

KIMBERLY PAUAHI LOZANO

P. O. Box 2082

Wailuku, Hawai'i 96793

(808) 868-0375

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 KIMBERLY PAUAHI |
| Standards, Nā Wai 'Ehā Surface Water |) | LOZANO; EXHIBITS "2371-LOZANO-1" - |
| Management Areas of Waihe'e, Waiehu, |) | "2371-LOZANO-3" |
| 'Āao, & Waikapū Streams, Maui |) | |
| |) | |
| |) | |

TESTIMONY OF KIMBERLY PAUAHI LOZANO

1. This testimony is provided in support of Surface Water Use Permit Application ("SWUPA") No. 2371N, filed with the Commission on Water Resource Management on April 30, 2009, for two parcels in 'Āao, Tax Map Key ("TMK") Nos. (2) 3-4-036:001 and (2) 3-4-036:010. I have owned this land since 2000 which I received from my parents, Andrew Lozano, Jr. and Sharon Lozano.

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.

3. I am a descendant of native Hawaiians who inhabited the Hawaiian Islands prior to 1778. Pursuant to Article XII, Section 7 of the Hawai'i Constitution and Hawai'i Revised Statutes ("HRS") section 174C-101, my new uses of stream water are a traditional and customary cultural practice that are a protected public trust purpose.

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

5. Based on the information set forth below, if appurtenant rights survived the deed's reservation, I request recognition of appurtenant rights for Parcel 1 and Parcel 10 in the amount of 402,000 gallons per day ("gpd"). I request a Surface Water Use Permit for my future reasonable-beneficial use for Parcel 1 and Parcel 10 of 57,217.5 gpd.

QUANTIFICATION OF APPURTENANT RIGHTS

6. My land is comprised of two TMKs: TMK No. (2) 3-4-036:001, Parcel 1, includes Land Commission Awards ("LCA"), LCA No. 2435 to Kahooke, confirmed by Royal Patent ("RP") No. 6397 and LCA No. 2458 to Kawaiohia, confirmed by RP No. 6066. Additionally, TMK No. (2) 3-4-036:001 includes a pō'alima. TMK No. (2) 3-4-036:010, Parcel 10, is also made up of LCA No. 2435 to Kahooke and LCA No. 2458 to Kawaiohia. I am attaching various Māhele documents that confirm water use on Parcel 1 and Parcel 10 at the time that it was converted to fee simple.

7. Attached as "2371-LOZANO-1" is a true and correct copy of LCA No. 2435 to Kahooke, RP No. 6397, the foreign testimony supporting the award, the translation of native testimony, and the survey boundaries. LCA No. "2434" has mistakenly been used in the foreign testimony, translation of native testimony and survey boundary, to describe LCA No. 2435. The confusion may stem from RP 6397, in which "2434" was initially written by mistake and "2435" was written over it. In addition, the survey drawing and boundary noted for LCA No. 2434,

match the drawing and boundary of the parcel identified in LCA No. 2435. Therefore LCA No. 2435 and 2434 are one and the same and represent LCA No. 2435 to Kahooke.

8. Attached as “2371-LOZANO-2” is a true and correct copy of LCA No. 2458 to Kawaiohia, RP No. 6066, the translation of the native testimony, the native register as well as its transcription and translation, and the survey boundaries. LCA No. “2438” has mistakenly been used in the native testimony and native register to describe LCA No. 2458. The survey drawing and boundary noted for LCA No. 2458 match the drawing and boundary of the parcel identified in LCA No. 2458. Additionally, LCA No. 2458 states that Kawaiohia’s kuleana lands are located in the two ‘ili of Umieu and Waiau, which are the same two ‘ili where Kawaiohia’s kuleana are located in the foreign testimony and the translation of the native testimony of the mistakenly labeled LCA No. “2438.” Therefore, LCA No. 2458 and “2438” are one and the same and represent LCA No. 2458 to Kawaiohia.

9. Attached as “2371-LOZANO-3” is a true and correct copy of the County tax map for Parcel 1, a screen shot of the County tax map of Parcel 10 and a map showing the acreages of Parcel 1 and Parcel 10. Also attached is a true and correct copy of a map highlighting the ‘ili names of Waiauiki, from LCA No. 2435 and Umieu, from LCA No. 2458. Waiauiki and Umieu are the ‘ili names of where my property is located.

10. The documents in 2371-LOZANO-1, referring to LCA No. 2435, confirm that in the ‘ili of Waiauiki, wetland kalo was cultivated: the foreign testimony notes “one piece of kalo land” with “3 poalima loi's in it;” and the translation of the native testimony similarly states a “parcel of taro” with “three po‘alima in it.” Having consulted with experts in Nā Wai ‘Ehā land tenure at the time of the Māhele, I understand that pō‘alima in Nā Wai ‘Ehā, including mine, were all cultivated in lo‘i kalo.

11. The documents in 2371-LOZANO-2, referring to LCA No. 2458, confirm that in the 'ili of Umieiu, wetland kalo was also cultivated: the native register notes "6 loi i Umieiu" and the translation confirms "6 taro patches at Umieiu." And the translation of the native testimony states "taro land in the 'ili of Umieiu." As noted above, in Nā Wai 'Ehā, a pō'alima means there was a lo'i, therefore when documents specify pō'alima it refers to one or many lo'i.

12. Based on the Māhele documents in 2371-LOZANO-1 and 2371-LOZANO-2, 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 1.34 acres (1.14 acres (Parcel 1) + 0.20 acres (Parcel 10) = 1.34 acres) using traditional methods.

13. 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.

14. Thus, in my best estimation, the water right appurtenant to Parcel 1 and Parcel 10 is 402,000 gpd (1.34 acres x 300,000 gad).

