

NICHOLAS HARDERS
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Waikapū, Hawai'i 96793
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2016 FEB -5 AM 9:31

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

Surface Water Use Permit Applications,)	Case No. CCH-MA15-01
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	TESTIMONY OF NICHOLAS HARDERS
Standards, Nā Wai 'Ehā Surface Water)	ON BEHALF OF KARL AND LEE ANN
Management Areas of Waihe'e, Waiehu,)	HARDERS; EXHIBITS "2237-HARDERS-
Īao, & Waikapū Streams, Maui)	1" - "2237-HARDERS-4"
)	
)	

TESTIMONY OF NICHOLAS HARDERS
ON BEHALF OF KARL AND LEE ANN HARDERS

1. This testimony is provided in support of Surface Water Use Permit Application ("SWUPA") No. 2237, filed with the Commission on Water Resource Management on April 23, 2009, for a parcel in Waikapū, Tax Map Key ("TMK") No. (2) 3-5-012:013. Our 'ohana has lived on this land for generations. My parents Karl and Lee Ann own the property and have given me permission to submit this testimony on their behalf.

2. The deed to this land contains a reservation of appurtenant rights. We understand that because of this reservation, the appurtenant water rights may be extinguished. Nevertheless, as stated in our application, we reserve the right to claim appurtenant water rights. Therefore, in the event of a legal determination that these appurtenant rights were not extinguished, we are providing further information regarding water use at the time of the Māhele.

3. We are a Native Hawaiian ‘ohana who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778. Pursuant to Article XII, Section 7 of the Hawai‘i Constitution and Hawai‘i Revised Statutes (“HRS”) section 174C-101, our uses of stream water are traditional and customary cultural practices that are protected public trust purposes.

4. Our domestic water use is also a protected public trust purpose.

5. Based on the information set forth below, if appurtenant rights survived the deed’s reservation, we request recognition of appurtenant rights for TMK No. (2) 3-5-012:013 in the amount of 72,000 gallons per day. We request a Surface Water Use Permit for our current reasonable-beneficial use for TMK No. (2) 3-5-012:013 of 600 gallons per day.

QUANTIFICATION OF APPURTENANT RIGHTS

6. TMK No. (2) 3-5-012:013 is comprised of portions of two Land Commission Awards (“LCAs”): ‘āpana 3 of LCA No. 8808 to Kekeleiaiku, confirmed by Royal Patent (RP) No. 2164; and ‘āpana 2 of LCA No. 3105 to Kaaa, confirmed by RP No. 3154. We are attaching various Māhele documents that confirm water use on TMK No. (2) 3-5-012:013 at the time of the Māhele.

7. Attached as “2237-HARDERS-1” is a true and correct copy of LCA No. 8808 to Kekeleiaiku, as well the native testimony supporting the award (both the original and the English translation).

8. Attached as “2237-HARDERS-2” is a true and correct copy of LCA No. 3105 to Kaaa, as well as the native testimony supporting the award (both the original and the English translation).

9. Attached as “2237-HARDERS-3” is a true and correct copy of a screen shot from the Office of Hawaiian Affairs’ Kīpuka Database, showing the location of LCA Nos. 8808 (in

orange) and 3105 (in yellow). This map has been marked to show the location of our land, TMK No. (2) 3-5-012:013 (in blue).

10. A true and correct copy of the County tax map for TMK No. (2) 3-5-012-013 is also attached as "2237-HARDERS-4."

11. The documents in 2237-HARDERS-1, referring to LCA No. 8808, establish that 'āpana 3, in the 'ili of Makahelahela was cultivated in wetland kalo: the native testimony states that 'āpana 3 contained six lo'i kalo.

12. The documents in 2237-HARDERS-2, referring to LCA No. 3105, confirm that 'āpana 2, in the 'ili of Pilipili, was cultivated in wetland kalo: the native testimony labels the 'āpana as "paukū kalo" that contained 10 lo'i kalo. We understand that the phrase "paukū kalo" refers to a tract of land cultivated in lo'i kalo.

13. Our land, TMK No. (2) 3-5-012:013, is 0.24 acre. Thus, based on the Māhele documents in 2237-HARDERS-1 and 2237-HARDERS-2, if appurtenant rights survive the deed's reservation of rights, the quantification of the appurtenant rights is the amount of water sufficient to grow kalo on 0.24 acre using traditional methods.

14. It is our understanding that, on average, taking into account fallow lo'i and uncultivated areas such as banks between lo'i, healthy wetland kalo requires between 100,000 and 300,000 gallons of water per acre per day ("gad"), and that areas with greater proportions of lo'i in cultivation will require an amount closer to the upper end of this range.

15. Thus, in our best estimation, the water right appurtenant to TMK No. (2) 3-5-012:013 is 72,000 gallons per day ("gpd") (0.24 acre x 300,000 gad).

AMOUNT REQUESTED UNDER PERMIT

16. Currently, we use water from the North Waikapū kuleana ‘auwai that runs along Waikō Road. Water is diverted into the ‘auwai from the stream through a traditional po‘owai (intake made with stones) near Mrs. Shimizu’s house (TMK No. (2) 3-5-012:031). The water continues makai in pipes and ditches until it passes Karl’s parents Ted and Zelig Harders’ property (TMK No. (2) 3-5-012:016), where we divert some water via a simple garden hose to irrigate the crops in our home (noncommercial) garden and lawn on TMK No. (2) 3-5-012-013. Although the diverted water does not return to the stream, it seeps into the ground and re-charges the aquifer. We are requesting a permit for the amount of water necessary for these domestic uses.

17. We believe that the 2002 State of Hawai‘i Water System Standard for Maui County of 600 gpd per single family home is sufficient for these existing domestic water uses.

Reasonable-Beneficial Analysis

18. In the event of a legal determination that our appurtenant rights were extinguished, our existing use is still “reasonable-beneficial,” defined as: “the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and public interest.” Hawai‘i Revised Statutes § 174C-3.

19. The quantity we are requesting is necessary for the economic and efficient irrigation of our home garden, which includes fruit trees for consumption by ourselves, ‘ohana, and neighbors, and tī leaves and tropical flowers, which provide our neighbors and us with aesthetic enjoyment. Our use of the stream water is economic and efficient, as we use only the

amount needed to irrigate our garden and lawn, and we implement measures to minimize water loss, including using garden hoses, which reduce evaporation and leakage.

20. Our use of stream water to irrigate our garden is also consistent with the state and county land use plans and the public interest. Our land is classified by the State as urban, and zoned by the County as agricultural. Our water use on our land for domestic cultivation is in the public interest and fulfills a public trust purpose.

Alternatives Analysis

21. We have always used a reasonable amount of 'auwai water to maintain our non-commercial garden of fruits and flowers, along with other community members along this traditional 'auwai. Other alternatives, such as municipal water, reclaimed wastewater, water from other ditch systems, desalinized water, and groundwater, are not practicable alternatives to the 'auwai water from Waikapū Stream. Requiring us to pay for these alternatives instead of diverting the small amount of stream water via the 'auwai that runs alongside our land would impose an unfair and impracticable cost on us and our family, given that we are small, non-commercial, domestic water users who have always used the 'auwai that runs alongside our land to water our home garden.

