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2016 FEB -5 AM 9: 43

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 DONNA VIDA;  
Standards, Nā Wai 'Ehā Surface Water ) EXHIBITS "2292-VIDA-1" – "2292-  
Management Areas of Waihe'e, Waiehu, ) VIDA-2"  
'Āao, & Waikapū Streams, Maui )  
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)  
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TESTIMONY OF DONNA VIDA

1. This testimony is provided in support of my Surface Water Use Permit Applications ("SWUPAs") Nos. 2292 and 2293 filed with the Commission on Water Resource Management on April 29, 2009 by my father, Leslie Vida, Sr., for Tax Map Key ("TMK") Nos. (2) 3-5-004:045 ("Parcel 45") and 3-5-004:056 ("Parcel 56").

2. I am Kanaka Maoli (Native Hawaiian). 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 intended use of stream water is a traditional and customary cultural practice that is a protected public trust purpose.

3. Our domestic water use is a protected public trust purpose.

4. My 'ohana resides at 115 Pilikana Street in Waikapū. I have lived in Waikapū for most of my life, 59 years. I inherited this property from my father, Leslie Vida, Sr., who is recently deceased, who inherited it from my grandparents, who inherited it from theirs and so forth since the time of the Māhele.

5. Based on the information set forth below, I request recognition of appurtenant rights for TMK Nos. (2) 3-5-004:045 and 3-5-004:056 in the amount of 270,600 gallons per day. I request a Surface Water Use Permit for my reasonable-beneficial use for TMK No. 3-5-004:056 in the amount of 2,225 gallons per day, and for TMK No. 3-5-004:045 in the amount of 175 gallons per day.

#### **QUANTIFICATION OF APPURTENANT RIGHTS**

6. Our 'ohana resides on kuleana lands. Parcels 45 and 56 are portions of Land Commission Award ("LCA") No. 76 to William Shaw, confirmed by Royal Patent 7694. I am attaching various Māhele documents that confirm water use on Parcels 45 and 56 at the time of the Māhele.

7. Attached hereto as "2292-VIDA-1" is a true and correct copy of a portion of the County tax map for Parcels 45 and 56, which I have marked to show LCA No. 76. Parcel 56, known as I-B situate Waikapū, is a total of 40,062 square feet and is on the mauka side of Honoapi'ilani Highway. Parcel 45 is 3,050 square feet.

8. Attached as "2292-VIDA-2" is a true and correct copy of LCA No. 76 to William Shaw.

9. LCA No. 76 to William Shaw has been passed on to his Hawaiian heirs since the time of the Māhele, including Parcels 45 and 56, which were passed down to me. This land and

all the appurtenant rights that come with it has been in our 'ohana for many generations going back to the time of the Māhele.

10. LCA No. 76 to William Shaw includes a 10.34-acre farm called Auwailimunui and Waiolimu in Waikapū, and is bounded on the West and East by Pilipili, on the North by Aa (Kaaa) and on the South by Auwailimuuku.

11. Today, our property is situated in the middle of the LCA 76 Vida Subdivision, above us is Mike Vida's property (brother) and above him is Leslie Vida Jr.'s property (brother), to the North is Claire and Robert Pinto's property (aunty and uncle), to the East is Waiolani subdivision property. On the South side of our property is the Waiolani Pikake Subdivision. To the West is the Yamaoka Family, who has lived there since the early 1900's. The entire Vida property and their families are on separate parcels due to subdivisions that were done. The bottom portion of the 10.34 acres is the portion where the Waiolani Subdivision and roadway exist. Above the ditch that runs from North to South is property the Vida's own.

12. LCA No. 76 to William Shaw, Survey of No. 3 Waiolimu in Waikapū Part 1, in 2292-VIDA-2, provides a survey and map of Auwailimunui/Waiolimu, Waikapū of 10.34 acres. The LCA describes the land as a "farm" and refers to the existence of kalo patches terraced down along to Pilipili, a house, and a stone wall. This establishes that Waiolimu in Waikapū was abundant with kalo patches at the Māhele. The 10.34 acres is a part of the land where we reside.

13. LCA No. 76 to William Shaw, continuation of Survey of No. 3 Waiolimu in Waikapū Part 2 in, 2292-VIDA-2, provides a survey and map of the 3.43 acres near the stream which was named Haaua back in the time of the Māhele showing Waikapū Stream and the water run. The map shows how the water ran freely. This was the source of our kuleana water. The

map shows stream water at the time of the Māhele, and for many years thereafter it flowed to our property in Waikapū.

14. The documents in 2292-VIDA-2 referring to LCA No. 76 and the terracing and slope of our property and rock formations on our land confirm that the majority of the 10.34 acres, including all of our Parcel 56, was cultivated primarily in wetland kalo at the time of the Māhele. Parcel 56 is 0.9 acres.

15. 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.

16. Parcel 45 is also included in LCA No. 76, and is and has been the family cemetery since the time of the Māhele. Elizabeth "Becky" Shaw, William Shaw's daughter, is buried here along with many family members who sacrificed through hard work and love to make sure that this kuleana land and all appurtenant rights that came with it would be passed down to their native Hawaiian heirs for future generations.

17. I used the Maui County water standard for domestic water use of 600 gallons per day ("gpd") to estimate the water use of 600 gpd on Parcel 45 at the time of the Māhele.

18. Thus, in my best estimation, the water right appurtenant to TMK Nos. (2) 3-5-004:045 is 600 gpd and the water right appurtenant to TMK No. (2) 3-5-004:056 is 270,000 gpd (0.9 acres x 300,000 gad), for a total of 270,600 gpd.

