

ISABELLE N.K. RIVERA  
P. O. Box 634  
Wailuku, Hawai'i 96793  
(808) 205-4109

2016 FEB -5 AM 9:45

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 ISABELLE N.K. RIVERA  
Standards, Nā Wai 'Ehā Surface Water ) EXHIBITS "2266-RIVERA-1" - "2266-  
Management Areas of Waihe'e, Waiehu, ) RIVERA-3"  
'Āao, & Waikapū Streams, Maui )  
)  
)  
)

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TESTIMONY OF ISABELLE N.K. RIVERA

1. This testimony is provided in support of Surface Water Use Permit Applications ("SWUPA") No. 2266 for existing uses and No. 2267N for new uses, filed with the Commission on Water Resource Management on April 23, 2009, for a parcel in Waiehu Tax Map Key ("TMK") No. (2) 3-2-017:012. I have lived on this land since 1991, and I acquired it from my mother, Christabell Kanoa.

2. I am a descendant 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, my future intended use of stream water to grow wetland kalo is a traditional and customary cultural practice that is a protected public trust purpose.

3. My domestic water use is also a protected public trust purpose.

4. Based on the information set forth below, I request recognition of appurtenant rights for TMK No. (2) 3-2-017:012 in the amount of 765,000 gallons per day (“gpd”). I request a Surface Water Use Permit for my current future reasonable-beneficial use for TMK No. (2) 3-2-017:012 of 726,600 gpd, of which 600 gpd was the existing use as of April 30, 2008.

**QUANTIFICATION OF APPURTENANT RIGHTS**

5. TMK No. (2) 3-2-017:012 is comprised of Land Commission Award (“LCA”) No. 3443:1 and 2 to Kamai, confirmed by Royal Patent No. 6283. I am attaching various Māhele documents that confirm water use on TMK No. (2) 3-2-017:012 at the time that it was converted to fee simple.

6. Attached as “2266-RIVERA-1” is a true and correct copy of LCA No. 3443:1 and 2 to Kamai, foreign testimony, and a copy of the native testimony and its translation in support of the award.

7. A true and correct copy of the County tax map for TMK No. (2) 3-2-017:012 is attached as “2266-RIVERA-2,” along with two screenshots of TMK No. (2) 3-2-017:012 from Kīpuka database showing two “poalima.”

8. The documents in 2266-RIVERA-1, referring to LCA No. 3443:1 and 2, confirm that ‘āpana 1 and 2 in the ‘ili of Kaalaino were cultivated in wetland kalo: the LCA itself notes there were two “poalima” there, the foreign testimony specifies “poalima” and 17 “lois,” and the native testimony translation similarly specifies that there were “poalima” and 17 “taro patches.” Having consulted with experts in Nā Wai ‘Ehā land tenure at the time of the Māhele, I understand that pō‘alima in Nā Wai ‘Ehā, including mine, were all cultivated in lo‘i kalo. Therefore when my documents specify “poalima,” it refers to one or many lo‘i kalo. The documents in 2266-RIVERA-1, establish that my land was cultivated entirely in lo‘i kalo.

9. Based on the Māhele documents in 2266-RIVERA-1 the quantification of the appurtenant rights is the amount of water sufficient to grow kalo on 2.55 acres using traditional methods.

10. It is my 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.

11. Thus, in my best estimation, the water right appurtenant to TMK No. (2) 3-2-017:012 is 765,000 gpd (2.55 acres x 300,000 gad).

**AMOUNT REQUESTED UNDER PERMIT**

12. Currently, I divert a modest amount of water from the South Waiehu kuleana 'auwai that runs along the Waihe'e side of the South Waiehu Stream. Water is diverted into the 'auwai from the stream through a traditional po'owai (intake made with stones). The water is diverted from the stream, continues makai in a traditional 'auwai for about one and a half miles until it reaches my property. I use water from the 'auwai for all my water needs, including my domestic water uses like washing dishes, brushing my teeth, and bathing as well as for my non-commercial banana patch. I am requesting a permit for the amount of water necessary for these domestic uses and for cultivating kalo.

13. On April 30, 2008 I was only using water for my domestic needs. The amount of water in use at that time was about 600 gpd.

