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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 PAUL HIGASHINO;
Standards, Nā Wai 'Ehā Surface Water) EXHIBITS "2342-HIGASHINO-1" - "2342-
Management Areas of Waihe'e, Waiehu,) HIGASHINO-6"
'Āao, & Waikapū Streams, Maui)
)
)
)

TESTIMONY OF PAUL HIGASHINO

1. This testimony is provided in support of Surface Water Use Permit Application ("SWUPA") No. 2342, filed with this Commission on Water Resource Management on April 30, 2009, for a 5.75-acre ("ac") parcel in Waiehu, Tax Map Key ("TMK") No. (2) 3-2-016:017. I have lived on this land since I purchased it from Wailuku Agribusiness in 2000. Our family has lived in the vicinity for generations. In fact, my grandparent's kuleana (TMK No. (2) 3-2-016:018) is adjacent to this property and my grandparents leased the parcel I now own since the 1960s to cultivate kalo.

2. The deed to this land contains a reservation of appurtenant rights. I understand that because of this reservation, the appurtenant water rights may be extinguished. Nevertheless, as stated in my application, I reserve the right to claim appurtenant water rights. Therefore, in the event of a legal determination that these appurtenant rights were not extinguished, I am

providing further information regarding water use at the time of the Māhele. Moreover, as detailed below, there are several other equally valid legal bases upon which to grant our water use permit.

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

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

5. Because my land includes the confluence of North and South Waiehu Streams and several hundred yards of Waiehu Stream’s bed below the confluence; and, I had an existing use of stream water on April 30, 2008, I am an existing riparian user under Hawai‘i law, which is protected under Article XI, Section 7 of the Hawai‘i Constitution.

6. Based on the information set forth below, if appurtenant rights survived the deed’s reservation, I request recognition of appurtenant rights for TMK No. (2) 3-2-016:017 in the amount of 390,192 gallons per day (“gpd”). I request a Surface Water Use Permit for my current reasonable-beneficial use for TMK No. (2) 3-2-016:017 of 692,700 gpd, which was my existing use on April 30, 2008.

7. If appurtenant rights are deemed not to have survived the deed’s reservation, I claim a right to the same amount of stream water (692,700 gpd) under the Hawai‘i Constitution, HRS 174C-101(c), and the public trust doctrine, as described herein. It is my understanding that under Hawai‘i law, these constitutional and other rights – including the protections for traditional and customary Native Hawaiian practices – are of no lesser status than appurtenant rights.

QUANTIFICATION OF APPURTENANT RIGHTS

8. TMK No. (2) 3-2-016:017 is composed of the entirety of five Land Commission Awards (“LCAs”): Nos. 3440, 5454:2, 3275M, 3274:1, and 3528:1, and one pō‘alima. I am attaching various Māhele documents that confirm water use on TMK No. (2) 3-2-016:017 at the time of the Māhele.

9. “2342-HIGASHINO-1” is a true and correct copy of a TMK Map showing that our parcel includes 5.75 ac and is composed of the entirety of LCA Nos. 3440, 5454:2, 3275M, 3274:1, and 3528:1, plus one po‘alima. The LCAs and the po‘alima (0.04 ac) total 1.889 ac.

10. “2342-HIGASHINO-2” contains true and correct copies of LCA No. 3440 to Kaiakahi (which was confirmed by Royal Patent No. 7779), the native testimony, and a translation establishing that the land was in lo‘i at the time of the Māhele. The native testimony says: “Ap1. Pauku kalo ma Halelena [Haleolena],” which means “Parcel 1. a section of kalo at Haleolena.” Additionally, as shown in both the TMK map and the LCA, LCA No. 3440 consists of two ‘āpana, bordering the stream and separated by a pō‘alima; this further establishes the use of the land for lo‘i cultivation at the time of the Māhele as pō‘alima in Nā Wai ‘Ehā were cultivated in wetland kalo. This portion of our property amounts to 0.375 ac.

11. “2342-HIGASHINO-3” contains true and correct copies of LCA No. 5454:2 to Pauanihi (which was confirmed by Royal Patent No. 5147), the native testimony, and a translation confirming that ‘āpana 2, which is entirely upon my property, included 31 lo‘i at the time of the Māhele. No other type of land use, other than lo‘i kalo, is suggested. Moreover, all three of the ‘āpana for this LCA were entirely in lo‘i. This portion of our property amounts to 0.259 ac.

12. “2342-HIGASHINO-4” contains true and correct copies of LCA No. 3275M to Wahinekahiki and the foreign testimony, confirming that the entire LCA was in lo‘i, with no other type of land use suggested. This portion of our property amounts to 0.346 ac.

13. “2342-HIGASHINO-5” contains true and correct copies of LCA No. 3274:1 to Wanaoa (which was confirmed by Royal Patent No. 5982) and a translation of the native testimony, confirming that ‘āpana 1 of the LCA included “Taro pauku, pasture, and house at Halelena.” Because this LCA is 0.805 acres, no more than 0.25 ac could have been for the house (since that was all that was awarded in the Māhele for pāhale), leaving the remaining acreage for pasture and wetland kalo (0.2775 ac each).