SUMMARY

22. In sum: (1) our domestic water use is a protected public trust purpose; (2) if appurtenant rights survived the deed's reservation for TMK No. (2) 3-5-012:013, the exercise of our appurtenant right is a protected public trust purpose, and we are entitled to 72,000 gallons per day; (3) at this time, we request a permit for our current and existing reasonable-beneficial uses on the property of 600 gallons per day, and this modest amount will be used to irrigate our non-

commercial garden and lawn, which is a reasonable-beneficial use of stream water, for which there is no practicable alternative.

I, NICHOLAS HARDERS, do declare under penalty of law that the foregoing is true and correct.

Dated: Waikapū, Hawai'i, 1/26/16



NICHOLAS HARDERS
WATER USE PERMIT APPLICANT PRO SE

Uku paau loa 15.

W. H. Keen
G. M. Robertson
J. H. Kaulahao
J. H. Smith

Honolulu June 25 1852

Heleu 8808 Heheliiaiku

Waikapu Maui

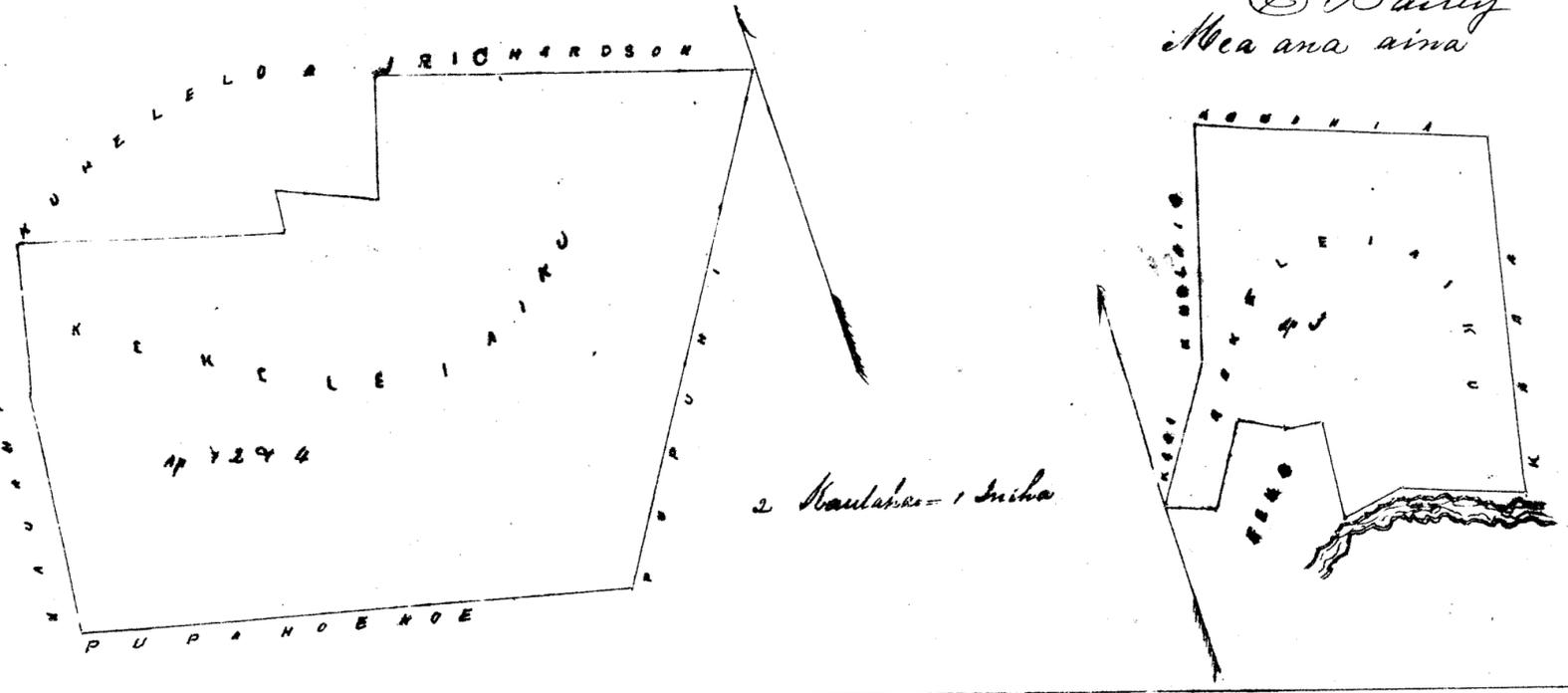
Pulapala ou ke ana ana i ke Heleuana 8808 no Heheliiaiku ma ka ili. Matakulaha Waikapu
Maui

E hoomaka i ke ana, oia Apana 1, 2 a me 4 i hui ia i hookahi ma ke Kiki Komohana
Apana e pili ana me Puupahohoe Maunuku & Niihiki a e holo Ak 7° Ni 339 Kh ma ka palena
Kahuahi Ak 14 1/2 Ni 204 ma ka palena o Kahuahi me Front Sylva Ak 7 1/2 Ni 358 Kh ma ke
Kehukiloa (w) Ak 9 1/2 Ni 56 Kh ma ke Kukulua (w) Ak 6 1/2 Ni 136 Kh ma ke Kukulua (e)
Ak 18 1/2 Ni 168 Kh ma ke Kukulua (e) a i ke S. Richardson, Ak 7 1/2 Ni 508 ma ke S.
Richardson a i ke Pupuhi Ak 3 1/2 Ni 702 Kh ma ke Pupuhi a i ke Puupahohoe
Ak 16 1/2 Ni 555 Kh ma ke Puupahohoe a hiki i Kahi i hoomaka i a maloko ia ana
puni 5 1/2 Eka.

Apana 3. E hoomaka i ke ana ma ke Kahawai i ke Kiki Niihiki Apana e pili ana me
Kaa a e holo Ak 5 1/4 Ni 490 Kh ma ka palena o Kaa i ka auwai Ak 7 1/4 Ni 398 Kh
ma ke Kuuhiia & Maunuku Ak 7 1/4 Ni 332 ma ke Kuuhiia Ak 23° Ni 260 Kh ma ke
Kaa Ak 7 1/2 Ni 60 Kh ma ke Eka Ak 23 1/2 Ni 123 Kh ma ke Eka Ak 6 1/2 Ni 70 Kh ma
ke Eka Ak 8 1/2 Ni 61 ma ke Eka Ak 4 1/2 Ni 131 Kh ma ke Eka a hiki i Kahawai
Ak 7 1/2 Ni 80 Kh ma ke Kahawai Ak 7 1/2 Ni 166 Kh ma Kahawai a hiki ma Kahi i hoo-
maka i a maloko ia anapuni 1 9/100 Eka

E. Bailey
Ke ana aina

5.50
1.96
7.46



Uku Paau Loa 18.

