"Pamela Bunn"
<PBunn@ahfi.com>
12/21/2011 07:33 PM

To Dean.D.Uyeno@hawaii.gov, Lenore.Y.Nakama@hawaii.gov, Robert.K.Chong@hawaii.gov, Roy.Hardy@hawaii.gov, William.Tam@hawaii.gov
cc "Isaac Moriwake" <imoriwake@earthjustice.org>, "Jocelyn Doane" <jocelynd@oha.org>, "Kapua Sproat" <kapuas@hawaii.edu>
bcc
Subject Waiko Road Kuleana -- LCA 460

Attached are the Mahele documents for LCA 460. This one is a little confusing, because there are 2 LCAs, both numbered 460, to the same claimant, Puupahoehoe. The first is for Apana 1 and 2, which are the ones relevant here. The second is for Apana 3, which does not appear to be. On the LCA for Apana 1 and 2, Apana 1 (L-shaped parcel sketched on left) is roughly where TMK (2) 3-5-12-7 is (refer to Attachments 1 and 2 to earlier email). A portion of Apana 2 (larger sketch on right) is where TMKs (2) 3-5-12-1 through 5 are. The other portion of Apana 2 is on the North side of what is now Waiko Road.

I have also attached the LCA 460 for Apana 3, because it may help to explain the discrepancy with the Royal Patent. So far, I have only found RP 7237, which identifies the same claimant and the same LCA number. The Land Court map, however, indicates that RP 2165 is associated with LCA 460. It may be that RP 7237 is for Apana 3 of LCA 460, and RP 2165 is for Apana 1 and 2. (That could also be the issue with LCA 3108, which is the other one where the RP No. does not match the number on the Land Court map, even though it is to the same claimant for the same LCA - or, it could just be a mistake). Since appurtenant rights would attach regardless of whether a Royal Patent was issued, I have not spent much energy trying to resolve this. I am still looking, though, for the Foreign Testimony for LCA 460.