14. “2342-HIGASHINO-6” contains true and correct copies of LCA No. 3528:1 to Naoopu (which was confirmed by Royal Patent No. 3229) and the foreign testimony, confirming that the land was in cultivation for lauhala at the time of the Māhele. A portion of this LCA is in the stream, suggesting that it was irrigated. This portion of our property amounts to 0.064 ac.

15. Based on the attached Māhele documents, discussed above, if appurtenant rights survive the deed’s reservation of rights, the quantification of the appurtenant rights is the amount of water: (1) for one house occupying 0.25 acres; (2) for 0.064 acres of diversified ag (lauhala); and (3) sufficient to grow wetland kalo on 1.2975 acres (including the 0.04 ac pō‘alima) using traditional methods.

16. 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 – like mine – will require an amount closer to the upper end of this range.

17. According to the County of Maui's water system standards, domestic use requires 3,000 gad per acre. This amount should also be sufficient for lauhala cultivation.

18. Thus, in my best estimation, the water right appurtenant to TMK No. (2) 3-2-016:017 is at least:

Domestic:

$$(0.25 \text{ ac}) \times (3,000 \text{ gad}) = 750 \text{ gpd}$$

Kalo:

$$(1.2975 \text{ ac}) \times (300,000 \text{ gad}) = 389,250 \text{ gpd}$$

Lauhala:

$$(0.064 \text{ ac}) \times (3,000 \text{ gad}) = 192 \text{ gpd}$$

$$\text{Total: } 750 + 389,250 + 192 = 390,192 \text{ gpd}$$

AMOUNT REQUESTED UNDER PERMIT

19. As described in detail in my SWUPA, we use water from the kuleana 'auwai that runs along Malaihi Road. The 'auwai receives water from Waihe'e Ditch, which receives water from North Waiehu Stream. Water from the Waihe'e Ditch flows into a pipe and weir, then into an open ditch. The water continues makai in that ditch and pipes and used to flow along the 'Iao side of Malaihi Road. Although that kuleana 'auwai was capped by others along the lower portion of Malaihi Road, water continues to emerge from the same ditch in its lower reaches and flows toward our family property (TMK No. 3-2-016:018), which is adjacent to my parcel (TMK No. 3-2-016:017). We divert some water via pipes and ditches for our lo'i kalo and bananas. Any unused water flows through our lo'i and is returned to Waiehu Stream on our property, TMK No. (2) 3-2-016:017.

20. We have two existing water uses. First, we use the water for domestic purposes, including watering our non-commercial garden (principally, bananas), on approximately 0.5 ac. Second, we use the water for our 2 acres of lo'i kalo. Excess water is returned to the stream,

where it can serve further reasonable-beneficial and public trust purposes. I am requesting a permit for the amount of water necessary for these reasonable-beneficial and protected uses.

21. I believe that the 2002 State of Hawai'i Water System Standard for Maui County of 3,000 gad is sufficient for my existing garden.

22. For our lo'i kalo, our existing water use is not gauged. Therefore, as previously recommended by the Commission and as described in detail in our SWUPA, we estimated the existing use by the "bucket method." We performed multiple trials and the average amount existing water use was 691,200 gallons per day.

23. Therefore, under SWUPA 2342, I request a permit for the following amount:

$$(0.5 \text{ ac}) \times (3,000 \text{ gad}) + (691,200 \text{ gpd}) = 692,700 \text{ gpd}$$

Reasonable-Beneficial Analysis

24. 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." HRS § 174C-3.

25. The quantity I am requesting is necessary for the economic and efficient irrigation of my home garden and lo'i kalo. My use of the stream water is economic and efficient, as I will continue to use only the amount needed to irrigate my garden and lo'i, and I implement measures to minimize water loss, including using garden hoses or pipes, which reduce evaporation and leakage.

26. Moreover, most of the water we use is returned to Waiehu Stream, therefore our use supports other existing public trust purposes such as: (1) the maintenance of waters in their

natural state; (2) resource protection; (3) water for domestic purposes; and (4) the protection of traditional and customary Native Hawaiian rights and appurtenant rights.

27. As detailed in my SWUPA, our use of stream water is also consistent with the state and county land use plans and the public interest. Our land is classified by the State as agricultural, and zoned by the County as agricultural. Our water use on my land for domestic cultivation and lo'i kalo (diversified agriculture) is in the public interest and fulfills a public trust purpose.

Alternatives Analysis

28. If our land has appurtenant rights to stream water in the nature of an easement that was conveyed at the time of the Māhele, and because my uses are traditional and customary Native Hawaiian practices that are protected public trust purposes, I am not required to provide an alternatives analysis to show that I have no practicable alternative source of water. My appurtenant and Native Hawaiian rights are to stream water that flows through my property, not for water from any other source, and my exercise of these rights enjoys maximum protection and first priority under the law. Nonetheless, the Alternatives Analysis set forth in my SWUPA remains applicable, true, and correct.

