

ROSE MARIE H. DUEY
575 A 'Āo Valley Rd
Wailuku, Hawai'i 96793
(808) 357-7840

2016 FEB -5 AM 9: 58

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 ROSE MARIE H. DUEY;
Standards, Nā Wai 'Ehā Surface Water) EXHIBITS "2243-DUEY-1" - "2243-DUEY-
Management Areas of Waihe'e, Waiehu,) 5"
'Āo, & Waikapū Streams, Maui)
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_____)

TESTIMONY OF ROSE MARIE H. DUEY

1. This testimony is provided in support of Surface Water Use Permit Applications ("SWUPAs") No. 2243 and No. 2244N, filed with this Commission on Water Resource Management ("Commission") on April 23, 2009, for a parcel in Wailuku, Tax Map Key ("TMK") No. (2) 3-5-003:018. My husband John and I filed these SWUPAs to continue to restore and then maintain the ancient lo'i on our property in kalo cultivation, as it was at the time of the Māhele, and as my ancestors did.

2. The deed to this land contains a reservation of appurtenant rights. We understand that because of this reservation, 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. Moreover, as detailed below, there are several other equally valid legal bases upon which to grant our water use permits.

3. We are a Native Hawaiian ‘ohana who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778. ‘Īao Valley is the birthplace of my grandmother, Annie Ho‘oululāhui Pelio, who is from the Ka‘ulaheanuimoku and Mahi lines of ‘Īao. Pursuant to Article XII, Section 7 of the Hawai‘i Constitution and Hawai‘i Revised Statutes (“HRS”) section 174C-101(c), our existing and intended future uses of stream water are traditional and customary Native Hawaiian practices and, thus, protected public trust purposes.

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

5. Because the Wailuku River flows through a portion of our property and we had an existing use of stream water on April 23, 2008, we are existing riparian users under Hawai‘i law, which is protected by Article XI, Section 7 of the Hawai‘i Constitution.

6. 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) 3-5-003:018 in the amount of at least 1,451,700 gallons per day (“gpd”). If appurtenant rights are deemed not to have survived the deed’s reservation, we claim a right to stream water under the Hawai‘i Constitution, HRS 174C-101(c), and the public trust doctrine, as described herein. It is our understanding that under Hawai‘i law, these constitutional and other rights – including the protection for traditional and customary Native Hawaiian practices – are of no lesser status than appurtenant rights.

7. For TMK No. (2) 3-5-003:018, we request a permit under SWUPA No. 2243 for our current reasonable-beneficial use of 26,600 gpd, which was the existing use as of April 23,

2008, for domestic purposes and traditional and customary Native Hawaiian practices. We also request an allocation under SWUPA No. 2244N for the reasonable-beneficial, traditional and customary Native Hawaiian practice of restoring lo'i kalo in areas in which it was grown in ancient times, which we estimate will require an additional 810,000 gpd. Much of this water will ultimately be returned to the Wailuku River, which is adjacent to our land, or the underlying 'Īao Aquifer, satisfying additional public trust purposes.

QUANTIFICATION OF APPURTENANT RIGHTS

8. As described in detail in our SWUPAs, our property was in kalo cultivation at the time of the Māhele of 1848. In fact, almost all of the stream water we currently use and seek to use is for ancient lo'i kalo that we have restored or will restore. There are over 1.5 acres ("ac") of ancient rock walls and terraces that can only be ancient lo'i kalo. Other areas of our property were cleared and the lo'i are no longer visible; as such, this quantification of appurtenant rights likely underestimates those rights. Remnants of an ancient 'auwai also run through our land. Pictures showing these ancient features, which are still present on our land, are included as exhibits to our SWUPAs.

9. TMK No. (2) 3-5-003:018 is comprised of portions of two Land Commission Awards ("LCAs"), LCA No. 2610 to Pehu, confirmed by Royal Patent No. 494, and LCA 3529:3 to Hana, confirmed by Royal Patent No. 4059; additionally, a portion of our property is comprised of Royal Grant No. 3343 to Lunalilo. While the land conveyed in the Royal Grant likely used water for agriculture at the time of the Māhele, these SWUPAs do not rely on that likely past use. We are attaching various Māhele documents that confirm water use on TMK No.

(2) 3-5-003:018 at the time of the Māhele, which are provided in addition to the historical features of the land set forth in our SWUPAs.

10. Exhibit “2243-DUEY-1” is a true and correct copy of a TMK Map, showing that our parcel includes 18.146 ac, and is partially comprised of LCA No. 2610.

11. Exhibit “2243-DUEY-2” is a true and correct copy of a screenshot from the Kīpuka database, which shows the portion of our land comprised of Royal Grant No. 3343.

12. Exhibit “2243-DUEY-3” is a true and correct copy of a screenshot from the Kīpuka database, which shows the portions of our land comprised of approximately 72% of LCA No. 2610 (4.712 ac) and 33% of LCA No. 3529:3 (0.1271 ac). Together, the portions of LCA No. 2610 and LCA No. 3529:3 that lie within our property total approximately 4.839 ac.

13. Attached as “2243-DUEY-4” are true and correct copies of LCA No. 2610 to Pehu, the native register supporting the award, and a translation of that native register. Together, these documents confirm use of the site for lo‘i kalo at the time of the Māhele. The native register establishes that there were 15 lo‘i kalo at the time of the Māhele – these are the same lo‘i kalo that we found, based on visible land features described in our WUPAs, and have begun to restore. The native register also confirms additional cultivation of wauke gardens, which is similar to our current domestic use.