W. H. Keen
G. M. Robertson
J. H. Kaulahao
J. H. Smith

Honolulu June 25 1852

Heleu 5742 Kahuahinui

Waikapu Maui

Heleuana 5742 no Kahuahinui Waikapu Maui
Apana 1 Mahi i Ili. Ohia E hoomaka ona ke Kiki Akau e pili ana me ke Nahuana
Heleuana a e holo Ak 57 1/2 Ni 200 Kh e pili ana me ke Nahuana Ak 56° Ni 122 Kh
ma ke Nahuana Ak 23 1/4 Ni 60 e pili ana me ke Nahuana Ak 72 1/4 Ni 56 Kh ma ke
Nahuana Ak 29 1/2 Ni 383 Kh ma ke Nahuana Ak 55° Ni 81 Kh ma ka Palima
Ak 35 1/4 Ni 444 ma ke Palima Ak 57° Ni 444 Kh ma ka Palima Ak 40°
Ni 532 Kh

Keleu 8845 Kaholo papa

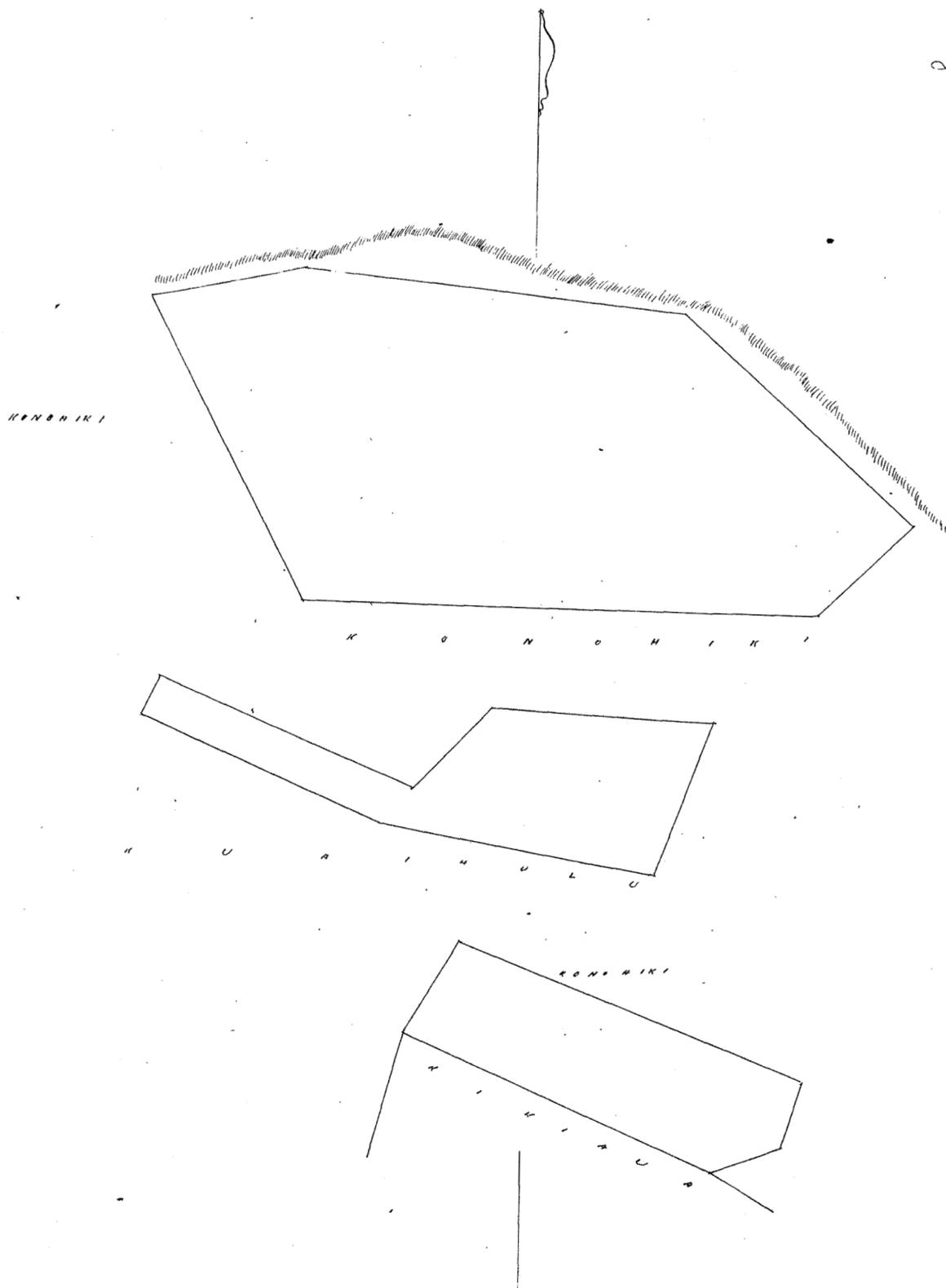
Kaliadimui Kula Maui

Apana 1 Kula ma Kahunā E hoomaka ana ma ke Pihī Kema a e holo ana, Ake 85 1/2' Ke. 17.00 pautu ma Honolulu Ake 2 3/2' Ke. 11.30 pautu ma Honolulu Ake 84° Ke. 5.33 pautu ma Honolulu Ke. 80° Ke. 12.50 pautu e pihī ana ia Honolulu. Ke. 24° Ke. 10.30 pautu ma Honolulu; Ke. 51° Ke. 2.30 pautu ma Honolulu; i ke Pihī ma. 2 1/2 Eka,

Apana 2. Kula ma Alaka'ula, E hoomaka ana ma ke Pihī Kema, a e holo, Ake 95° Ke. 5.50 pautu, ma Honolulu Ake 82 1/2' Ke. 7.40 pautu ma Honolulu Ke. 50, Ke. 3.80 pautu ma Honolulu; Ake 63° Ke. 9.00 pautu ma Honolulu Ke. 27, Ke. 6.50 pautu ma Honolulu Ke. 63° Ke. 8.60 pautu ma Kuaihulu Ke. 75, Ke. 9.35 pautu ma Kuaihulu i ke Pihī ma. 5 1/2 Eka,

Apana. Kula ma Pahoa, E hoomaka ana ma ke Pihī Kema, a e holo, Ke. 36° Ke. 23.55 pautu ma Honolulu Ke. 62 1/2' Ke. 11.10 pautu ma Pihī ana, Ake 77, Ke. 2.38, Honolulu Ake 21, Ke. 2.30 pautu ma Honolulu Ake 64 Ke. 12.20 pautu ma Honolulu i ke Pihī ma. 4 1/2 Eka,