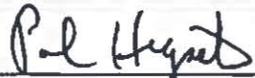
29. Our 'ohana has always used a reasonable amount of 'auwai water to maintain our non-commercial garden and lo'i kalo, along with other community members along this traditional 'auwai. Other alternatives, such as municipal water, reclaimed wastewater, water from other ditch systems, desalinized water, and groundwater, are not practicable alternatives to the 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 and my family.

SUMMARY

30. In sum:(1) my domestic water use is a protected public trust purpose; (2) my 'ohana's traditional and customary Native Hawaiian right to grow kalo is also a protected public trust purpose; (3) our family's existing riparian uses are guaranteed under Hawai'i law; (4) if appurtenant rights survived the deed's reservation for TMK No. (2) 3-2-016:017, I am entitled to at least 390,192gpd based solely on those rights; (5) at this time, I request a permit for my current and existing reasonable-beneficial uses on the property of 692,700 gpd, which will be used for my reasonable-beneficial uses of stream water, for which there is no practicable alternative.

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

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



PAUL HIGASHINO
WATER USE PERMIT APPLICANT PRO SE

Exhibits:

- 2342-HIGASHINO-1: TMK Map
- 2342-HIGASHINO-2: Māhele documents for LCA No. 3440
- 2342-HIGASHINO-3: Māhele documents for LCA No. 5454:2
- 2342-HIGASHINO-4: Māhele documents for LCA No. 3275M
- 2342-HIGASHINO-5: Māhele documents for LCA No. 3274:1
- 2342-HIGASHINO-6: Māhele documents for LCA No. 3528:1