## AMOUNT REQUESTED UNDER PERMIT

19. Our property is North of the Waikapū Stream. As shown in 2292-VIDA-2, this 'āina was historically taro patches, and an 'auwai (kuleana water ditch) flowed and brought water from the Waikapū Stream to our 'āina and the surrounding kuleana parcels.

20. As a young girl growing up in Waikapū, I can recall how the kuleana water from the Waikapū Stream would run alongside our 'āina. At one time we had a luawai (reservoir) at the top of our 'āina from water that would run off onto our property. Our 'ohana would make ditches to direct the flow to water the kalo, other crops, and animals on the property.

21. The 'auwai ditch water used to come from above us. The Waikapū Stream was in an 'auwai that flowed down to our property. The 'auwai had to be cleaned to keep the flow of water. As years passed, the Wailuku Sugar Company changed the system to a drip system, piping water for their cane fields, thereby stopping the water running alongside the entire LCA No. 76 property. We then would pipe the water to our property through the Wailuku Sugar Company.

22. Within the last ten years, the Wailuku Water Company has diverted the water. We now receive our water from the 'Īao Stream. The 'Īao-Waikapū Ditch System water comes from 'Īao Stream and is piped down to our properties by Wailuku Water Company who maintains and repairs the system. Although our source of water has changed due to circumstances out of our control, we have always been existing kuleana users.

23. At present, our property at Parcel 56 has a home that is 1,000 square feet. The rest of the property is used for our landscaping with grass and plants, our fruit and medicinal trees and plants, and our livestock. For example, we have two 8x10 dry land taro patches and have expanded our crops to include approximately 2,000 square feet of medicinal and other

plants (ti leaf, kukui, noni, aloe, etc.) and about 1,000 square feet of fruit trees (banana, papaya). A labor of love and to increase our ability to sustain our 'ohana, we also raise animals for consumption by family and friends. Approximately 1,500 square feet is used to raise ducks and chickens, 2,500 square feet for raising pigs, and 2,000 square feet for goats. We also use about a 2,000 square feet of our property to grow fodder for the animals to eat. The property has a 25x21 square foot imu that allows us to practice our traditional Hawaiian rights for cooking kalua pig and kalo. We also use kuleana water to maintain a variety of plants on our 'ohana cemetery at Parcel 45.

24. Subtracting the footprint of our house (1,000 square feet) from the area of Parcel 56 (40,062 square feet), I estimate we use kuleana water on about 39,000 square feet, or about 0.89 acres, of Parcel 56, and 3,050 square feet, or 0.07 acres, of Parcel 45.

25. Although we did not have this information when we filed our Water Use Permit Applications in 2009, we now understand that in the Waiāhole case, the Water Commission applied a water duty of 2,500 gad for diversified agriculture like ours. We believe this amount is sufficient for our uses, thus, we estimate we use 2,225 gpd for our yard, plants, and livestock (0.89 acres x 2,500 gad) on Parcel 56 and 175 gpd for our 'ohana cemetery at Parcel 45 (0.07 acres x 2,500 gad). We also estimate that this was the amount in use as of April 30, 2008.

26. In summary, at this time, we request a water use permit for Parcel 56 in the amount of 2,225 gpd and for Parcel 45 in the amount of 175 gpd, which was the existing use as of April 30, 2008.

#### **Reasonable-Beneficial Analysis**

27. Our existing use is "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.

28. The quantity we are requesting is necessary for the economic and efficient irrigation of our home garden, yard, traditional plants, and animals, which provides us with sustenance and aesthetic enjoyment. Our use of stream water is “economic and efficient” because we only use the amount we need. We also take steps to make our water use efficient. For instance, we use hoses and hand water with buckets where appropriate to minimize water loss.

29. Our existing use of stream water is consistent with state and county land use plans and the public interest, because it is for domestic purposes and for exercise of our Native Hawaiian traditional and customary rights. Therefore, our water use is “reasonable-beneficial”.

#### **Alternatives Analysis**

30. Because our land has an appurtenant right to stream water, which is in the nature of an easement that was conveyed with the land at the time of the Māhele, we do not need to demonstrate that we have no practicable alternative water source. Similarly, our traditional and customary right as Native Hawaiians to maintain our family farm and cemetery using kuleana water that our ‘ohana has always used for these purposes is constitutionally protected. Even if we did not have protected rights to stream water, there is no potentially available alternative source that is feasible or economically practicable. Our domestic water service is chlorinated, which is detrimental and unsuitable for our plants and animals and the cost would be prohibitive. Similarly, wastewater reuse is not appropriate for our uses. Alternate ditch systems do not consistently have enough water to support additional users. Installing and operating a well and pump for ground water use would be unprecedented and extremely burdensome and expensive.

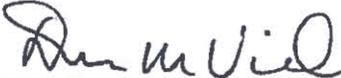
31. Requiring me to pay for these alternatives instead of using the small amount of stream water we have always used would impose an unfair and impracticable cost on me and my 'ohana, given that we are a small, non-commercial, domestic water user.

**SUMMARY**

32. In sum: (1) my domestic water use is a protected public trust purpose; (2) the exercise of my appurtenant right is a protected public trust purpose; (3) because I have appurtenant rights for TMK Nos. (2) 3-5-004:045 and 3-5-004:056, I am entitled to 270,600 gallons per day; (4) at this time, I request a permit for our current reasonable-beneficial uses on for TMK No. 3-5-004:056 in the amount of 2,225 gallons per day, and for TMK No. 3-5-004:045 in the amount of 175 gallons per day, of which a total of 2,400 gallons per day was the existing use on April 30, 2008, and which is used for cultivation of domestic plants and animals, which is a reasonable-beneficial use of stream water, for which there is no practicable alternative.

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

Dated: Waikapū, Hawai'i, 2/27, 2016.