14. Attached as “2243-DUEY-5” are true and correct copies of LCA 3529:3 to Hana, the native testimony supporting the award, and a translation of relevant portions of that native testimony. The testimony describes only two ‘āpana, but the LCA identifies three. ‘Āpanas 2 and 3 are close together and were likely described as one unit in the testimony and then later determined to be separate ‘āpana by the surveyor, which appears to have been common in Nā Wai ‘Ehā. Regardless, all descriptions of the property in the LCA (“Apana 1. Kalo”, “Apana 2.

Aina Kalo”, and “Apana 3. Aina Kalo”) and native testimony (“Aina kalo”) confirm the use of the property as “taro land” at the time of the Māhele; no use other than kalo is even mentioned.

15. As described in our SWUPA, and as is clearly visible if you walk our land, there is evidence of ancient terracing and springs throughout our property. While we have confirmed only 1.5 ac of still-visible terracing, given the site topography, slope, proximity to the river, and the presence of the ancient ‘auwai on the property, it is quite possible that the entire 18.146-acre parcel was in kalo at the time of the Māhele. Therefore, based on the Māhele documentation, and the physical features of the land, it is safe to say that, at a minimum, the 4.839 ac of our land that is comprised of portions of LCA No. 2610 and LCA No. 3529:3 were lo‘i kalo at the time of the Māhele. This well-documented area likely underestimates the total amount of lo‘i kalo and other agriculture that was on our property at the time of the Māhele, because we are not currently claiming any appurtenant rights based on Māhele-era water use on Royal Grant No. 3343.

16. Therefore, if appurtenant rights survive the deed’s reservation, the quantification of the appurtenant rights is – at minimum – the amount of water sufficient to grow wetland kalo on 4.839 ac using traditional methods. This is likely a very conservative estimate of the ancient acreage of lo‘i kalo, and includes only those lo‘i we can currently confirm based on available documentation and existing land features that remain from ancient times. Accordingly, we reserve the right to assert additional appurtenant rights in the future, if we uncover evidence of lo‘i kalo in excess of 4.839 ac at the time of the Māhele, on our 18.146 ac parcel.

17. 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 – such as ours – will require an amount closer to the upper end of this range.

Given the extensive kalo cultivation on and around this property at the time of the Māhele, the use of 300,000 gad is appropriate.

18. Thus, in our best estimation, the water right appurtenant to TMK No. (2) 3-5-003:018 is, at a minimum:

$$(4.839 \text{ ac}) \times (300,000 \text{ gad}) = 1,451,700 \text{ gpd}$$

19. When we acquired this land via quitclaim from Wailuku Agribusiness in 2001, Wailuku Agribusiness “reserved” the water rights appurtenant to the land. When we filed our SWUPAs, however, we reserved the right to claim appurtenant rights in the future based on further information. Regardless of whether we have appurtenant rights, we are a Native Hawaiian ‘ohana, and pursuant to Article XII, Section 7 of the Hawai‘i Constitution and HRS §174C-101(c), we have a right to grow kalo in a traditional manner on our land. In addition, because the river runs across our property and we were accessing water on April 30, 2008, we are existing riparian users under Hawai‘i law. Our existing riparian use of water from Wailuku River is guaranteed under Article XI, Section 7 of the Hawai‘i Constitution. Moreover, our domestic uses are also protected public trust purposes. It is our understanding that under Hawai‘i law, these constitutional and other rights mandate the highest level of protection under the law and must be prioritized before private commercial uses.

AMOUNT REQUESTED UNDER SWUPA No. 2243

20. As detailed in SWUPA No. 2243, we currently use a modest amount of water for two agricultural purposes: (1) to irrigate (using traditional methods) two of the fifteen ancient lo‘i kalo that we have located and restored, and (2) to irrigate our domestic, non-commercial plants including crops such as ‘awa, mango, heliconia, ti leaf, and ‘ulu (breadfruit). The

cultivation of traditional Native Hawaiian crops, including kalo and other native plants for our subsistence and cultural use is consistent with state and county general plans and land use designations. Additionally, this use is consistent with county land use plans and general policies.

21. While our existing use of stream water on April 23, 2008 was not gauged, my husband John owned and operated an irrigation business for 35 years, which our son continues to manage today. Based on this experience and our use of a 1.5-inch valve to control irrigation flow, as detailed in our SWUPA, we estimate we used approximately 21,600 gpd for our two lo'i kalo (on approximately 0.08 ac) and 5,000 gpd on approximately 3 ac for our domestic, non-commercial gardening. Thus we estimate our existing use of stream water on April 23, 2008 was approximately 26,600 gpd. This use has been severely limited by the amount of water that was available from the river before the amendment of the interim instream flow standards.

AMOUNT REQUESTED UNDER SWUPA No. 2244N

22. As detailed in SWUPA No. 2244N, we would like to restore the remaining lo'i kalo that were present on our property at the time of the Māhele, as discussed above. The amount of 'auwai water currently available has allowed us to restore only two ancient lo'i kalo, which, along with domestic uses, comprise our existing use of stream water on April 23, 2008 (SWUPA No. 2243). Therefore, under SWUPA No. 2244N we are requesting a permit for more water, so that we can restore an additional 3 acres of our land to lo'i kalo. This is less than the amount of land in LCAs No. 2610 and No. 3529:3 that was likely in kalo at the time of the Māhele, to say nothing of the additional acreage in Royal Grant 3343. This proposed use is consistent with our appurtenant rights, but is equally protected under several constitutional and statutory provisions

of Hawai'i law, including traditional and customary Native Hawaiian practices, existing riparian uses, and the public trust.