Parcel 017
5.75 ac

LCA 3528:1
0.064 ac

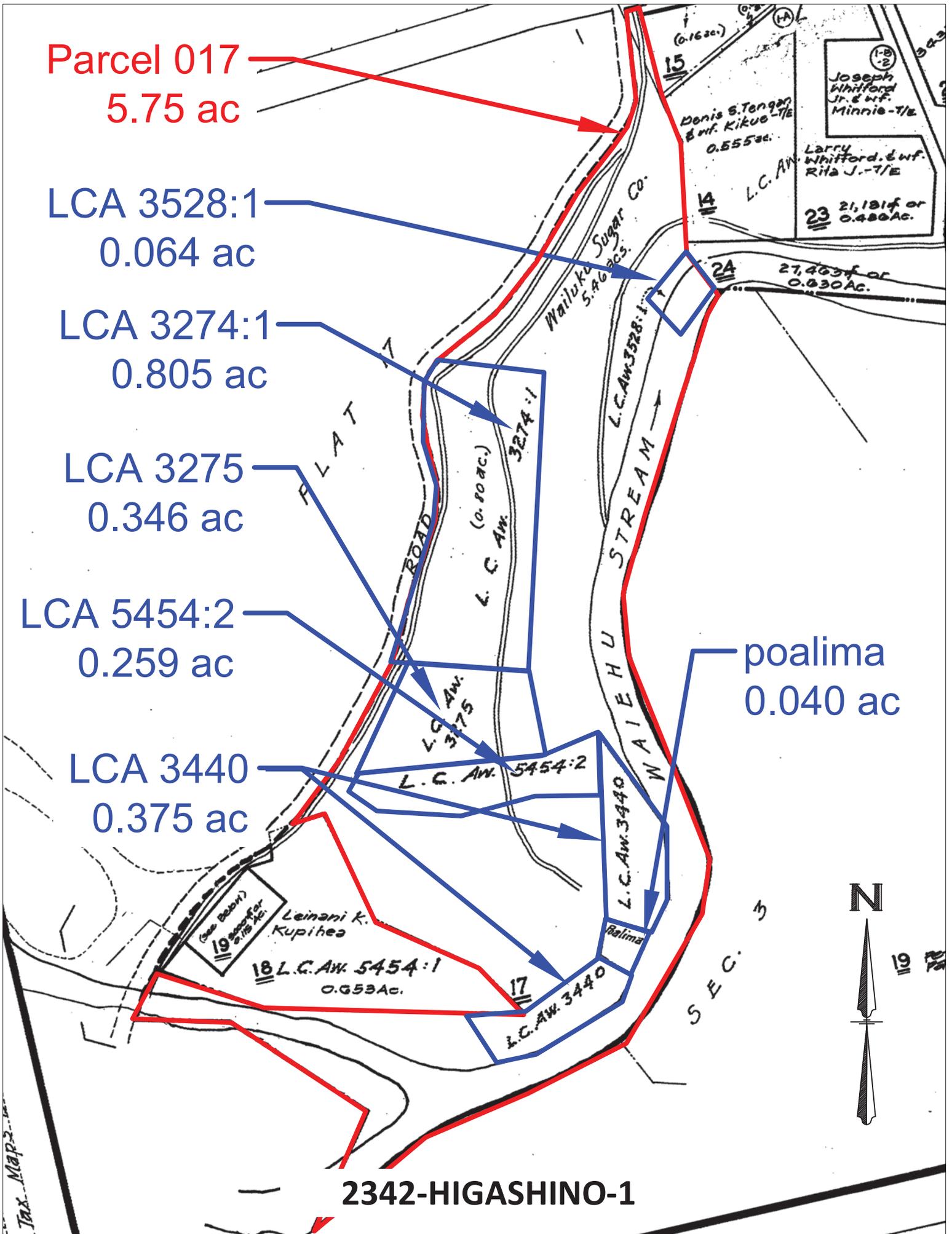
LCA 3274:1
0.805 ac

LCA 3275
0.346 ac

LCA 5454:2
0.259 ac

LCA 3440
0.375 ac

poalima
0.040 ac



2342-HIGASHINO-1

146

Kela 3440 Kaiakahi

Kahaloa Naiehu Niue

Spina 1 Mahele 8th. Ni Kahaloa. E hirmaka ke ara ma ke kiki Okaia & kua

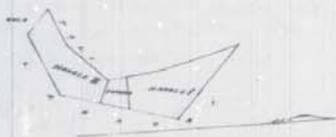
Kama	14 1/2	Kikina	2.12	Ma ma Puanitii
Kama	6 1/2	Kikina	1.29	Ma ma
Kama	42	Komohana	1.41	
Kama	74 1/2	Komohana	78	
Kama	15	Kikina	31	Konehiki
Maau	65	Kikina	1.66	Kuhawai
Maau	15	Kikina	2.97	
Maau	48 1/2	Komohana	2.33	

U mahele ma Anapuu 3 1/2 Eka. a kiki ma kiki & hirmaka i.

Pealima. E hirmaka ke ara ma ke kiki Kama & kua. Maau 15 Kikina 78 Maau 35 Komohana 30 Maau 65 Kikina 49 Maau 67 1/2 Kikina 58 Maau 15 kiki ma kiki & hirmaka i. U mahele ma Anapuu 3 1/2 Eka.

Spina 11. Ua laua ole

John J. Gower
Maunaloa



Ua laua ole 14.00

Kulu
J. M. Robinson
J. S. Kaulahau
J. H. Smith

Konehiki Novemba 20, 1852

Kela 3378 Ipehi

Pouwa Naiehu Niue

Spina 1 8th. Ni Pouwa. E hirmaka ke ara ma kiki Komohana & kua.

Kama	23	Kikina	4.78	Ma ma Kula
Kama	12 1/2	Kikina	1.21	Kamaka & Pealima
Kama	20	Kikina	1.30	Kuhelauaka
Kama	27 1/2	Kikina	.53	Pealima
Maau	62 1/2	Kikina	.60	
Kama	14	Kikina	1.30	
Kama	15	Kikina	.70	
Maau	60	Kikina	2.67	Konehiki
Maau	32	Komohana	1.04	Pealima
Maau	39 1/2	Kikina	.54	
Kama	44 1/2	Kikina	.54	
Maau	44 1/2	Kikina	.74	
Maau	31 1/2	Komohana	2.38	Kula
Kama	48	Komohana	2.53	Kula a kiki ma kiki & hirmaka i.

U mahele ma Anapuu 3 1/2 Eka.

John J. Gower
Maunaloa

3440 Kaiakahi

Excerpts:

“Ap1. Pauku kalo ma Halelena [Haleolena],”

“Parcel 1. a section of kalo at Haleolena.”

Apana I. Mahalo I. He Kahuna. E hounaka he ana ma ke kiki Kihuna e hua i pili ana ma
 Kaikahiki. Num. 77 1/2. Num. 578 Kaul. ma ka Pali. Ak. 8. Num. 161 Kaul. ma ka Pali. Ak. 30 1/2. Siki 65
 Kaul. ma Pealima. Ak. 67 1/2. Num. 64 Kaul. ma Pealima. Num. 32 1/2. Num. 40 Kaul. ma ka Pealima.
 Ak. 36. Num. 30 Kaul. ma Kamehiki. Ak. 23 1/2. He houna 146 Kaul. ma Pealima. Ak. 65. Siki
 187 Kaul. ma Kamehiki. Ak. 21 1/2. Num. 45 Kaul. ma Pealima. Ak. 53 1/2. Ak. 70 Kaul. ma
 Kamehiki. Num. 35 1/2. Siki 186 Kaul. ma Kawae. Num. 78 1/2. Siki 166 Kaul. ma Kawae.
 Num. 53 1/2. Siki 110 Kaul. ma Kawae, a hiki ma hiki i hounaka; a malaka via anapuni
 88 1/2 Eka.

Mahalo II. E hounaka he ana ma ke kiki Kamehuna e hua. Ak. 32 1/2. Siki 33 Kaul.
 ma ka Kawae. Ak. 75 1/2. Siki 277 Kaul. ma Mahinukahiki. Ak. 53 1/2. Siki 92 Kaul. ma
 Mahinukahiki. Num. 14 1/2. Siki 78 Kaul. ma Kaikahiki. Num. 84. Num. 65 Kaul. ma
 ma Kawae. Num. 62. Num. 123 Kaul. ma Pealima. Num. 55. Num. 123 Kaul. ma Kawae.
 Ak. 66 1/2. Num. 54 Kaul. ma Kawae, a hiki ma hiki i hounaka; a malaka via anapuni
 21 1/2 Eka.