AMOUNT REQUESTED UNDER PERMIT

15. I seek to use water from the 'auwai that runs adjacent to my land for Parcel 1. The source of this water is a spring. The water flows out of the spring through an open ditch toward 'Īao Stream. The water enters and crosses my land Parcel 10 and then flows into a culvert connected to underground tunnels under my neighbors properties before returning to the 'Īao Stream. I would access water from the 'auwai with pipes and culverts to transport water to Parcel 1. The outflow from my lo'i kalo will return to the 'auwai and eventually back into 'Īao

Stream. I am requesting a permit for the amount of water necessary to irrigate the kalo and for these domestic uses.

16. I plan on using a total of 0.855 acres (1.14 acres (Parcel 1 property area) – 0.285 acres (approximate footprint of my house) = 0.855) within Parcel 1 for domestic water use, including watering my yard and non-commercial garden. Based on a water duty of 2,500 gad (the amount the Water Commission allocated to diversified agriculture in the Waiāhole decision) I require 2,137.5 gpd (0.855 acres x 2,500 gad) for my domestic uses.

17. As described in my SWUPA, I would like to restore 0.1836 acres of lo'i kalo on Parcel 10. Based on the water duty for kalo of 300,000 gad, I therefore require 55,080 gpd (0.1836 acres x 300,000 gad), which is less than my appurtenant right, for wetland kalo cultivation.

18. Altogether, I require 57,217.5 gpd for my domestic uses and to cultivate wetland kalo.

REASONABLE-BENEFICIAL ANALYSIS

19. 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.

20. The quantity I am requesting is necessary for the economic and efficient irrigation to cultivate kalo on Parcel 10, along with a small non-commercial garden including dry land kalo, banana, coffee, papaya, kale, other tropical flowers, fruits, vegetables, and traditional medicinal herbs used by my Tutu Naka'ahiki and Tutu Thomas, such as pōpolo, 'uhaloa, and

'ōlena on Parcel 1. Both TMK cultivations will be used to feed my 'ohana and will be shared with neighbors and community members. Additionally, I have studied lā'au lapa'au and will use the medicinal herbs to cure common ailments for myself and my 'ohana. My use of stream water is economic and efficient, as I will use only the amount needed to irrigate my wet and dryland kalo and non-commercial garden, and I will implement measures to minimize water loss, including using pipes, which reduce evaporation and leakage.

21. My use of stream water to irrigate and cultivate kalo and my non-commercial garden is also consistent with the state and county land use plans and the public interest. The land in Parcel 1 and Parcel 10 is classified by the State and County as agricultural. The water use on my land for domestic cultivation is in the public interest and fulfills a public trust purpose.

ALTERNATIVES ANALYSIS

22. Because my land has appurtenant rights to stream water, and I have traditional and customary rights as a Native Hawaiian, 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 will use a reasonable amount of 'auwai water to maintain my non-commercial kalo cultivation, garden of fruits and flowers, 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 'Īao 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 will be a small, non-commercial, domestic water user.

SUMMARY

24. In sum: (1) my domestic water use is a protected public trust purpose; (2) my 'ohana's traditional and customary right to grow kalo is a protected public trust purpose; (3) the exercise of my appurtenant right is a protected public trust purpose; (4) if appurtenant rights survived the deed's reservation for Parcel 1 and Parcel 10, I am entitled to 402,000 gpd; (5) at this time, I request a permit for my future reasonable-beneficial uses on the property of 57,217.5 gpd, and this amount will be used to irrigate my kalo and non-commercial garden, which is a reasonable-beneficial use of stream water. There is no practicable alternative.

I, KIMBERLY PAUAHI LOZANO, do declare under penalty of law that the foregoing is true and correct.

Dated: Wailuku, Hawai'i, 12/14/2015



KIMBERLY PAUAHI LOZANO
WATER USE PERMIT APPLICANT PRO SE

Ukupa'aua

\$17.00

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

Honolulu Januani 7. 1854.

Kelu 3335 Naonohi

Hailukuw. Maui.

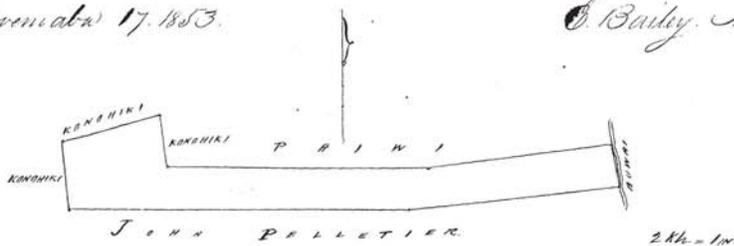
Kele o Pahale ma ka iwi o Kapala'aua.

Chumaka ma ke hiki Kikina a o holo

| | | | | | |
|----------|--------|------|------|----------|---|
| Ku | 83° | Ko | 4.13 | M. ma ke | John Pelletier |
| Kamihana | furui. | 6.16 | " | " | " |
| M. | 4' | Ko | 130 | " | Kamihiki. |
| M. | 75 1/2 | Ko | 196 | " | " |
| Ko | 6 3/4 | Ko | 102 | " | " |
| M. | 89 3/4 | Ko | 5.10 | " | " o Paui. |
| M. | 82 1/2 | Ko | 3.48 | " | " |
| Ko | 12° | Ko | 78 | " | ka auwau a hiki ma ke hiki maui - 27/100 Eka. |

Hailukuw. Awemaka 17. 1853.

C. Bailey. Maanana.



Ukupa'aua

\$14.00

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

Honolulu Januani 7. 1854.

Kelu 2435 Kahooke

Hailukuw. Maui.

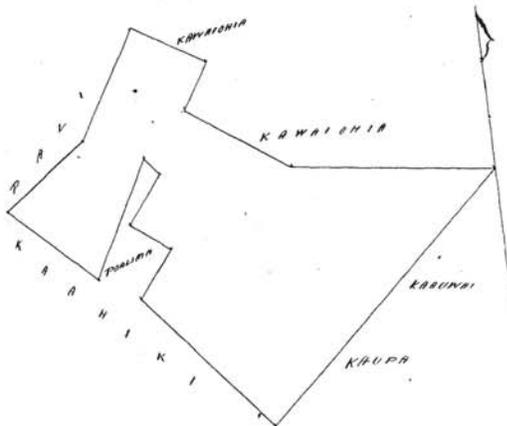
Maaka ili o Kana'auki.