23. Based on our site-specific experience with the two lo'i kalo we have already restored, we estimate that 270,000 gad would be sufficient to restore the additional ancient lo'i kalo on our property.

24. Therefore, under SWUPA No. 2244N, we request a permit for the following additional amount of water: $(3 \text{ ac}) \times (270,000 \text{ gad}) = 810,000 \text{ gpd}$.

The total quantity of water requested under SWUPA Nos. 2243 (26,600 gpd) and 2244N (810,000 gpd) is significantly less than the amount of water that would have been required to cultivate kalo on our parcel at the time of the Māhele.

Reasonable-Beneficial Analysis

25. In the event of a legal determination that our appurtenant rights were extinguished, our existing and future 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." HRS § 174C-3. Our water rights are also protected under other equally important provisions of Hawai'i law.

26. The quantity we are requesting is necessary for the economic and efficient irrigation of our home garden, and the lo'i kalo we have restored and intend to restore. My husband has more than 35 years of experience designing and maintaining irrigation systems and a lifetime of farming knowledge. Our use of the stream water is thus economic and efficient, and we will continue to use only the amount needed to irrigate our garden and lo'i using traditional

and customary methods. We also implement best management practices to minimize water loss, including using pipes, sprinklers, and garden hoses, which reduce evaporation and leakage.

27. Moreover, as detailed in our SWUPAs, most of the water we use is returned to Wailuku River, therefore, our use supports other existing public trust purposes such as: (1) the maintenance of waters in their natural state; (2) resource protection; (3) water for domestic purposes; and (4) the protection of traditional and customary Native Hawaiian practices and appurtenant rights.

28. As also outlined in our SWUPAs, our use of stream water is consistent with state and county land use plans and the public interest. Our land is classified by the State as rural, and zoned by the County as rural. Our water use on our land for domestic cultivation and lo'i kalo is in the public interest and fulfills a public trust purpose.

Alternatives Analysis

29. If our land has appurtenant rights to stream water in the nature of an easement that was conveyed at the time of the Māhele, and because our uses are traditional and customary Native Hawaiian practices and protected public trust purposes, we are not required to provide an alternatives analysis to show that we have no practicable alternative source of water. Our rights are for stream water, not for water from any other source, and our exercise of these rights enjoy maximum protection and first priority under the law. Nonetheless, the Alternatives Analysis set forth in our SWUPAs remain applicable, true, and correct.

30. As detailed in our SWUPAs, we have always used a reasonable amount of 'auwai water to maintain our garden and lo'i. Other alternatives, such as municipal water, reclaimed wastewater, water from other ditch systems, desalinized water, and groundwater, are not

practicable alternatives to 'auwai water from Wailuku River. Requiring us to pay for these alternatives instead of using the available water that flows through our land, most of which we return to the river where it is available for other public purposes and benefits, would impose an unfair and impracticable cost on our 'ohana.

SUMMARY

31. In sum: (1) our domestic water use is a protected public trust purpose; (2) our 'ohana's traditional and customary Native Hawaiian right to grow kalo is also a protected public trust purpose; (3) our existing riparian uses are guaranteed by Hawai'i's constitution; (4) if appurtenant rights survived the deed's reservation, we have appurtenant rights for TMK No. (2) 3-5-003:018, and are entitled to at least 1,451,700 gpd; and (5) at this time, we request a permit for our current and future reasonable-beneficial uses on the property of 836,600 gpd: 831,600 gpd to restore the ancient lo'i kalo (of which 21,600 gpd is already in current use), and 5,000 gpd for our existing domestic uses. These amounts will be utilized for protected reasonable-beneficial domestic and traditional and customary Native Hawaiian uses of stream water, for which there is no practicable alternative. Most of the water that we use, and would like to use, would be returned to the river for other public trust purposes, as described herein and in my SWUPAs.

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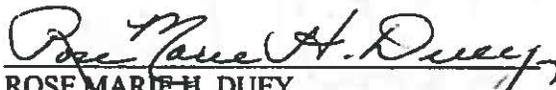
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I, ROSE MARIE H. DUEY, do declare under penalty of law that the foregoing is true and correct.