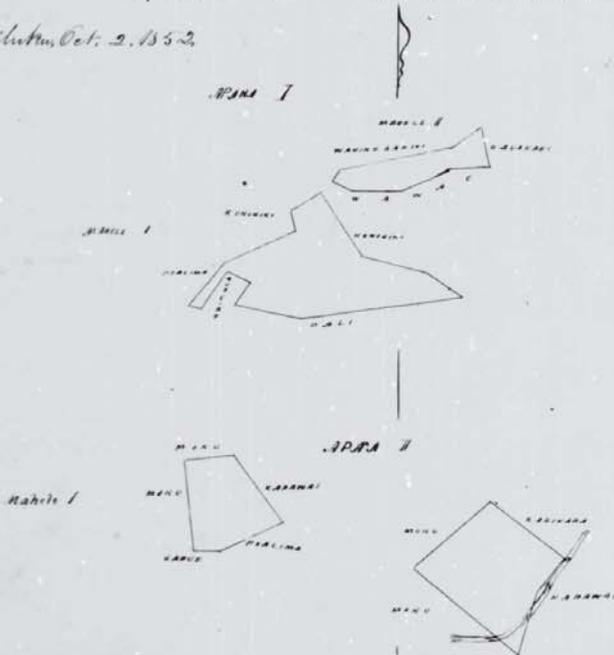
Apana II. Mahalo I. He Kahimana. E hounaka he ana ma ke kiki Kama e hua
 i pili ana ma Mokua. Ak. 8 1/2. Num. 222 Kaul. ma Mokua. Ak. 78 1/2. Siki 122 Kaul. ma
 Mokua. Num. 37. Siki 217 Kaul. ma Kahawai. Num. 62 1/2. Num. 163 Kaul. ma Pealima.
 Num. 87 1/2. Num. 66 Kaul. ma Kahua a hiki ma hiki i hounaka; a malaka via anapuni
 37 1/2 Eka.

Mahalo II. E hounaka he ana ma ke kiki Kama e hua i pili ana ma Kula.
 Ak. 15 1/2. Siki 159 Kaul. ma Pali & Kahawai. Ak. 55. Siki 107 Kaul. ma ka Pali & Kahawai.
 Ak. 55. Num. 233 Kaul. ma Kahitapapa. Num. 47. Num. 250 Kaul. ma Mokua.
 Num. 51. Siki 145 Kaul. ma Mokua. Num. 53 1/2. Num. 176 Kaul. ma Kula, a hiki ma
 hiki i hounaka; a malaka via anapuni 17 1/2 Eka.

Apana III. He Kua' ahi Kua' ma'ia ma Kamehuna ka Apana II ma

Waikuku, Oct. 2, 1852

John L. Snow,
 Ma'ua ana aia,



2 Kaul. 1 Eka.

Ulu Iau Ioa / 5.00
W. L. Lee
G. M. Robertson
J. H. Kaulahao
C. H. Smith

Honolulu, 2, Dec, 1852.

Hulu 550¹¹³ Paluahi.

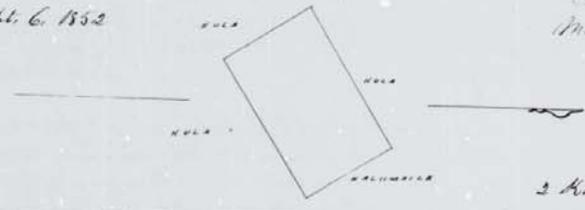
Hamaheua, Hawaii.

Apana 1.	Hi Kaulahao	Ulu Iau Ioa	Chumaka ke ana ma ke hiki Kama o Kua,
Ahau	53°	Hikina	248 Kaulahao
Ahau	32°	Komohana	4.22 " Haliimale,
Ahau	53°	Komohana	250 " Kula
Ahau	32°	Hikina	377 " "

a hiki ma hiki i hoomaka'i, a malike via anapuni i Eha.
Aha apava hu ahi mai i malike.

Wailuku, Sept. 6, 1852

John S. Green,
Ma'a ana aia.



Ulu Iau Ioa / 6.00
W. L. Lee
G. M. Robertson
J. H. Kaulahao
C. H. Smith

Honolulu, 2, Dec, 1852

Hulu 3446 Kaahu

Waiehu, Hawaii.

Hi Iiua Chumaka ke ana ma ke hiki Hikina Kama o Kua, Ah. 38 1/2. Kom. 100 Kaul. ma Kama,
Ah. 50 1/2. Hikina 160 Kaul. ma Kama, Ahau 68 1/2. Kom. 348 Kaul. wahi Paahao, Kom. 25 1/2. Kom. 34,
Kaul. ma Kula, Kom. 6 3/4. Kom. 568 Kaul. ma Kula, Kom. 14 1/2. Ah. 270 Kaul. ma Kaulahao, Ah. 68 1/2.
Ah. 148 1/2 Kaul. ma Kaulahao, a hiki ma hiki i hoomaka'i, a malike via anapuni i Eha.