14. The 2002 State of Hawai'i Water System Standard for Maui County of 600 gpd per single family home is sufficient for my existing domestic water uses.

15. I would like to restore the ancient lo'i kalo on my land, which is why I have also filed a SWUPA for a new use (SWUPA No. 2267N) and am requesting enough water to grow kalo on 2.42 acres, which, based on the water duty for kalo is 726,000 gpd (2.42 acres x 300,000 gad). Combined with my domestic water uses, my total amount requested is 726,600 gpd.

16. In support of my request, I attach as "2266-RIVERA-3," the Declaration of Water Use filed on May 22, 1989 by Christabell Kanoa, which specifies that the land was used to grow "taro, banana, fruits and flowers." It further states that the water use had both "riparian and appurtenant rights." The Declaration also specifies the water use as domestic and for irrigation. Included in 2266-RIVERA-3 is the Supplemental Declaration, in which Christabell Kanoa states that "this is my property and it has been in my family since before my grandfather's time and I inherited it from my mother in 1965 . . . . I claim appurtenant rights . . . [and] plan on reopening at least ten (10) or more taro patches . . . ."

#### **REASONABLE-BENEFICIAL ANALYSIS**

17. "Reasonable-beneficial use" is 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.

18. The quantity I am requesting is "economic and efficient" because I only use the amount I need to irrigate my non-commercial banana patch, my lo'i kalo, and for domestic purposes. I continually work to make my water use more efficient by using pipes to minimize water loss through evaporation and leakage. Unused water is absorbed back into the ground or flows back into the ditch, which returns to the stream.

19. My use of water from the South Waiehu kuleana 'auwai for domestic purposes and to irrigate my non-commercial banana patch and lo'i kalo is also consistent with the state and county land use plans and the public interest. My land is classified by the State as urban, and zoned by the County as agricultural. The water use on my land for domestic cultivation is in the public interest and fulfills a public trust purpose.

### **ALTERNATIVES ANALYSIS**

20. Because my land has appurtenant rights to stream water in the nature of an easement that was conveyed at the time of the Māhele, I am not required to provide an alternatives analysis to show that I have no practicable alternative source of water. My appurtenant right is for stream water, not for water from any other source, and my exercise of this right enjoys maximum protection and first priority under the law. Nonetheless, the Alternatives Analysis set forth in SWUPA No. 2266 and SWUPA No. 2267N remains applicable, true, and correct.

21. I have always used a reasonable amount of South Waiehu kuleana 'auwai water to maintain my domestic use, including my non-commercial banana patch 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 Waiehu Stream. Requiring me to pay for these alternatives instead of diverting the small amount of stream water via the 'auwai that runs alongside my land would impose an unfair and impracticable cost on me, given that I am a small, non-commercial, domestic water user who has always used the 'auwai that runs alongside my land for domestic use, including my non-commercial banana patch. Additionally, an alternative source that would require me to pay for the volumes of constantly flowing water in my lo'i

necessary to keep temperatures cool and support healthy kalo, would make my practice economically impossible. I would be denied my appurtenant right and traditional and customary right to grow kalo on my land.

**SUMMARY**

22. In sum: (1) my domestic water use is a protected public trust purpose; (2) my 'ohana's traditional and customary right to grow kalo is a protected public trust purpose; (3) the exercise of my appurtenant right is a protected public trust purpose; (4) because I have appurtenant rights for TMK No. (2) 3-2-017:012, I am entitled to 765,000 gpd; (5) at this time, I request a permit for my current and future reasonable-beneficial uses on the property of 726,600 gpd, and this amount will be used for domestic purposes as well as cultivation of wetland kalo, which is a reasonable-beneficial use of stream water. There is no practicable alternative for this use.

I, ISABELLE N.K. RIVERA, do declare under penalty of law that the foregoing is true and correct.

Dated: Waiehu, Hawai'i, Dec. 17, 2015.