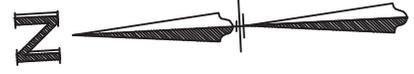
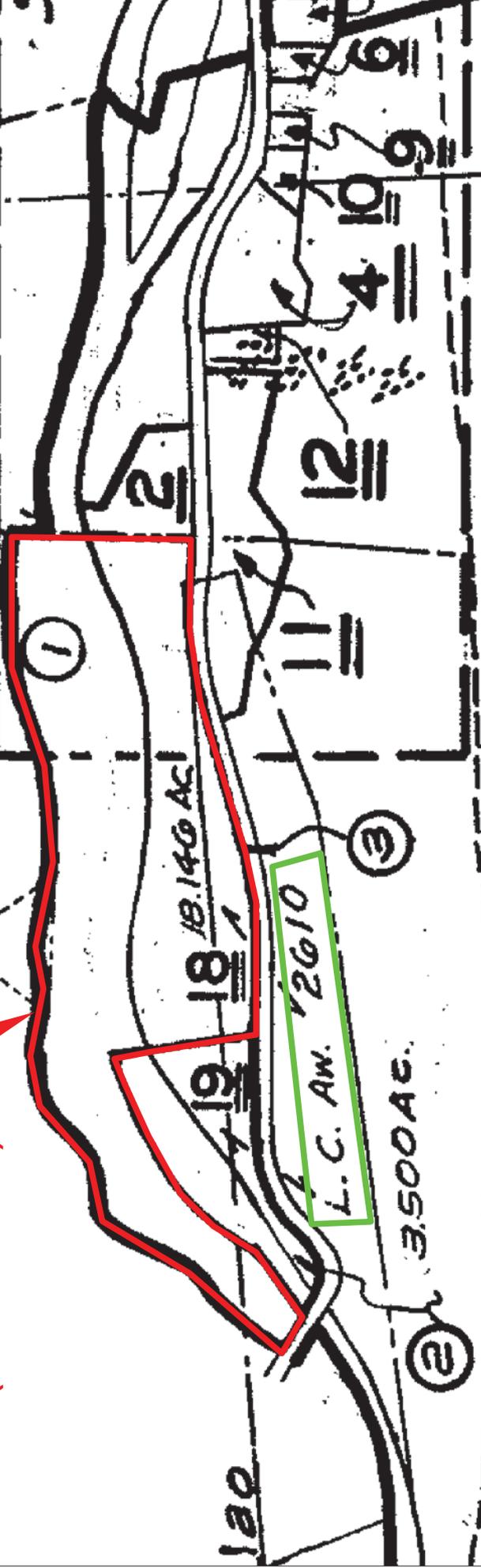
Dated: Wailuku, Hawai'i, 2-3-16.


ROSE MARIE H. DUEY
WATER USE PERMIT APPLICANT PRO SE

Exhibits:

- 2243-DUEY-1: TMK Map
- 2243-DUEY-2: Map - Royal Grant # 3343
- 2243-DUEY-3: Map - LCAs
- 2243-DUEY-4: Māhele documents for LCA 2610
- 2243-DUEY-5: Māhele documents for LCA 3529

TMK 3-5-003:018
(18.146 ac)



2243-DUEY-1



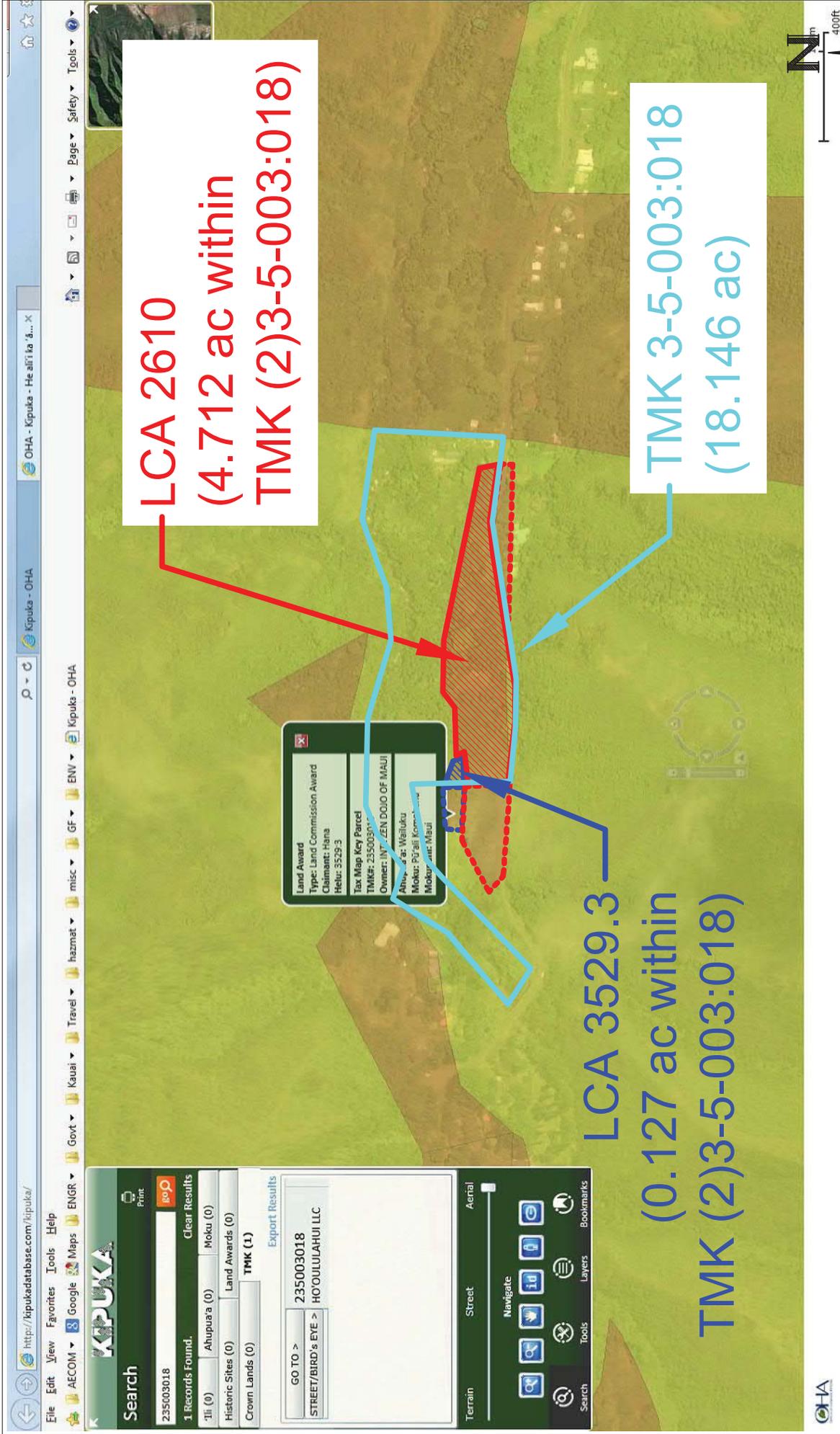
Land Award
Type: Grant
Claimant: Spreckles, Claus
Helu: 3343
Tax Map Key Parcel
TMK#: 235003018
Owner: HO'OULULAHUI LLC
Ahupua'a: Waialuku
Moku: Pūali Komohāna
Mōkai: Waiahi