Pealima 1. Chumaka ke ana ma ke hiki Kama o Kua, ma ke hiki Kama o Kua Kaulahao,
Ah. 44. Ah. 174 Kaul. Ah. 46. Ah. 104 Kaul. Ah. 46. Kom. 52 Kaul. Kom. 46. Kom. 104 Kaul.
Kom. 46. Ah. 52 Kaul. a hiki ma hiki i hoomaka'i, a malike via anapuni, 700 Eha.

Pealima 2. Chumaka ke ana ma ke hiki Komohana o Kua, ma ke hiki Hikina o Kua Pealima 1
Ah. 60 1/2. Ah. 316 Kaul. Ahau, 56. Ah. 77 Kaul. Kom. 30. Ah. 76 Kaul. Kom. 56. Kom. 77 Kaul.
Ah. 30. Kom. 7 Kaul. a hiki ma hiki i hoomaka'i, a malike via anapuni, 700 Eha.

Wailuku, Oct. 13, 1852

John S. Green,
Ma'a ana aia.

5454 Pauanihi

Iulai 17

Kula Hoohikiia

Ua ike au i 3 apana makeia mau ili ma Waiehu.

- Ap 1. 30 Loi ma Halelena
- Ap 2. 31 Loi ma Kuhimana
- Ap 3. 1 Loi in Kalahape

...3 poalima ma ka apana 1. 7 poalima ma ka apana 2....

5454 Pauanihi

July 17

Kula Swore.

I saw 3 pieces in these land sections at Waiehu.

- Piece 1. 30 Lo'i in Halelena**
- Piece 2. 31 Lo'i in Kuhimana**
- Piece 3. 1 Lo'i in Kalahape**

...There are 2 Pō'alima [lo'i] in Piece 1. There are 7 Pō'alima [lo'i] in Piece 2...

1839. His title is not disputed. There are 3 pialina bits in it.
N^o 1 & 2 are joined and are bounded Waikua by Halema's
land, Waikua by Pali, "Maikai" by Halema's land, Waikua,
by the Creek.

C. 3275 P. Hamaoale.

Hamaoale Sr. & his wife Kati-pule wrote out and sent in
Hamaoale's Claim in 1847. The Claimant has three pieces of
land in Ahikuli, Maui.

- N^o 1. is a M^o of kaka in Kaolu.
- " 2. " 17 bits in the id of Pookua.
- " 3. " 2. kaka " " " Hamaoale.

The Claimant rec^d N^o 1 & 2. from Hamaoale in the
reign of Kamehameha II. and N^o 3. from Waioaiole in 1841.
and he from his father in ancient times. There is one pialina
bit in N^o 1. His title was never disputed.

N^o 1. is bounded Waikua, by Halema's land, Waikua, by
the Creek, Maikai, by Halema's land, Waikua, by the Pali.

N^o 2. is bounded. Waikua, by Halema's land, Waikua, by
Pali. On other two sides, by Halema's land.

N^o 3. is bounded. Maikai, by Halema's land, Waikua, by
the Pali, Maikai, by Halema's land, Waikua, by the Creek.

C. 3275 M. Hamaoale.

Hamaoale Sr. This Claim was written out and sent in by Kati-
pule in 1847. The Clt. has six pieces in Waikua, Maui.

- N^o 1. is a M^o of kaka in Halema.
- " 2. " 2 bits in the id of Pookua.
- " 3. " 6 " " " Halema
- " 4. " 3 " " " Pookua
- " 5. " 5 " " " Halema
- " 6. " 2 " " " Halema.

The Claimant rec^d N^o 1. from Halema in 1835, N^o 2. from
Hamaoale in the years before 1839, N^o 3. from Halema before

No. 3274 Wianaoa

July 18, 1849

Nuuhiwa sworn He has seen 6 sections in these ilis of Waiehu and Halelena.

*First section from Mahina in 1835. Second section from eleele at the time of Pg 324 Kam. II. Third section from Kuaana at the time of Kam. II. Section 4 from Luaehu in 1839. Kuaana's land from Nawaa. Section 5 from Kihilanakea in 1839. Section 6 from Kahoa at the time of Kam. I. 1 poalima in section 1, no one has objected.

Section 1 - Taro pauku, pasture, and house at Halelena
Mauka Wahinekaahiki
Waihee Government enclosure
Makai Paaoao's (w) land
Maalaea Stream

Section 2 - 2 Taro patches at Papahawale
Kea's boundaries all around

Section 3 - 2 taro patches at Kuhimana
Mauka Pananihi
Waihee Polea's land
Makai Pepe's land
Maalaea Stream

Section 4 - 1 taro patch at Ohianui
Bounded on all sides by Luaehu's boundaries

Section 5 - 3 taro patches at Kumuiliuili
Mauka, Waihee, makai Kihilauakea
Maalaea Stream

Section 6 - Pond and house at Maluhia
Nakookoo's boundaries are on all sides.