  
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DONNA VIDA  
WATER USE PERMIT APPLICANT PRO SE



Board of Commissioners for Land Claims  
 Adjudication of C. N. 62 B. Waahou

D<sup>n</sup>

To incidental expenses of advertising Claimant's Ad	1
" action fee in the matter of her Claim on 28 July 1846	1
" draft deposition reduced relating to her interest in the Claim	1
" Citation	50
" draft testimony reduced sent on 5 Aug 11 <sup>th</sup> 1846	1 50
" Moiety of J. Metcalfe's Charge for joint Survey	3 50
" Expressing Copy of Survey	1
" Report of Commissioners this day rendered in the above Claim	5
	<hr/>
	14 50

Kate Hauwila  
 25 July 1848

W. L. Lee  
 J. M. M. M.  
 S. M. M. M.  
 W. M. M. M.  
 M. M. M. M.

Claim N<sup>o</sup> 76 William Shaw.

This is a claim to four farms or pieces of land on the Island of Maui, and is based upon a certain written agreement, made between the Claimant and Hoapili Wahine, late Governess of Maui, with the approbation of his present Majesty and Kihaukahi, the late Premier, on the 17<sup>th</sup> day of December 1840. Said agreement reads as follows:

"I, Hoapili Wahine hereby confirm for ever to William Shaw, and his Hawaiian-born heirs, a certain Farm in Honokawai, by the name of Kaenanui, which farm has a fishing grounds connected with it." "I also give him another farm by the name of Poinui, which extends up into the mountains." "I also further give to the said Shaw and his heirs, a certain farm in Waikapu by the name of

Waiolima."

"Said lands, with all their Privileges are confirmed forever, to the said Shaw, and his Hawaiian born heirs: - the farms are held, however, in every respect, subject to the laws of the Kingdom."

"The said Shaw, moreover, agrees on his part, that a certain farm, now possessed by him at Wootau, named Keakua-pauaeta, shall, at his death, revert to the former owners, or their heirs, and shall not descend to the heirs of the said Shaw."

"All the said lands are on the Island of Maui."

In testimony of our mutual agreement to the above, we have herunto subscribed our name this 17<sup>th</sup> day of December 1840 - at Lahaina Maui.

Witness  
William Richards.

Signed Hoapili Wahine  
William + Shaw "

We hereby give our approbation to the foregoing

Witness  
William Richards.

Signed  
Kamehameha III  
Kehauluohi "

The claimant's title is made clear by the above agreement, and we do therefore, confirm and award to the Claimant, William Shaw, the lands "Kaenanani", "Loinui", and "Waiolima", on the Island of Maui, according to the annexed Surveys of Theophilus Metcalf Esquire, to have and to hold, to him, and his Hawaiian-born heirs forever.

And we do further confirm and award to the Claimant William Shaw, the land in Wootau on the Island of Maui, known by the name of "Keakua-pauaeta", according to the annexed Survey of T. Metcalf Esq. to have and to hold during his natural life.

Survey of N<sup>o</sup> 1. Kaainanui

Survey of Kaainanui (Kaainanui) for W<sup>m</sup> H<sup>o</sup> in Kaunapali  
 Maui. Commencing at Rock, Maunaloa and near junction  
 of Kumukahi & Kaainanui valleys (point of Corn<sup>r</sup> of survey  
 of Preveers Kumukahi land) and running N. 76° W. 9 <sup>3</sup>/<sub>4</sub> Ch.  
 to path crossing gulches the S. E. Corner of Preveers Kula & Kala  
 land - Waikaloa - thence N. 86° 30' W. 6 Ch. 26 ft. along Preveers  
 land to angle - thence N. 80° 30' W. 10 Ch. 37 ft. along ridge  
 to point within 5 Ch. of Preveers S. W. Corner - thence S.  
 5° E. 9 Ch. 52 <sup>1</sup>/<sub>2</sub> ft. across Gulch along Kapiti to land called  
 Ahupuaa - thence S. 73° 30' E. 9 Ch. 59 <sup>1</sup>/<sub>2</sub> ft. along Ahupuaa to  
 rock near house - thence S. 66° E. 2 Ch. 13 ft. to Rock angle -  
 thence S. 20° W. 1 Ch. 60 <sup>1</sup>/<sub>2</sub> ft. along Ahupuaa Road - thence  
 S. 11° 30' W. 8 <sup>3</sup>/<sub>4</sub> Ch. along Ahupuaa stake angle - thence  
 S. 74° E. 10 Ch. 12 ft. along Ahupuaa 2<sup>nd</sup>, and Poimui to  
 Rock angle - thence N. 29° E. 1 <sup>1</sup>/<sub>2</sub> Ch. top - thence N. 36° 30' E.  
 11 <sup>1</sup>/<sub>2</sub> Ch. to long stone (buried) at S. edge of Kaainanui valley  
 thence S. 71° E. 180 Ch. cross intersection of Kaainanui & Palaha  
 valleys, following along up the brink of S. side of Kaainanui  
 valley, leaving out Puu Kahuwai to large thin bushy topped  
 Ohia standing near Waikiki Valley (the same that leads around  
 into Honokawai Valley & by Preveers Kumukahi land) then  
 into Honokawai Valley & by Preveers Kumukahi land) then  
 crossing Kaainanui Valley and along makai side of Waikiki  
 Valley to Ohia tree 33 Ch. standing on boundary line between  
 this & Preveers Kumukahi land - thence N. 78° 30' W. 117 Ch.  
 along down boundary line between this & Preveers to stake  
 on narrow point of ridge between Kaainanui & Kaainanui  
 valleys opposite Puu Kahuwai - thence S. 75° 15' W. 1 Ch. 20 ft.  
 along between this and Preveers to angle - thence N. 73°  
 30' W. 9 Ch. 39 <sup>1</sup>/<sub>2</sub> ft. along middle of Ridge to angle - thence  
 N. 72° 15' W. 3 Ch. 62 <sup>1</sup>/<sub>2</sub> ft. to angle - thence N. 76° 15' W.  
 11 Ch. 26 ft. to angle - thence N. 70° 15' W. 9 Ch. 13 ft. to rocks  
 near Makai junction of Kaainanui and Kumukahi valleys.  
 thence N. 13° 30' W. 10 Ch. across Kumukahi Valley to place  
 of Corn<sup>r</sup>! Including an area of about

320  
 310 90  
 32 80  
 7 70  
 10  
 67.5

Acres 320

Continued next page.