Ahupua'a
Waialuku

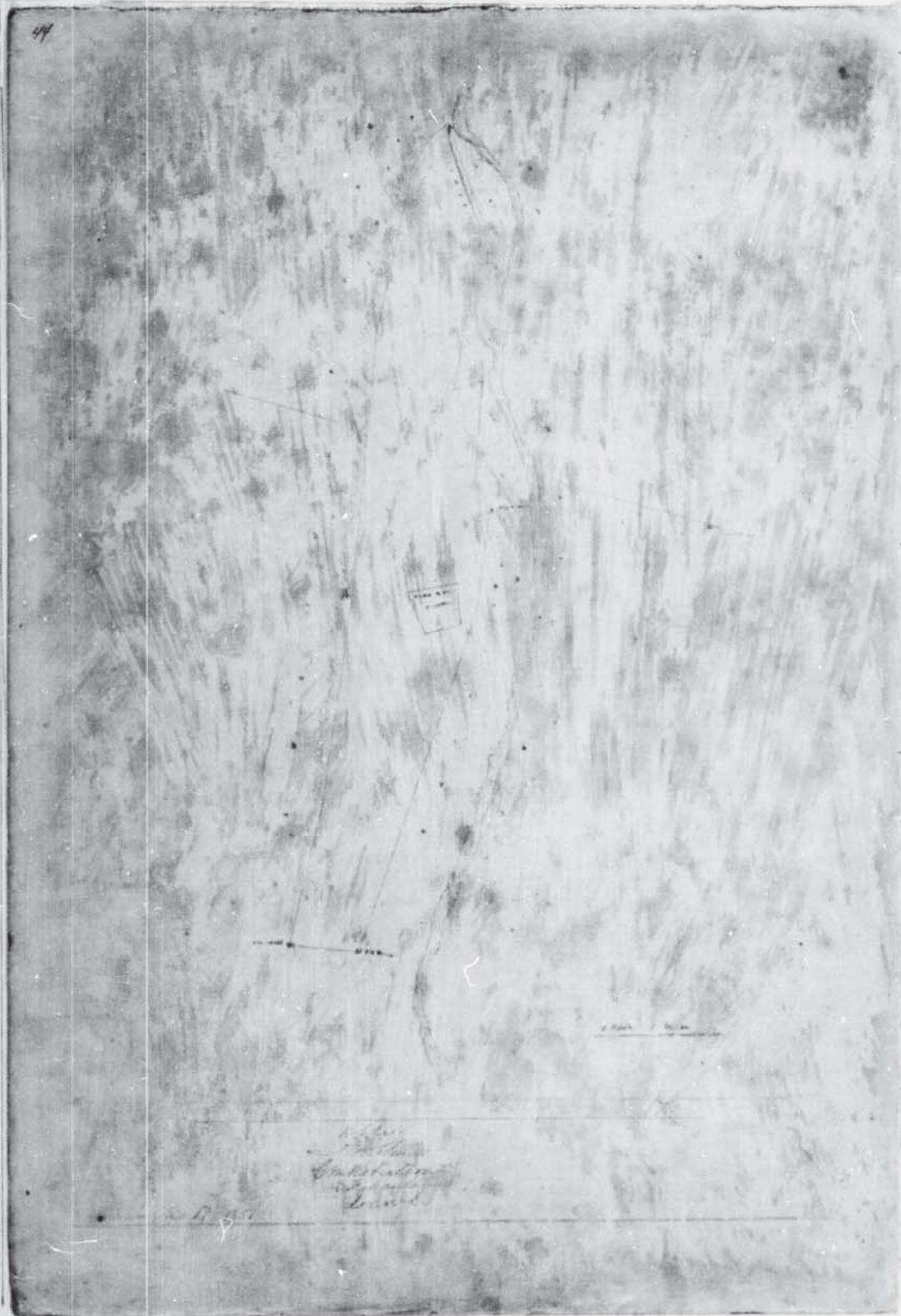
Portion of TMK 3-5-003:018
Comprised of Royal Grant # 3343