No. 3449 Kameheu

July 18, 1849

Kapohuli sworn Kameheu died in 1848. Claim no. 3449 has been included in award no. 3446 Kaahu on July 17, 1849.

No. 2426 Kaiui

July 18, 1949

Kula sworn He has seen 3 sections in these ilis at Waiehu.

Section 1 from Eleele at the time of Kam II, section 2 from Manuela at the time of Kam II, section 3 from Makanui at the time of Kam. II. 1 Poalima in section 2, no objections.

Section 1 - 9 patches at Holoikauai
Mauka, Waihee Kaawa's land
Makai Wahinekaahiki
Maalaea Z. Nakookoo's land

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Section 2 - 13 patches at Kapoinonui
Mauka Kaliula's land
Waihee Mahiai
Makai Konohiki
Maalaea Stream

Section 3 - 1 patch at Kumuiliuili
Makanui's boundaries surround this section.

No. 3462 Kalomi

July 18, 1849

Mahi sworn He has seen 2 sections in Ahikuli ilis. These two sections from Nakookoo in 1837. 4 Poalimas in section 1, no one has objected.

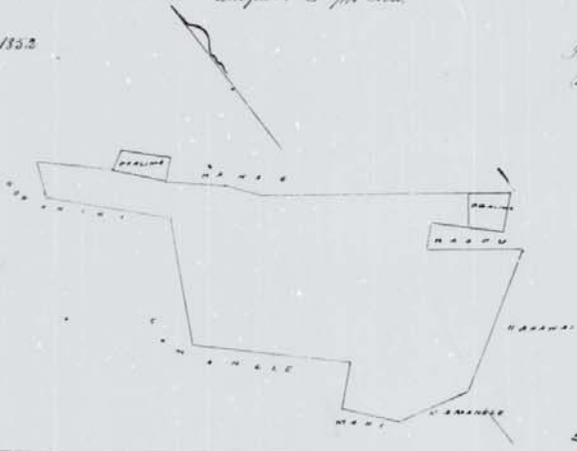
Helu 10631 Pahani

Waikua Hawaii

He Puhua Anapuaa Ahitahi E hoomaka ke ana ma ke hiki Akau Kua, Ke Komehana - Hana,
 Hana 27; Sikiina 113 Kaulahae ma Hana, Hana 20; Sikiina 124 Kaulahae ma Palima, Hana 25; Sikiina 124
 Kaulahae ma Hana, Hana 25; Sikiina 15 Kaulahae ma ke Palima, Hana 23; Sikiina 270 Kaulahae ma ke
 Hana, Hana 27 Komehana 35 Kaulahae ma ke Palima, Akau 27; Komehana 75 Kaulahae ma ke Naepu,
 Hana 68; Komehana 68 Kaulahae ma ke Naepu, Hana 27; Sikiina 205 Kaulahae ma ke Naepu, Hana
 53; Komehana 225 Kaulahae ma Kahawai, Akau 77; Komehana 136 Kaulahae ma ke Kamaui, Akau 32;
 Komehana 144 Kaulahae ma Maki, Akau 27; Sikiina 115 Kaulahae ma ke Kamaui, Akau 26; Komehana
 392 Kaulahae ma ke Kamaui, Akau 26; Sikiina 122 Kaulahae ma ke Kamaui, Akau 22; Komehana
 205 Kaulahae ma ke Kamaui & Kula, Akau 26; Sikiina 85 Kaulahae ma ke Kamaui a hiki
 ma hiki i hoomaka, a malake ia anapuaa 5 1/2 Eka.

Maduku, Oct. 12. 1852

Helu o Lani
ma ana ana.



2 Kaul 1/2

Uka Pua 1/2 6 1/2
 Uka Lani
 Uka Kaulahae
 Uka Kaulahae
 Uka Lani

Honolulu, 2 Feb. 1852

Helu 3528 Naopu

Waikua Hawaii

5 1/2
600
5 1/2

Apana I He Papatuatai E hoomaka ke ana ma ke hiki Hana Kua,
 Akau 25 1/2; Sikiina 75 Kaulahae
 Akau 27 1/2; Komehana 70
 Hana 25 1/2; Komehana 73
 Hana 27 1/2; Sikiina 70
 a hiki ma hiki i hoomaka, a malake ia anapuaa 5 1/2 Eka

Makani
 Kula & Kaula
 Komehiki
 Kahawai

Apana II He Kaulahae E hoomaka ke ana ma ke hiki Akau Kua, a hiki ma ana
 Kua a mi Pualau, Hana 24 1/2; Sikiina 205 Kaul ma Kua, Hana 26; Sikiina 276 Kaul ma Kua,
 Hana 20; Hana 206 Kaul ma Kahawai, Hana 52; Hana 156 Kaul ma Kahawai, Akau 51; Hana 67 Kaul a hiki ma ana
 Kaul ma Kahawai, Hana 53 1/2; Hana 114 Kaul ma Kahawai, Akau 51; Hana 67 Kaul a hiki ma ana
 Akau 18 1/2; Hana 125 Kaul ma Palima, Hana 67; Hana 225 Kaul ma ke Palima, Akau 50; Hana 268
 Kaul ma ke Palima, Hana 73; Sikiina 245 Kaul ma Kua, Hana 17; Sikiina 52 Kaul ma Palima,
 Akau 70; Sikiina 130 Kaul ma ke Palima, Akau 12; Hana 22 Kaul ma ke Palima, Akau 73; Sikiina 20
 Kaul ma ke Palima, Akau 27; Sikiina 132 Kaul ma ke Kua, Akau 27; Sikiina 132 Kaul ma ke Kua, Akau 25; Sikiina 233 Kaul
 ma ke Kua, Akau 27; Sikiina 273 Kaul ma Pualau a hiki ma hiki i hoomaka, a malake ia
 anapuaa 5 1/2 Eka.