A. F. Turner,
Luma ana aina



Wm Pau Ira \$15.
W. L. Lee
G. M. Robertson
J. Kukanahoa
S. H. Smith

Honolulu 27 Aug. 1852

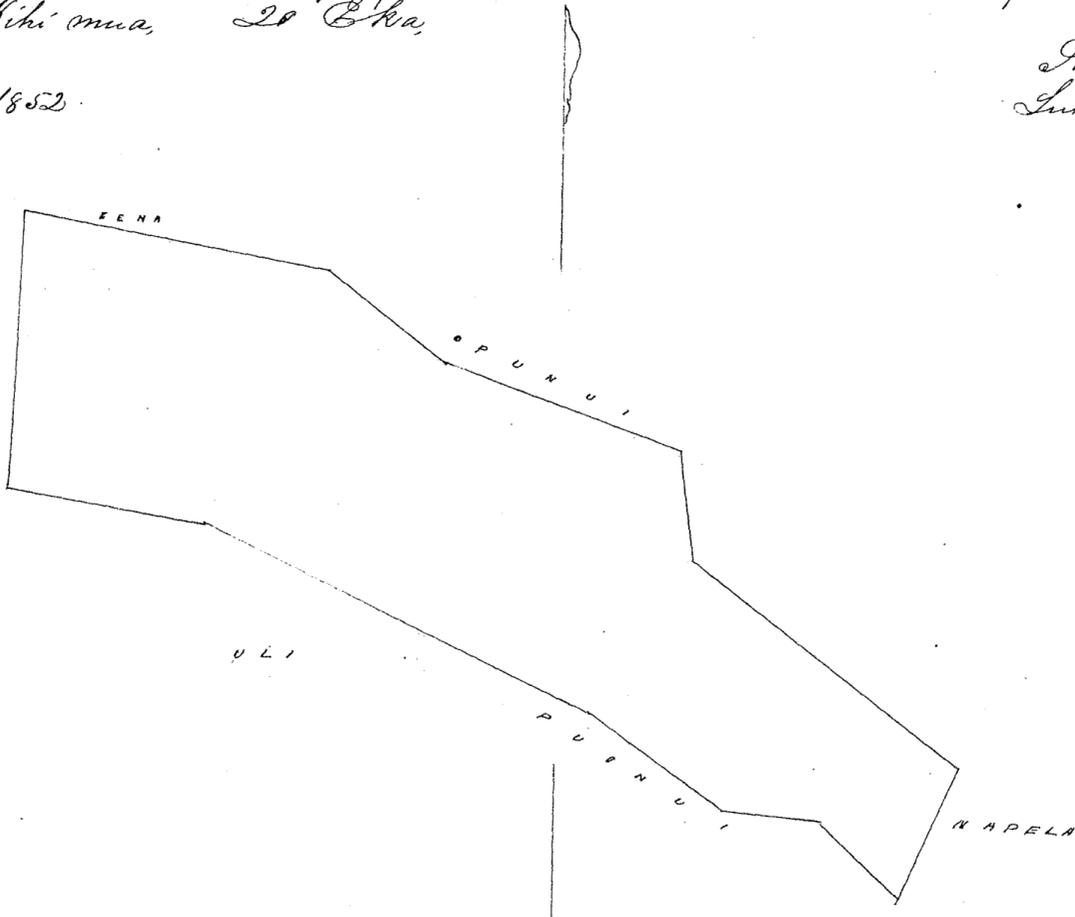
Hoenu 8808 Kōkēliaiku

Waikūhuli Kūka Maui

Kūka ma Laie & Kawilaaha, E hoomaka ana ma ke kīhi Nōm. Ak. a e holo ana, Nōm. 78° Ki. 8,70
pauku e pili ana i ke Eka, Nōm. 50. Ki. 3,88 pauku e pili ana i ke Opunui; Nōm. 60° Ki. 7,26 pauku e
pili ana i ke Opunui; Nōm. 51° Ki. 3,00 pauku e pili ana i ke Māke. Nōm. 52° Ki. 17,38 pauku e pili
ana, i ke Māke, Nōm. 25 1/2° Ki. 4,10 pauku ma ke Nāpela, Ak. 45 1/2° Ki. 2,70 pauku e
pili ana i ke Pūmū Ak. 82° Ki. 2,95 pauku e pili ana i ke Pūmū, Ak. 52° Ki. 4,62 pauku
e pili ana i ke Pūmū, Ak. 61° Ki. 6,70 pauku e pili ana i ke Pūmū, Ak. 61° Ki. 5,85 pauku
e pili ana i ke Uli; Ak. 80° Ki. 5,90 pauku ma ke Uli Ak. 41° Ki. 7,90 pauku e pili ana
i ke Lono, i ke kīhi ma, 20 Eka,

3 Feby 1852

A. F. Turner
Luna ana aina

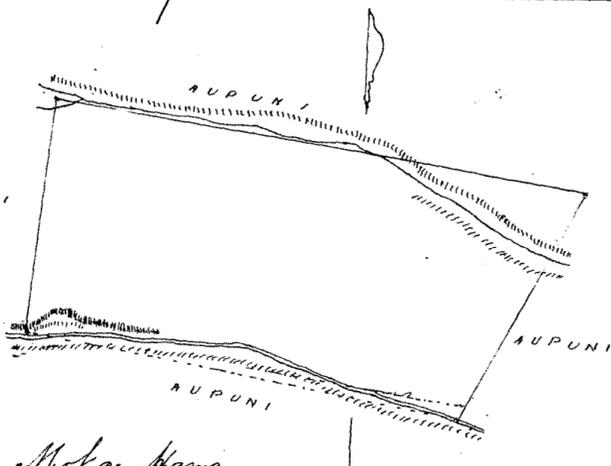


Wm. Pau Loa #10.
W. L. Lee
G. M. Robertson
J. Kikaulaha
J. H. Smith

Honolulu 27 Aug. 1852

Hoenu 5165 Kūpala

Mokae Kāna Maui



Kūpala Mokae Kāna

Ili o Kamachū, E hoomaka ana ma ke kīhi kīhi, Nōm. a e holo ana, Ak. 30° Ki. 10,90
pauku e pili ana i ke ke Aupuni, Ak. 79° Ki. 22,70 pauku e pili ana i ke Aupuni, Nōm. 8°
Ki. 1,000 pauku e pili ana i ke Aupuni ma ke Kāhawai, alaila e pili ana i ke
Kāhawai, i ke kīhi ma 20 Eka,

12 April 1852

A. F. Turner
Luna ana aina

- 3 Eia wa aua, M. Acarawahi, M. Wawa, A. G. M. Kahawai;
- 4 " " M. Kawai, M. Wawa, A. G. M. Kahawai;
- 5 " " M. Wawa, M. Papiakahi, A. Wawa, M. Kahawai;
- 6 " " M. Papiakahi, M. Kapunapahohe, A. Kairua, M. Papiakahi;
- 7 " " M. Kahawai, M. Wawa, A. Kairua, M. Wawa;
- 8 " " M. Wawa, M. Wawa, A. Wawa, M. Wawa;
- 9 " " M. Kaha, A. Kaha, M. Kaha, M. Kaha;
- 10 " " M. Kaha, A. Kaha, M. Kaha, M. Kaha;

3607 Pūpū

Julai 1869

Schuchepu Arotikiia Na iho au Eia waia Apua wa i Waikapa
 Apua, Puhakato wa Kapahaua.
 1 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.

Mo Kapunapahohe waia ka Apua, M. H. 1836. Mo Wawa
 waia ka Apua, M. H. 1836. Aoh waia kaha, Aoh ka
 pūluna iulaha Na waia o Pūpū i ka M. H. 1838. O Wawa
 hōhōhō o kaha hōhōhō waia M.