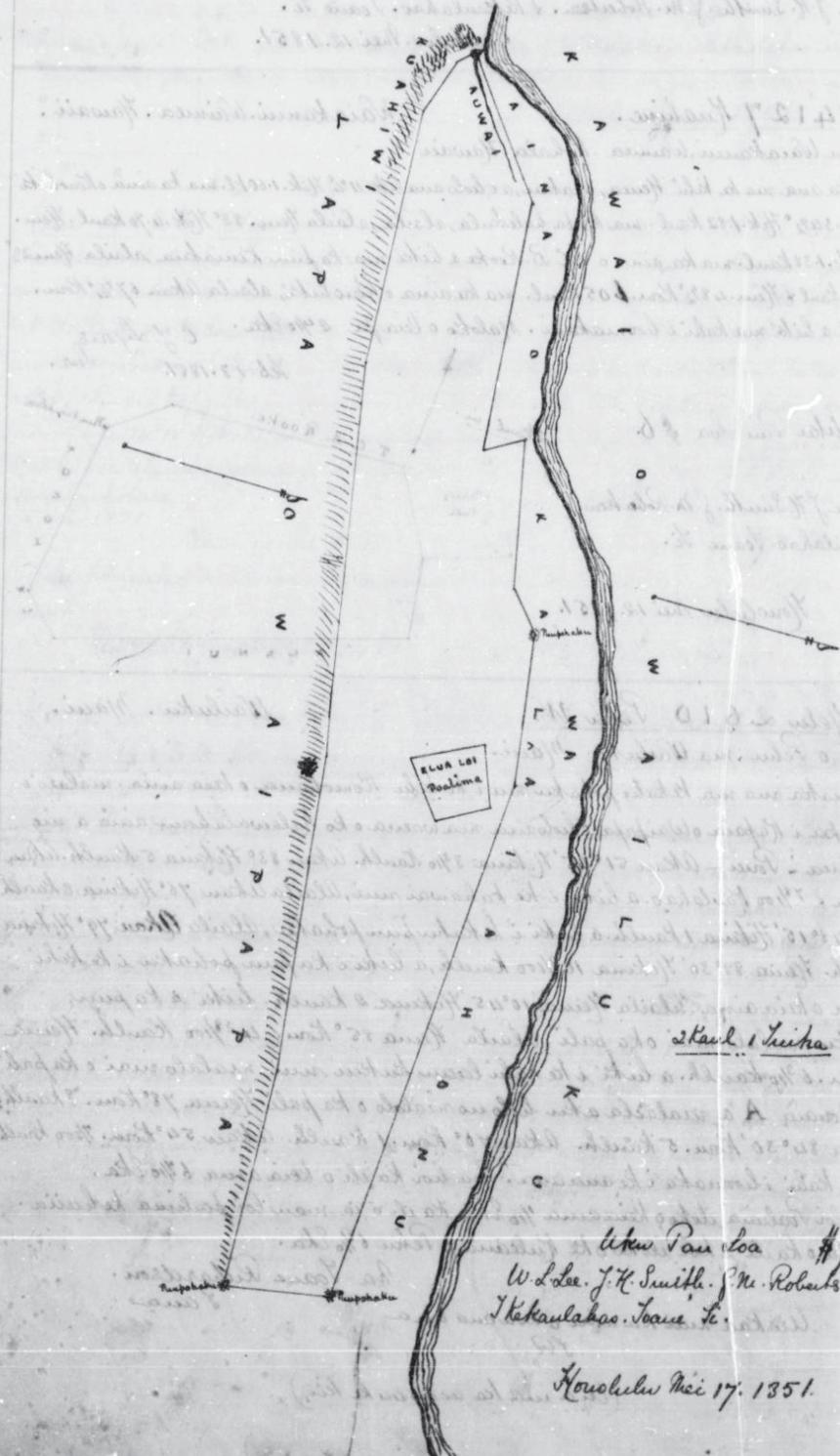
2243-DUEY-2



2243-DUEY-3-P.1



2243-DUEY-4-P.2



ELVA LOI Poulima

Kauli i ika

Uku Pau loa #7
 W. Lee, J. K. Smith, J. M. Robertson
 I Kaulabas, Toana, T.

Honolulu Mei 17. 1851.

Helu 378
 Pahala, I kor
 4 Heu. 54 1/2° Koru
 ma kahi i koru

Uku Pau
 W. Lee of J. K. Smith
 Toana, T.

Helu 3915
 Pahala, I koru
 lolo ana Heu. 78
 Hiki 2.70 kaul. 2
 Poulako o keia . 8

Uku Pau
 W. Lee of J. K. Smith
 Toana, T.

Helu 42
 Aina ma Kalua
 pohaku, a e lolo
 At. 40° Koru. 3.4
 Liki Heu. 34° Koru
 Heu. 1° Kom. 6.71
 Alala ma ia pa At
 Poulako o keia 35



2609 Poopoe Waikapu Maui Feb 27 1897

Aloha oukou e na Lina Nona. He hoi

U ku nei au i koi kuleana aina. Aina wa
himo ia. he aina puakahi, aia ma Healia, oia
koi kuleana o ka hui ana i ka poulima,
Aole aina ou, o koi wahi aina wale iho la
na ia

Ika malama o Novevata iho nei, i hia
makahiki no, Lawe aku nei o Umi i koi
kuleana me kuu hua oia o Umi he Lina
oia na Hea. Nona i Lawe aku koi kule-
ana. He hoi nei au na oukou e
nana mai hia

He pahate kihakahi ou, aia matuai o Ma-
alaea, oia ou hale malalo ia. Oia no iia
hia pu e waiho nei, e pili aku ana ia pu
ma ka aae Hehina o ka pu o Makole