ALSTON HUNT FLOYD & ING LAWYERS
A LAW CORPORATION

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Of Counsel

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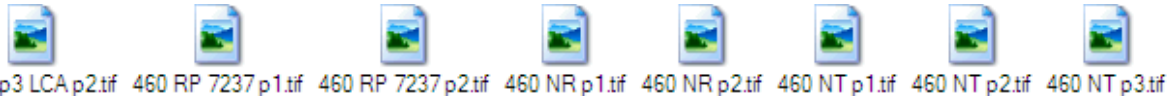
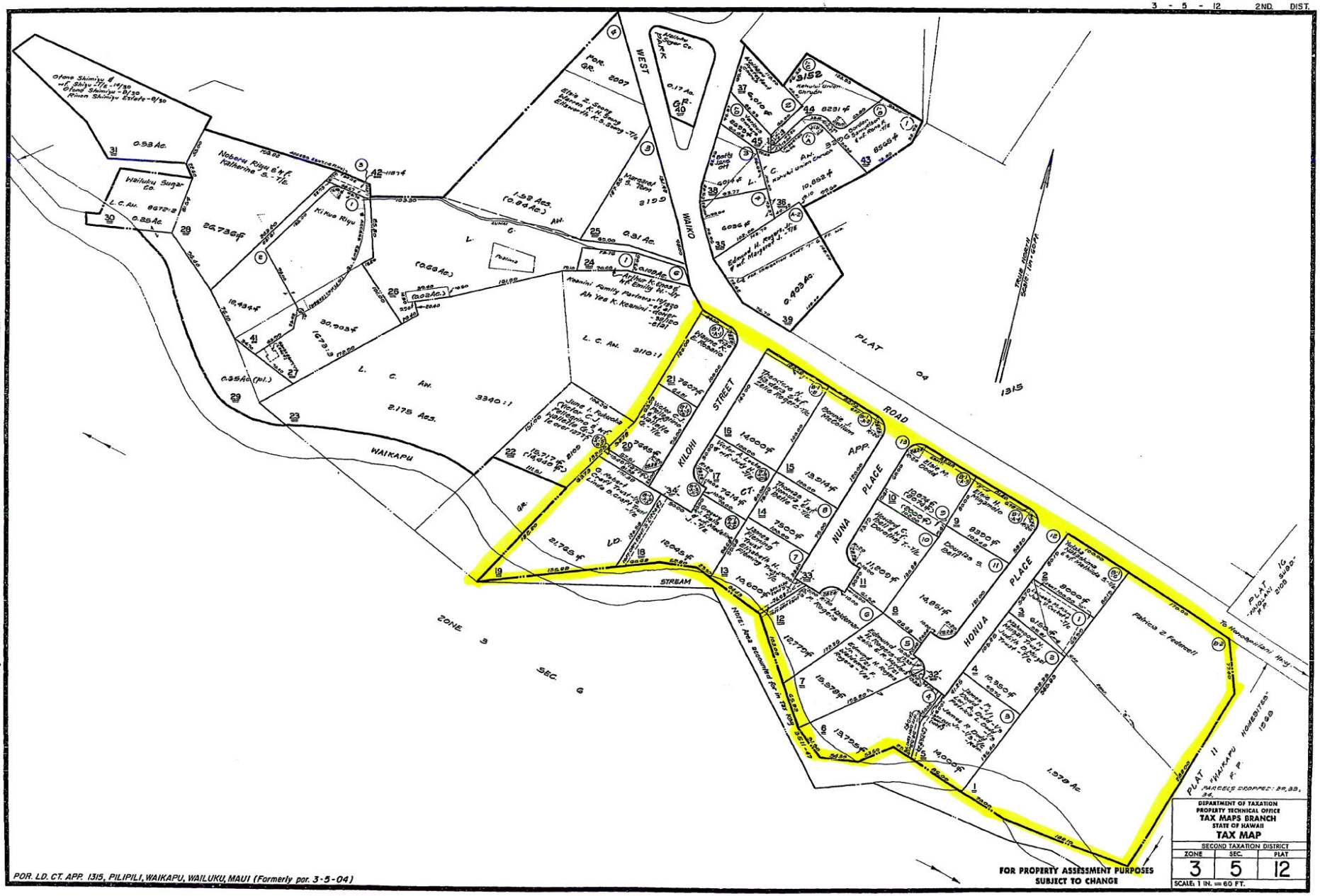
460 LCA p1.tif 460 LCA p2.tif 460 Ap3 LCA p1.tif


460 Ap3 LCA p2.tif
460 RP 7237 p1.tif
460 RP 7237 p2.tif
460 NR p1.tif
460 NR p2.tif
460 NT p1.tif
460 NT p2.tif
460 NT p3.tif

