

FRANCISCO CERIZO TRUSTEE OF MODESTA F. CERIZO TRUST

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2010 FEB 03 11:05 AM

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 FRANCISCO CERIZO;
Standards, Nā Wai 'Ehā Surface Water)	EXHIBITS "2307-CERIZO-1" - "2307-
Management Areas of Waihe'e, Waiehu,)	CERIZO-4"
'Āao, & Waikapū Streams, Maui)	
)	
)	

TESTIMONY OF FRANCISCO CERIZO

1. This testimony is provided in support of Surface Water Use Permit Application ("SWUPA") Nos. 2307 and 2308N, filed with the Commission on Water Resource Management on April 30, 2009, for a parcel in Waiehu, Tax Map Key ("TMK") No. (2) 3-3-002:012. I have lived on this land since my family purchased it on August 3, 1951 and it was given to the family Modesta F. Cerizo Trust on February 3, 1993, of which I am a trustee.

2. My domestic water use is a protected public trust purpose.

3. Based on the information set forth below, I request recognition of appurtenant rights for TMK No. (2) 3-3-002:012 in the amount of 360,000 gallons per day ("gpd"). I request a Surface Water Use Permit for my current and future reasonable-beneficial use for TMK No. (2) 3-3-002:012 of 139,850 gpd, of which 20,850 gpd was the existing use as of April 30, 2008.

QUANTIFICATION OF APPURTENANT RIGHTS

4. TMK No. (2) 3-3-002:012 is comprised of a portion of Land Commission Award (“LCA”), LCA No. 8559B:20.1 to Lunalilo. I am attaching various Māhele documents that confirm water use on TMK No. (2) 3-3-002:012 at the time it was converted to fee simple.

5. Attached as “2307-CERIZO-1” is a true and correct copy of LCA No. 8559B:20.1 to Lunalilo. Also included are the LCA, the foreign testimony, the native testimony translation, and the survey boundary of neighboring LCA No. 4149:1 to Kapohuli, confirmed by Royal Patent No. 5279, located in the ‘ili of Ohiaiki. The LCA, the foreign testimony, native testimony and translation, and the survey boundary from neighboring LCA No. 3275H to Pulehupo, confirmed by Royal Patent No. 3228, located in the ‘ili of Kalahape, are included. Both neighboring LCAs and their related documents show that kalo was cultivated on my property at the time of the Māhele.

6. Attached as “2307-CERIZO-2” is a true and correct copy of a survey map from the Manager’s Permit to Occupy that notes the location of the bordering LCA Nos. 3275H and 4149:1 along with a map showing the ‘ili names for each of the LCAs.

7. A true and correct copy of the County tax map for TMK No. (2) 3-3-002:012 is also attached as “2307-CERIZO-3,” including an enlarged copy of the subdivision and plat map and a map showing my existing and proposed new use.

8. Attached as “2307-CERIZO-4” is a true and correct copy of a satellite view of my property with eight kalo patches outlined and a close up of two maps showing the location of 36 kalo patches at the time of the Māhele. Also attached are pictures of historical artifacts found on my property, a kukui nut stone lamp and a partial (handle) of a poi pounder.

9. The documents in 2307-CERIZO-1, supporting LCA No. 8559B:20.1, confirm that my property, located in the 'ili of Waiehu 2, was cultivated in wetland kalo. The adjacent LCA No. 4149:1 notes that wetland kalo was cultivated on land along the banks of Waiehu Stream. The foreign testimony for LCA No. 4149:1 notes that 'āpana one has "one poalima loi." The translation of the native testimony for LCA 4149:1 is labeled as "LCA 3275B" to Kapohuli. However, both LCA 4149:1 itself and the foreign testimony show that LCA 4149 was accidentally labeled as 3275B and thereafter corrected as 4149. Therefore, the translation of the native testimony is supposed to be labeled "LCA 4149 to Kapohuli." The translation of the native testimony of LCA 4149:1 (incorrectly labeled 3275B) notes "poalima in section 1." Both LCA 4149:1 along with its survey boundary confirm that not only was there a pō'alima located within the LCA close to the "kahawai" or stream, but also a pō'alima located along the boundary of LCA 4149:1 close to the stream. The pō'alima mentioned both within LCA 4149:1 and along its boundary lie along the stream banks. 2370-CERIZO-4 shows the location of numerous other taro patches along the banks of Waiehu Stream. It is therefore likely that just across the stream from LCA 4149:1 there would also be kalo cultivated along the stream banks, including on my property.

10. The foreign testimony for LCA 3275H notes "a section of lois in Kahalape," specifically "2 lois" in section 1. The translation of the native testimony for LCA No. 3275H notes "Ap 1. Pauku kalo ma Kalahape" which means "Parcel 1. Section of kalo at Kalahape." In addition, it notes "2 poalimas ma ka apana 1," which means "2 poalimas in the first parcel." Additionally both LCA 3275H and its survey boundary note pō'alima within the LCA, located close to the "kahawai" or Waiehu Stream. The proximity of these pō'alima to Waiehu Stream within the LCA reinforce the conclusion that my property, which also borders Waiehu Stream

and is located directly across from LCA 3275H, also was cultivated in kalo at the time of the Māhele.

11. My property has eight existing kalo patches. I share the 'auwai system with 36 other kalo patches all of which also bordered the Waiehu Stream banks at the time of the Māhele. These 36 kalo patches were being cultivated on the south side of the South Waiehu Stream on one 'auwai system. These lo'i further support the conclusion that my property was also cultivated in kalo at the time of the Māhele. After providing water to my patches, the 'auwai system ends by returning remaining water to the stream. When I cleaned the 'auwai I found evidence of the many ancient lo'i. My family also found at least six poi pounders of various sizes on the banks above the 'auwai on my property.

12. My land, TMK No. (2) 3-3-002:012, is 1.2 acres. As explained above, my parcel is covered by LCA No. 8559B:20.1, which was cultivated in wetland kalo at the time of the Māhele.

13. Based on the Māhele documents in 2307-CERIZO-1, 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 1.2 acres using traditional methods.

14. 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. Thus, in my best estimation, the water right appurtenant to TMK No. (2) 3-3-002:012 is 360,000 gpd (1.2 acres x 300,000 gad).

AMOUNT REQUESTED UNDER PERMIT

15. Currently water is diverted from the South Waiehu kuleana 'auwai that runs along the 'Iao side of the South Waiehu Stream through a traditional po'owai (intake made with stones) on TMK (2) 3-3-002:001. Water is diverted from South Waiehu Stream, continues makai in a traditional 'auwai until it reaches my property where I divert some water by pipe and ditch for all my domestic water uses, as well as my lo'i kalo and other crops such as bananas, lemons, avocado, and jabong. I am the only user on this kuleana 'auwai and I maintain the ditch and intake myself. For my new use, I intend to utilize the land to cultivate additional lo'i kalo. After flowing through my lo'i a flume returns water directly to South Waiehu Stream. I am requesting a permit for the amount of water necessary for these domestic uses.

16. On April 30, 2008, I was using a total of 0.06 acres to cultivate wetland kalo, and a total of 1.14 acres for my domestic water uses. Based on the water duty of 2,500 gad (the amount the Water Commission allocated to diversified agriculture in the Waiāhole decision) the amount of water in use on my property at the time was 18,000 gpd to cultivate my kalo (0.06 acres x 300,000 gad) and 2,850 gpd for my domestic water uses and diversified agriculture (1.14 acres x 2,500 gad), which totals 20,850 gpd.

17. I plan on restoring a portion of my land that I use for my non-commercial garden back to lo'i kalo, which is why I have also filed a SWUPA for a new use (SWUPA #2308N) and am requesting enough water to grow kalo on 0.4 acres, which, based on the water duty for kalo is 120,000 gpd (0.4 acres x 300,000 gad). Based on the water duty of 2,500 gad for diversified agriculture, and because I will be converting the 0.4 acres from non-commercial gardening to wetland kalo, I reduced the 120,000 gpd by 1,000 gpd (0.4 acres x 2,500 gad), which is the amount that I am currently using for non-commercial gardening in that area, to 119,000 gpd.

Together I require 20,850 gpd for my existing water use and 119,000 gpd for my new water use, for a total water request of 139,850 gpd.

REASONABLE-BENEFICIAL ANALYSIS

18. In the event of a legal determination that my appurtenant rights were extinguished, my 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 I am requesting is necessary for the economic and efficient irrigation of my non-commercial garden and cultivation of wetland kalo, bananas, lemons, avocado, and jabong. Because I do not have access to County water, I use the kuleana ‘auwai to supply all of my water needs. I cultivate kalo on my land for subsistence purposes; the kalo, and the fruits and vegetables I grow feed my ‘ohana and are shared with my neighbors and community members.

20. My use of the ‘auwai water is economic and efficient, as I use only the amount needed for my daily domestic needs, such as bathing and washing dishes, and irrigating my non-commercial garden and wetland kalo. I implement measures to minimize water loss, including using pipes and a concrete-lined ‘auwai where appropriate. I regularly clean my kuleana ‘auwai all the way up to the intake to ensure that it is well maintained. My farming practices include the use of mulch and green manure to protect the soil from erosion and minimize the use of water.

21. My use of ‘auwai water to irrigate my garden is also consistent with the state and county land use plans and the public interest. My land is classified by the State as agricultural, and zoned by the County as agricultural and interim. The County interim zoning provisions

allow agricultural uses. My water use on my land for domestic cultivation is in the public interest and fulfills a public trust purpose.

ALTERNATIVES ANALYSIS

22. 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 my SWUPA remains applicable, true, and correct.

23. I have always used a reasonable amount of 'auwai water to maintain my non-commercial garden of wetland kalo, fruits and vegetables, 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 the 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 and my family, given that I am a small, non-commercial, domestic water user who has always used the 'auwai that runs alongside my land to water my home garden.