From preceding page.

"Survey of Haainanui dwelling house lot."

Commencing at Eleio - a large Rock on E. side of Kihoa near high water mark and running S.  $50^{\circ} 30' E.$   $19 \frac{1}{2}$  Ch across sand beach & road to Rocks the extreme S. point of this land - thence N  $2^{\circ} W.$  3 Ch  $6 \frac{1}{2}$  ft. along mauka side of Road to large Rock. thence N.  $2^{\circ} E.$   $59$  Ch along parallel with Road between this and a land called Lahaina to large Rock (10 ft.) mauka of ending of stone wall little East and mauka of Cocoa-nut trees. thence N.  $4^{\circ} 30' W.$  11 Ch. 12 ft. along & across stone wall to point - thence N.  $12^{\circ} W.$  8 Ch.  $29 \frac{1}{2}$  ft. to stone near ditch - thence N.  $61^{\circ} E.$  7 Ch. 36 ft. along Ahupuaa to point. by new wall - thence N.  $47^{\circ} E.$   $6 \frac{1}{2}$  Ch. along E. side of new wall point. thence N.  $69^{\circ} 30' E.$  1 Ch. 15 ft. along wall point - thence N.  $89^{\circ} 30' E.$  5 Ch.  $41 \frac{1}{2}$  ft. to Rock - thence S.  $80^{\circ} 30' E.$  11 Ch  $29 \frac{1}{2}$  ft. along old Road and between this land and Ahupuaa to Rock - thence S.  $75^{\circ} E.$  20 Ch. 16 ft. along by S. edge of tiwine to angle  $1^{\circ}$  - thence S.  $71^{\circ} 15' E.$  12 Ch. 13 ft. along Gutch across Road to  $1^{\circ}$  - thence S.  $79^{\circ} E.$  10 Ch.  $62 \frac{1}{2}$  ft. across intersection of two Gutches to point on high ground between - thence S.  $81^{\circ} 30' E.$  10 Ch. 10 ft. <sup>11 ft.</sup> from left Gutch - thence S.  $77^{\circ} 15' E.$   $19 \frac{1}{2}$  Ch. along Ahupuaa (still) to old Road - thence N.  $81^{\circ} E.$  13 Ch. 26 ft. along between this and Lahaina to angle. thence N.  $16^{\circ} W.$  9 Ch.  $6 \frac{1}{2}$  ft. across Gutch to path by new Road - thence S.  $88^{\circ} 45' E.$  16 Ch.  $52 \frac{1}{2}$  ft. to Rock S.W. corner of Pohakiki (Towers) thence N.  $14^{\circ} 30' W.$   $9 \frac{1}{2}$  Ch. along between this and Pohakiki to new Road - Rock - thence N.  $87^{\circ} W.$  along new Road and Ahupuaa and tiapili to point - thence S.  $89^{\circ} 30' W.$   $11 \frac{1}{2}$  Ch. along Road and Ahupuaa to Haainaiti - thence S.  $3^{\circ} W.$   $9 \frac{1}{2}$  Ch. to old Road stone - thence N.  $72^{\circ} W.$  7 Ch. 60 ft. along old Road - angle - thence N.  $48^{\circ} 30' W.$  9 Ch. - to new Road Haainaiti - thence N.  $81^{\circ} 45' W.$   $16 \frac{1}{2}$  Ch. along Road & Haainaiti point - thence N.  $76^{\circ} 30' W.$  21 Ch. along Road point - thence N.  $78^{\circ} 45' W.$   $16 \frac{1}{2}$  Ch. along new Road to old -

thence S. 86° W. 4 1/2 Ch. to new stone wall and ditch - thence S. 79° 15' W. 13 Ch. along down Pali to pile of stones on flat - thence S. 78° 45' W. 23 Ch. along old stone wall Maainaiti to stone mauka (2<sup>nd</sup> paha) of mud house. and Road along beach - thence N. 1° 30' W. 10 ch. 30 ft. along Mauka side of houses parallel with Sea. to water Course - thence N. 5° E. 12 1/2 Ch. to point between 2 Rocks S. of houses - thence N. 30° 30' W. 16 Ch. 7 ft. across Road and part of dwelling house lot claimed by J. A. Preves (the dotted line on map) to mouth of Honokawai River - then following along Course of the Sea to place of Comm<sup>ce</sup>. Including an area of

Acres 31 7/10

Substanced  
17 July  
1849 by  
Sec. 1841

Deducting the part claimed by Preves 6 1/2 acres leaves 310 2/10 acres (as conceded to Preves by W. Shaw and paid to P. Comm<sup>ce</sup> under date 15 May 1849) Survey of that Part of Maainaiti joining and Mauka of Pohakiki belong J. A. Preves.