Na Poopoe

2610 Pehu Waikapu Maui Feb 27 1897

U Aloha oukou e na Lina Nona. He hoi ku
nei au i koi kuleana aina. Iwahinepi ka
ina oia aia ma Waikapu nei, aia hoi ma-
uha e Ika he 15 ne loi hale ou pona. Aia no
ka nei i na hoaina, aia me hoi iia ku
huahine oia oia aia

He mau mala wauke kihakahi ou iho
o kua aina. Oia ka inoa o kihakahi o Helele
he Auawau ia, Oke kula kihakahi wahi ka
me wauke, ke pili ou i ka auawau i kapa
ia o Helele. He wahi papuaa kihakahi ou
e pili ana ou i koi mau loi pona i iho
o kua aia

Naie na Pehu

2610

Pehu

Waikapu Maui Dek 27 1847

Aloha oukou e na Luna Keena. Ke hoike nei au i ko'u kuleana aina o Luahinepi[i] ka inoa o ia aina aia ma Waikapu nei. Aia hoi ma uka o Iao he 15 no loi kalo o'u pono. Aia no ka nui i na hoaaina, aia no hoi ia'u kuahiwi olona o keia aina.

He mau mala wauke kekahi o'u iloko o keia aina. Eia ka inoa o kekahi o Halelo ke awaawa ia. O ke kula kekahi wahi ka me wauke, ke pili no i ka awaawa i kapa ia o Halelo. He wahi papuaa kekahi o'u e pili ana no i ku'u mau loi pono iloko o keia aina.

Na'u no Pehu

2610

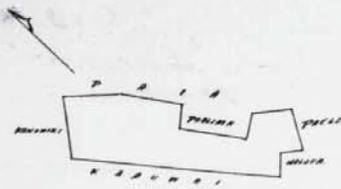
Pehu

Waikapū Maui December 27, 1847

Aloha to you Commissioners. I am showing you my kuleana, Luahinepi[i] is the name of this land in Waikapū. It is located upland from 'Īao, I have 15 of my own lo'i kalo. The majority belongs to tenants, I also have olonā in the mountain area of this land.

I also have some wauke gardens in this land. Here is the name of one, Halelo, it is a gulch. The plain area is another place with wauke, close to the gulch called Halelo. I also have a pig pen close to my own lo'i in this land.

Sincerely, Pehu



24-10

Ukuepueke

14.00

W. L. L.
 G. M. Robertson
 J. A. Kaulahau
 J. H. Smith

Honolulu January 7, 1854.

Kela 3529 Hana.

Hilikau Hana.

Spana 1. Kala ma ka di, Lohua. Olanuaka ma ke keli Hekina a e heli

M	29 ¹ / ₂	K	78	Sh. ma ka Tale.
M	7 ¹ / ₂	K	135	
K	34 ¹ / ₂	K	234	
K	27 ¹ / ₂	K	129	
K	21	K	76	
K	25 ¹ / ₂	K	288	
M	51	K	228	a hiki ma ke keli mua = 1 ¹ / ₂ Eka.

Spana 2. Hina Kala ma ka di, Lohua. Olanuaka ma ke keli Hekina a e heli

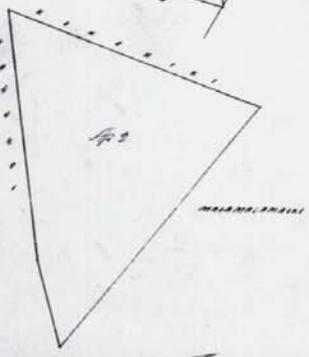
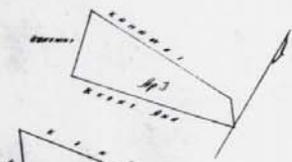
M	11	K	172	Sh. ma ke Kolanuakauaki
K	38	K	668	
K	17 ¹ / ₂	K	621	ke Kaulahau
M	35 ¹ / ₂	K	223	a hiki ma ke keli mua = 2 ¹ / ₂ Eka

Spana 3. Hina Kala ma ka di, Lohua. Olanuaka ma ke keli Hekina a e heli

M	36 ¹ / ₂	K	69	Sh. ma ke Kaulahau
M	57 ¹ / ₂	K	206	
K	14	K	167	ke Kaulahau
M	77 ¹ / ₂	K	210	Sh. ma ke keli mua = 1 ¹ / ₂ Eka

Hilikau Iremaba 25 1853

C. Bailey, Maunaloa 14-40



24-10

Ukupaulea 80.11
W. L. Lee
G. M. Robertson
J. M. Kaulahoe
J. H. Smith

Hendulu Januari 7 1854

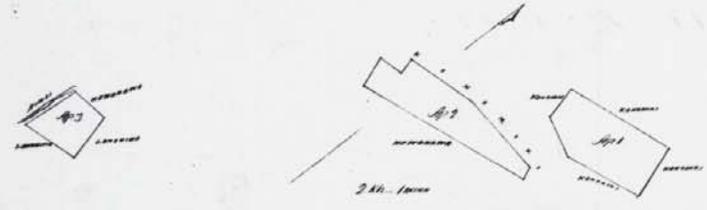
Kelu 2502 Shumai Tuluku Hau

Apama 1 Kalo ma ka ike, Kalo. Chumaka ma ke kolu Hau a kolu
Ke 65' Ke 290 Ke ma ke Kauluku
Ke 16 1/2 Ke 57
Ke 88' Ke 198
Ke 64 1/2 Ke 197
Ke 21' Ke 132 a kolu ma ke kolu mau 39 1/2 Cha