SUMMARY

24. In sum: (1) my domestic water use is a protected public trust purpose; (2) the exercise of my appurtenant right is also a protected public trust purpose; (3) I have appurtenant rights for TMK No. (2) 3-3-002:012 and I am entitled to 360,000 gallons per day; (4) at this time, I request a permit for my current and future reasonable-beneficial uses on the property of

139,850 gpd, (of which 20,850 gpd was existing on April 30, 2008) and the amount will be used for daily domestic uses, and to irrigate my wetland kalo and non-commercial garden, which is a reasonable-beneficial use of stream water, for which there is no practicable alternative.

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

Dated: Waiehu, Hawai'i, 12/15/15



FRANCISCO CERIZO
WATER USE PERMIT APPLICANT PRO SE

No ke kope ana i
No ka hohole ana i ka olelo i ka la 26 o Apru 1857.

Ua hohe aku mahou i keia hulanawa namanui o na olelo o na Kanawai i hoheleia ma ka la 19 o Iuni
1852, i jeli ana i na Konehiki

Heleu 8559 o Wm C. Lunalilo

Apru 18.

Ua hohe ana au ma keia mahou i keia hulanawa namanui o na olelo o na Kanawai i hoheleia ma ka la 19 o Iuni
1852, i jeli ana i na Konehiki

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Heleu 8559 o Wm C. Lunalilo

Apru 19.

Ua hohe ana au ma keia mahou i keia hulanawa namanui o na olelo o na Kanawai i hoheleia ma ka la 19 o Iuni
1852, i jeli ana i na Konehiki

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Heleu 8559 o Wm C. Lunalilo

Apru 20.

Ua hohe ana au ma keia mahou i keia hulanawa namanui o na olelo o na Kanawai i hoheleia ma ka la 19 o Iuni
1852, i jeli ana i na Konehiki

Oia ka mahou i hohe ni mo *Wm. C. Lunalilo*, he hulaawa hohe maale iho o ke *Alano Alodio*. Ina i uku mai oia no ke *Aupuni* hapa alaila, ua hupine iaia ka *Palapala Lela Alodio*. Mas keu mai ma *Kulana* i ma *Kanaka* maleko.

Ino maiaia i uku no ka hohelelele a ma ka hohelelele ana i ka olele. Ima,

- W. L. Lu* No ka oomi a ma ke fua ana i ka olele ma ka *Aupuni*
- G. M. Robertson* No ka hohelelele ana i ka olele keima
- I. H. Kaula* No ka palapala hui
- J. H. Smith* No ka hana ana i ka olele
- No ka hohelelele ana i ka olele ma ke hohelelele
- No ka hana ana i ka olele
- No ka hohelelele ana i ka olele i ka olele 26 o Iuni 1854.
- No ke

Oia hohelelele ana ma ke hulaawa maale i ka olele o ma *Kanaka* i hohelelele ma ke olele 7 o Iuni 1852, i fua ana i ma *Kanaka*.

Hulu 8559 Wm. C. Lunalilo.

Maia 21.

Oia ka mahou i hohe ni mo ke *Alano Alodio*. Ina i uku mai oia no ke *Aupuni* hapa alaila, ua hupine iaia ka *Palapala Lela Alodio*. Mas keu mai ma *Kulana* i ma *Kanaka* maleko.

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- J. H. Smith* No ka hana ana i ka olele
- No ka hohelelele ana i ka olele ma ke hohelelele
- No ka hana ana i ka olele
- No ka hohelelele ana i ka olele i ka olele 26 o Iuni 1854.
- No ke

Oia hohelelele ana ma ke hulaawa maale i ka olele o ma *Kanaka* i hohelelele ma ke olele 7 o Iuni 1852, i fua ana i ma *Kanaka*.

Hulu 8559 Wm. C. Lunalilo.

Maia 22.

Oia ka mahou i hohe ni mo ke *Alano Alodio*. Ina i uku mai oia no ke *Aupuni* hapa alaila, ua hupine iaia ka *Palapala Lela Alodio*. Mas keu mai ma *Kulana* i ma *Kanaka* maleko.

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- No ke

Oia hohelelele ana ma ke hulaawa maale i ka olele o ma *Kanaka* i hohelelele ma ke olele 7 o Iuni 1852, i fua ana i ma *Kanaka*.



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Hele 165.3 Heahe

Palea Heahehe, Oahu

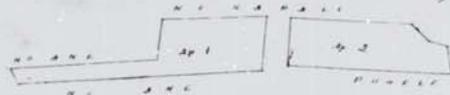
Mo e Kaiti Heahehe, Palea, Oahu

Apana 1. E hoemaka ana he kahi hema, e kahi ana, Heahehe 27 1/2 Aka: 307 kha, ma he pataua
ai, a ma Ana, Heahehe ana, Heahehe 57 Aka: 110 kha, Heahehe ana, Heahehe 31 1/2 Aka: 250 kha ma he
pataua ma Kapahi, Heahehe ana, Heahehe 57 Aka: 127 kha, ma he kaulahe, Heahehe ana, Heahehe 22 1/2
Aka: 600 kha, ma he pataua ma Ana, Heahehe ana, Heahehe 55 Aka: 130 kha, a kahi: he hoemaka ana
27 1/2 kha huihaka.

Apana 2. E hoemaka ana he kahi hema, e kahi ana, Heahehe 57 Aka: 60 kha, ma he pataua ma
Kaulahe, Heahehe ana, Heahehe 27 1/2 Aka: 300 kha, ma he pataua ma Kapahi, Heahehe ana, Heahehe 47
Aka: 600 kha, Heahehe ana, Heahehe 58 Aka: 120 kha, ma he pataua ma Kapahi, Heahehe ana, Heahehe 77
Aka: 270 kha, ma he pataua Palea, Heahehe ana, Heahehe 21 Aka: 100 kha, ma he pataua Palea,
a kahi: he hoemaka ana 1 3/4 kha huihaka

Heahehe 7 kha huihaka

P. B. Bishop
he ana.



Uhu Paupau 5
P. B. Bishop
S. M. Robertson
J. Kaulahehe
P. B. Bishop

Heahehe 31 Feb 1852

Hele 227.5 Heahehe 11149

Heahehe, Oahu

Apana 1 Heahehe, E hoemaka ana ma he kahi Heahehe, Heahehe Ana, Heahehe 52 Aka: 425
kha ma Pa, Heahehe 51 1/2 Aka: 117 kha, ma Heahehe Heahehe 53 Aka: 65 kha, ma Heahehe, Heahehe 47
Aka: 110 kha, ma Heahehe, Heahehe 57 1/2 Aka: 102 kha, ma Heahehe, Heahehe 55 1/2 Aka: 170 kha, ma Heahehe
ana, Heahehe 53 Aka: 110 kha, ma Heahehe, Heahehe 46 1/2 Aka: 400 kha, ma Heahehe, a kahi
ma kahi i hoemaka ai, a ma he ana ana 27 1/2 kha.

Apana 2 Heahehe, E hoemaka ana ma he kahi Heahehe, Heahehe Ana, Heahehe 77 1/2
Aka: 120 kha, ma Heahehe Heahehe 70 Aka: 100 kha, ma Heahehe, Heahehe 47
Aka: 175 kha, ma Heahehe, Heahehe 57 1/2 Aka: 76 kha, ma Heahehe, Heahehe 55 Aka: 110 kha
ma Heahehe, Heahehe 60 Aka: 110 kha, ma Heahehe, Heahehe 32 Aka: 220 kha, ma Heahehe
a kahi ma kahi i hoemaka ai, a ma he ana ana 69 kha.

Heahehe Oct 12, 1852



P. B. Bishop
he ana ana, 11149
47
Heahehe 77 1/2
47

Ulu o ka Lani
W. L. K.
G. M. Robertson
S. P. Kaula
J. H. Smith

Honolulu 31 Iuh. 1852

Ulu 3275 E Kaula

Kaula, Hawaii

1. Apana III Ali, Iwalailua. E hoomaka ma ka hiki Iihira o keia, Ah. 4. Kom. 675 Kk. ma ka Kahawai, Kom. 25 1/2. Kom. 568 Kk. ma ka Pa Kom. 10 1/2. Kom. 211 Kk. ma ka Pa Kom. 5 1/2. Iuh. 50 Kk. ma ka Pa, Ah. 17 1/2. Iuh. 16 Kk. ma ka Pa, Kom. 7 1/2. Iuh. 175 Kk. ma ka Pa, Ah. 15 1/2. Iuh. 107 Kk. ma Kula, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 1 1/2 1/2 Eka.

Tealima. E hoomaka ma ka hiki Kauhaha, Maun o keia, ma ka paku o ma o keia Kaula, Ah. 30. Iuh. 293 Kk. Kom. 7. Kom. 158 Kk. Kom. 81. Iuh. 20 Kk. Ah. 7. Iuh. 158 Kk. Ah. 21. Kom. 81 Kk. a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 12 1/2 Eka.

2. Apana IV Ali Panana. E hoomaka ma ka hiki Kauhaha o keia, Ah. 64 1/2. Iuh. 264 Kk. ma ka Kahawai, Kom. 68. Iuh. 347 Kk. ma Kahawai, Kom. 83 1/2. Kom. 1126 Kk. ma Pali, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 17 1/2 Eka.

3. Apana V Ali Ohianai. E hoomaka ma ka hiki Kauhaha o keia, Ah. 55 1/2. Iuh. 53 Kk. ma ka paku maluku, Kom. 4 1/2. Iuh. 1200 Kk. ma ka Pa o Kula, Kom. 10. Kom. 551 Kk. ma Kula, Ah. 41. Kom. 1268 Kk. ma Kula, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 6 1/2 Eka.