*Isabelle N.K. Rivera*  
ISABELLE N.K. RIVERA  
WATER USE PERMIT APPLICANT PRO SE

Uka Pau Lea \$ 5.00

W. L. Lee  
 J. W. Robertson  
 J. Kakaulahao  
 J. H. Smith

Honolulu 12 Dec. 1852

Kelu 3443 Kamai

Kaiku Maui

Apana I & II E hoomaka ke ana ma ke kiki Komokana o keia, Kona-40;  
 Nihua 147 Kaulahao, ma ke Kamiki, Ake. 17 3/4, Sike 88 Kaul. ma Poalima, Kom. 66 1/2,  
 Sike 71 Kaul. ma Poalima, Ake. 32 1/2, Sike 57 Kaul. ma ke Poalima, Kom. 67 1/4, Sike 65  
 Kaul. ma ke Poalima, Ake. 16, Sike 161 Kaul. ma ke Pali, Ake. 57 1/2, Kom. 324 Kaul.  
 ma ke Poalima, » Kapuhuli, Kom. 18 1/2, Kom. 457 Kaul. ma Keala a kiki ma kahi i  
 hoomaka i a maloto via Anapuni, 2 1/2 Eka.

Poalima I E hoomaka ke ana ma ke kiki Akau o keia, ma ke ka pahu kope o keia  
 Keala, Kom. 13 1/2, Sike 124 Kaul. Kom. 36 1/2, Sike 121 Kaul. Kom. 45 1/4, Kom. 82 Kaul.  
 Ake. 36 1/2, Kom. 121 Kaul. Ake. 45 3/4, Sike 82 Kaul. a kiki ma kahi i hoomaka i  
 a maloto via anapuni, 9/10 Eka,

Poalima, II E hoomaka ke ana ma ke kiki Kona o keia, ma ke pahu kope,  
 Ake. 17 1/2, Kom. 66 Kaul. Ake. 57 1/2, Kom. 107 Kaul. Ake. 26 1/2, Sike 82 Kaul. Kom. 57 1/2  
 Sike 117 Kaul. Kom. 26 1/2, Kom. 82 Kaul. a kiki ma kahi i hoomaka i, a maloto via anapuni,  
 8/10 Eka.

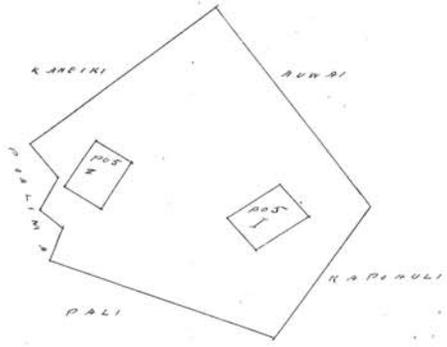
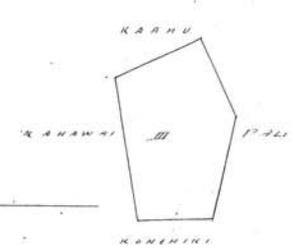
Apana III E hoomaka ke ana ma ke kiki Nihua o keia.

Akai	17	Kom.	143	Kaul.	Konohiki	
Hua	89 1/4	Kom.	207	"	"	2.50
Hua	50 1/2	Kom.	160	"	"	58
Hua	38 1/2	Sike	180	"	"	3.08
Akai	68 1/2	Sike	283	"	Kaahu	1/12
					Kahuwai	2.91

a kiki ma kahi i hoomaka i, a maloto via anapuni, 58/100 Eka,

Kaiku, Oct. 12, 1852

John, S. Gower,  
 Mea ana aina.



Uka Pau Lea \$ 6.00

W. L. Lee  
 J. W. Robertson  
 J. Kakaulahao  
 J. H. Smith

Honolulu 17 Dec. 1852

2266-RIVERA-1-P.1

FOREIGN TESTIMONY

so far as I have ever heard.  
 I don't know the boundaries well except to N<sup>o</sup> 1, which is bounded. Maunua, by my land. Waikae, by Oshu's land. Makai, by ~~the~~ <sup>mei</sup> land. Maalaea, by the estate of Wailuku. These lands belong to Pilipe's machine.