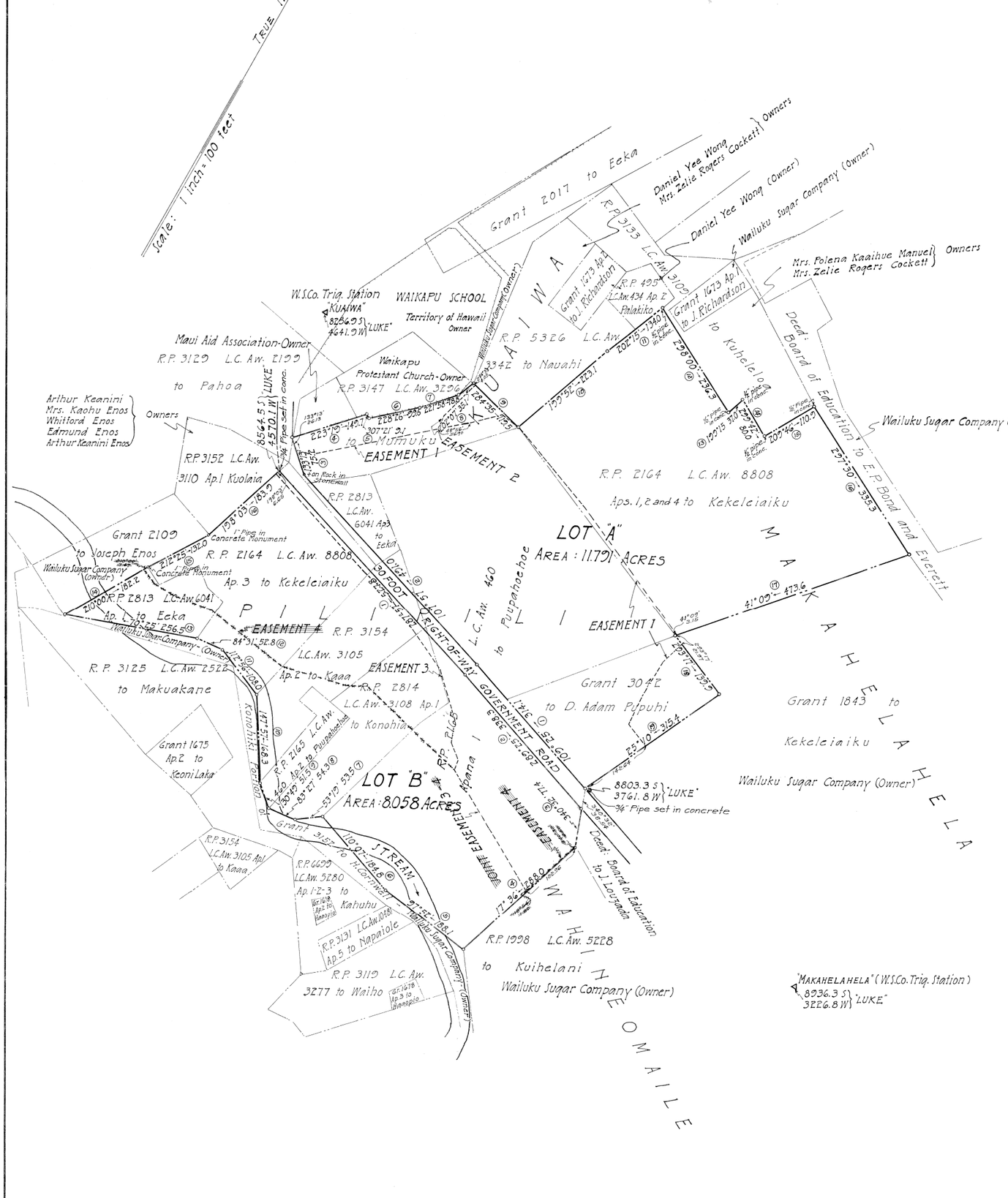

3 - 5 - 12 2ND. DIST.
WEST
WAIKO
ROAD
PLAT 04
1315
KILOHI
STREET
NUNA
PLACE
HONUA
PLACE
APP.
CT.
WAIKAPU
STREAM
ZONE 3
SEC. G
L. C. Aw. 3340:1
L. C. Aw. 3110:1
2.175 Acs.
1.379 Ac.
0.93 Ac.
0.25 Ac.
1.53 Acs. (0.94 Ac.) Aw.
0.91 Ac.
0.17 Ac.
0.409 Ac.
(0.068 Ac)
(0.082 Ac.)
(0.035 Ac. (pl.))
21,768 sf
Patricia Z. Federwitz
PLAT 11 WAIKAPU H. P.
PARCELS DROPPED: 8th, 33, &c.
DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP
SECOND TAXATION DISTRICT
ZONE 3 SEC. 5 PLAT 12
SCALE: 1 IN. = 60 FT.
FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE
POR. LD. CT. APP. 1315, PILIPILI, WAIKAPU, WAILUKU, MAUI (Formerly por. 3-5-04)
DWG. NO. 5362
DATE: July 23, 1935
BY: JT/WK
SOURCE: TMS; BKS. 4A, 5C, Aw. 1315

TERRITORY OF HAWAII

MAP AND DESCRIPTION WITH APPLICATION 1315

ZELIE ROGERS COCKETT - APPLICANT

LAND SITUATED AT PILIPILI, KUAIWA AND MAKAHELAHELA - WAIKAPU - DISTRICT OF WAILUKU, MAUI T. H.