4. Apana VI Ali Kauhaha. E hoomaka ma ka hiki Kaula o keia, Ah. 50 1/2. Kom. 336 Kk. ma Kula, Ah. 16 1/2. Iuh. 440 Kk. ma Kula, Ah. 47 1/2. Iuh. 327 Kk. ma Kahawai, Kom. 1. Iuh. 452 Kk. ma ka Kauhaha, Ah. 77 1/2. Kom. 156 Kk. ma Tealima, Kom. 14 1/2. Kom. 68 Kk. ma ka paku, Kom. 17 1/2. Iuh. 167 Kk. ma Tealima, Kom. 3. Kom. 423 Kk. ma ka Kauhaha, Ah. 80. Kom. 251 Kk. ma ka Tealima, Kom. 35. Kom. 56 Kk. ma ka Tealima, Kom. 85. Iuh. 221 Kk. ma ka Tealima, Kom. 47 1/2. Kom. 27 Kk. ma Kula, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 15 1/2 Eka.

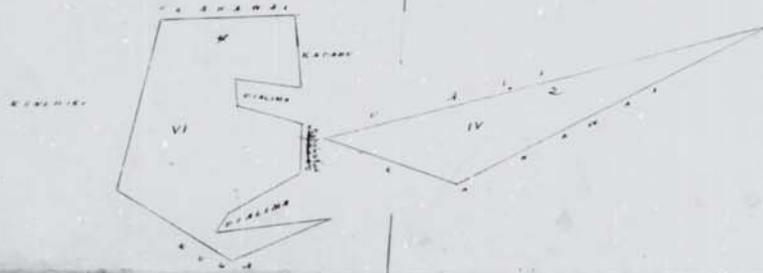
5. Apana VII Ali Uluhi. E hoomaka ma ka hiki Kaula o keia, Ah. 52 1/2. Iuh. 230 Kk. ma Kahua, Ah. 38. Kom. 181 Kk. ma Kahua, Kom. 21. Kom. 224 Kk. ma Kahua, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 24 1/2 Eka.

6. Apana VIII Ali Kauhaha. E hoomaka ma ka hiki Kauhaha o keia, Ah. 66 1/2. Iuh. 140. Kk. Kom. 62 1/2. Iuh. 100 Kk. ma Kahawai, Kom. 60. Kom. 41. Kk. ma Tealima, Kom. 55. Kom. 114. Kk. ma Kula, Ah. 66. Kom. 1335 Kk. ma Pali, a hiki ma ka hiki i hoomaka, a maluku oia anapuni, 3 1/2 Eka.

Honolulu, Oct. 13, 1852.

Wm. B. Green
Mer. ma oia

Kaula ma Kula, area 58



1. 72
2. 2
3. 2
4. 42
5. 10
6. 20
7. 52

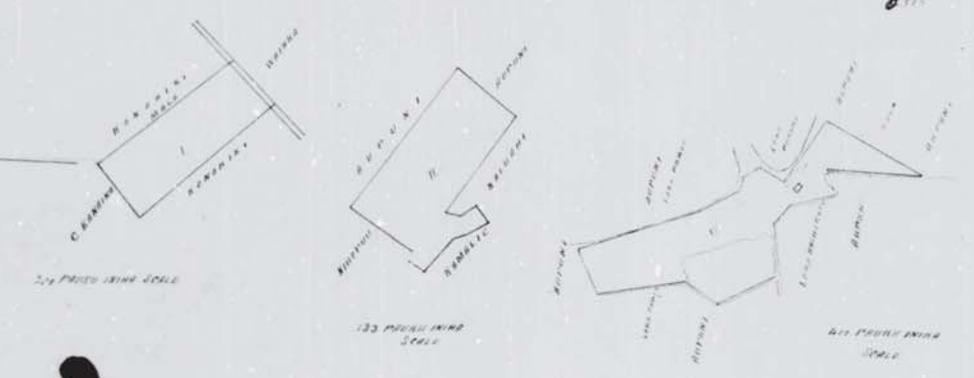
711

87 Tautua, i julu ana me ka ana e ka Hapuna, a hiki i ka hiki Ikaona hua, alala hema 32° Tem. 22
 Kaulahe, a me Akua 77° Tem. 31 Tautua, a me hema 33° 16° Tem. ke Tautua a julu ana me Hihifuna
 a hiki i ka hema ana. La He 17th julu Eka

Spana 3. Laha Waikupuna me Taha a me Iakawala Taha

Chamata ma ka hiki Hihina hema a Laha hema ma ka Hapuna, i julu ana me
 Laha. Eulitokupu a me Laha a hua. Ua hiki Akua 27 Tem. 3 kaulahe 31 Tautua, me Akua 29 Hihina, Ikaona
 hua 93 Tautua, me Akua 12° Tem. 4 kaulahe 34 Tautua hiki Ikaona Akua, a me Akua 62° Hihina 2 hua
 Lahar 3 Tautua a hiki i hema ma ka Laha hua ma ka, a me hema 52° Hihina 1 kaulahe 31 Tautua
 me hema 53° Hihina 2 kaulahe 14 Tautua, me hema 56° Hihina 13 Tautua hiki ma ka hua, a me hema
 28° Hihina 72 Tautua a hiki i Laha hua, a me hema 23° 21 Tem. kaul. 32 Tautua me hema 42° 24° Hihina
 3 hua, by Tautua me Laha hua, a me hema 24° Tem. 1 kaul. 144 Tautua me ka hua a hiki i hiki i ka
 Laha Hihina, a me Akua 4 hua, 72 Tautua, me hema 11° Tem. 124 Tautua, me Akua 11° Tem. 2 hua, 2 hua
 42 Tautua, me Akua 51° 30° Tem. 1 hua, 13 Tautua, a me hema 50° 30° Tem. 2 hua, 42 Tautua me Laha hua,
 hua hua a hiki i ka hema ana. Me hua a ka ana e ka Hapuna. La He 17th julu Eka.
 at P. Palama

31 Oct. 1851.



Uka julu hea

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

Honolulu 21st July 1852.

Kulu 1849 Kapahua Waiuku hua

Te hua Spana. Chamata ka ana me ka hiki hema a hua ma ka hiki hua a hua hua
 hua 162 kh. hua 75 kh. hua 60 kh. hua 162 kh. hua 55 kh. hua 60 kh. a hiki ma ka hua hua hua
 ma ka hua hua hua. He Eka

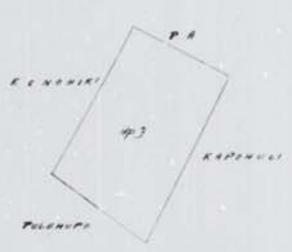
J. J. Gower
 (me ana ana)

Spana 3. Laha He a hua hua hua hua

Chamata ma ka hiki hua a hua
 hua 37 hua 416 kh. ma ka hua hua
 hua 60 hua 257 - - - - - Tautua
 hua 305 hua 468 - - - - - Kapahua
 hua 471 hua 267 - - - - - He a hiki ma ka hiki ana. He Eka

Waikua July 22 1863

C. Bailey
 (me ana ana)



From Page 150

288-14

Uku pau loa 1888 1. de Page 150

W. L. Lee
G. W. Robertson
J. H. Smith
J. K. Kaulahae

Honolulu July 28, 1883

Uku 1289 Kaulahae

Honolulu Molokai

Apama 2
 Apama kula na Kaulahae ma Honolulu Molokai
 E hoomaka ana ma ke kahi Akua Kikina a e holo ana Ikuu 55' 10" Iomohana 2, 76 Kaulahae
 ma Aupuni, Kama 55' 16" Iomohana 9, 00 Kaulahae ma Puha, Kama 55' 16" Kikina 2, 76 Kaulahae ma Aupuni,
 Akua 55' 16" Kikina 9, 00 Kaulahae ma Lualaba a hiki i hiki i hoomaka ai
 O kama ili 2 3/4 Eka
 Na Ika Sakama i hana.



2 Kaulahae - 1 2000

Uku pau loa 1888

W. L. Lee
G. W. Robertson
J. H. Smith
J. K. Kaulahae

Honolulu July 31, 1883

Uku 1613 Palapala

Honolulu Molokai

Apama 2
 Apama kula na Palapala ma Honolulu Molokai
 E hoomaka ana ma ke kahi Akua Kikina a e holo ana Ikuu 55' 16" Iomohana 2, 76 Kaulahae
 ma Aupuni, Kama 55' 16" Iomohana 9, 00 Kaulahae ma Kaulalana, Kama 55' 16" Kikina 2, 76 Kaulahae ma
 Aupuni, Akua 55' 16" Kikina 9, 00 Kaulahae ma Lualaba a hiki i hiki i hoomaka ai
 O kama ili 2 3/4 Eka
 Na Ika Sakama i hana.

549

It is bounded. Mauka, by Kawao's land. Waikae, by Lupa's land. Makai, by the Government Lot. Maalaea, by the Poalima lo'i.

C. 3275. Waboula.

This Claim was heard yesterday under N^o 3275, the Claim of Grandfather Kaloumi. This Claimant does not live on the land now. He has gone to dwell at Kalipolepo on the sea shore.

N^o
2149 C. 3275 B. Kapohuli.

The Claimant appeared and made oath that he wrote out and sent in his Claim in April 1847.

Waikawa Sur. The Oti's land consists of two pieces in Waikua Mauu.

N^o 1. is the ili of Ohiaki. There is but one native on it. Kamio by name.

N^o 2. is a section of lo'i in the ili of Kaalaino and Kula.

The Oti. no. 1. from Keinohama in the reign of Kamehameha II. and N^o 2. from Poha in 1838. His title was never disputed. There is one poalima lo'i in each piece.

N^o 1. is bounded. Mauka, by Pepuhi's & Pulehupu's land. Waikae, by "Whikuli." Makai, by Paikaloohula's land. Maalaea, by the Creek of Waikua.

N^o 2. is bounded. Mauka, by Kamai's land. Waikae & Makai sides, by Kamaka's land. Maalaea, by the Konoehiki's land.