Chumaka ma ke hiki Kikina a o holo

| | | | | | |
|----|--------|----|------|----------|--|
| Ku | 46 1/4 | Ko | 6.41 | M. ma ke | Kaauwai o Kana'a |
| M. | 41 1/4 | Ko | 3.50 | " | Kaahiki. |
| M. | 36 3/4 | Ko | 1.12 | " | ka Pealima. |
| M. | 54 1/2 | Ko | .88 | " | " |
| M. | 34 3/4 | Ko | 1.10 | " | " |
| M. | 38° | Ko | .36 | " | " |
| Ko | 28° | Ko | 2.13 | " | " |
| M. | 46 3/4 | Ko | 2.18 | " | ka Kahiki. |
| M. | 52 1/2 | Ko | 1.89 | " | ka Paui. |
| M. | 30° | Ko | 2.38 | " | " o Pealima. |
| Ko | 60 3/4 | Ko | 1.57 | " | ka Kana'auki. |
| Ko | 30 1/2 | Ko | 1.02 | " | " |
| Ko | 56° | Ko | 2.14 | " | " |
| Ko | 82 3/4 | Ko | 4.00 | " | a hiki ma ke hiki maui - 2 73/100 Eka. |

Hailukuw. Awemaka 25. 1853.

C. Bailey. Maanana.



Ukupaulea \$5.00
 W. L. Lee
 G. M. Robertson
 C. H. Smith
 J. Kaulahao

Honolulu Januari 7. 1854.

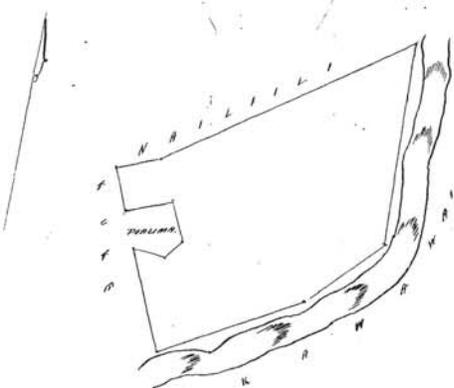
Lotu 2523. Nakahookolo (Hailukoh. Hawaii.

Kalo & Pahale 30. moa kaula i Hawaii.

Chunaka mahe kiki Hawaii a e holo.

| | | | | | |
|-----|--------|-----|-----|-----|------------------------------------|
| Mk. | 23 1/2 | Ko. | 200 | Sh. | mahe kiki |
| Ko. | 83° | Ki. | 55 | " | ke Paalima. |
| Mk. | 35° | Ki. | 45 | " | " |
| Mk. | 25° | Ko. | 74 | " | " |
| Ko. | 69 1/4 | Ko. | 88 | " | " |
| Mk. | 23 1/2 | Ko. | 78 | " | ke kiki. |
| Mk. | 66 1/2 | Ki. | 81 | " | ke kiki. |
| Mk. | 54° | Ki. | 534 | " | " |
| Ko. | 2° | Ki. | 386 | " | ke Hawaii. |
| Ko. | 43° | Ko. | 199 | " | " |
| Ko. | 60 3/4 | Ko. | 287 | " | a kiki mahe kiki mahe 1 7/100 Eka. |

Hailukoh Hawaii 25. 1853. C. Bailey. Maamua.



Ukupaulea \$5.00
 W. L. Lee
 G. M. Robertson
 C. H. Smith
 J. Kaulahao

Honolulu Januari 7. 1854.

HELU 6397



PALAPALA SILA NUI

A KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

NO KA MEA. Ua hooalo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko
ma ke **Ano Alodio** iloko o kahi i oleloia malalo. Kuleana Helu 2435

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o ^{Lemahilo} ~~Kamehameha V~~, ke Alii Nui a ke Akua i
Kona lokomaikai i hoonoho ni maluna o ko Hawaii Pae Aina, i na kaaaka a pau, i keia la nona iho, a no
kona mau hope alii, ua haawi aku oia, ma ke **Ano Alodio** i ^{Wailuku} ~~Maui~~
i kela wahi a pau loa ma ^{Maui} ~~Maui~~ penei na mokuna:

Chomatawa ma Ke Kiki Aik. a kolo

| | | | |
|--------|---------|------|-----------------------|
| No 466 | No 6.44 | Raul | ma Ke Kuanwai & Hanpu |
| Ok 41 | " | 3.57 | " |
| " 36 | Hi | 1.12 | " |
| " 54 | Ke | .88 | " |
| " 34 | Hi | 1.10 | " |
| " 38 | Ke | .38 | " |
| No 28 | " | 2.43 | " |
| Ok 46 | " | 2.18 | " |
| " 52 | Hi | 1.89 | " |
| " 30 | " | 2.38 | " |
| Ok 40 | " | 2.54 | " |
| " 30 | Ke | 1.02 | " |
| " 56 | Hi | 2.04 | " |
| " 82 | " | 4.00 | " |

a hiki i ke kiki ma. No 2 ¹/₁₀₀ Eka.

ROYAL PATENT NO. 6397

OFFICE OF THE REGISTER OF PATENTS



[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

Maloko o *Rua* Apana *ma 2 1/3* Eka

a oi iki aku, a emi iki mai paha. Ua koe nae i ke Aupuni na mine minerela a me na metela a pau.

No

Kahooko.

ua aina la i haawiia ma ke **Ano Alodio** a no kona mau hooilina, a me kona waihona; ua pili nae ka auhau a ka Poe Ahaolelo e kau like ai ma na aina alodio i kela manawa i keia manawa.

A I MEA E IKEA AI, ua kau au i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae
Aina ma Honolulu i keia la *21* o *Julai* 1873,

By the King
The Minister of Interior
Lunalilo K.
Edwin O. Hall.

FOREIGN TESTIMONY

C. 2618. Pihai

Kanaiakulu Sen. I know the lands of the Ct. They consist of 2 pieces, in Wailuku.