- 1 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 2 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, M. Pūpū.

3808 Arotikiia

Ceku Arotikiia Na iho au Eia waia Apua wa i Waikapa
 Eia waia Apua Waia waia Aua.

Apua, Puhakato wa Mahahelaha iho waia Waikapa

- 1 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 2 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 3 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 4 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 5 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 6 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.
- 7 Eia wa aua M. Pūpū, M. Pūpū, A. Pūpū, A. Pūpū.

Mo Kapunapahohe waia Na Apua, M. H. 1832. Mo
 aua hōhōhō waia kaha waia waia, Mo Pūpū waia.

Native Testimony (Kekeleiaiku – LCA 8808)
Translation

8808 – Kekeleiaiku

Eeka (‘E‘eka) Ho‘ohiki ‘ia. Ua ‘ike au ‘ehā mau ‘āpana ma Waikapū, ‘ekolu ‘āpana ‘uala ma Kula.

- ‘Āpana 1: Paukū kalo ma Mokahelahela ‘ili ma Waikapū.
‘Āpana 2: Paukū kalo ma Mokahelahela ‘ili ma Waikapū.
‘Āpana 3: 6 Lo‘i ma Mokahelahela ‘ili ma Waikapū.
‘Āpana 4: 4 Kula ma Mokahelahela ‘ili ma Waikapū.
‘Āpana 5: Māla ‘uala ma Waiohuli (ahupua‘a) ma Kula.
‘Āpana 6: Māla ‘uala ma Kama‘ole (ahupua‘a) ma Kula.
‘Āpana 7: Māla ‘uala ma Kama‘ole (ahupua‘a) ma Kula.

No Napuupahoe (Nāpu‘upāhoe) mai nā ‘Āpana 1, 2, 3, 4 i ka makahiki 1842. He ‘āina kahiko no kāna wahine mai. No Pupuhi mai ka ‘Āpana 5 i ka makahiki 1844. No Kalanao mai nā ‘Āpana 6, 7. ‘A‘ole Po‘alima i nā ‘āpana o Waikapū. ‘A‘ole me ke‘ake‘a.

- ‘Āpana 1: Eia nā ‘ao‘ao, Mauka ‘ili o Kuaiwa (Kua‘iwa), Waihee (Waihe‘e) ‘ili o Auwaiolimuiki (‘Auwaiolimuiki), Kula pā o Pupuhi, Maalaea (Mā‘alaea) Napuupahoe (Nāpu‘upāhoe).
‘Āpana 2: Eia nā ‘ao‘ao, Mauka ‘ili o Kuaiwa (Kua‘iwa), Waihee (Waihe‘e) Mumuku, Kula Pupuhi, Maalaea (Mā‘alaea) Puupahoe (Pu‘upāhoe).
‘Āpana 3: Eia nā ‘ao‘ao, Mauka ‘ili o Nohoana (Noho‘ana), Waihee (Waihe‘e) & Kula ‘ili o Pilipili, Maalaea (Mā‘alaea) kahawai.
‘Āpana 4: Eia nā ‘ao‘ao, Mauka Mumuku, Waihee (Waihe‘e) Kau‘i, Kula pā aupuni, Maalaea (Mā‘alaea) Puupahoe (Pu‘upāhoe).
‘Āpana 5: Eia nā ‘ao‘ao, Mauka Puupahoe (Pu‘upāhoe), Honuula (Honua‘ula) Mumuku, Makai Kapuaa (Kapua‘a), Makawao Luukia (Lu‘ukia).
‘Āpana 6: Eia nā ‘ao‘ao, Mauka Kalihopu, Honuula (Honua‘ula) Kalauai (Kalau‘ai), Makai Mahoe, Makawao Mary Crowningburgh.
‘Āpana 7: Eia nā ‘ao‘ao, Mauka Pipii (Pipi‘i), Honuula (Honua‘ula) Wiwi (Wīwī), Makai Kamauhole, Makawao Kalauai.

8808 – Kekeleiaiku

Eeka (‘E‘eka) had sworn that he knew of the claimant’s land that consists of 7 pieces, 4 in Waikapū and 3 in Kula, Maui.

- Parcel 1: Section of lo‘i’s in the subdivision of Mokahelahela, Waikapū.
Parcel 2: Section of lo‘i’s in the subdivision of Mokahelahela, Waikapū.
Parcel 3: 6 lo‘i’s in the subdivision of Mokahelahela, Waikapū.
Parcel 4: 4 kula in the subdivision of Mokahelahela, Waikapū.
Parcel 5: Potato patch at Waiohuli, Kula.

- Parcel 6: Potato patch at Kama'ole, Kula.
Parcel 7: Potato patch at Kama'ole, Kula.

The claimant received his sections 1, 2, 3, 4, in Waikapū from Napuupahoe (Nāpu'upāhoe) in 1842. These older lands were from his wife. Section 5 is from Pupuhi in 1844. Section 6 and 7 were from Kalanao. There are no Po'alima in any of the sections of land in Waikapū. His title has never been disputed.

- Section 1: Bounded, Mauka by the subdivision of Kuaiwa (Kua'iwa), Waihee (Waihe'e) by the subdivision of Auwaiolimuiki ('Auwaiolimuiki), Kula by the land of Pupuhi, Maalaea (Mā'alaea) by the land of Napuupahoe (Nāpu'upāhoe).
- Section 2: Bounded, Mauka by the subdivision of Kuaiwa (Kua'iwa), Waihee (Waihe'e) by the land of Mumuku, Kula by the land of Pupuhi, Maalaea (Mā'alaea) by the land of Puupahoe (Pu'upāhoe).
- Section 3: Bounded, Mauka by the subdivision of Nohoana (Noho'ana), Waihee (Waihe'e) & Kula by the subdivision of Pilipili, Maalaea (Mā'alaea) by the stream (Waikapū).
- Section 4: Bounded, Mauka by the land of Mumuku, Waihee (Waihe'e) by the land of Kau'i, Kula by the government land, Maalaea (Mā'alaea) by the land of Puupahoe (Pu'upāhoe).
- Section 5: Bounded, Mauka by the land of Puupahoe (Pu'upāhoe), Honuaula (Honua'ula) by the land of Mumuku, Makai by the land of Kapuaa (Kapua'a), Makawao by the land of Luukia (Lu'ukia).
- Section 6: Bounded, Mauka by the land of Kalihopu, Honuaula (Honua'ula) by the land of Kalauai (Kalau'ai), Makai by the land of Mahoe, Makawao by the land of Mary Crowningburgh.
- Section 7: Bounded, Mauka by the land of Pipii (Pipi'i), Honuaula (Honua'ula) by the land of Wiwi (Wiwī), Makai by the land of Kamauhole, Makawao by the land of Kalauai.