LOT "A"

Being all of Grant 3042 to D. Adam Pupuhi, the northerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahochoe, a portion of R.P. 2813, L.C.Aw. 6041, Apana 3 to Eeka and a small portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaaa, the easterly portion of R.P. 3147, L.C.Aw. 3296 to Mumuku and all of R.P. 2164, L.C.Aw. 8808, Apanas 1, 2 and 4 to Kekeleiaiku.

AREA: 11.791 ACRES

LOT "B"

Being the southerly portion of R.P. 2165, L.C.Aw. 460, Apana 1 to Puupahochoe, R.P. 2814, L.C.Aw. 3108, Apana 1 to Konohia, all of R.P. 2165, L.C.Aw. 460, Apana 2 to Puupahochoe, a portion of R.P. 3154, L.C.Aw. 3105, Apana 2 to Kaaa, a portion of R.P. 2164, L.C.Aw. 8808, Apana 3 to Kekeleiaiku and all of R.P. 2813, L.C.Aw. 6041, Apana 1 to Eeka.

AREA: 8.058 ACRES

Lot "A" is subject to Easement 1, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 1.

Lot "A" is also subject to Easement 2, a six (6) foot ditch right-of-way being another branch of the ancient auwai now used by the Applicant and others for irrigation purposes, as shown on this map or plan as Easement 2.

Lot "B" is subject to Easement 3, a six (6) foot ditch right-of-way being an ancient auwai now used by the Applicant and the Wailuku Sugar Company for irrigation purposes, as shown on this map or plan as Easement 3.

~~Lot "B" is also subject to Easement 4, being a three (3) foot easement for the Wailuku Sugar Company's domestic water supply line, as shown on this map or plan as Easement 4.~~

This map is from an actual survey on the ground made by, and under the direct supervision of the undersigned, between the dates October 20, 1938 and May 22, 1939, and may be checked by the Territorial Surveyor with my Field Book Number 5, Calculation Folder 7.

Scale: 1 inch = 100 feet
Wailuku, Maui, T.H.
May 23, 1939

Robert P. Bruce.
Registered Professional Surveyor
Certificate Number 248-3
Wailuku, Maui, T.H.

Zelie Rogers Cockett Applicant

I hereby certify that the description of survey and map hereon have been examined and checked as to form and mathematical correctness, but not on the ground, and the same have been found to be in accord.

Honolulu, T.H.
Jan. 18, 1941.

Surveyor, Territory of Hawaii.

I hereby certify that Decree of Registration dated December 28, 1945, and numbered 1524 has issued to Zelie Rogers Cockett covering the land described hereon, and that Owner's Certificate of Title No. 33893 has been transcribed therefrom.

Easement 4 as shown hereon has been deleted by Order of the Judge of the Land Court dated December 16, 1965.