N^o 1. is a kaha land in Kiwaka

" 2. " " 3 loia " Kiipae.

The Ct. rec^d the first land from Auwae before 1830, and the second from me before 1840, and has possessed them in peace ever since.

N^o 1. is bounded Maunua, by Kanaiakulu's land. Waikae, by Makai's side, by Hoopiainai's land. Maalaea, by the Crk. of

N^o 2. is bounded Maunua, by my land. Waikae, by Kanaiakulu's land. Makai, by my land. Maalaea, by the Crk. of Wailuku.

C. 3536. Kuahine.

Kuahine Sen. I know the lands of the Ct. It is one piece of kaha & kaha land in the ili of Halekone. Wailuku

The Ct. is a son of the land, and rec^d this piece from his father in the days of Kamehameha I, and his title was never been disputed. There are 4 pualima loia in it.

It is bounded Maunua, by the ili of Mamama. Waikae, by the Pali of Wailuku. Makai, by the ili of Kuahine. Maalaea, by the Crk. of Wailuku.

C. 2434. Kahoko.

Kahoko Sen. I know the land of the Ct. It is one piece of kaha land, in the ili of Waiaunuu, Wailuku, Maui.

The Ct. rec^d this land from his father. His father had the land in the years of Kamehameha I. His title is not disputed. There are 3 pualima loia in it. belonging to Naea.

It is bounded. Maunua, by my land. Waikae, by the Pali. Makai, by Kamehameha's land. Maalaea, by the King's Eka.

No. 4917 - Kamaka

Page 614

Pokii sworn: I know his land in Wailuku, two parcels.

Parcel 1. Taro land in the 'Ili of Kiiwela 1.

" 2. House lot in the 'Ili of Pauniukai

They were from Auwae before 1830. There is no opposition. Three po'alima are in Parcel 1, for Kalawaihonu.

1. Mauka, Kiiwela 2, an 'Ili, Waihee, Hoopiaina, makai, my land, Maalaea, government tētī.

2. Surrounded by the land of Naea.

No. 2618 - Pokii

Kaneiaulu sworn: I know his land at Wailuku, two par-

Page 615

cels. Parcel 1. Taro land in the 'Ili of Kiiwela 1.

" 2. 3 taro lo'i in the 'Ili of Kuipau

Parcel 1 was from Auwae, before 1830. Parcel 2 was from me, in 1840. There is no opposition.

1. Mauka, Kamaka, Waihee, Hoopiaina, makai, the same, Maalaea, government tētī.

2. Mauka, my land, Waihee, Kanakeawe, makai, my land, Maalaea, Wailuku stream.

No. 3536 - Kuahine

July 9, 1849

Kahili sworn: I know of one parcel of taro and kula in the 'Ili of Halekou in Wailuku. His land was from his makuakane, from the time of Kamehameha I. There is no opposition. There are four po'alima in it. It is bounded mauka by the 'Ili of Maniania, Waihee by the Pali of Wailuku, makai by the 'Ili of Kahiki, Maalaea by Wailuku stream.

No. 2434 - Kahooke

Kaahiki sworn: I know his parcel of taro in the 'Ili of Waiau-nui in Wailuku. His land was from his makuakane, who died in 1843. Kahooke was his heir. There is no opposition. There are three po'alima in it. It is bounded mauka by Kaahiki, Waihee, by the Pali of Wailuku, makai by Kawaihia, Maalaea, by an acre of sugar cane for the Mo'i.

No. 3466 & 3473 - Kaiiae

Kalawaihonu sworn: I know of two parcels in the Ahupua'a of Wailuku.

Parcel 1. Taro mo'o at Kopanui

" 2. " " "

It is an ancient land, from Auwae, before 1830. There is no opposition. There are four lo'i po'alima, however, separated by walls.