C. 3275 C. Mokupane.

Kaka Sur. I wrote out the Oti's claim in December 1847, and sent it to Kaka.

Kapohuli Sur. The Oti's lands consist of one piece of kato & kula land in the ili of Kaalaino, Waikua, Mauu.

LCA No. 4149 NATIVE TESTIMONY TRANSLATION

No. 2542 Ulaula (cont.)

G. Laanui to J. Kamakini at the time of Kam II. Land from Piia to G. Laanui at the time of Kam I. 1 Poalima there, no objections.

Mauka	Kaaoao's land
Waihee	Lupe's land
Makai	Government fence
Maalaea	Lii's poalima

No. 3275 Weloula July 19, 1849

This claim has been done under no. 3462 Kalomi on July 18, 1849.

No. 3275 B Kapohuli July 19, 1849

Claimant sworn He wrote his own claim and sent it to Oahu on April 30, 1847, no documents have been received as yet. *Nuuhiwa sworn He has seen 2 sections pg.334 in these ilis of Waiehu.

Section 1 from Kumohookama at the time of Kam. II, 1 patch is for Kaniolo in section 1.

Section 2 is from Polea in 1838. 2 poalims in section 1, also in section 2 no objections.

Section 1 - Whole ili of Ohiaiki

Mauka	Palehupo/Pepehi
Waihee	Ahikuli ahupuaa
Makai	Paikalehoula
Maalaea	Waiehu stream

Section 2 - Taro pauku and pasture at Kaalaino

Mauka	Kamai
Waihee and makai	Kamaka
Maalaea	Konohiki

No. 3275 C Mokupanee July 19, 1849

Kaleo sworn He wrote the claim on Dec. 29, 1847. Kapahuli sworn He has seen 1 taro section and pasture in the ili of Kaalaino in Waiehu. Land from Polea in 1838, no objections to Mokupanee.

Mauka	Polea's land
Waihee	Poiwa ili
Makai	Kaneiki
? Makai	Stream

No. 3275 Holomoana July 19, 1849

Kaleo sworn He knows - he wrote (claim) on Dec. 29, 1847. He has seen 6 sections in these ilis of Waiehu and Ahikuli. First section from Kaholomoana's parents at the time of Kam. I. Section 2,3,4, from Mahi in 1845. *Mahi had received pg. 335 these lands from Kaaimalani. Section 5 from Holomoana's wives' parents. 2 Poalimas in section 5, no one has objected.

Section 1 - Kaulu ili in Waiehu

Mauka	Kapohuli
Waihee	Pali
Makai	Keliinui
Maalaea	Stream

2307-CERIZO-1-P.8

LCA No. 4149 SURVEY BOUNDARY

KAPOHULI - WAIERU - MAUI
APANA 1

L. C. A. 4149
 R. P. 5279
 Bk, 8, Page 450

Eli o Ohiaiki. Beginning at the North corner
 S. 54° E. 4.25 chains along Pa
 S. 51 $\frac{1}{2}$ ° W. 1.07 chains Poalima
 S. 33° E. .65 chains "
 N. 47° E. 1.18 chains "
 S. 37 $\frac{1}{4}$ ° E. 1.42 chains Kaleo
 S. 45 $\frac{3}{8}$ ° W. 3.93 chains Kahawai
 S. 58° W. 1.90 chains "
 N. 46 $\frac{1}{2}$ ° W. 4.08 chains Pulehupo to
 the beginning.
 Area 2 99/100 Acres.

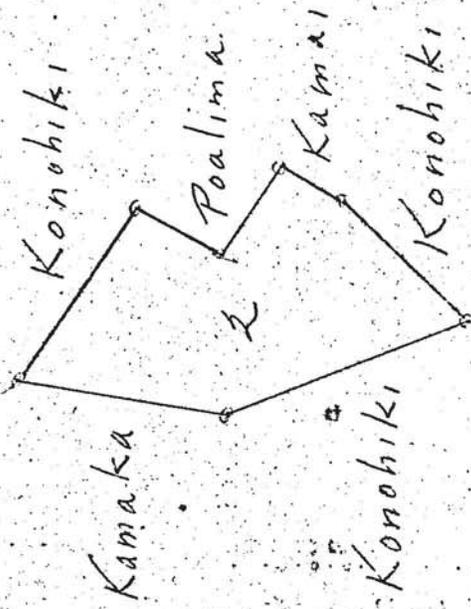
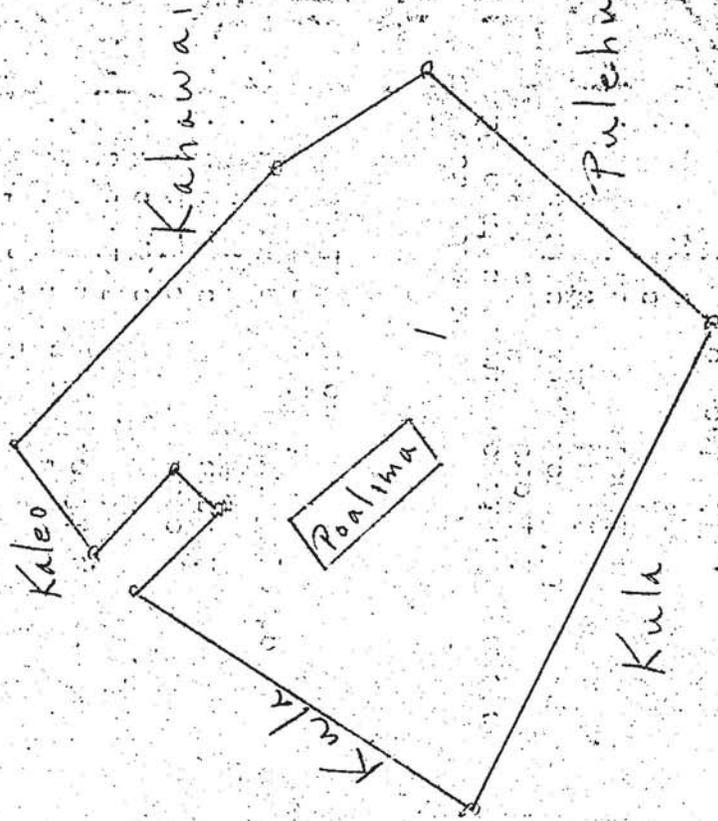
APANA 2

Ili. Kaalaino. Beginning at the East corner
 N. 79 $\frac{3}{8}$ ° W. 220 chains along Poalima & Kamaka
 S. 70° W. 283 chains Konohiki
 S. 47° E. 1.75 chains along Konohiki
 S. 57 $\frac{1}{2}$ ° E. 76 chains Kamai
 N. 35° E. 1.11 chains Poalima
 S. 60° E. 1.11 chains "
 N. 34° E. 2.26 chains "
 to the beginning.
 Area 68/100 Acre

Oct. 12, 1852

2307-CERIZO-1-P.9

LCA No. 4149 SURVEY BOUNDARY



2307-CERIZO-1-P.10

LCA No. 4149 SURVEY BOUNDARY

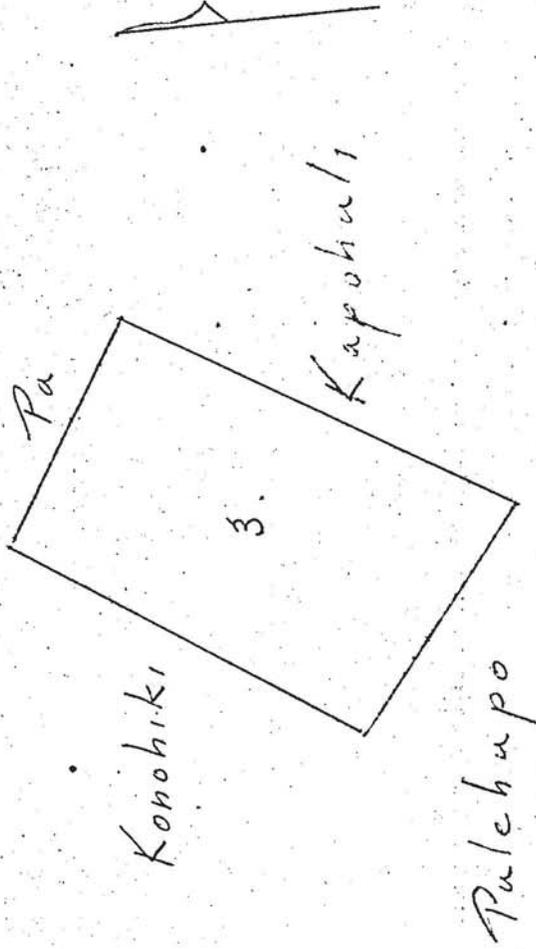
KAPOHULI - WAIIEHU - MAUI
APANA 3

L. C. A. 4149
R. P. 5279
Bk. 8, Page 714

Kula Ili o Kaohia. Beginning at the North corner
S. 33° W. 4.16 chains along Konohiki
S. 50° E. 2.87 chains " Pulehupo
N. 30 $\frac{1}{2}$ ° E. 4.68 chains " Kapohuli
N. 59 $\frac{1}{2}$ ° W. 2.67 chains " Pa to the
beginning.

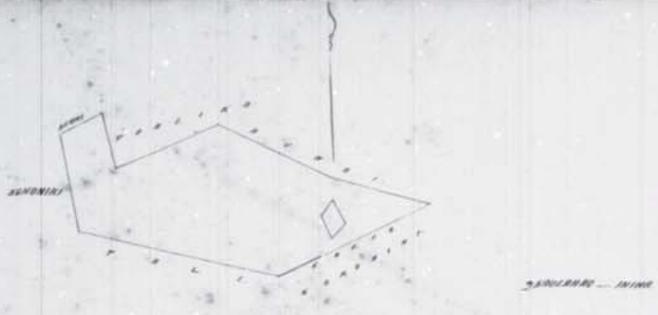
Area 1 1/10 Acres

July 22, 1853



2307-CERIZO-1-P.11

473



Utke pau tea 75.12

W. Miller
 J. W. Robinson
 J. M. Smith
 J. S. Kaulahoe

Honolulu January 3, 1853.