C. 2451. Halepulu.

Halepulu Sw. The Ct's land consist of two pieces  
 N<sup>o</sup> 1. is a scale land in Pilipe's, Wailuku. 12 lei  
 " 2. " 8 lei & one kula in Namuwilawili, Waikae.  
 N<sup>o</sup> 1. he rec<sup>d</sup> from Heahi in 1844, and Heahi from Naea, and he from Namakihua & he from Kaunukuhua and he from the King in 1837. N<sup>o</sup> 2. he obtained from Kaunukuhua in 1845, and he from Clele in the days of Kaunukuhua II. His title was never disputed. There is one prokina lei in N<sup>o</sup> 1.  
 N<sup>o</sup> 1. is bounded. Maunua, by Nahanas land. Waikae, by Pilipe's land. Makai, by Nahanas land. Maalaea, by the Court kula.  
 N<sup>o</sup> 2. is bounded. Maunua, by Makani's land. Waikae & Makai sides, by the same. Maalaea, by Pilipe's land.

C. 3443. Hamai.

Hamai Sw. The Ct's land consist of 3 pieces in the isle of Hawaii, and Kapoia, Waikae, Maui.  
 N<sup>o</sup> 1. is 11 lei in Kaunuku  
 " 2. " 6 " " "  
 " 3. " 8 " " Kapoia.  
 The Ct. rec<sup>d</sup> them from Poha in 1838, and his title was never disputed. There are two prokina lei in N<sup>o</sup> 1. and one in N<sup>o</sup> 2.  
 N<sup>o</sup> 1. is bounded. Maunua, by Mokufrane's land. Waikae, by Kancika's land. Makai, by Kalakauka's land. Maalaea, by Poha's land.  
 N<sup>o</sup> 2. is bounded. Maunua, by Poha's land. Waikae, by the

318

3457

Kaohikaoua

July 18

Kula Hoohikina

Ua ike au iua apana ma Waituku ma Huiehu  
Apr. 12 Ioi ma Pitipiti

" 2. 8 " ma Kula ma Kuumuiviti

No Keahi mai ka apana ma i 1844. No Kaka  
mai ke Keahi. No Kamakaha mai ke Kaka. No  
Kuumuhua mai ke Kamakaha. No Mo'i mai  
ke Kuumuhua i 1837. No Makani mai ka  
apana 2. i 1845. Ke Puke mai ke Makani i  
ka wa o Kamakaha a oho ma Keahi,  
i Poalima ma ka apana ma.

- 1 Maaha Kahuana. Waiau N. Nohoho.
- Makai Kahuana. Maalaea Pa Unpuni.
- 2 Maaha a Waitu ma Kai o Makani
- Ma Maalaea N. Nohoho.

3458

Kamahi

July 18

Kumuhua Hoohikina

Ua ike au i apana ma iua ma ike ma Huiehu  
Apr. 11 Ioi Kalo ma Keahi

" 2. 6 Ioi " " "

" 3. 8 Ioi " " Kapuni

No Iolea mai ke apana ma iua apana apana i  
ka 1838. i Poalima ma ka apana ma, i Poalima  
ma ka apana 2. oho ma Keahi.

- 1 Maaha Makani. Waiau Kanihi
- Makai Keahi ahohe. Maalaea Iolea
- 2 Maaha Iolea. Waiau Pali o Waiau
- Makai Iolea ma Kapuni. Maalaea Kahuana
- 3 Maaha Kahuana. Waiau a Makai Ioi Paalae
- Maalaea Kahuana.

Kula sworn He has seen 2 sections in Wailuku and Waiehu. First section from Keahi in 1844. Keahi's interest from Naea, Naea's interest from Namakaeha. Namakaeha's land from Kaunuohua. Kaunuohua's land from Moi in 1837. Section 2 from Makanui in 1845. Makanui's land from Eleele at the time of Kam II, no objections. 1 Poalima in the first section.

Section 1 - 42 patches at Pilipili

Mauka	Naheana's land
Waihee	Z. Nakookoo's land
Makai	Naheana's land
Maalaea	Government enclosure

Section 2 - 8 patches, pastures at Kumuuiliuili

Mauka, Waihee, makai	Makanui's land
Maalaea	Z. Nakookoo's land

Nuuhiwa sworn He has seen 3 sections in these ilis at Waiehu. All sections from Polea in 1838. 2 Poalimas in first section, 1 poalima in section 2. No one has objected.