2371-LOZANO-1-P.6

SURVEY BOUNDARY

KAHOOKE - WAILUKU - MAUI

L. C. A. 2434
 R. P. 6397
 Bk. 7, Page 494

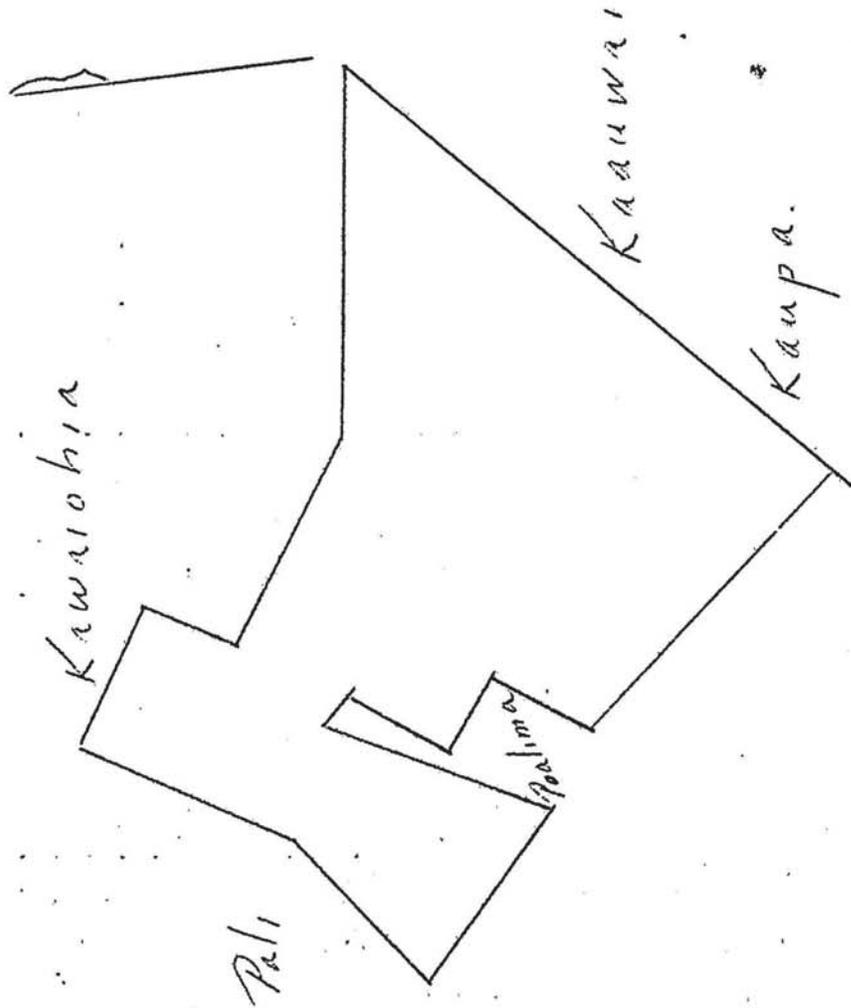
| | |
|---------------------------------------|-----------------------------------|
| Beginning at the East corner and run: | 6.41 chains along Kaaupai & Kaupa |
| S. 46 $\frac{1}{4}$ ° W. | " " " " " " " " " " " " |
| N. 41 $\frac{1}{4}$ ° W. | " " " " " " " " " " " " |
| N. 36 $\frac{1}{4}$ ° E | " " " " " " " " " " " " |
| N. 54 $\frac{1}{4}$ ° W. | " " " " " " " " " " " " |
| N. 34 $\frac{3}{4}$ ° E. | " " " " " " " " " " " " |
| N. 38° W. | " " " " " " " " " " " " |
| S. 28° W. | " " " " " " " " " " " " |
| N. 46 $\frac{3}{4}$ ° W. | " " " " " " " " " " " " |
| N. 52 $\frac{1}{2}$ ° E. | " " " " " " " " " " " " |
| N. 30° E | " " " " " " " " " " " " |
| S. 60 $\frac{3}{4}$ ° E | " " " " " " " " " " " " |
| S. 30 $\frac{1}{2}$ ° W. | " " " " " " " " " " " " |
| S. 56° E | " " " " " " " " " " " " |
| S. 82 $\frac{1}{2}$ ° E. | " " " " " " " " " " " " |
| | to the beginning. |

Area 2 73/100 Acres

Nov. 25, 1853

2371-LOZANO-1-P.7

SURVEY BOUNDARY



2371-LOZANO-1-P.8

W. H. Ke
L. A. S.
S. M. Robertson
J. H. Smith

Honolulu, Tulai 24, 1851.

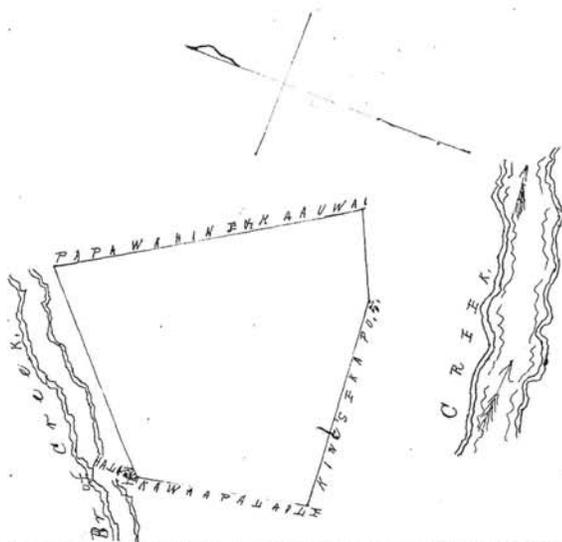
Kolu 3260 Lulana

Wailuku Maui

Palapala no ke ana ana i ke Kuluana 3260 no Lulana ma ka ili o Pohoakua to auhi i Wailuku, Mokuupuni, Maui.

E hoomaka i ke ana ana o ke ana ana ma ka ma kiki Akau i pili ana me ke Papawahine, a me ke Kawaihia, a e holo ana. He. 3115 Ni. 4.85 Kaulahao ma ke Papawahine & Kaamui. He. 644 Ni. 1.42 Kaulahao ma ke Palima. He. 86 Ni. 3.30 Kaulahao ma ke Eka o ke Ali. He. 11 Ni. 2.70 Kaulahao ma ke Kawaapalaole. He. 4630 Ni. 3.55 Kaulahao ma ke Lalo o ke Ahahawai i hahi i hoomakai, a maloko via apana 153/100 Eka.

E. Bailey
Mea ana



Uku pawa loa

\$5.00

W. H. Ke
L. A. S.
S. M. Robertson
J. H. Smith

Honolulu, Tulai 24, 1851.

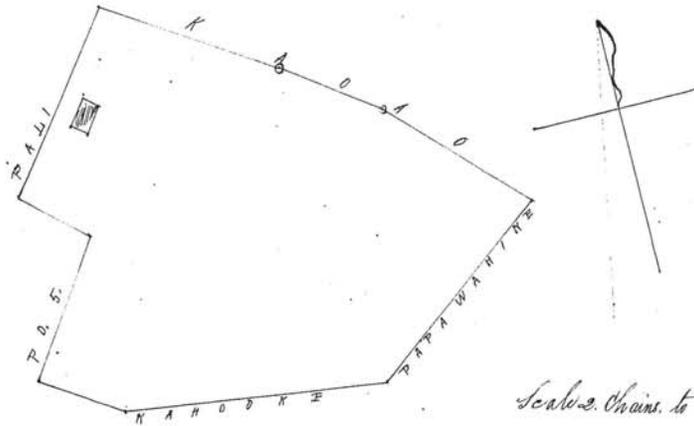
Kolu 2458 Kawaihia

Wailuku Maui

Palapala no ke ana ana i ke Kuluana 2458 no Kawaihia ma ka ili o Umuia & Waiau, ma Wailuku Mokuupuni o Maui.