Table 3275 H Pulehuo Naisua Maui

Apana I Ki Katalupo Kaitia. E hormaka ke ana ma ke kiki Kaimohani e kua o fete ana

He	43	He	3. 77	He ma	Pipia
A	47	He	79		Pulima
He	45	He	1. 16		
He	47	He	79		
He	48	He	6. 11		Pipia
A	9	He	4. 53		Kahauani
A	67	He	4. 38		Kapuhili
A	46	He	4. 27		Kula
He	47	He	1. 32		Uawa e hiki ma kiki e hormaka i.

A malhe via Anapuni 2 5/100 Eka

Pulima E hormaka ke ana ma ke kiki Kaitia e kua haka ana ma ke kiki Kaitia e kua

Kulana He	55	He	1. 52	He	
A	12	He	54	He	
He	89	He	72	ma	Kamaka
He	12	He	54		
A	89	He	72	a hiki ma kiki e hormaka i.	

A malhe via Anapuni 7/100 Eka

Apana III e Kamaka (Table 3275 H) E hormaka ke ana ma ke kiki Kaitia e kua

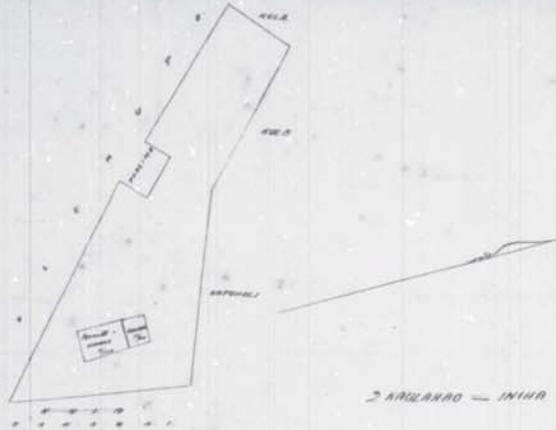
He	89	He	72	He ma	Pulima
He	12	He	1. 18		Pulehuo
A	89	He	72		
A	12	He	1. 18		a hiki ma kiki e hormaka i.

A malhe via Anapuni ma ke kiki Pulima 7/100 Eka

Apana II Aote loa via

John J. Gower
 Maui Anapuni

174



Altu. foun. lca. 75.00

J. M. Robertson
S. M. Smith

Honolulu January 3, 1852. J. Kaula

Lot 8819 Kamai () Waiau Maui.

Apana II. Ali Kipapa. E heremaka ke ana ana ke kahi Ikaui e kua

Al.	33'	Al.	3.50	Al. ma Ikaui	
Al.	37'	Al.	2.75	Ikaui	
Al.	78'	Al.	1.56		
Al.	54'	Al.	3.77		
Al.	35'	Al.	2.96		Kahawai
Al.	60'	Al.	.43		Ikaui
Al.	54'	Al.	.77		Poalima
Al.	30'	Al.	1.60		
Al.	43'	Al.	2.34		Ikaui
Al.	17'	Al.	1.17		Poalima
Al.	65'	Al.	.63		
Al.	15'	Al.	1.22		
Al.	62'	Al.	3.17		Ikaui a kahi ma kahi e heremaka'i.

A malike oia Apana 2 1/2 Ikaui

Poalima. E heremaka ke ana ma ke kahi Kauhaha e kua ana ke kahi Ikaui e kua kuleana

Al.	67'	Al.	76	Al.	
Al.	57'	Al.	1.15	Al.	2.50
Al.	69'	Al.	1.11		2.68
Al.	57'	Al.	1.15		2.78
Al.	69'	Al.	1.11		2.89

A malike oia Apana 1/2 Ikaui

Apana I. Ali Kauhaha. E heremaka ke ana ma ke kahi Kauhaha e kua

Al.	35'	Al.	3.52	Al. ma Kauhaha	
Al.	51'	Al.	1.30		
Al.	4'	Al.	3.76		
Al.	47'	Al.	1.33		Poalima a kahi ma kahi e heremaka'i.

A malike oia Apana 5 1/2 Ikaui

J. M. Robertson
Maui

Makai, by Kani's lands. Maalaea, by the Creek.

C. 3275 to Pukunipo.

Nuuhia Sw. I know Waiupuleka wrote out and sent in this Claim in December 1847. This Claimant has two pieces of land in Waiau, Maui.

N^o 1. is a section of loie in Kalakapu.

" 2. " 4 loie in Kuumisowili.

The Claimant rec^d N^o 1 from Poles in 1838. and N^o 2. from Kilauea in 1842. and he from his parents in other times. His title is not disputed. There are 2 loie in N^o 1.

N^o 1. is bounded. Mauike, by Papiwai's land. Waioke, by Poina an ili. Makai, by Kilauea's land. Maalaea, by the Creek.

N^o 2. is bounded. Mauke, and Waioke sides, by Kilauea's land. Makai, by Paikaleshula's land. Maalaea, by the Creek.

C. 3275 to Kāia.

Kāia Sw. I wrote out and sent in this Claim Dec^r 1847. The Clt. has one piece of hale and kula land, in the ili of Alahaka, Waiau, Maui.

He rec^d it from Nakaikuaione in the days of Kamohamaha II. His title is not disputed.

It is bounded. Mauke, by Kani's land. Waioke, by the Creek. Makai, by the Poina loie. Maalaea, by the Pali of Waiau.

C. 3275 to Mahi.

Kāia Sw. I sent in this Claim of Mahi in December 1847.

Hanae Sw. The Clt. has two pieces of land in Ahikuli, Maui.

N^o 1. is a hale and kula land, in Ohiaui.

" 2. " 2 kula lands " "

The Claimant rec^d this land from Naojpu before

Ua iho au e apana i wahi iho i te wahi
 ma ka iho a Huiarau iho ma iho iho iho
 ma iho iho iho iho iho iho iho iho iho
 No S. Karamahi iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho

Ua iho au e apana i wahi iho i te wahi
 ma ka iho a Huiarau iho ma iho iho iho
 ma iho iho iho iho iho iho iho iho iho
 No Karamahi iho iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho
 iho iho iho iho iho iho iho iho iho

Pahurangi 3275 10 iho iho
 Karamahi iho iho iho iho

Ua iho au e apana i wahi iho i te wahi
 iho iho iho iho iho iho iho iho iho
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 iho iho iho iho iho iho iho iho iho

Ua iho au e apana i wahi iho i te wahi
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Karamahi 3275 11 iho iho
 Karamahi iho iho iho iho

Ua iho au e apana i wahi iho i te wahi
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LCA No. 3275H
NATIVE TESTIMONY TRANSLATION

LCA No. 3275H states:

“Ap 1. Pauku kalo ma Kalahape
Ap 2. 4 loi kalo ma Kumuwilili”

Which means :

“parcel 1. Section of kalo at Kalahape
Parcel 2. 4 taro patches at Kumuwiliwili”

LCA No. 3275H further states:

“2 poalimas ma ka apana 1”

which means:

“2 poalimas in the first parcel”

LCA No. 3275H SURVEY BOUNDARY

PUDEHUPO - WAIEHU - MAUI
APANA 1

L.C. A. 3275H
 R. P. 3228
 Bk. 5, Page 473

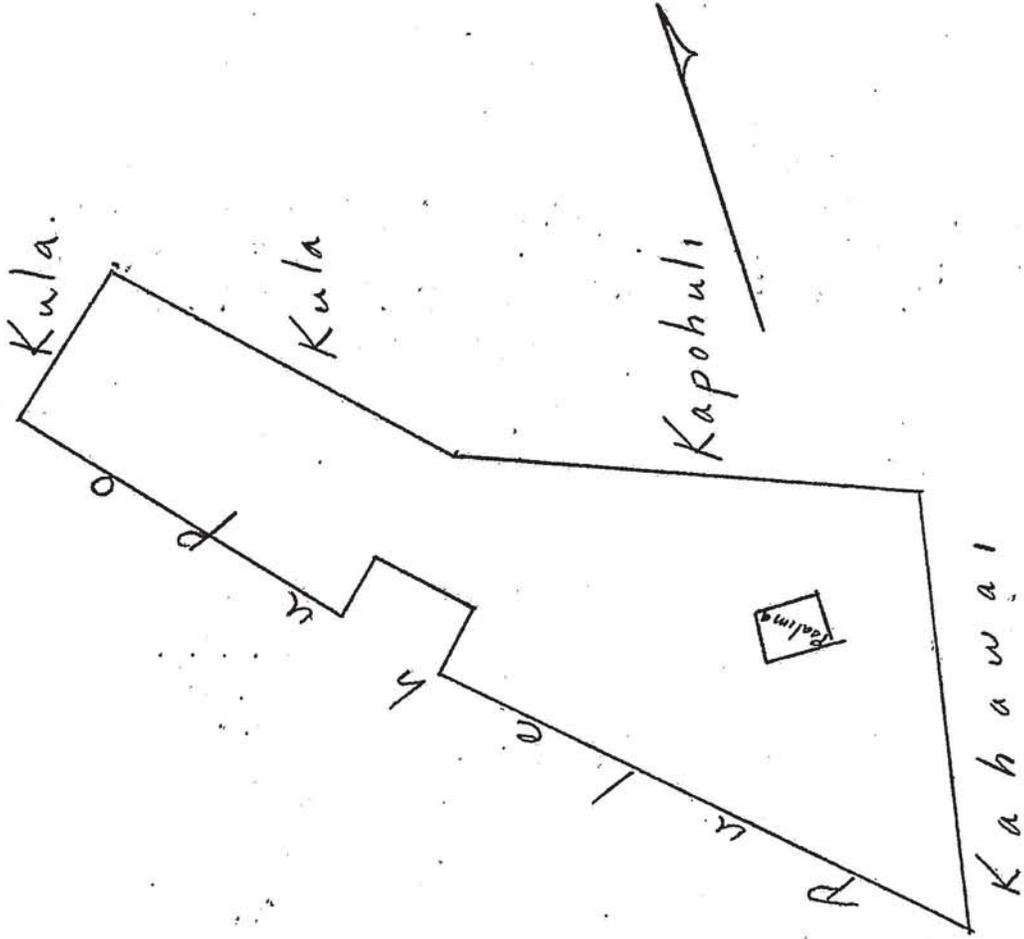
Ili Kalahape. Beginning at the West corner joining Pepeiao
 S. 43° E. 3.97 chains along Pepeiao
 N. 47° E. .73 chains " Poalima
 S. 43° E. 1.16 chains " "
 S. 47° W. .73 chains " "
 S. 48 $\frac{1}{2}$ ° E. 6.11 chains " Pepeiao
 N. 9 $\frac{1}{4}$ ° E. 4.58 chains " Kahawai
 N. 69 $\frac{3}{4}$ ° W. 4.88 chains " Kapohuli
 N. 46 $\frac{3}{4}$ ° W. 4.07 chains " Kula
 S. 47 $\frac{1}{2}$ ° W. 1.82 chains " Auwai to the
 beginning.
 Area 2 55/100 Acres