Honolulu, Hawaii
December 16, 1965

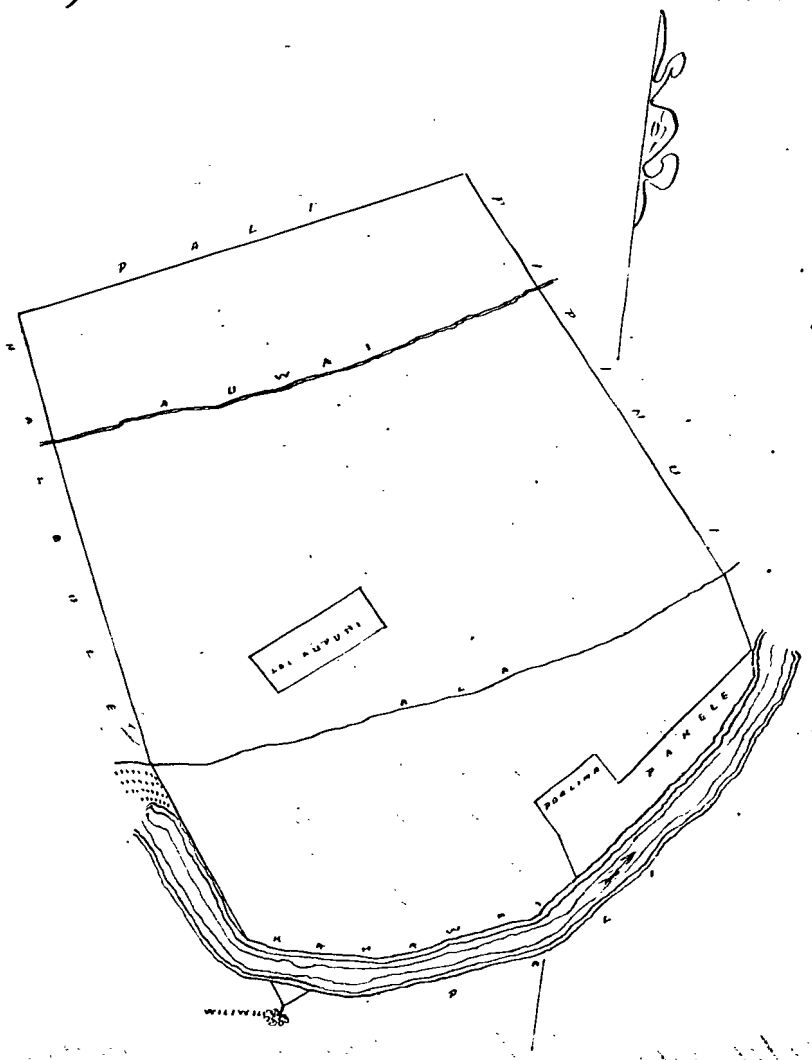
James M. Dunn
State Land Surveyor

Ah. 32½ Ko 71 Kh. Ke. 57½ Ko. 201 Kh. He 32½ Hi 41 Kh. i kahi i hoomaka'i 1 4/11 Kh.

E. Bailey.

April 27, 1852.

Mea ana aina.



Uku pau loa $10.00

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

Honolulu June 25. 1852.

Helu 460 Puupahoehoe Waikapu Maui.

Palapala no ke ana ana i ke Kuleana 460 no Puupahoehoe, ma ka ili o Pilipili, Waikapu, Mokupuni o Maui.

Apana 1. E hoomaka i ke ana ma ke kihi Ahau o kua e pili ana me ho Kekeleiaiku Kauahi a me Mumuku, a e hole Hema 76½ Hikina 755 Kh. ma ke Kekeleiaiku, He. 32½ Ko 471 Kh. ma ke Puupuhi He 49 Hi 272.

