
04/30/09 Date	04/30/09 Date

FILE ID: SWUP, 2852, 6
DOC ID: 8376

EXHIBIT C-R 13

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source: (Check one) ☒Stream ☐Ditch ☐Auwai
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007		☐	☐	☐	☐	3.11 ft.
June 2007		☐	☐	☐	☐	3.85
July 2007		☐	☐	☐	☐	3.86
August 2007		☐	☐	☐	☐	3.69
September 2007		☐	☐	☐	☐	3.39
October 2007		☐	☐	☐	☐	2.91
November 2007		☐	☐	☐	☐	2.14
December 2007		☐	☐	☐	☐	1.86
January 2008		☐	☐	☐	☐	1.99
February 2008		☐	☐	☐	☐	1.58
March 2008		☐	☐	☐	☐	1.69
April 2008		☐	☐	☐	☐	3.10
SUM OF AVERAGE DAILY USE FOR THE MONTH		GPD				
AVERAGE DAILY USE (Average of the above)		GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE/ WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not required, or No	5. COUNTY ZONING CODE	6. SMA? REQ'D Enter either: Yes and Date approved, or Yes and not required, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require potable (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that do not require potable water									
	Zone - Sector - Plat : Parcel								Refuge's land use is not identified under the categories provided
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL NON-POTABLE USE		GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =		GPD		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.									

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo. Zone - Section - Plat : Parcel	2. CROP	3. TOTAL ACREAGE	4. WET IRRIGATED ACREAGE	5. BEGIN GROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to Instructions.)	8. IRRIGATION PRACTICE (Refer to Instructions.)
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							
- - - :							

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources		
Wastewater reuse		
Ditch system		
Desalinization		
Ground water		Ground water wells are available. See Attachment 1 for explanations.
Other (specify)		

PUBLIC INTEREST

§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.

Kealia Pond National Wildlife Refuge (691 acres) was established in 1992 under the authority of the Endangered Species Act with the purpose "...to conserve (a) fish or wildlife which are listed as endangered species or threatened species, or (B) plants..." (16 u.S.C. 1534, Endangered Species Act of 1973. Kealia Pond is a seasonal wetland that relies primarily on the drainage from the upper watershed (Waikapu) to fill in winter months and sustain decreasing water level during summer-fall. In protecting and managing the habitat for endangered Hawaiian waterbirds (Hawaiian stilt and Hawaiian coot) the refuge requires adequate water from the streams to provide foraging and nesting habitat for endangered waterbirds. The refuge does not divert water from streams to accomplish this but is applying as an existing use because we depend on the surface water that is not diverted. This is consistent with the public interest by protecting and procreating fish and wildlife and maintaining a balanced ecological system.

Attachment 1

US Fish and Wildlife Service, Keālia Pond National Wildlife Refuge
Additional Information for Surface Water Use Permit (Na Wai Eha)

Item # 4a) The tax map key is for Keālia Pond National Wildlife Refuge, into which the Waikapū Stream flows.

Item # 5) U.S. Fish and Wildlife Service (USFWS) does not have an actual diversion on Waikapū stream. The stream flows directly into Keālia Pond, which is the terminus of the stream. Waikapū Stream is the main surface water source to the pond but it is not the only surface water source. Pohakea Stream and Paleaahu Stream (which may be connected with Waihe'e Ditch) also flow into and terminate at the pond. Occasionally, we use groundwater pumping to augment pond levels for endangered Hawaiian waterbirds.

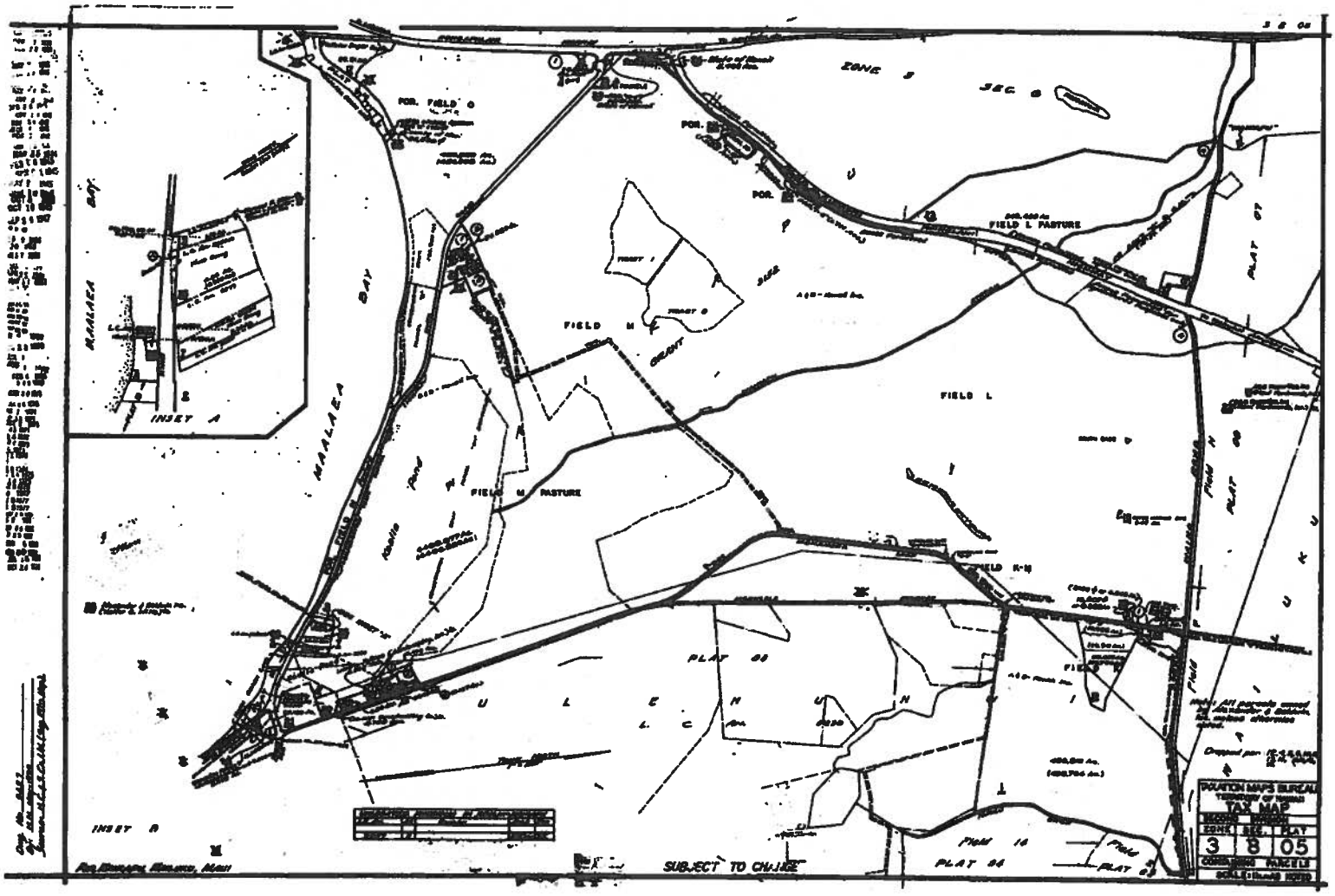
Item # 6) We collected periodic flow measurements of Waikapū Stream from 2002 to 2006 at the point where it flows onto the refuge. A few of these measurements were made using a current meter and standard USGS measurement techniques but most of the measurements were visual estimates of flow. The stream channel is often dry at this location so when we made a visual estimate of flow, we first noted whether stream was flowing or not and, if it was, we made visual estimates of velocity, depth, and width, then computed an estimate of flow.