Poalima. Beginning at the Southeast corner o keia, mai ke kihi
Hikina o keia Kuleana
 S. 45° W. 1.82 chains
 N. 1 $\frac{1}{4}$ ° E. .54 chains
 S. 89° W. .72 chains along Kamaka
 S. 1 $\frac{1}{4}$ ° W. .54 chains
 N. 89° E. .72 chains to the beginning.
 Area 12/100 Acre

Jan. 3, 1852

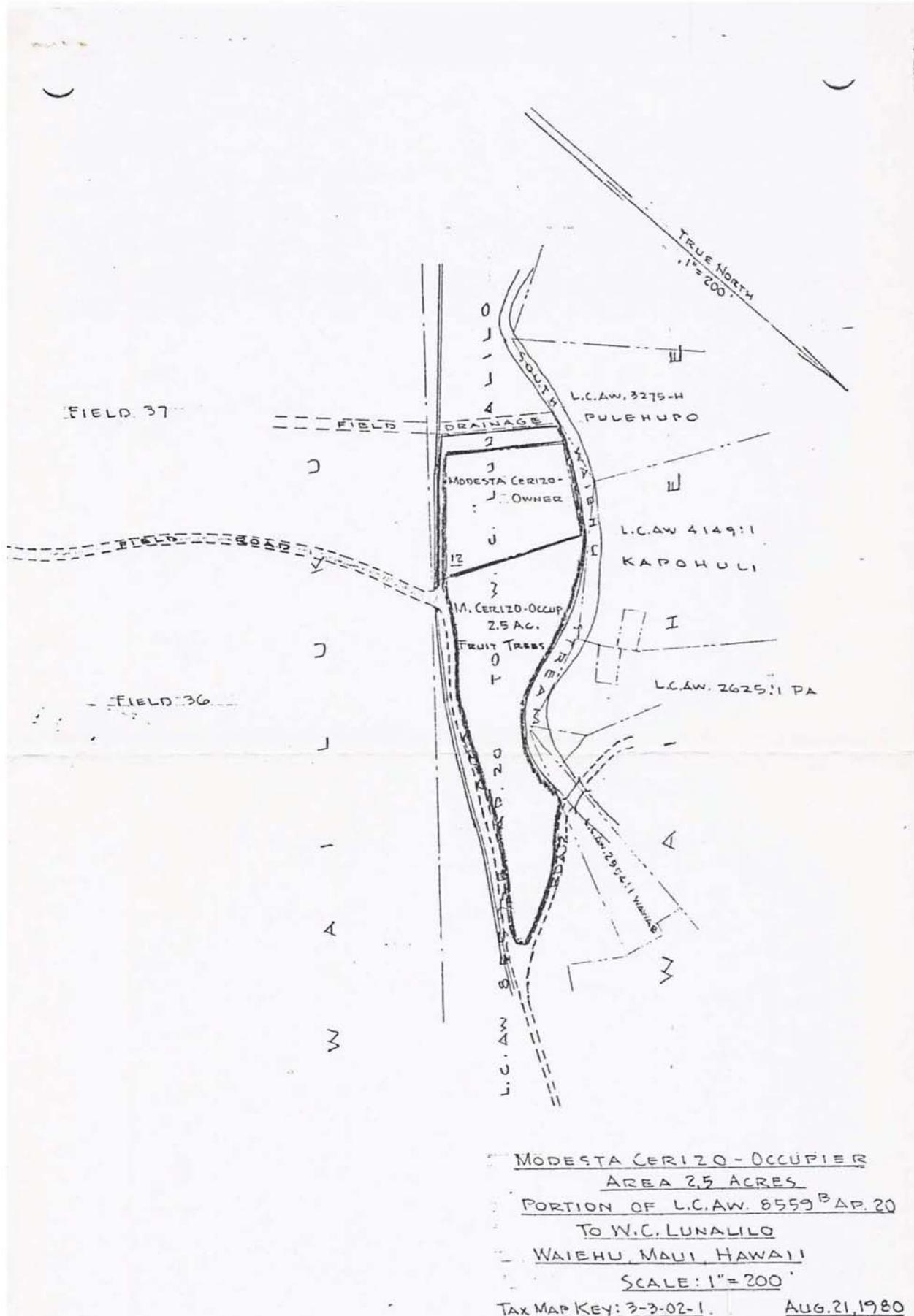
2307-CERIZO-1-P.17

LCA No. 3275H SURVEY BOUNDARY



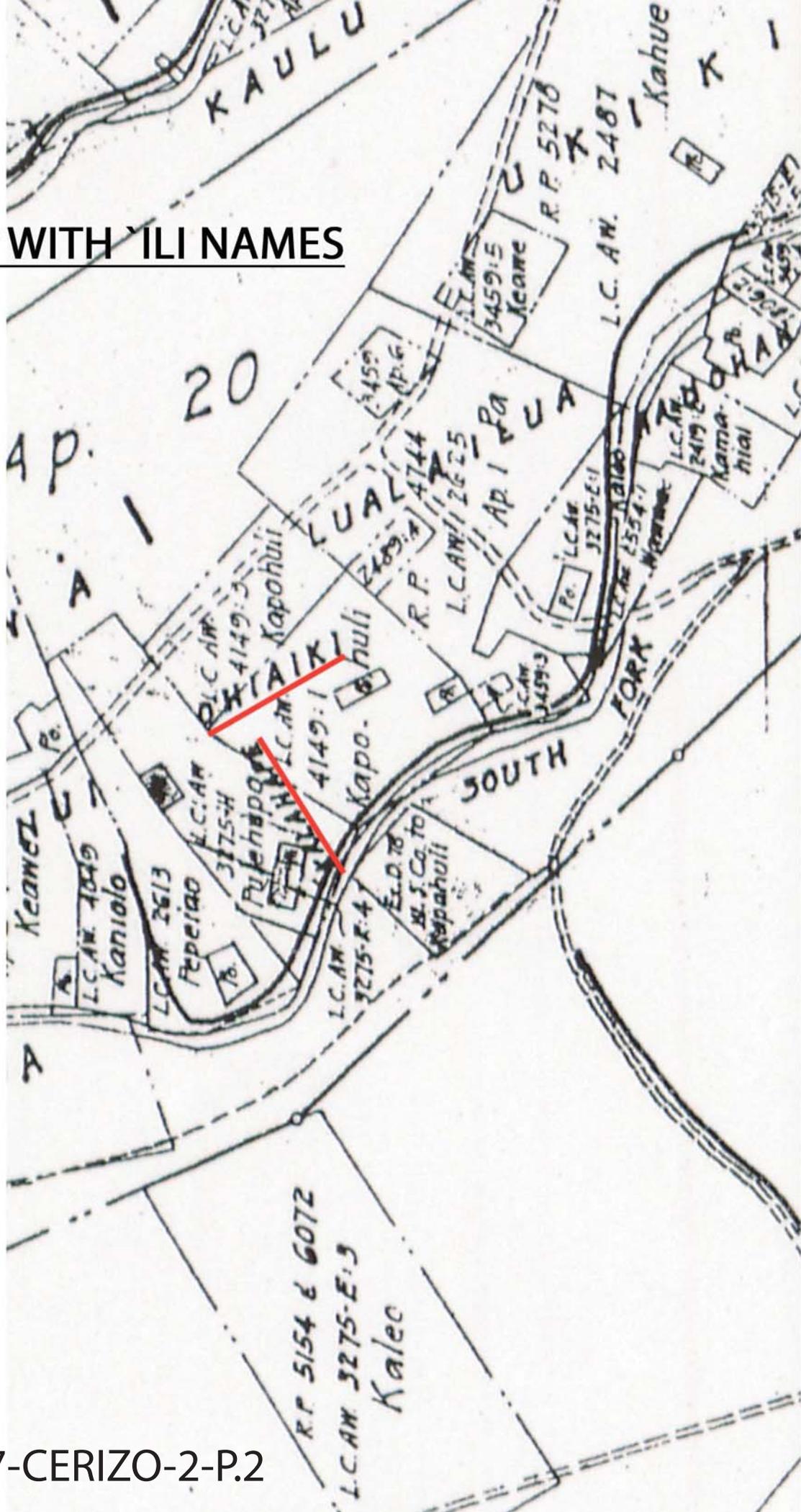
2307-CERIZO-1-P.18

Exhibit from Managers Permit to Occupy



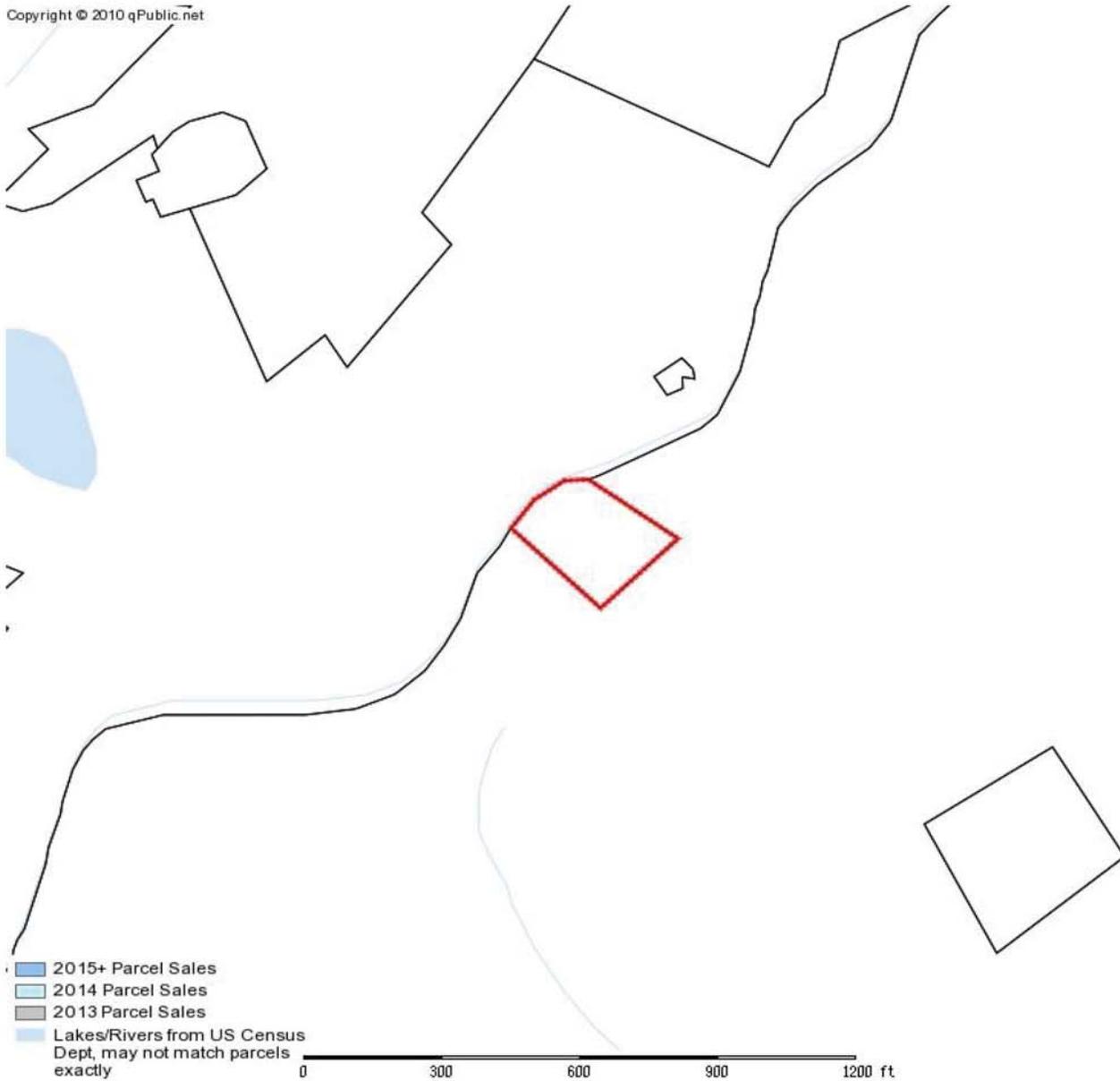
2307-CERIZO-2-P.1

MAP WITH ILI NAMES