"Commencing at pile of stones at N. E. corner of Pohakiki and running S. 3° 30' W. 5 ch. 13 ft. along Pohakiki to angle - thence S. 6° 45' W. 2 ch. 29 ft. to 2 Rocks S. E. corner of Pohakiki, old Road - thence S. 68° 15' E. 5 ch. 13 ft. along old Road to stone - thence S. 1° 45' E. 7 ch. 26 ft. across Gutch along Maainaiti to old stone wall at Napili - thence S. 87° E. 6 ch 59 1/2 ft. along old wall (stone) and across center of Bullcock pen to Rock angle - thence N. 6° 30' W. 7 ch 13 ft. along Ahupua across and by bottom of Gutch to stone - thence N. 75° 15' E. 6 1/2 Ch. along bottom Ravine, stone - thence S. 88° E. 6 Ch. 12 ft. along bottom Ravine, Rock - thence S. 67° 15' E. 9 Ch. 39 1/2 ft. along bottom Ravine, Rock - thence N. 3° 30' E. 10 ch. 13 ft. along Ahupua to Road and Rock - thence N. 86° W. 33 1/2 Ch. along Road to place of Comm<sup>ce</sup>ment - Including an area of

Acres 32 7/10

Survey of the Kula and Pato land belonging to Maainaiti joining J. A. Preves.

"Commencing at Point in path crossing Gutches on Ridge. being S. E. corner of Preves Kula and Kalo ground (Waikale) and running S. 76° E. 5 ch. 2 1/2 ft. along top

of Ridge to P.E. corner - thence N. 10° 45' E. 6 ch 13 ft.  
 along Topohatu to stone angle - thence N. 53° 30' E.  
 3 ch. 20 ft. to edge of Honokawai Pali - thence N 17° E.  
 1 ch. 53 ft. down Pali and across Honokawai River  
 to Rock, corner of Kalo patch beside River - thence  
 N. 56 1/2° W. 1 ch. to Rock - thence <sup>along top of valley</sup> N 82° W. 1 ch  
 25 ft. to Rock - thence N. 57° 15' W. 1 ch. 36 ft. to rock.  
 thence N. 84° 30' W. 2 ch. 8 ft. across River to Rock.  
 thence N 85° W. 1/2 ch. along Honokawai land to  
 angle - thence N. 12° W. 1 ch. 10 ft. to Anai's land.  
 thence S. 81° W. 32 1/2 ft. along Anai's to Preveers -  
 thence S. 45° W. 31 1/2 ft. along Preveers to rock  
 at foot of Pali. thence S. 29° 30' W. 3 ch. 58 ft. up  
 Pali along Preveers to edge of Pali - then S. 1° 30'  
 W. 6 ch 25 ft. along Preveers to point - thence S.  
 1° 15' W. 3 ch. 28 ft. to place of Com<sup>t</sup> - includ<sup>g</sup>.  
 an area of Acres 9 7/10

Survey of No 2 Poiui in Honokawai Valley.

"Kalo lanu mauka loa"

Commencing at Rock on N. side of River joining  
 land called Mommuku and running S. up Pali  
 to Edge - then from P.<sup>t</sup> of Com<sup>t</sup> run N. 39 1/2° E. 6 1/2 ft.  
 along Mommuku on N. side of River to Rock.  
 thence N. 56° E. 2 ch 51 ft. along left side of River to  
 to P.<sup>t</sup> Pali - thence S. 72° 30' E. 3 ch. 10 ft along  
 River pass Kukui tree to Rock - thence S. 66° E. 1 ch.  
 26 ft. along and across River 1<sup>st</sup> - thence N. 88° 30'  
 E. 1 ch. 59 ft. to large Kukui tree left side of  
 River at Mommuku - thence S. 31° E. 1 ch. along  
 River to Rock - dam end of Kalo ground - includ<sup>g</sup>.  
 about 2 acres of Kalo ground

Note This Poiui is said to contain all the S. Pali of Hono-  
 kawai Valley - extending to the heads of the mountain  
 joining Waiee; and also all of Honokawai River -  
 from its source to its mouth. This could not be conveni-  
 ently measured. See Diagrams for these several surveys  
 Jan. 2. 1847. in Page 564

Survey of N. 3. "Waidimu" in Waitapu.

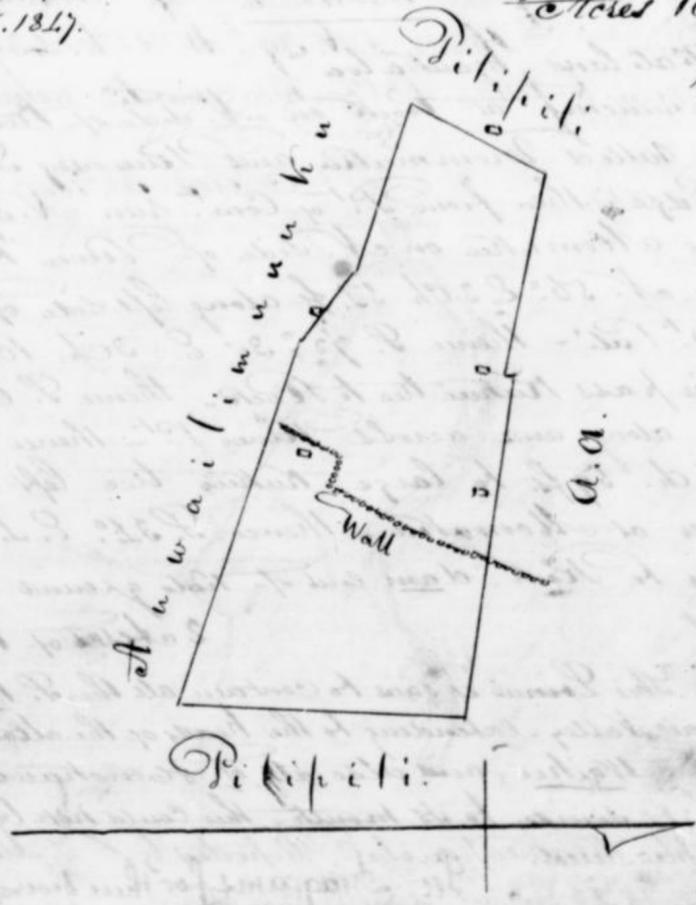
Part 1

Called in the survey Auwaitimurua.