Section 1 - 11 Taro patches at Kalaino

Mauka	Mokupanee
Waihee	Kaneiki
Makai	Kalaikaukeha
Maalaea	Polea's land

Section 2 - 6 taro patches at Kalaino

Mauka	Polea's land
Waihee	Waiehu pali
Makai	Polea's land/Kapohuli
Maalaea	Kilauakea

Section 3 - 8 taro patches at Kapoino

Mauka	Kaahu
Waihee and makai	Prisoners' patch
Maalaea	Stream

Hanae sworn He has seen 4 section in these ilis at Ahikuli and Pohakunui. Sections 1,2,4 from Lonoea in 1836. Section 3 from Kekawa in 1837. Kahalehuki died in feb. 1849, Kahale, his daughter and wife of Malaihi is his heir. Lii had objected to the first section and Malaihi complained to Kiuhelani the tax assessor and the decision was in Malaihi's farm. Lii' did not submit to this decision and Malaihi, this time complained to John Richardson. Again he won and Lii agreed. No objection and no poalima.

Section 1 - Whole ili of Kaluaolena

Mauka	Kamahaloa
Waihee	Ahikuli stream
Makai	Waiwaiole
Maalaea	Ahikuli pali

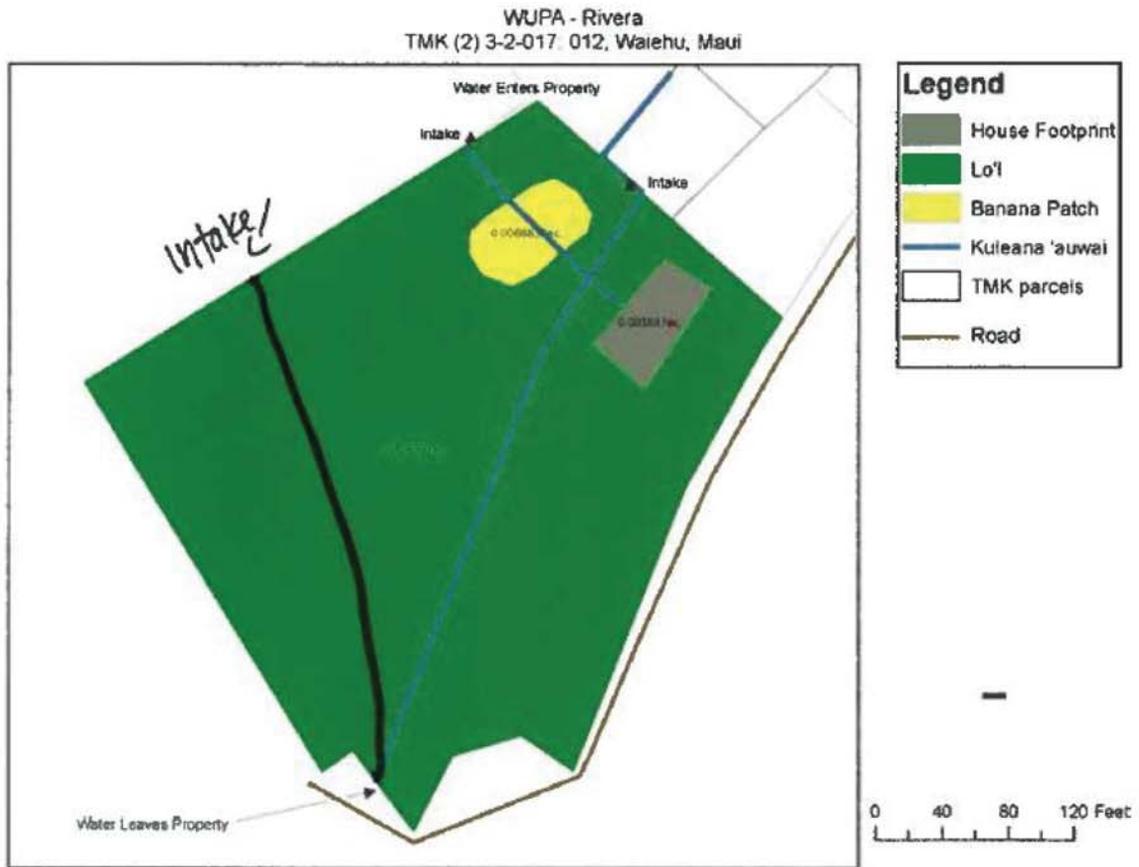
Section 2 - 10 Patches at Poohuea 1

Mauka, Waihee, amaki	Hanae
Maalaea	Ahikuli stream

Section 3 - 1 patch at Poohuea 2

Mauka	Kaholomoana
Waihee	Pahanui
Makai	Waiwaiole
Maalaea	Kamanele

## TMK WITH EXISTING AND FUTURE USE



This is a true and correct copy of TMK No (2) 3-2-017:012 depicting our parcel, the inflow and outflow of water from our kuleana 'auwai, and our existing end uses (banana patch and domestic use). The green section (future lo'i) is detailed in our new use application, which we filed concurrently. This map is approximate and note to scale.