COUNTY TAX MAP

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Maui County Assessor			
Parcel: 330020120000 Acres: 1.2			
Name:	CERIZO,MODESTA F TRUST	Land Value	\$374,400.00
Site:	0 WAIIEHU	Building Value	\$129,600.00
Sale:		Misc Value	\$0.00
Mail:	CERIZO-PFLEEGOR,MARY 923 MAKAAALA DR WAILUKU HI 96793	Just Value	\$0.00
		Assessed Value	\$504,000.00
		Exempt Value	\$200,000.00
		Taxable Value	\$304,000.00

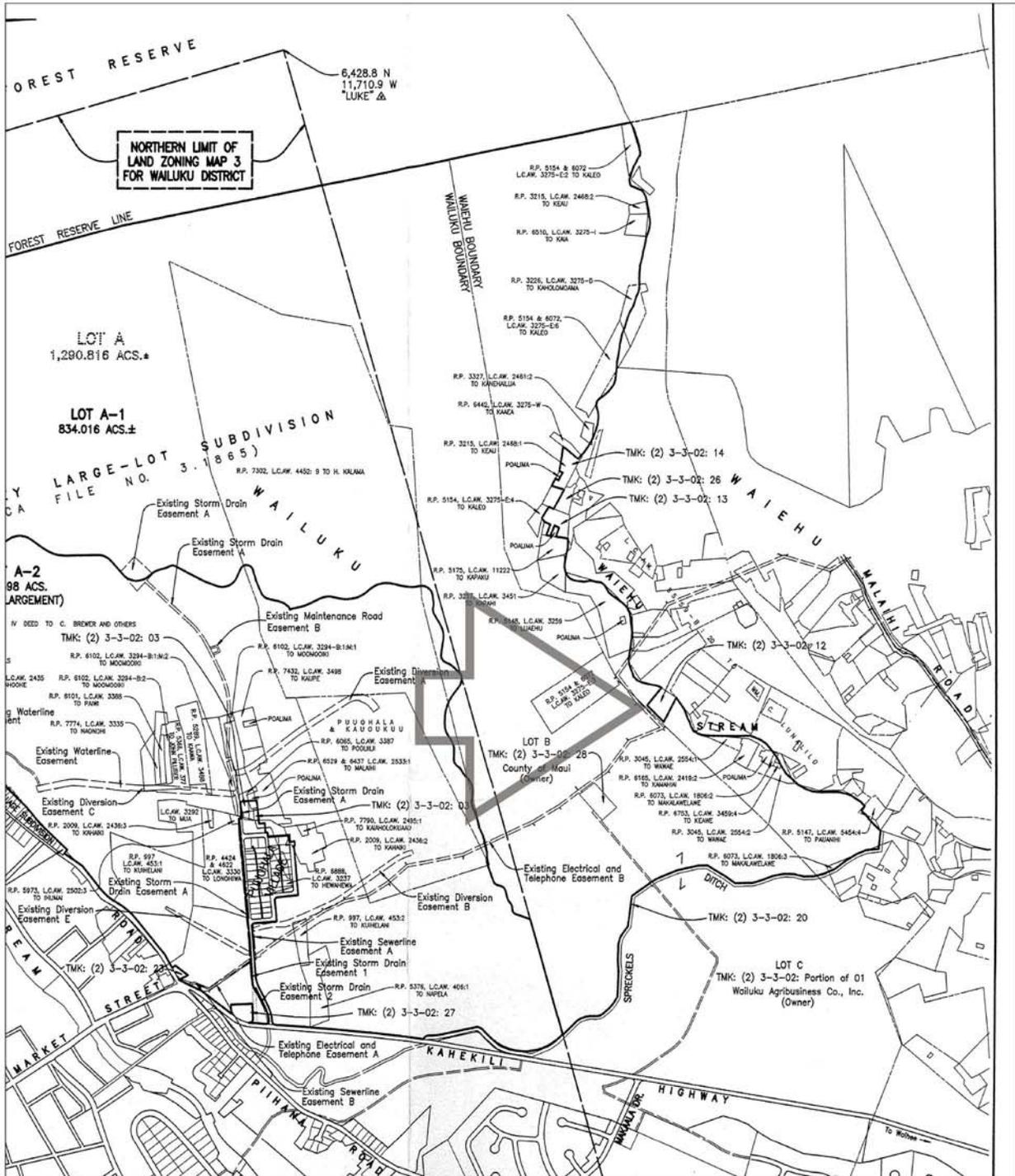


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Date printed: 11/24/15 : 23:57:17