Table 1 – The numbers in the "Other" column in this table are the monthly median water level elevations (MLLW in feet) for the years 2002 to 2006. We did not include the months indicated (May 2007-April 2008) because that was an exceptionally dry winter and does not represent the levels required to sustain habitat for endangered waterbirds. The water levels reported are based on hourly continuous water level data collected for that same period. The refuge has received water in sufficient quantities from rainfall, groundwater seepage and pumping, and all three tributary streams (including Waikapū Stream) to meet evaporation needs, seepage losses, and occasional surface outflows and sustain these water levels. We would like to continue to be able to do so in the future. Since the water supplying the refuge is from multiple sources, it is difficult to state what quantity of water is required from Waikapū Stream itself. We are willing to work with the state to develop a more exact estimate of the quantity of water necessary to continue to maintain these levels.

Table 2 – The particular land use at the refuge is not identified in the categories provided. The refuge was established for the protection and conservation of endangered waterbirds, including Hawaiian coot and Hawaiian stilt, and the land use reflects this purpose.

Table 4 – Brackish groundwater wells are available for augmenting the water supply to Keālia Pond. However, groundwater, in and of itself, is not adequate to supply the entire pond throughout the year and is usually only used at very low water levels.

USFWS, Kealia Pond National Wildlife Refuge, Maui, Hawaii
Application for Surface Water Use Permit for Existing Use in the Na Wai Eha, Maui, SW Management Area



USFWS, Kealia Pond National Wildlife Refuge, Maui, Hawaii
Application for Surface Water Use Permit for Existing Use in the Na Wai Eha, Maui, SW Management Area

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI`I

`Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Iao, & Waikapū Streams Contested Case Hearing	Case No. CCH-MA06-01 **CERTIFICATE OF SERVICE**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I caused true and correct copies of the following documents to be served on the following persons by facsimile, hand-delivery or U.S. mail, postage prepaid (as indicated below) to their respective addresses:

1. Office of Hawaiian Affairs Joinder in Hui O Nā Wai `Ehā and Maui Tomorrow Foundation, Inc.'s Opening Brief and Opening Statement;

2. Office of Hawaiian Affairs' Witness List and Written Testimonies of Levi Kainalu Almeida and Ethan Harders;

3. Office of Hawaiian Affairs' Exhibit List and Exhibits C-R 1 to C-R 13.

	HAND-DELIVERED	FAXED	MAILED
DAVID SCHULMEISTER ELIJAH YIP Cades Schutte LLP 1000 Bishop street, Suite 1200 Honolulu, HI 96813 Attorney for Hawaiian Commercial & Sugar Company (HC&S)	☑	☐	☐
GILBERT S.C. KEITH-AGARAN Takitani & Agaran, Law Corporation 24 N. Church Street, Suite 409 Wailuku, HI 96793 Attorney for Wailuku Water Company LLC	☐	☐	☑
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JENNIFER M.P.E. OANA PATRICK K. WONG Department of the Corporation Counsel, County of Maui 200 South High Street Wailuku, HI 96793 Attorneys for County of Maui, Department of Water Supply	☐	☐	☑

DATED: Honolulu, Hawai`i, January 7, 2014.

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STATE OF HAWAI`I

`Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe`e, Waiehu, `Iao, & Waikapū Streams Contested Case Hearing	Case No. CCH-MA06-01 **AMENDED CERTIFICATE OF SERVICE**

AMENDED CERTIFICATE OF SERVICE

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DAVID SCHULMEISTER ELIJAH YIP Cades Schutte LLP 1000 Bishop street, Suite 1200 Honolulu, HI 96813 Attorney for Hawaiian Commercial & Sugar Company (HC&S)	☒ 1/7/2014	☐	☐
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DATED: Honolulu, Hawai`i, January 9, 2014.

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