E hoomaka ma ke kiki Kihina o ke ana ana me ke Karas a e holo ana He. 4 Ni. 2.73 Kaulahao ma ke Karas. He. 5415 Ni. 1.70 Kaulahao ma ke Kaamui. He. 58 Ni. 3.00 Kaulahao ma ke Karas i ke pahi. He. 3630 Ni. 3.24 Kaulahao ma ke pili & Eka o ke Ali. He. 47 Ni. 1.37 Kaulahao ma ke Palima. He. 3315 Ni. 2.40 Kaulahao ma ke Palima i Kahooki. He. 5715 Ni. 1.40 Kaulahao ma ke Kahooki. He. 8831 Ni. 4.96 Kaulahao ma ke Kahooki. He. 5215 Ni. 3.64 Kaulahao ma ke Papawahine, a hiki i hahi i hoomakai, a maloko via apana 326/100 Eka.

E. Bailey
Mea ana



Uku paan loa

\$6.00

W. L. L. L.
 L. L. L. L.
 G. M. Robertson
 J. K. Kaulahao
 J. H. Smith

Honolulu, Tulai 24, 1851.

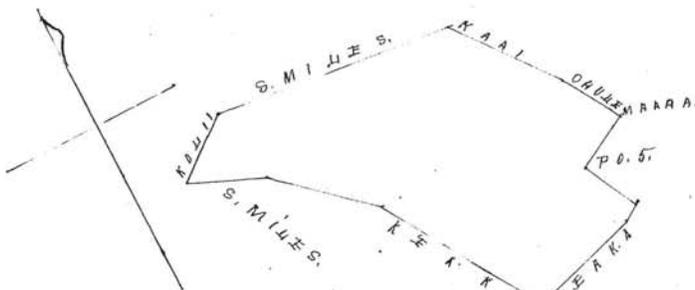
²² Hele 2567, ¹¹ Kaawa

Wailuku, Hawaii

Palapala me ke ana ana i ke Kaulana 2567 no Kaawa, ma ka ili o Kuuahana i Wailuku, Moku o Hawaii o Hawaii.

E hoomaka ma kona kihi Ahan, o pili ana me Kolu a i holo ana. He 23⁴⁵ 389 Kaulahao ma ko S. Niles i Kaavi. He 36¹⁵ 197 Kaulahao ma ko Kaavi i Chule. He 24³¹ 184 Kaulahao ma ko Chule i Maaha. He 25³⁰ 10 Kaulahao ma ko Maaha i po 5. He 6³ 100 Kaulahao ma ko Poalima. He 25³⁰ 100 Kaulahao ma ko Poalima i Keaka. He 64³⁰ 59 Kaulahao ma ko Keaka. He 73³⁰ 185 Kaulahao ma ko Keaka. He 31³⁰ 292 Kaulahao ma ko Keaka. He 48¹⁵ 185 Kaulahao ma ko Keaka. He 65⁴⁵ 126 Kaulahao ma ko S. Niles i Kolu. He 53³⁰ 179 Kaulahao ma ko Kolu. He 51¹⁵ 36 Kaulahao ma ko Kolu, a kihi i kihi i hoomaka i a maloko o keia Apana 14/100. Eka.

E. Bailey,
 Mea ana



Uku paan loa

\$5.00

W. L. L. L.
 G. M. Robertson
 J. H. Smith
 J. K. Kaulahao

Honolulu, Tulai 24, 1851.

2371-LOZANO-2-P.2

HELU 6066

PALAPALA SILA NUI

A ke Alii, mamuli o ka olelo a ka Poe Hoona Kuleana,

NO KA MEA; Ua hoooho na Luna Hoona i na kumu kuleana aia i ka olelo, he kuleana olelo ko *Kawaihia* Kuleana Holu *2658* ma ke **Ano Alodio** iloko o kahi i oleloia malai:

Nidala, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV., ke Alii nui a ke Akua i kona lokomaikai i hoonoho ai malua o ko Hawaii Pae Aina, i na kanaka a pau, i kela la nona iho, a no kona man hope alii, ua haawi aku ola, ma ke **Ano Alodio** ia *Kawaihia* i kela *Paul* wahi a pau loa ma *Wailuku* *St. Ann's & Waiau* ma ke mokuani o *Paul* penei na mokuna:

Ehoomaka ma ke kahi Wai Pali me ko Karoo-atah

| | | | | | |
|-------------|--------------|------------|-------------|------------|-----------------------------------|
| <i>Man</i> | <i>45</i> | <i>Non</i> | <i>2.73</i> | <i>Man</i> | <i>Ma ko Maoo</i> |
| " | <i>54.15</i> | " | <i>1.70</i> | " | " |
| " | <i>38</i> | " | <i>3 -</i> | " | <i>Ma Pali</i> |
| <i>Wema</i> | <i>36.30</i> | " | <i>3.24</i> | " | <i>Ma Pali & Ma Eka-akela</i> |
| " | <i>49</i> | <i>Wai</i> | <i>1.27</i> | " | <i>Paolina</i> |
| " | <i>38.15</i> | <i>Non</i> | <i>2.40</i> | " | <i>Ma Kahootie</i> |
| " | <i>54.15</i> | <i>Wai</i> | <i>1.40</i> | " | <i>Ma Kahootie</i> |
| " | <i>82.30</i> | " | <i>4.26</i> | " | " |
| <i>Man</i> | <i>52.15</i> | " | <i>3.64</i> | " | <i>Papawaiine</i> |
| | | | | | <i>Ma kahi ma 3.26 Eka</i> |

No. 3214 - Ehu

Page 637

Maaha sworn: I know his land in Kalua, Wailuku, one parcel. It was from Nahalepuoa before 1829. There is no opposition. It is bounded mauka by Haleola, Waihee and makai, the same, Maalaea by Hamanalau.

No. 3485 - Kaono

Kahula sworn: I know of one parcel of taro at Kukuialaimaka, Wailuku. It was from B. Mahune in 1843 and B. Mahune had it from the Mo'i. Kaono died in 1848. His heir is his daughter Nika. It is bounded mauka by Paele, Waihee by Hoopiaina, makai by Konohiki and the Mo'i, Maalaea by Paele.