Partina Ehomata ke ana ma ke kahu hema o kua, mai ke paha elima. Akau 34 1/2, Nam 28
Kaulahe Ak 34 1/2, Nam 54 Kaul. Ak 50, Hih 135 Kaul. Nam 50 1/2, Hih 54 Kaul. Nam 52 Nam
181 Kaul. a hiki ma kahi i homata, a maletia ma anapuni i ke Oka.

Apaia III Iki Pohua. Ehomata ke ana ma ke kahu hihina o kua, Nam 52 Nam 52
Kaul. ma Kahawai. Ak 52, Nam 245 Kaulahe ma ke Kahawai, Akau 68 Hihina 68 Kaul.
ma Kahawai, Nam 55 1/2, Hihina 132 Kaulahe ma Kahawai, Ak 55 Hih 16 Kaulahe ma Kahawai
Akau 53 Hih 52 Kaulahe ma ke Kahawai a hiki ma kahi i homata, a maletia ma anapuni
i ke Oka.

Wailuku, Oct. 12, 1852.

John S. Lewis
Maia ana oia.



Wm. P. Lee
W. L. Lee
C. W. Robertson
J. H. Smith

Wailuku 2 Oka 1852

Wailuku 3251 Lualaba

Wailuku, Maui

Apaia I & II Iki Pohua. Ehomata ke ana ma ke kahu hema o kua, Nam 50 Kaulahe 211
Kaulahe ma Kahawai, Akau 115, Hihina 315 Kaulahe ma Kahawai, Nam 50 1/2, Hihina 282 Kaulahe
ma Kahawai, Akau 52, Hihina 181 Kaulahe ma Kahawai, Akau 115, Hihina 265 Kaulahe ma
Kahawai ma Nam 44 1/2, Hihina 162 Kaulahe ma Kahawai, Akau 115 Kaulahe ma Kahawai
Nam 50 1/2, Kaulahe 225 Kaulahe ma ke kahu hema o kua, Nam 1, Nam 181 Kaulahe ma kahi i hiki
ma kahi i homata, a maletia ma anapuni i ke Oka.

Partina I Ehomata ke ana ma ke kahu Kahawai o kua, mai ke paha elima i ke Kahawai
Ak 15, Hihina 52 Kaulahe, Nam 68, Hihina 118 Kaul. Nam 52 Nam 52 Kaul. Ak 15 Nam 118 Kaul.
a hiki ma kahi i homata, a maletia ma anapuni i ke Oka.

Partina II Ehomata ke ana ma ke kahu Kahawai o kua, mai ke paha elima i ke Kahawai
Nam 77 1/2, Hih 126 Kaul. Ak 22 1/2, Hih 126 Kaul. Nam 58 Hih 73 Kaul. Nam 72 1/2, Nam 130 Kaul.
178 38, Nam 23 Kaul. a hiki ma kahi i homata, a maletia ma anapuni i ke Oka.

Wailuku, Oct. 12, 1852

John S. Lewis
Maia ana oia.

PAUL HIGASHINO
P.O. Box 239
Wailuku, Hawai'i 96793
(808) 280-4343

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: PAUL HIGASHINO

NAME/ ORGANIZATION/ POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE INTRODUCED BY WITNESS
Paul Higashino	Need for and use of Nā Wai 'Ehā water	2342-HIGASHINO-1 to -6

PAUL HIGASHINO

P.O. Box 239

Wailuku, Hawai'i 96793

(808) 280-4343

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

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

PARTY: PAUL HIGASHINO

EXHIBIT NUMBER	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
2342-HIGASHINO-1	County Tax Map	Testimony of Paul Higashino	
2342-HIGASHINO-2	LCA No. 3440, Native Testimony and Native Testimony Translation	Testimony of Paul Higashino	
2342-HIGASHINO-3	LCA No. 5454:2, Native Testimony and Native Testimony Translation	Testimony of Paul Higashino	
2342-HIGASHINO-4	LCA No. 3275M and Foreign Testimony	Testimony of Paul Higashino	
2342-HIGASHINO-5	LCA No. 3274:1 and Native Testimony Translation	Testimony of Paul Higashino	
2342-HIGASHINO-6	LCA No. 3528:1 and Foreign Testimony	Testimony of Paul Higashino	

Item No.	Description	Quantity	Unit	Rate	Total
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