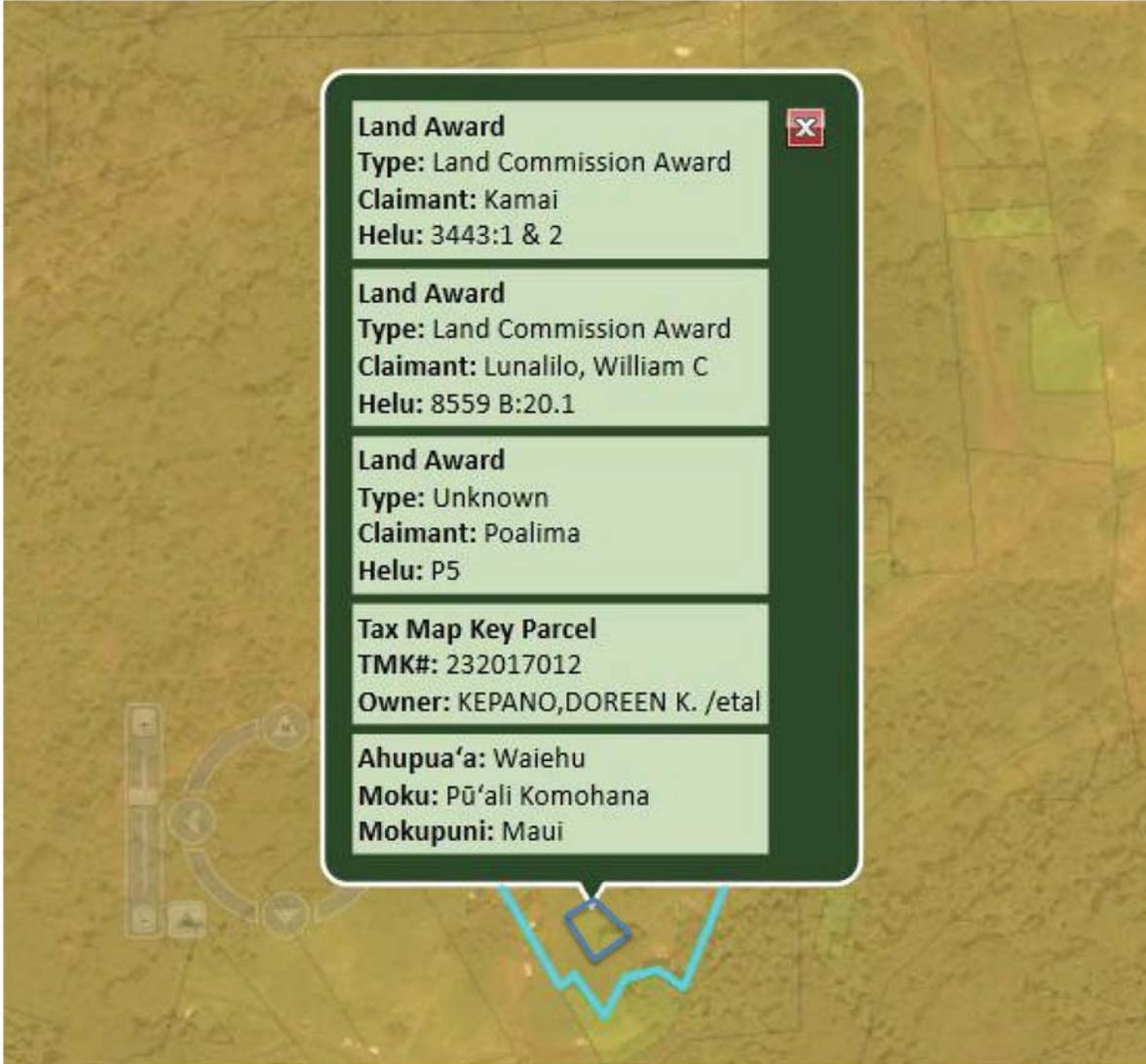
2266-RIVERA-2-P.1

TMK SHOWING FIRST POALIMA



2266-RIVERA-2-P.2

TMK SHOWING SECOND POALIMA



2266-RIVERA-2-P.3



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

M 157  
www  
SK ①

REGISTRATION OF STREAM DIVERSION WORKS  
AND  
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and mail form to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96808. Phone 548-3948 or 548-7543 for assistance.

MULTI-SOURCE SYSTEMS: For a system of two or more diversion structures, submit a single package to describe the complete system. Include a single location map (or a set of maps if required) showing all diversion structures and measurement points, and a separate copy of this form for each structure and measurement point. On forms describing diversion structures, complete parts A, B, D, and E. On forms describing measurement points, complete parts A, B, and F.

STREAM NAME: South Waialeale Stream ISLAND: Mau  
DIVERSION STRUCTURE NAME: Actual name not available  
DIVERSION SYSTEM NAME: \_\_\_\_\_

A. DIVERSION WORKS OPERATOR

Firm name: \_\_\_\_\_  
Contact person: same  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

B. OWNER OF DIVERSION WORKS SITE

Firm name: Constable C. Kanoa  
Contact person: \_\_\_\_\_  
Address: RR 1 Box 167  
Waialeale, Maui  
Zip: 96793 Phone: 244-7526

C. STREAM DIVERSION LOCATION

Tax Map Key: 3-2-111A Town, Place, District: UPPER WAI'ALEALE, MAUI  
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the diversion location.

D. STREAM DATA