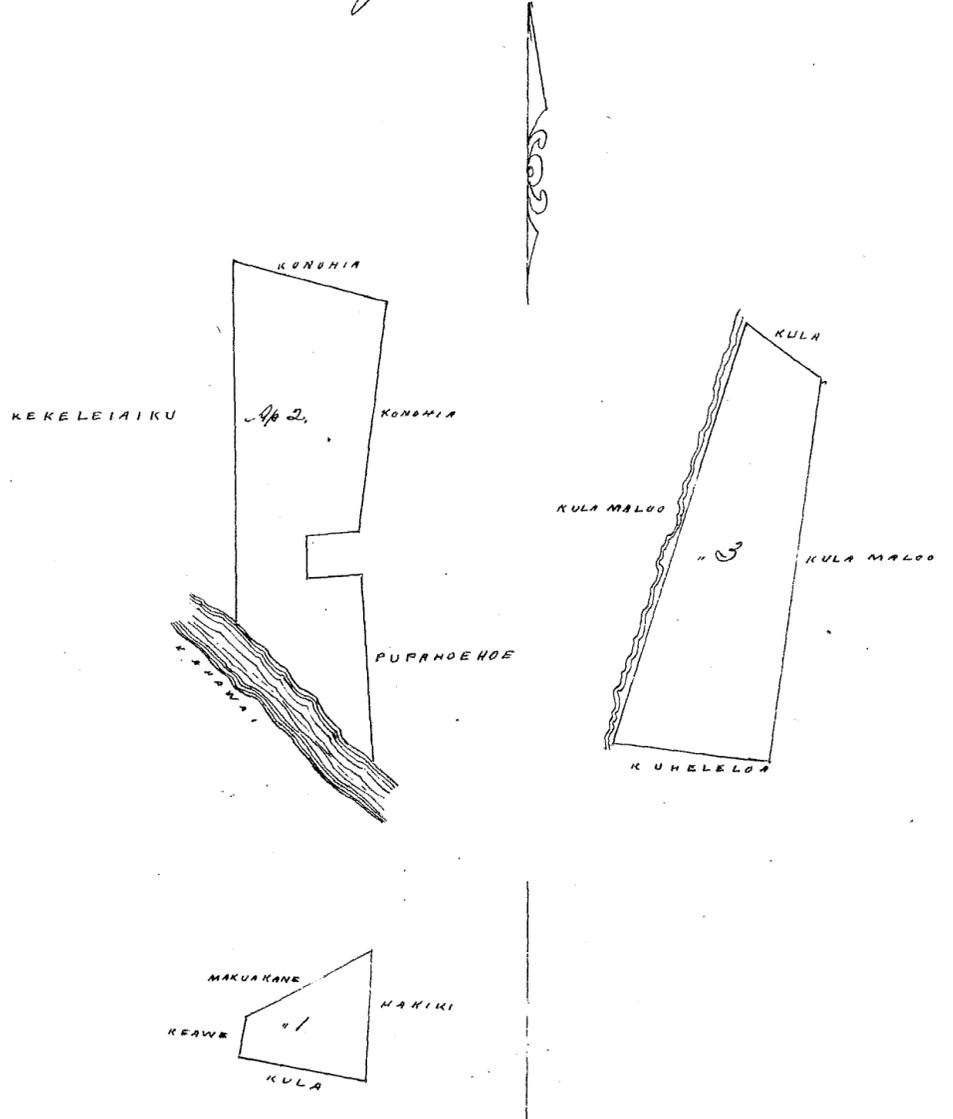
Apana 1. pahala - ili o Kaopala, - aole o Pili-pili
 E hoomaka ma ke kahi Akau, e pili ana me Makuakane, a e holo, Nem. 7.° No. 119 Kk.
 e pili ana me Hakiki, Ak. 74 3/4. No. 116 Kk. e pili ana me Hakiki & Kula, Ak. 12 3/4.
 Ki. 50. Kk. e pili ana me Heawe, Ak. 65.° Ki. 2,00 Kk. e pili ana me Makuakane, i kahi
 i hoomaka'i - 1/5 Eka.

Apana 2. ili o Pili-pili, E hoomaka ma ke kahi Akau, oia ke kahi Kula o Ke
 Kekelaiaku, a e holo, Nem. 71.° Ki. 2,12 Kk. e pili ana me Konohia, Nem. 10 1/2.° No. 3 1/4
 Kk. e pili ana me Konohia, Nem. 89.° No. 68 Kk. e pili ana me Pupaohoe, Nem. 4.
 Nem. 55 Kk. e pili ana me Pupaohoe, Nem. 89.° Ki. 68, Kk. e pili ana me Pupaohoe,
 Nem. 1/4.° No. 3,16 Kk. e pili ana me Pupaohoe, Ak. 11 3/4.° No. 2,66 Kk. e pili ana
 me ke Kahawai, Ak. 3 3/4.° Ki. 4,90 Kk. e pili ana me Kekelaiaku, i kahi i hoo-
 maka'i - 1 Eka.

Apana 3. ili o Pili-pili - he mau loi o Kula,
 E hoomaka ma ke kahi Kom. Kema, e pili ana me Kuleleloa, a e holo, Ak. 22 1/4.° Ki. 610
 Kk. e pili ana me ka auwai, Nem. 69.° Ki. 1,25 Kk. oia ke Kula, Nem. 13.° No. 5,34 Kk.
 e pili ana me ke Kula, Ak. 79 1/2.° No. 2,23 Kk. e pili ana me ke Kuleleloa, i kahi i hoo-
 maka'i - 95/100 Eka.

Wailuku, Aug. 14, 1852.

E. Bailey
Mia ana aima



Wai Pau Lra # 5.

W. H. P. H.
 G. M. Robertson
 J. H. Smith
 J. Kaulahau

Honolulu, Sep. 27, 1852

- Eono lev' p'alima ileke o ka Apana 1.
 1 Puni na p'alima. M. W. P'alima. K. He o P'ilep'ile. 2. M. Kahawai.
 2 Puni na p'alima. M. He o P'ilep'ile. W. Heina o Konoehia. K. o Kaaa.
 M. aima o ka Konoehia.
 3 Puni na p'alima. M. W. aima o Mummukau. K. aima o Konoehia -
 M. aima o Mummukau.
 4 Puni na p'alima. M. K. M. aima o P'impahoehe. M. Kahawai o
 Waichuli.

3234. Opunui.

Julai 13. 1849.

Kakahi Konoehia. Wa ike au i kona aima ma Waikapu, me itula.

6 Apana.

- Apana 1. 7 lei ma ka ili o Kaaiala. Waikapu.
 " 2. P'anku kati " o Kaaiala " "
 " 3. " " " o Kaaiala " "
 " 4. 1 lei " " o Puni " "
 " 5. P'ahale ma " o Kaaiala " "
 " 6. Mala mala Ahup. Waichuli itula.

No Kaaiala mai ka apana 2, 35. o ka M. H. 1832. No itula mai
 ke Kaaiala. No Kaaiala mai ka apana 1, 4. o ka M. H. 1835. Apana 6
 no P'impahoehe mai o ka M. H. 1846. Iah' ma ka haka. I p'ostema
 ma ka Apana 2.