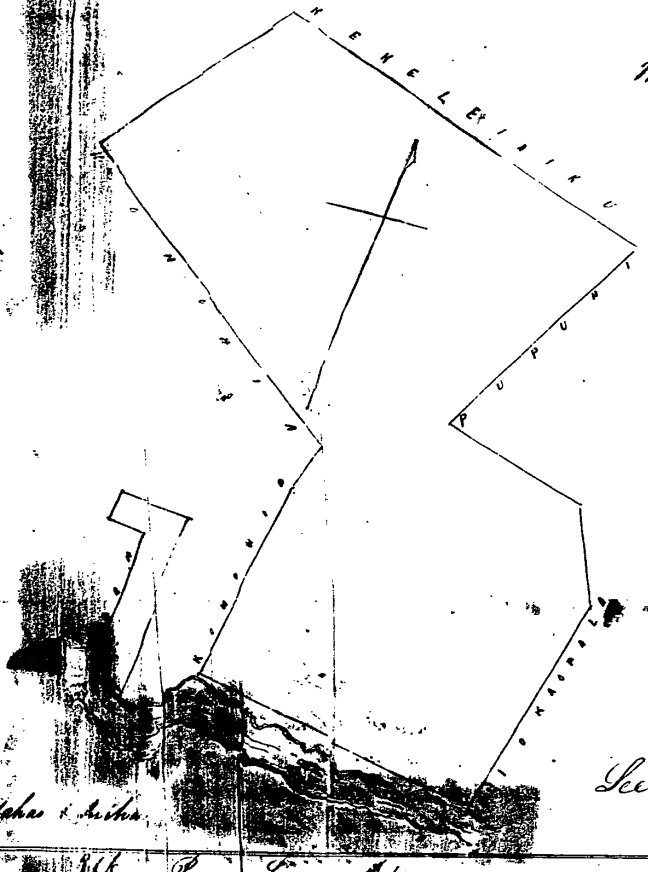
ma Ke Kohohia Ak 15¼ Ai 100 Ah ma ke Konohia Ak 57 Ke 633 Kh ma Ke Konohia Ai 441 Kh ma ke Mauna a hiki ma Kahi i homaka'i a ma loko ia anapuni o hiki

Ka 41/100 o Ka Eka

Apana 2 o ho[mo]aka i Ke ana ona ke Kahawai e pili ana me ke Konohia a e holo Ak 4 Aik 363 Ah ma [K]onohia Ke 87 Kom 141 Kh ma Ke Kaaa me Konohia Ke 4 Kom 3[0] Kh ma Ke Kaaa, Ke [illegible] Aik 68 Kh ma Ke Kaaa, Ke 4 Kom 256 ma Ke Kaaa i Ke Kahawai Ke 58¾ Ai 78 Kh ma [K]e Kahawai a hiki ma Kahi i homaka'i a malohi ia anapuni Ke 22 Eka

L. Bailey
Mea ana aina

7.41
22
7.63



2 Kauhale i Aiha

See Page 484. 13. Apana

Helu Pai. Loa 44.

Mahee
G. M. Robertson
S. Kamakaeha
S. N. Smith

Honolulu June 25 1852

Helu 3539 Kapuu Waikapu Maui

Kuleana 3539 Kapuu Waikapu Maui

Apana 1 ili o Palama e homaka ma Ke Kihi Akau ia Ke Kihi Ai o Poupou a e holo Ke 31½ Ak 16½ Kh e pili ana me Kealia Ke 68½ Ke 34 Kh e pili ana me Ke Kealua Ke 38½ Ai 151 Kh ma Ke Kealua Ak 30 Ai 2 Kh ma Ke Kealua Ke 31½ Ai 178 Kh ma Ke Kealua Ke 27½ Ai 584 Kh ma Ke Poupou Ke 65 Ai 172 Kh ma Ke Kula makai Ak 30¾ Ke 1121 Kh ma Ka ili o Ohia Ak 32½ Ke 97 Kh ma Ka ili o Ohia Ak 7½ Ai 219 Kh ma Ke Poupou a hiki ma Ke Kihi mua 2 17/100 Eka

2.17
1.61
3.77

Apana 2 ili o Haaao e homaka ma Ke Kihi Akau loa ia Ke Kihi Ai o Kalapawa e holo Ke 81½ Ai 355 Kh e pili ana me J Richardson Ke 8½ Ke 355 Kh e pili ana me Ke J Richardson Ke 45½ Ai 29 Kh e pili ana me J Richardson Ke 35¼ Ke 129 Kh e pili ana me J Richardson Ke 15¾ Ke 280 Kh e pili ana me J Richardson Ak 11 Ai 320 Kh e pili ana me J Richardson Ak 11 Ai 320 e pili ana me Ke Kalapawa ma Ke Kihi mua 1 [illegible] Eka

L. Bailey
Duria ana aina

May 1. 1852

See 212 V8

Helu 3402. Poupou Waikapu. Maui.