Streamflow at diversion site is:  Perennial (Water is always flowing)  Intermittent (Channel is sometimes dry).  
Is streamflow gaged?  Yes  No DON'T THINK SO  
If yes, provide gage name, and show location on map. Name: N/A.  
Average flow before diversion: \_\_\_\_\_  mgd  gpm  cfs

E. DIVERSION STRUCTURE DATA

Year constructed: before 1921 Elevation (above sea level): N/A.  
Diversion structure is:  Concrete  Wood  Pipe  Other (Describe): DIRT & ROCKS  
Diverted flow is:  Controlled  Uncontrolled  
Divertable capacity is: \_\_\_\_\_  mgd  gpm  cfs

Submit an "as-built" drawing and dated photograph of the diversion works, if available.

N/A.

... (continued over)

For Official Use Only:

Date received: \_\_\_\_\_ Date accepted: \_\_\_\_\_  
Field checked by: \_\_\_\_\_ Date: \_\_\_\_\_ Latitude: \_\_\_\_\_ Hydrologic Unit: \_\_\_\_\_  
Comments: \_\_\_\_\_ Longitude: \_\_\_\_\_ State Diversion No.: \_\_\_\_\_

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

(2)

Location and name of measurement point (Show on location map): Mile 1/2 north above  
 Water use data are recorded:  Continuously  Daily  Other: ONCE FOR DIVISION  
 Method of measurement (check box and describe below):  Weir  Rating flume  Other  
 Description: Floating Object Method

Quantity of Use (Report gallons or minimum monthly water use from the diversion described on the reverse side of this form, for the calendar years 1983 through 1987):

WATER USE, IN N/A (unit of measurement)

	1983	1984	1985	1986	1987
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
ANNUAL					