Commencing at stone wall (at getting over place) by Katopatch, little below Lauhata tree and running North 80° W. 5 ch. along between this and a land called A.A. to angle - then offset 11 ft to left. Thence North 77° 15' W. 6 ch. 3 1/2 ft. along A.A. to N.W. corner of this land joining Pili-pili. Thence S. 26° 30' W. 1 ch. 20 ft. along line between this and Pili-pili to Auwaitimurua. Thence South 71° E. 5 ch. 3 1/2 ft. along Auwaitimurua to stone angle. Thence S. 52° E. 2 ch. 36 1/2 ft. along post corner of house to edge of Katopatch. Thence S. 70 1/2° E. 10 ch. 61 1/2 ft. down across wall and along old wall to Pili-pili. Thence N. 1° E. 7 ch. 59 1/2 ft. along Atupuni wall between this land and Pili-pili to A.A. Thence N. 78° 30' W. 1 ch. 51 1/2 ft. to place of Commencement, including an area of Acres 10 <sup>34</sup>/<sub>100</sub>

Jan 25. 1847.

3	42
13	76

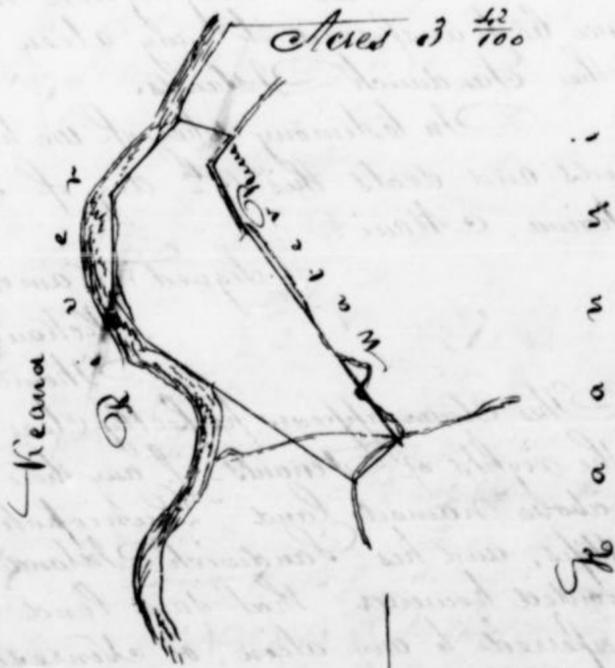


Continuation of Survey of No. 3 Waiolimu in Waikapu.

Haana

Commencing at Rock at most northern part of this land, and at intersection of water run, with little gullet coming down from Haanui mountain and running South 51° 30' W. 7 Ch. 3 ft. along water run on side of Pali to point below large rock. Thence S. 65° 15' W. 2 Ch. 27 1/2 ft. along water run to angle. Thence N. 18° 30' W. 1 Ch. 8 ft. along water run to little gullet coming down from Haanui, the N.W. corner of this land. Thence S. 19° 30' W. 1 1/2 Ch. down gullet to rock by edge of River. Thence S. 43° 30' E. 2 Ch. 56 ft. along stream to angle. Thence N. 88° 30' E. 2 3/4 Ch. along River to large rock on S. edge. Thence N. 62° 1' Ch. 57 ft. along River to angle. Thence N. 36° 15' E. 6 Ch. 62 ft. along River across little gullet (first mentioned) up Pali to stones by water run. Thence N. 39° W. 1 Ch. 13 ft. along water run to place of commencement. including an area of

Acres 3 43/100  
Jan. 25. 1847.