- 1 Puni na aiao. M. o Kaaiala. W. K. aima o Kaaiala. M. aima o P'ahana.
 2 Puni na aiao. M. He Puni. W. o itawakapua. K. o Kati o Kapa.
 M. aima o Kaaiala.
 3 Puni na aiao. M. W. K. kahawai. Waikapu. M. Kati o Waikapu.
 4 Puni na aiao. Wa p'uni i ka aima o Kaaiala.
 5 Puni na aiao. M. K. aima. W. o Kaaiala. K. o Kaaiala. M. o
 Kati o Kapa.
 6 Puni na aiao. M. o Konoehia. K. o Konoehia. M. o P'impahoehe. M. o Kaaiala.

3105. Kaaa.

Kamae Konoehia. Wa ike au i kona aima ma Waikapu, 3 Apana.

- Apana 1. Pahala ma ka li. Pilipili 2.
- 2. Panku kato. 10 lei - "
- 3. 5 lei 3/4 kato. - "

No Pampahoe mai kona i ka wa. Kamihameha 1, aole ma ka haka. I loko o Pampahoe ma ka Apana 1.

- 1 Puni na palena. M. & Isaac. M. kahawai & Waikapu. K. Ili & Kaupala M. futa no.
- 2 Puni na arao. M. aino & Leka. M. M. Pilipili & Lomaha. K. & Komeha M. kahawai.
- 3 Puni na arao. M. Pampahoe. M. & Kihapapa. K. & Isaac. M. & Komehapa.

2337. Naanaa.

Julai 13. 1829

Apana Hortulina. Ua iho ana kona ana ma Waikapu. a me kala - 5 Apana.

- Apana 1. Panku kato ma ka li & Puni, Waikapu -
- 2. " " " " " " " " " " " "
- 3. " kato " " " " " " " " " "
- 4. " " " " " " " " " " " "
- 5. Mala uka " " " " " " " " " "

Apana 1, 2, 3, 4. no kona kaitiaki mai i ka M. H. 1823. Ma kona kona kaitiaki i ka wa, Kamihameha 1. Apana 5. no kaitiaki mai i ka M. H. 1823. ka ana kaitiaki ka kaitiaki ma ita ana ma, aole ma ka haka. I loko ma ka Apana 1.

- 1 Puni na arao. M. & Kihapapa. K. & Isaac. K. & Kaitiaki. M. & Kaitiaki.
- 2 Puni na arao. M. & Kaitiaki. M. & Kaupala. K. & Isaac. M. & Kaitiaki.
- 3 Puni na arao. M. & Isaac. M. & Isaac. M. futa no. M. & Kaitiaki.
- 4 Puni na arao. M. & Kaitiaki. M. & Isaac. K. & Isaac. M. & Kaitiaki.
- 5 Puni na arao. M. & Kaitiaki. M. & Isaac. M. & Kaitiaki. M. & Kaitiaki & Kaitiaki.

5551. Kaitiaki.

Kaitiaki Hortulina. Ua iho ana kona ana ma Apana ana ma Waikapu.

Relevant portions of the Native Testimony for LCA 3105 to Kaaa translated to English:

Kamai testified that he knows of Kaaa's land claim and that there were 3 'āpana in the 'ili of Pilipili 2. 'Āpana 2 is a paukū kalo consisting of 10 lo'i kalo.

KIPUKA

Search Print

8808 go

3 Records Found. Clear Results

Crown Lands (0) TMK (0)

'Ili (0) Ahupua'a (0) Moku (0)

Historic Sites (0) **Land Awards (3)**

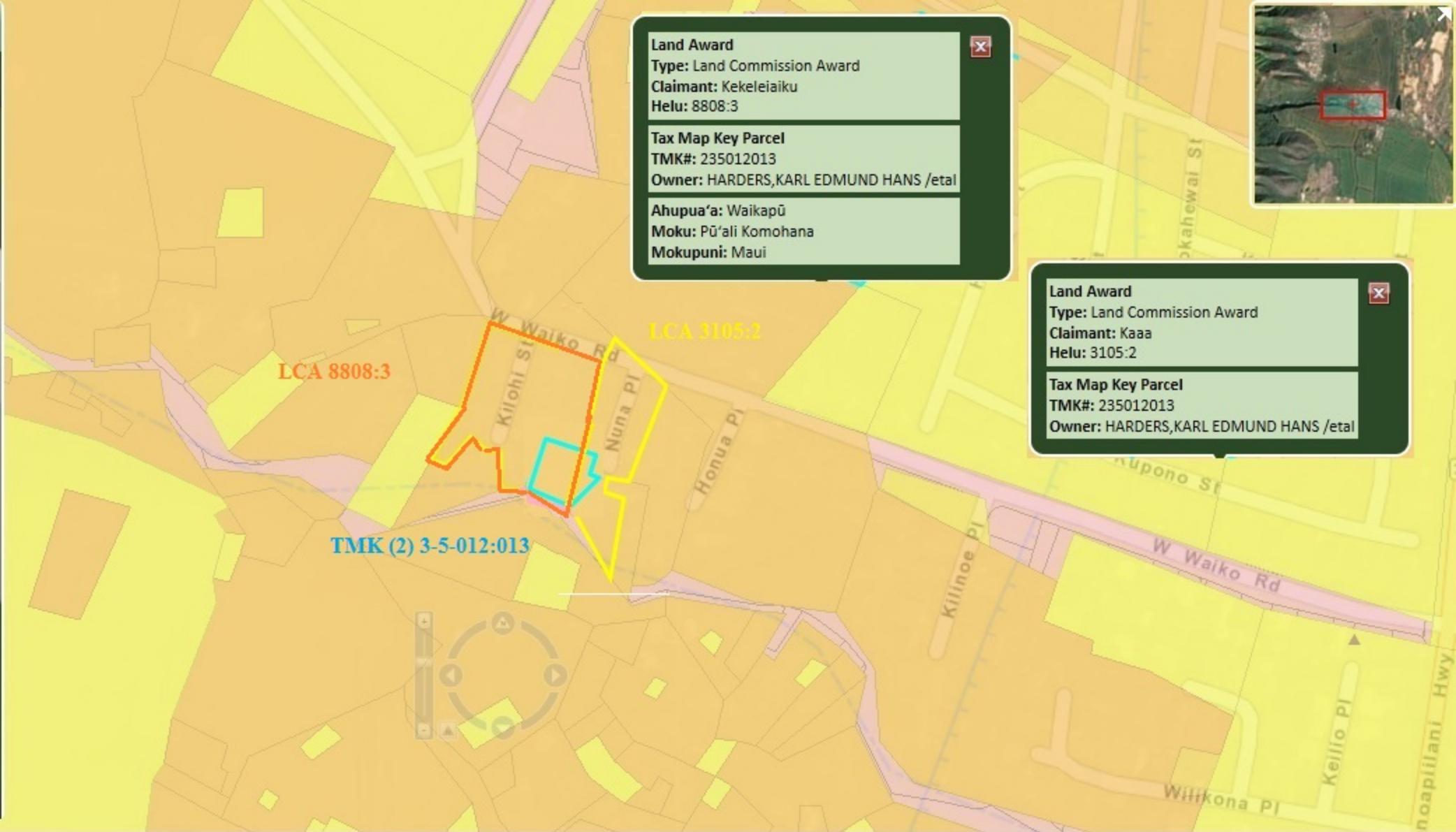
[Export Results](#)