2307-CERIZO-3-P.1

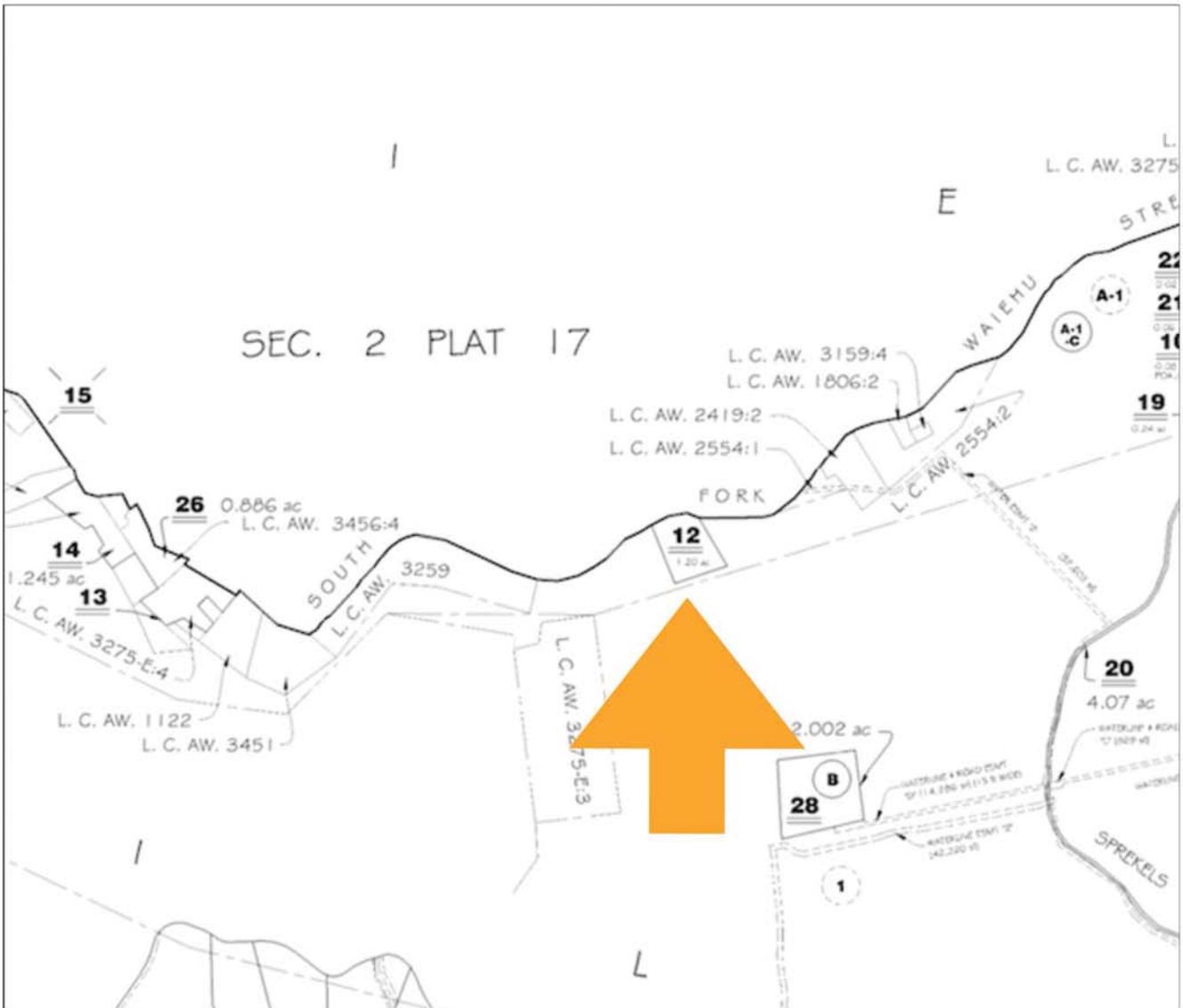
SUBDIVISION MAP



ENLARGEMENT OF SUBDIVISION MAP 3.1722

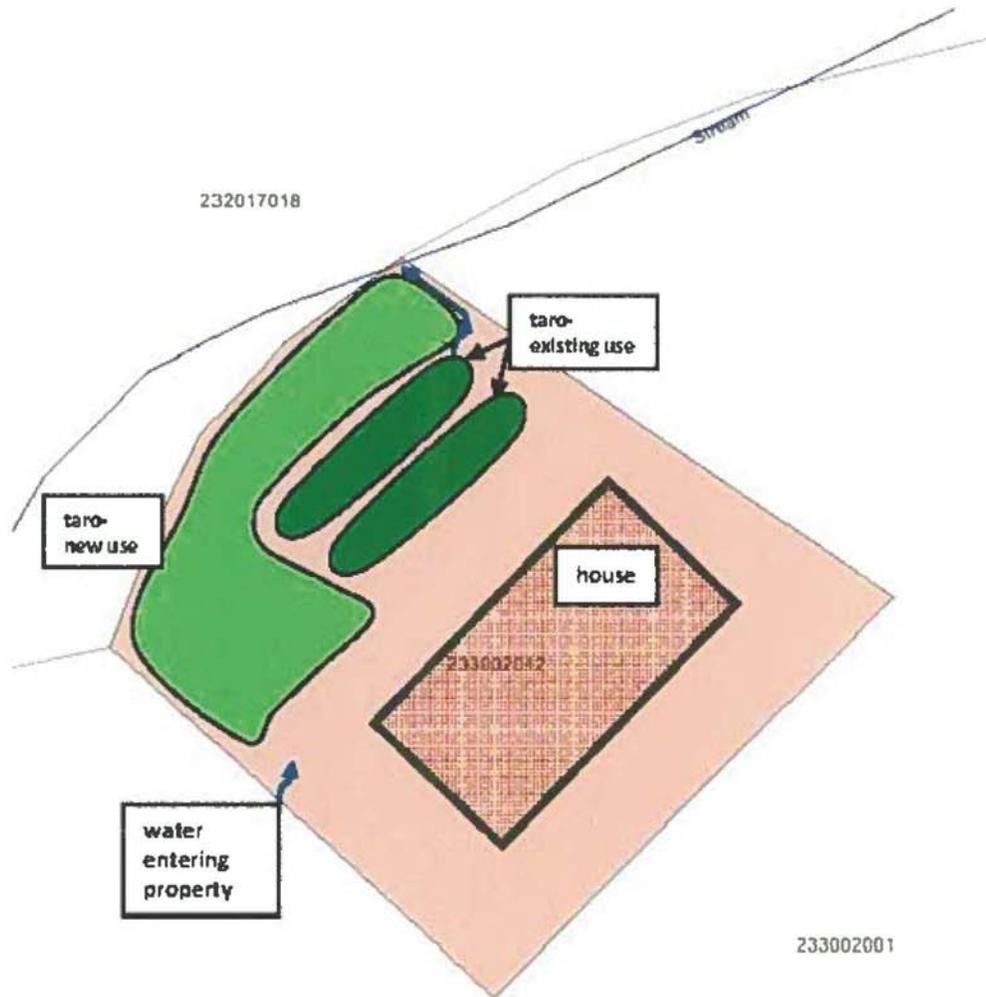
2307-CERIZO-3-P.2

PLAT MAP



2307-CERIZO-3-P.3

TMK WITH EXISTING AND NEW USES



TMK: 3-3-002-012 showing the areas of existing and new lo'i kalo. The remainder of the light pink area is in diversified agriculture, including bananas, avocados, jabong, and tangerines, etc.

The darker pink hatched area is our home.

The end uses are approximate and are not drawn to scale.

2307-CERIZO-3-P.4

Satellite View of TMK



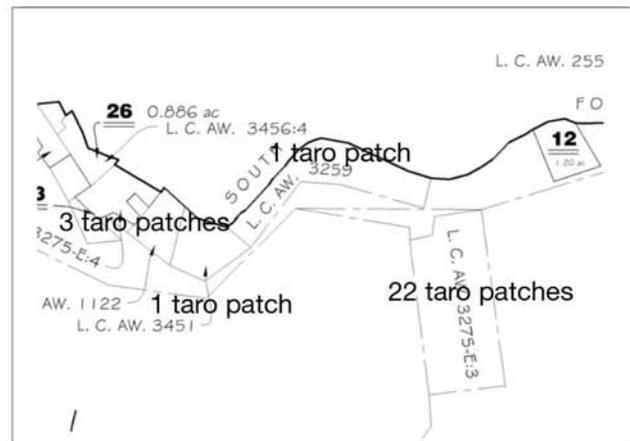
The Mahele occurred slightly more than a hundred years before our family obtained the property in 1951. The property contained eight terraced taro patches fed by a substantial auwai system that is nearly a mile long. The system provided water to eight other LCAw properties with a total of at least 36 taro patches

Taro patches and auwai on our property.

Location of Taro patches at time of the Māhele



Taro patches as documented by native and foreign testimony.



HISTORICAL FEATURES



To further support that there was cultivation, especially of taro on our parcel, our family found numerous artifacts including a kukui nut lamp, more than six poi pounders of various sizes on the banks above the auwai on our property. Some were found near the surface of the soil and others were found while digging for the building foundation and cesspool for an

addition to our

house. Two of the poi pounders were larger where you would need two hands to pound poi. We also found a few broken ones with no handles or just the handles themselves.



FRANCISCO CERIZO TRUSTEE OF MODESTA F. CERIZO TRUST

P. O. Box 492

Wailuku, Hawai'i 96793

(808) 385-9747

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: FRANCISCO CERIZO TRUSTEE OF MODESTA F. CERIZO TRUST

NAME/ ORGANIZATION/ POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE INTRODUCED BY WITNESS
Francisco Cerizo Trustee of Modesta F. Cerizo Trust	Need for and use of Nā Wai 'Ehā water	2307-CERIZO-1 to -4

FRANCISCO CERIZO TRUSTEE OF MODESTA F. CERIZO TRUST

P. O. Box 492

Wailuku, Hawai'i 96793

(808) 385-9747

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

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Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
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Standards, Nā Wai 'Ehā Surface Water)
Management Areas of Waihe'e, Waiehu, 'Īao)
and Waikapū Streams, Maui)
)
)
)

EXHIBIT LIST

PARTY: FRANCISCO CERIZO TRUSTEE OF MODESTA F. CERIZO TRUST

EXHIBIT NUMBER	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
2307-CERIZO-1	LCA No. 8559B:20.1; LCA No. 4149:1, Foreign Testimony, Native Testimony Translation and Survey Boundary; LCA No. 3275H, Foreign Testimony, Native Testimony and Translation, and Survey Boundary	Testimony of Francisco Cerizo Trustee of Modesta F. Cerizo Trust	
2307-CERIZO-2	Survey Map from the Managers Permit to Occupy; Map with 'Ili Names for Each of the LCA's	Testimony of Francisco Cerizo Trustee of Modesta F. Cerizo Trust	

2307-CERIZO-3	County Tax Map; Enlarged Copy of the Subdivision and Plat Map; Map Showing Existing And Proposed New Uses	Testimony of Francisco Cerizo Trustee of Modesta F. Cerizo Trust	
2307-CERIZO-4	Satellite View of Property with Eight Kalo Patches, Close-Up of Two Maps; Photos of Kukui Nut Stone Lamp and Partial (Handle) of a Poi Pounder	Testimony of Francisco Cerizo Trustee of Modesta F. Cerizo Trust	