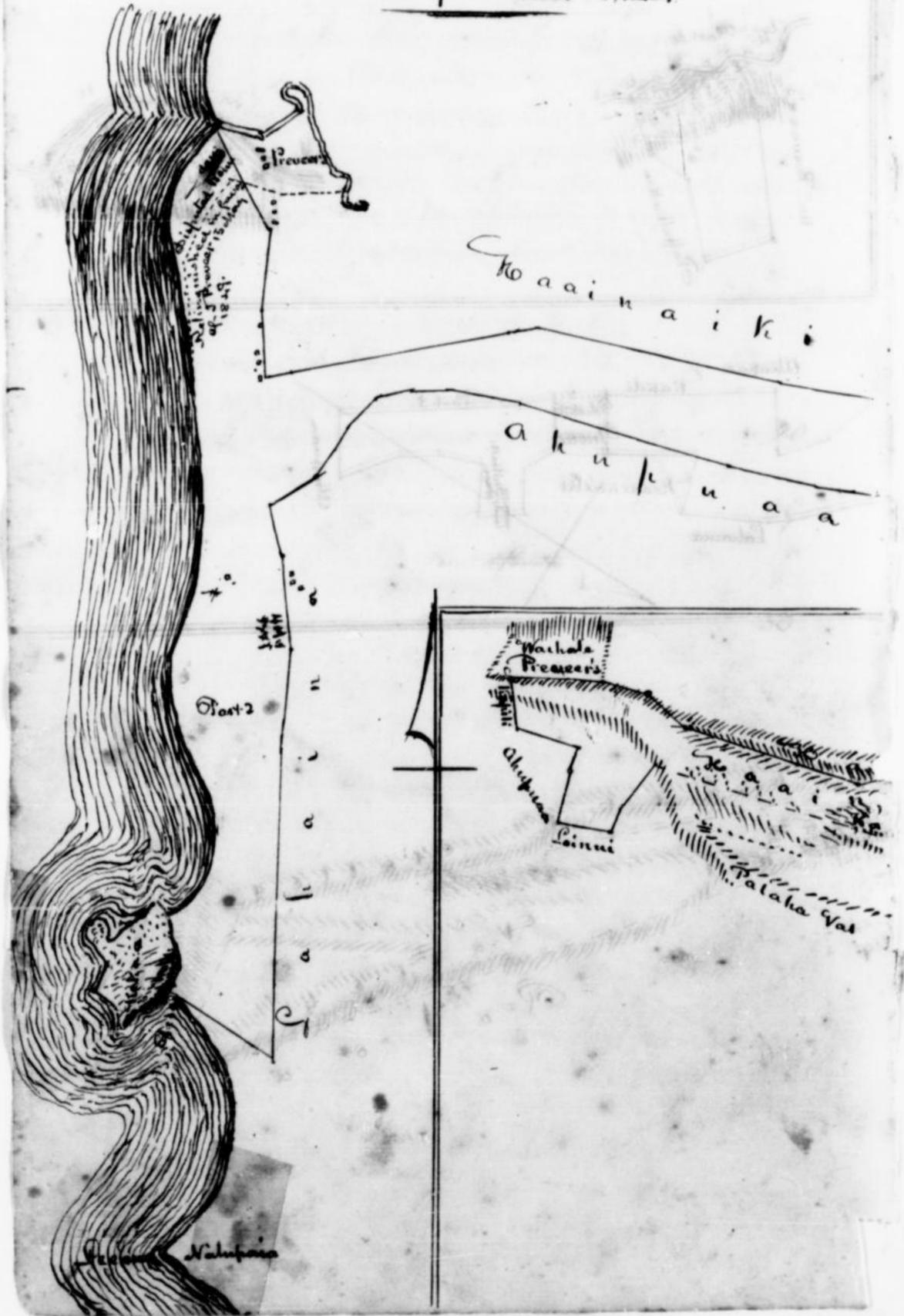


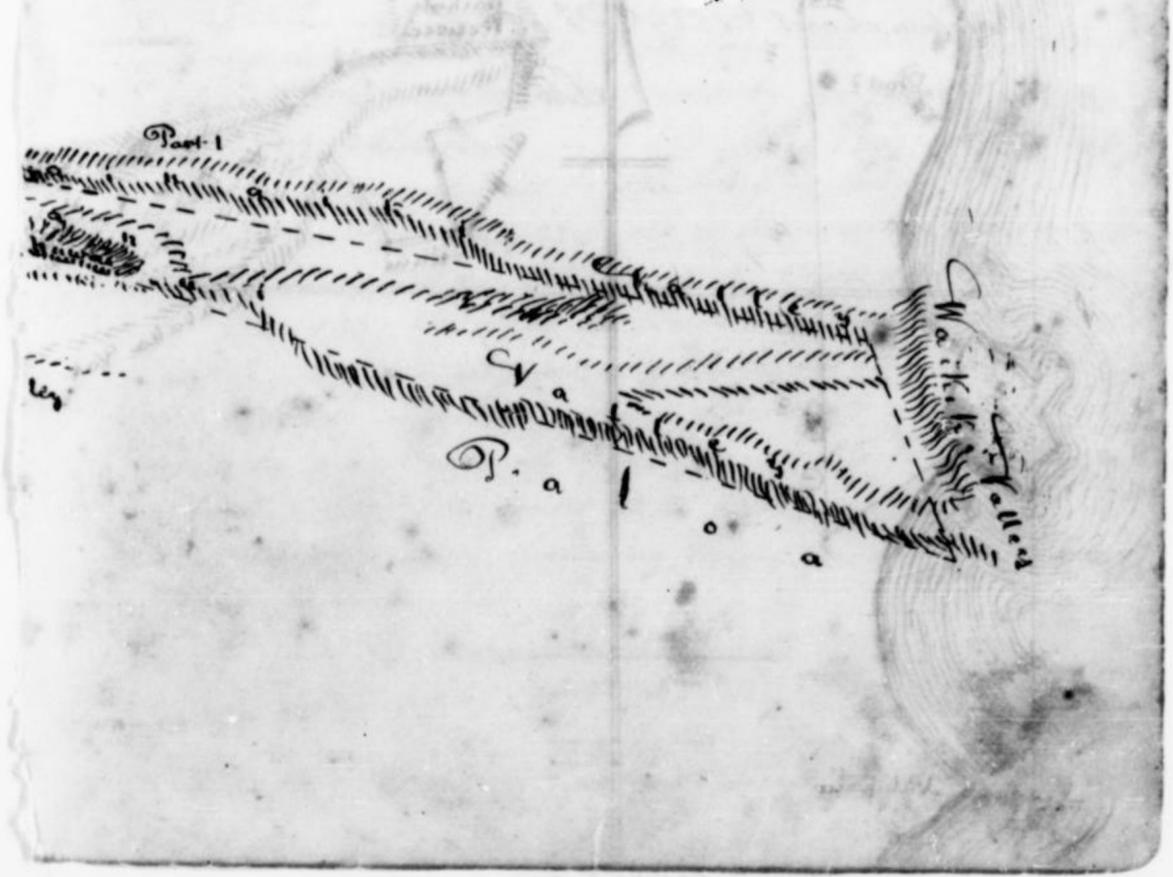
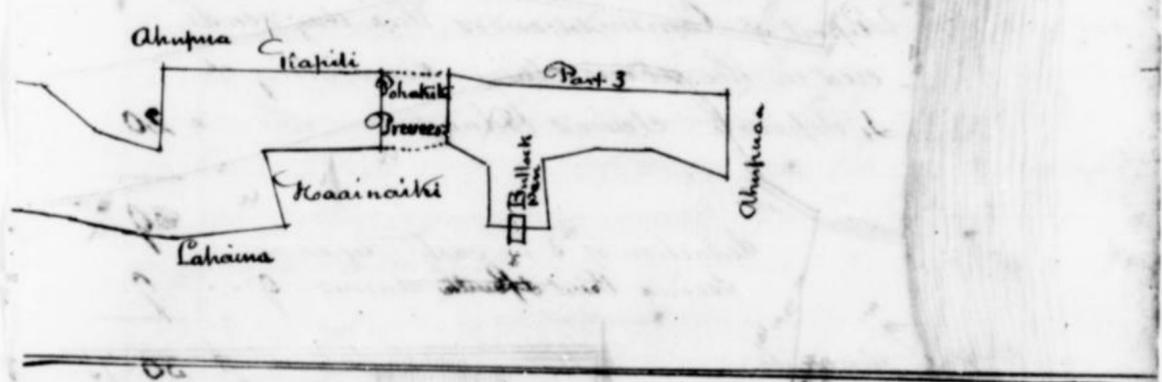
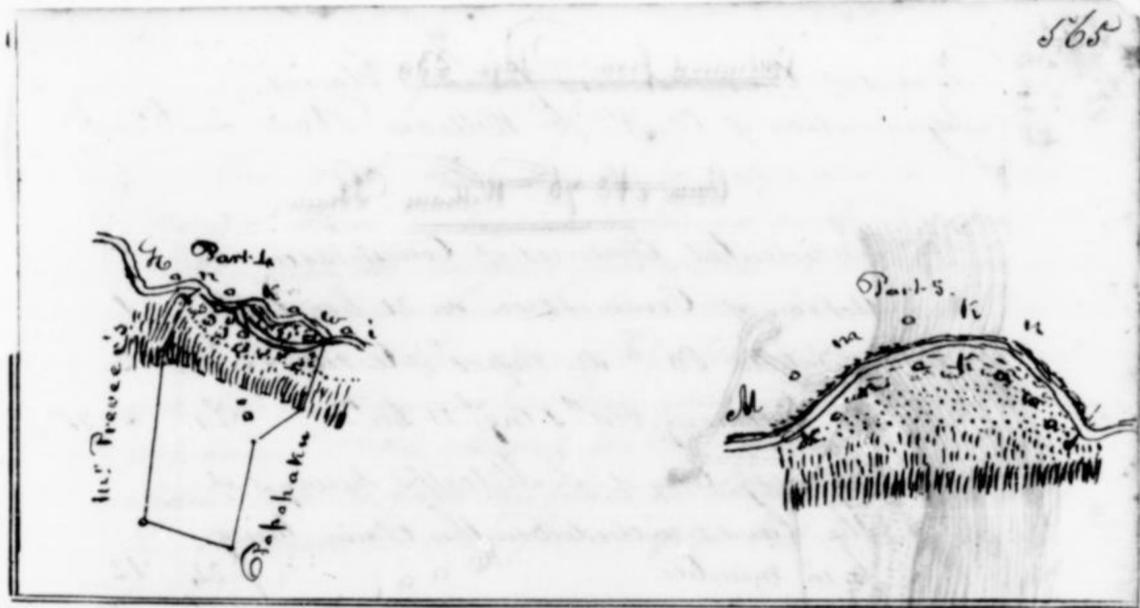
U. N. L. Keakuapauela - Reported by J. Metcalf.  
to be too rugged for survey.  
See acc. of Costs page 566

56<sup>h</sup>

Continued from Page 230

Claim No 76 William Shaw.





Board of Commissioners for Land Claims  
Adjudication of Cl. No. 76 William Shaw D.

To Incidental Expenses of Commission	1
Action of Commission on 21 Dec 1846	1
Citation 50 <sup>th</sup> dt. depos <sup>n</sup> of Lt. Red <sup>d</sup> of 3. 1. 50	2
dt. testimony read <sup>d</sup> 1 Aug <sup>d</sup> 21 Dec <sup>r</sup>	75
Engross <sup>d</sup> Copy of J. Metcalfe's surveys of the lands included in this claim - being 6 in number	12
do - do Combined map - of 6	3
Report of Commissioners this day read - ed in the above claim consisting of 4 separate claims to land	20
	<hr/>
	39 75
Deduction of \$3 in each Report on second <del>third</del> <del>fourth</del> claims - 9	9
	<hr/>
Wale Kauloia William Lee	30 75
Honolulu March 5. 1849 J. H. Smith J. K. Kaimuar S. W. K. am at B. am L. am	

DONNA VIDA

115 Pilikana Place

Wailuku, Hawai'i 96793

Tel: (808) 242-9193

Cell: (808) 268-3321

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: DONNA VIDA

NAME/ ORGANIZATION/ POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE INTRODUCED BY WITNESS
Donna Vida	Need for and use of Nā Wai 'Ehā water	2292-VIDA-1 to -2

DONNA VIDA  
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Wailuku, Hawai'i 96793  
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Cell: (808) 268-3321

WATER USE PERMIT APPLICANT PRO SE

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

EXHIBIT LIST

**PARTY: DONNA VIDA**

<b>EXHIBIT NUMBER</b>	<b>DESCRIPTION</b>	<b>REFERENCES</b>	<b>REC'D INTO EVIDENCE</b>
2292-VIDA-1	County tax map for Parcels 45 and 56, which I have marked to show LCA No. 76	Testimony of Donna Vida	
2292-VIDA-2	LCA No. 76	Testimony of Donna Vida	