GO TO >	8808:1
DETAILS >	Kekeleiaiku
STREET/BIRD'S EYE >	Land Commission Awa
GO TO >	8808:1-2 & 4
DETAILS >	Kekeleiaiku
STREET/BIRD'S EYE >	Land Commission Awa
GO TO >	8808:3
DETAILS >	Kekeleiaiku

Terrain Street Aerial

Navigate

Search Tools Layers Bookmarks



Land Award

Type: Land Commission Award

Claimant: Kekeleiaiku

Helu: 8808:3

Tax Map Key Parcel

TMK#: 235012013

Owner: HARDERS, KARL EDMUND HANS /etal

Ahupua'a: Waikapū

Moku: Pū'ali Komohana

Mokupuni: Maui

Land Award

Type: Land Commission Award

Claimant: Kaa

Helu: 3105:2

Tax Map Key Parcel

TMK#: 235012013

Owner: HARDERS, KARL EDMUND HANS /etal

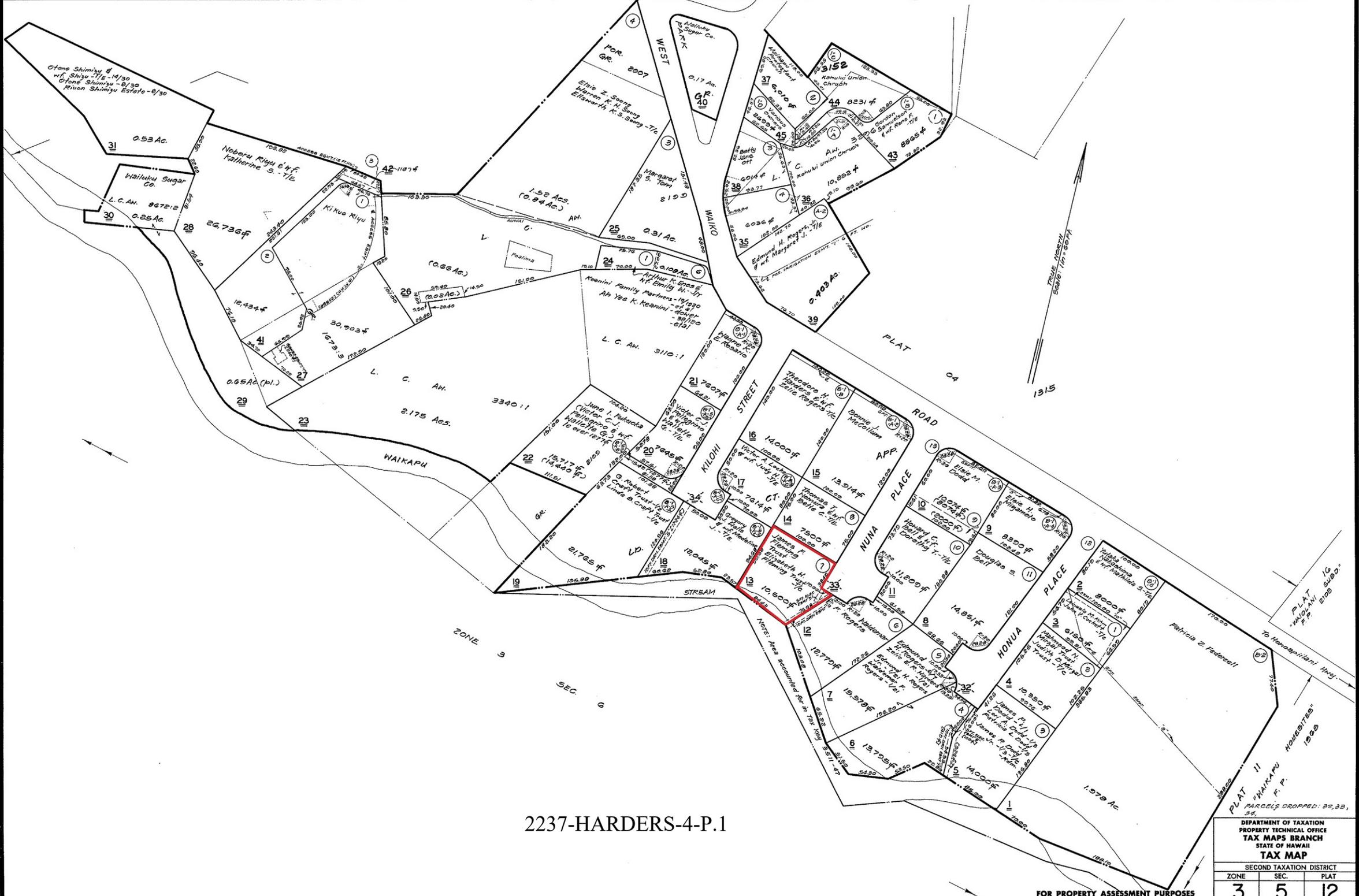
JAN 22 1978
JAN 2 3 1978
83 3 2 1978
FEB

SOURCE: TIME S. Plans, Apr. 57, App. 1915

BY: J. J. W. K.

DATE: July, 23, 1975

DWG. NO. 6392



2237-HARDERS-4-P.1

POR. LD. CT. APP. 1315, PILIPILI, WAIKAPU, WAILUKU, MAUI (Formerly por. 3-5-04)

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

SECOND TAXATION DISTRICT		
ZONE	SEC.	PLAT
3	5	12

SCALE: 1 IN. = 60 FT.

NICHOLAS HARDERS

1422 Nuna Pl.

Waikapū, Hawai'i 96793

(808) 244-9874

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) WITNESS LIST
Standards, Nā Wai 'Ehā Surface Water)
Management Areas of Waihe'e, Waiehu, 'Īao)
and Waikapū Streams, Maui)
_____)
)
)

WITNESS LIST

PARTY: NICHOLAS HARDERS

NAME/ ORGANIZATION/ POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE INTRODUCED BY WITNESS
Nicholas Harders	Need for and use of Nā Wai 'Ehā water	2237-HARDERS-1 to -4

NICHOLAS HARDERS
 1422 Nuna Pl.
 Waikapū, Hawai'i 96793
 (808) 244-9874

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
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 Management Areas of Waihe'e, Waiehu, 'Īao)
 and Waikapū Streams, Maui)
)
)

EXHIBIT LIST

PARTY: NICHOLAS HARDERS

EXHIBIT NUMBER	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
2237-HARDERS-1	LCA No. 8808, Native Testimony, Native Testimony Translation	Testimony of Nicholas Harders	
2237-HARDERS-2	LCA No. 3105, Native Testimony, Native Testimony Translation	Testimony of Nicholas Harders	
2237-HARDERS-3	Screen shot from the Office of Hawaiian Affairs' Kīpuka Database, showing the location of LCA Nos. 8808 and 3105, and TMK No. (2) 3-5-012:013	Testimony of Nicholas Harders	
2237-HARDERS-4	County tax map for TMK No. (2) 3-5-012-013	Testimony of Nicholas Harders	