No. 2438 - Kawaiohia

Kaoao sworn: I know his three parcels of land at Wailuku in the following 'Iilis:

| | |
|-----------|--------------------------------|
| Parcel 1. | Taro land in the 'Ili of Umieu |
| " 2. | " " " " Waiiau |
| " 3. | " " " " " |

Page 638

These three parcels were from Kailihiwa in 1835. There is no opposition.

2. The boundaries are as follows: mauka by Pahupu, Waihee by Kahooke, makai by Kaoao, Maalaea by Wailuku stream. Parcels 1 and 2 are combined.

3. is bounded mauka by Kahooke, Waihee, the same, makai by Pahupu, Maalaea by Kahooke.

No. 2428 - Kaoao

July 11, 1849

Kawaiohia sworn: I know of one parcel in the 'Ili of Umieu, Wailuku. It was from Mauhili in 1837. There is no opposition. It is bounded mauka by my land, Waihee by Mauhili, makai, the same, Maalaea, by Kahawai.

No. 4441 - Kapahi

Pupuka sworn: I know of one parcel in the 'Ili of Lamalii, Wailuku. His land was from me in 1837. There is no opposition. It is bounded mauka by my land, Waihee, the same, makai by Naea, Maalaea, my land, and Naea, and the Mo'i.

No. 2452 - Kane

Kuahine sworn: I know of one parcel of taro in the 'Ili of Kaohe, Wailuku. His land was from Kalawaiahonu in 1845. One po'alima in it is for Kalawaiahonu. There is no opposition. It is bounded mauka by Naea, Waihee by Pali of Wailuku, makai by Kalawaiahonu, Maalaea by Pali of Wailuku.

NATIVE REGISTER

499

2437

Kiukue

Honouaunala Dec. 26. 1847

Aiuea oukou e na luna honoua
 He hoi aku nei au ia oukou. Ou au o Kiukue.
 aia i Matuaka oia ili aia o hoi mau
 ili aia no nae ia iha paa i ha paa iha hahahi
 wahi o na aia nei ou. He holo maloko oha
 pa e hu nei. Akau o Kaeo. Kikina ha Welaun-
 apuu, Hema Mooki, Komohana he Alaloa
 Hoike, Kalama.
 Kare na Kiukue.

Mauu

2438

Hawaishia

Na na luna honoua. Oia kou
 kuleana aia hahahale ma ka ili aia o
 Umiere a me Waiaunui. 4 loi ma Waiaunui
 6 loi i Umiere. Oia kou kuleana

Na Kawaishia Wailuku
 Mauu Dec. 22. 1847

Na na haku ili aia i haawi i na mahua
 o hae wahine, na na mahua i haawi i
 hae wahine, na hae wahine i haawi
 iare. Oia wau malalo o ha haku ili aia

Mauu

2439

Kalapa

Dec. 30 M. 1847

Aiuea ou e B. Kuuwai, eia ka-
 hi mea hoi aku no kahi kuleana ka-
 hiko mai ka manawa no o kaku i
 Waikoo mailaila no ka loaa ana o kela
 mau wahi loi aia ma Kalaula o Helo-
 lou, oia ke kumu no Kahilikaula mai
 oia wahi loi oia kahi kuleana o ka
 noho ana i Wailuku a mahope loaa
 mai ia oia kahi noho a me kahi ma-
 hi oia ka mea hoi aku, ina he pono
 mau no e hana iho ka pono a me ka
 ole Paa. Aloha oia me ka malu i ke
 Akua a me na Keiki
 Na Mi Kalapa
 Wailuku Mauu