Apama 2 Kalo ma ka ike, Kalo Chumaka ma ke kolu Hau a kolu
Ke 55 1/2 Ke 267 Ke ma ke Kauluku
Ke 22' Ke 53
Ke 75 1/2 Ke 217 Kauluku
Ke 62 1/2 Ke 186
Ke 17' Ke 40
Ke 62 1/2 Ke 67
Ke 27 1/2 Ke 80 a kolu ma ke kolu mau 39 1/2 Cha

Apama 3 Kalo ma ka ike, Kauluku Chumaka ma ke kolu Hau a kolu
Ke 77' Ke 78 Ke ma ke Kauluku
Ke 2' Ke 128 ke Auwai
Ke 67' Ke 146 ke Kauluku
Ke 16 1/2 Ke 123 a kolu ma ke kolu mau 11 1/2 Cha

Huluku Iremaba 17 1853 C. Parby W. L. Lee



Ukupaulea 84.05
W. L. Lee
G. M. Robertson
J. M. Kaulahoe
J. H. Smith

Hendulu Januari 7 1854

Kelu 3388 Haui Huluku Hau

Kalo ma ka ike, Kauluku Chumaka ma ke kolu Hau a kolu
Ke 7' Ke 60 Ke ma ke Kauluku
Ke 18 1/2 Ke 279 Kauluku
Ke 82 1/2 Ke 1,300
Ke 12' Ke 91 ke Auwai
Ke 82 1/2 Ke 368 ke Kauluku
Ke 89 1/2 Ke 371 a kolu ma ke kolu mau 56 1/2 Cha

Huluku Iremaba 17 1853 C. Parby W. L. Lee

- Ke Kaitiaki mai i ka M. H. 1837. Ahi ma haka.
1. Puni na palua. M. Ke Lanai. M. Pali. M. Kahawai. M. Pula m.
 2. Puni na palua. M. Kahawai. M. Pali. M. Ke Lanai. M. Pula m.

35th. Kalaxim.

Julai 11. 1849.

Kamala Kaitiaki. Ua ika au i hana aia ma na di. Ika. Wailuku.

3. Apawa.

- Apawa 1. Pakala ma ka di. o Lialakapala.
- " 2. aia kale - " - " Pihakuchiki.

Ke George Lani mai i ka M. H. 1848. Ahi ma haka. Apawa ma ka apawa 2.

1. Puni na palua. M. Ke Lanai. M. George Lani. M. Ke Lanai. M. Ke Lanai.
2. Puni na palua. M. Ke Lanai. M. Pula m. M. Ke Lanai. M. Ke Lanai.

36th. Kana.

Kaitiaki. Haka. Ua ika au i Apawa kale ma ka di. o Lialakapala ma Wailuku.

Ke Kaitiaki mai i ka M. H. 1848. He hana ma haka ma Wailuku. Ke M. H. 1838 i ka M. H. 1848, Ahi ma haka. Ua ika au i ka M. H. 1848, o hana haka ma Wailuku. Ua ika au i ka M. H. 1848.

Puni na palua. M. Pali ma Kahawai. M. Kahawai. M. Ke Lanai. M. Ke Lanai.

37th. Kana.

Wailuku Julai 13. 1849.

Kaitiaki. Haka. Ua ika au i hana aia i Apawa ma ka di. o Lialakapala. Wailuku.

Ke hana ma haka ma Wailuku. He hana ma haka ma Wailuku. Ua ika au i ka M. H. 1848, o hana haka ma Wailuku. Ua ika au i ka M. H. 1848.

Puni na palua. M. Ke Lanai. M. Ke Lanai. M. Ke Lanai. M. Ke Lanai.

3529. Hana

Kuahine Hooh[ikiia]

Ua ike au i kona aina ma na ili maloko o Wailuku.

Apana 1. Aina kalo ma Kahua Hi
Apana 2. Aina kalo ma Kahiki.

Kuahine Swore

I saw his/her land at the land sections in Wailuku.

Parcel 1. Taro land in East Kahua
Parcel 2. Taro land in Kahiki.

ROSE MARIE H. DUEY

575 A 'Āo Valley Rd

Wailuku, Hawai'i 96793

(808) 357-7840

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, 'Āo)
and Waikapū Streams, Maui)
_____)
)
)
)

WITNESS LIST

PARTY: ROSE MARIE H. DUEY

NAME/ ORGANIZATION/ POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE INTRODUCED BY WITNESS
Rose Marie H. Duey	Need for and use of Nā Wai 'Ehā water	2243-DUEY-1 to -5

ROSE MARIE H. DUEY

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Management Areas of Waihe'e, Waiehu, 'Īao)
and Waikapū Streams, Maui)
)
)

EXHIBIT LIST

PARTY: ROSE MARIE H. DUEY

EXHIBIT NUMBER	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
2243-DUEY-1	County Tax Map	Testimony of Rose Marie H. Duey	
2243-DUEY-2	Screen Shot of Parcel 18 and Royal Grant No. 3343	Testimony of Rose Marie H. Duey	
2243-DUEY-3	Screen Shot of LCA Nos. 2610 and 3529 and Parcel 18	Testimony of Rose Marie H. Duey	
2243-DUEY-4	LCA No. 2610, Native Register, Native Register Transcription and Translation	Testimony of Rose Marie H. Duey	
2243-DUEY-5	LCA No. 3529, Native Testimony, Native Testimony Transcription and Translation	Testimony of Rose Marie H. Duey	