Typical times of usage: 24 hrs a day, 7 days/wk

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

<b>Category</b>	<b>Additional Information</b>
<input type="checkbox"/> Municipal (including resorts, hotels, businesses)	<u>Riparian and Appurtenant rights</u>
<input checked="" type="checkbox"/> Domestic (systems serving 25 people or less)	Number of service connections: <u>3</u>
<input checked="" type="checkbox"/> Irrigation	Acres irrigated: <u>2 1/2 ACRES</u>
	Crop(s): <input type="checkbox"/> Sugar <input type="checkbox"/> Pineapple
	<input checked="" type="checkbox"/> Other (specify): <u>YARD, Banana, fruit, flower</u>
	Non-Crop: <input type="checkbox"/> Landscape <input type="checkbox"/> Golf Course
	<input type="checkbox"/> Other (specify): _____
	Method: <input type="checkbox"/> Drip <input type="checkbox"/> Furrow <input type="checkbox"/> Sprinkler
<input type="checkbox"/> Industrial	<input type="checkbox"/> Cooling <input type="checkbox"/> Manufacturing <input type="checkbox"/> Mill
<input type="checkbox"/> Military	<input type="checkbox"/> Other (specify): _____
<input type="checkbox"/> Other	Specify (pneumatic, hydroelectric, aquaculture, etc.): _____

Location of Use (Describe the location of water use, relative to the diversion, and indicate on location map. If water is used by others, submit a list of their names and addresses.):

OTHER USERS OF AWWA: CRISTABELL C. KANDA, MR. & MRS. LESSIN, MR. & MRS. CABACUGAN, MRS. SHINNER & MR. ELLIOT  
I USE WATER ON TAX MAP KEY 3-2-17-12 FOR YARD & DOMESTIC USE

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: Christabell C. Kanda Date: 5/22/89  
 Printed Name: Christabell C. Kanda  
 Firm or Title (Diversion Operator, etc.): \_\_\_\_\_

**SUPPLEMENTAL DECLARATION  
FOR ALL OWNERS OR USERS OF WATER**

1. The following statement is in my own words and describes the basis of the evidence that allows me to lay claim to these water rights or uses: (identify type of evidence, witnesses, past use, projected use and any changes if applicable; when complete attach this form to the State of Hawaii Declaration of Water Use form that is applicable)

① My name is Christabell C. Kanoa.

② This is my property and it has been in my family since before my grandfather's time and I inherited it from my mother in 1965. I live on this property and I claim appurtenant rights of at least 100,000 gallons per acre for my property. We plan on reopening at least ten (10) or more faro patches and extending our home. If we had been notified by the State Water Commission earlier, we would have re-opened the faro patches and finished our extension before the deadline.

2. I  did or  did not receive notice from the State of Hawaii Commission on Water Resource Management regarding the registration and declaration of water use.

3. I declare that the contents of the above Supplemental Declaration of Water Use are the truth to the best of my knowledge.

Water User's Signature: Christabell C. Kanoa Date: 5/22/89  
Printed Name: Christabell C. Kanoa

ISABELLE N.K. RIVERA

P. O. Box 634

Wailuku, Hawai'i 96793

(808) 205-4109

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

WITNESS LIST

**PARTY: ISABELLE N.K. RIVERA**

<b>NAME/ ORGANIZATION/ POSITION</b>	<b>SUBJECT MATTER</b>	<b>EXHIBIT(S) TO BE INTRODUCED BY WITNESS</b>
Isabelle N.K. Rivera	Need for and use of Nā Wai 'Ehā water	2266-RIVERA-1 to -3

ISABELLE N.K. RIVERA

P. O. Box 634

Wailuku, Hawai'i 96793

(808) 205-4109

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 ) EXHIBIT LIST  
Standards, Nā Wai 'Ehā Surface Water )  
Management Areas of Waihe'e, Waiehu, 'Īao )  
and Waikapū Streams, Maui )  
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**EXHIBIT LIST**

**PARTY: ISABELLE N.K. RIVERA**

<b>EXHIBIT NUMBER</b>	<b>DESCRIPTION</b>	<b>REFERENCES</b>	<b>REC'D INTO EVIDENCE</b>
2266-RIVERA-1	LCA No. 3443:1 and 2, Foreign Testimony, Native Testimony and Translation	Testimony of Isabelle N.K. Rivera	
2266-RIVERA-2	County Tax Map with Existing and Future Use; Two Screenshots of TMK Showing Pō'alima	Testimony of Isabelle N.K. Rivera	
2266-RIVERA-3	Declaration of Water Use dated May 22, 1989	Testimony of Isabelle N.K. Rivera	