Mauu

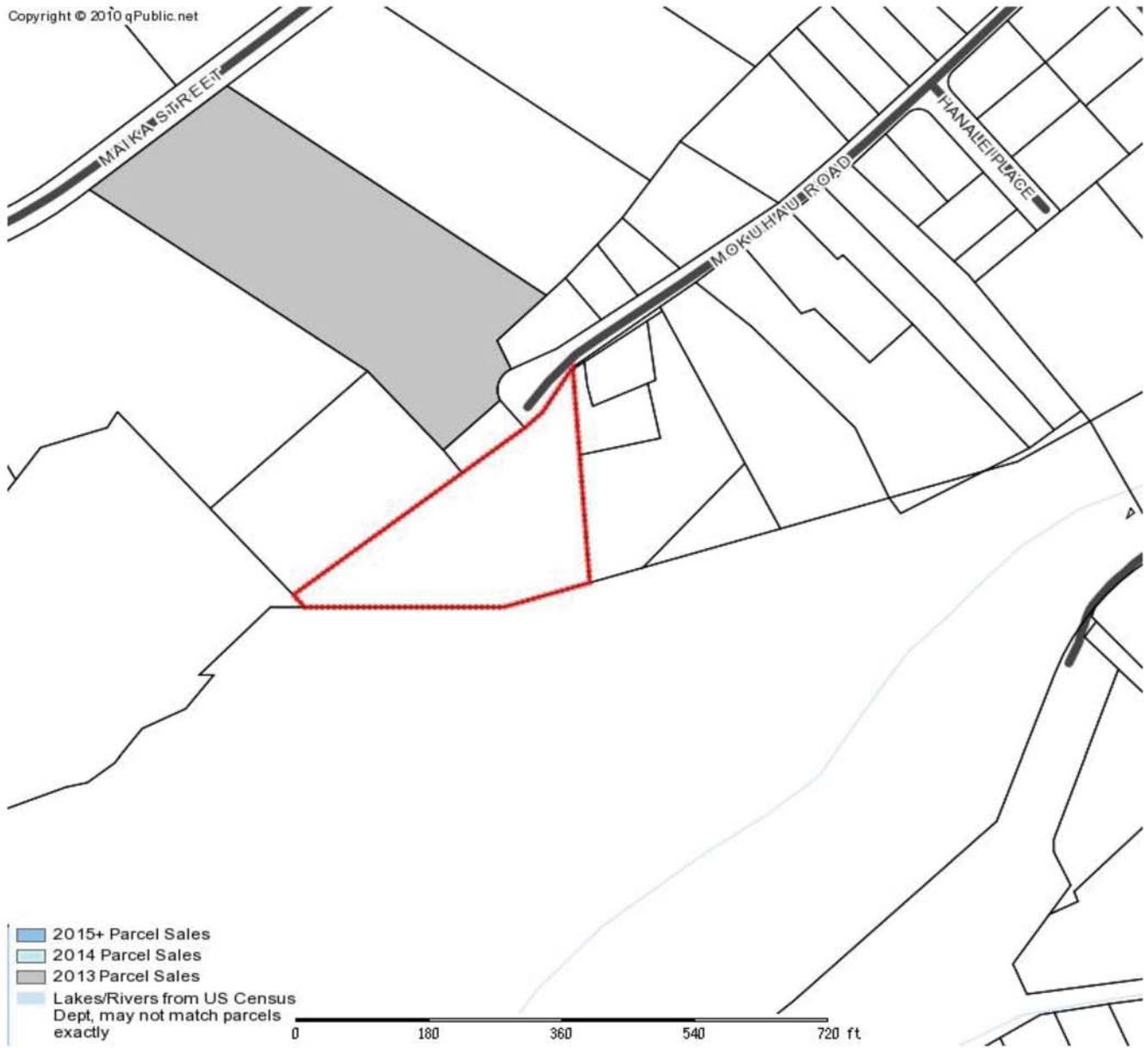
NATIVE REGISTER
LCA 2458
TRANSLATION

"Eia ko'u kuleana aina kahuahale ma ka ili aina o Umieu a me Waiiaunui. 4 loi ma Waiiaunui 6 loi i Umieu"

"Here is my kuleana, a house in the 'ili of Umieu and Waiiaunui. 4 taro patches at Waiiaunui 6 taro patches at Umieu."

PARCEL 1

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Maui County Assessor

Parcel: 340360010000 Acres: 1.14

| | | | |
|-------|----------------------------------|----------------|--------------|
| Name: | LOZANO, KIMBERLY PAUAAHI | Land Value | \$100,300.00 |
| Site: | 0 MOKUHAU RD | Building Value | \$0.00 |
| Sale: | | Misc Value | \$0.00 |
| Mail: | P O BOX 2082 WAILUKU HI 96793 | Just Value | \$0.00 |
| | | Assessed Value | \$100,300.00 |
| | | Exempt Value | \$0.00 |
| | | Taxable Value | \$100,300.00 |



The Maui County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER MAUI COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 11/01/15 : 19:42:50

2371-LOZANO-3-P.1

PARCEL 10

Controls

- Available Layers
- Parcels
- Yearly Sales
- Parcel Numbers
- Roads
- Tsunami Evacuation Zones
- Flood Hazard Areas
- State Land Use Districts
- Special Management Area
- Streets (Google)
- Satellite (Google)
- Hybrid (Google)
- Physical (Google)
- qPublic BaseMap

Map data © 2015 Google

Terms of Use Report a map error

Reports

Parcel

View in: [Pictometry](#) | [Google Earth](#) | [Bing Maps](#) | [Google Maps](#)

| Parcel Information | |
|-------------------------|--|
| Selected Parcel | 3403501000000 (Click for Complete Card) |
| Land Size | 8728 Square Feet |
| Name | LOZANO,KIMBERLY PAUAHI |
| Mailing Address | P O BOX 2082 WAILUKU HI 96793 |
| Situs/Physical Address | 0 MOKUOHOU RD |
| Assd Land Value | \$55,000.00 |
| Assd Building Value | \$0.00 |
| Total Assd Value | \$55,000.00 |
| Exempt Value | \$0.00 |
| Taxable Value | \$55,000.00 |
| Recent Sale Information | |
| Date | Price |
| | Vac/Imp |
| | Qual |

Parcel List

Legend

Measure

Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

2371-LOZANO-3-P.2

KIMBERLY PAUAHI LOZANO

P. O. Box 2082

Wailuku, Hawai'i 96793

(808) 868-0375

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: KIMBERLY PAUAHI LOZANO

| NAME/ ORGANIZATION/ POSITION | SUBJECT MATTER | EXHIBIT(S) TO BE INTRODUCED BY WITNESS |
|------------------------------------|---------------------------------------|---|
| Kimberly Pauahi Lozano | Need for and use of Nā Wai 'Ehā water | 2371-LOZANO-1 to -3 |

KIMBERLY PAUAHI LOZANO

P. O. Box 2082

Wailuku, Hawai'i 96793

(808) 868-0375

WATER USE PERMIT APPLICANT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) EXHIBIT LIST
Standards, Nā Wai 'Ehā Surface Water)
Management Areas of Waihe'e, Waiehu, 'Īao)
and Waikapū Streams, Maui)
_____)
)

EXHIBIT LIST

PARTY: KIMBERLY PAUAHI LOZANO

| EXHIBIT NUMBER | DESCRIPTION | REFERENCES | REC'D INTO EVIDENCE |
|-----------------------|--|-------------------------------------|----------------------------|
| 2371-LOZANO-1 | LCA No. 2435, Royal Patent No. 6397, Foreign Testimony, Native Testimony Translation and Survey Boundary | Testimony of Kimberly Pauahi Lozano | |
| 2371-LOZANO-2 | LCA No. 2458, Royal Patent No. 6066, Native Testimony Translation, Native Register with Transcription and Translation, and Survey Boundary | Testimony of Kimberly Pauahi Lozano | |

| | | | |
|---------------|---|-------------------------------------|--|
| 2371-LOZANO-3 | County Tax Map for Parcel 1, Screen Shot of County Tax Map for Parcel 10, Map Showing Acreages of Parcel 1 and Parcel 10; Map Showing 'Ili of Waiauiki from LCA No. 2435 and Umieu from LCA No. 2458 | Testimony of Kimberly Pauahi Lozano | |
|---------------|---|-------------------------------------|--|