Apana 4. Ili o Makailima. Waikapu. Maui.
Choomaka ma ke kihi mauka loa o keia apana ma ke kahawai a e hele

Iema 41° Hikina 5.88 Kh ma ke Kahawai.
Akau 74° Hikina 4.20 " " " "
Akau 20° Hikina 1.84 " " " " alaila hele ma ka piali a hiki i ke kihi mua.= 1 7/10 Eka.

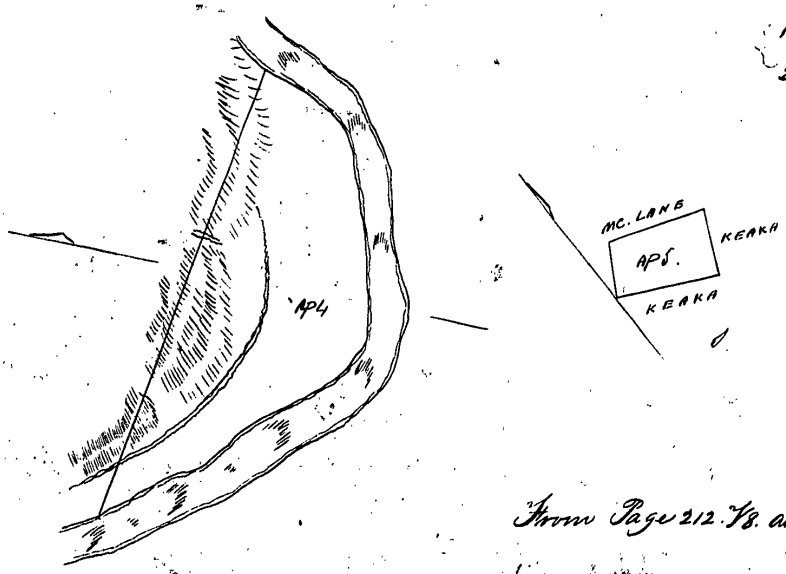
Apana 5. Pahale Ili o Puhau. Choomaka ma kaawas Akau. a e hele.

Iema 69½° Hikina 1.86 Kh. ma ko Wiliama
Iema 26 Komohana 1.18 " " " Keaka
Akau 63° Komohana 1.95 " " " "
Akau 31 Hikina .96 " " " " a hiki i ke kihi mua= 2/10 Eka

C. Bailey
Mea ana aina.

Wailuku Aug. 10. 1853.

30 - 18
1. 70
20
2. 27



From Page 212. V8. awards.

Ukupau loa $3.-00

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

Honolulu Augate 29. 1853.

Helu 460 Puhahoehoe Waikapu. Maui.

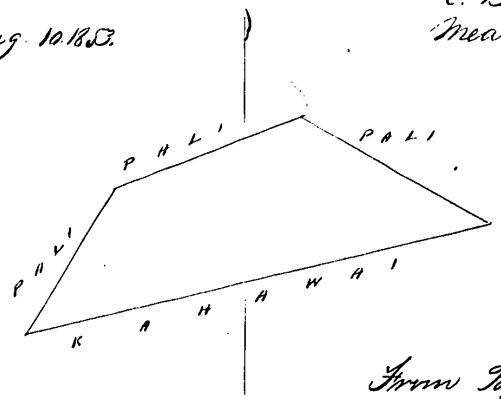
Apana 3. Ili o Hoopahelo. Waikapu. Maui.
Choomaka ke ana ona ke kahawai, kihi. Komohana mauka loa, a e hele.

Akau 81° Hikina 3.05 Kh. ma ke piali
Akau 67½ Hikina 3.65 " " " "

Hema 65° Hikina. 4.00 Kh. ma ka pali.
Hema 75° Komohana 8.88. " Kahawai a hiki ma ke kihi
mua = 1 47/100 Eka

E. Bailey
Meaanaaina.

Wailuku Aug. 10. 1853.



From Page 4. V8. Awards.

Ukupaulua $2.00

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

Honolulu Augate 29. 1853.

Helu 8908 Kahiapaiole Manowai Molokai.

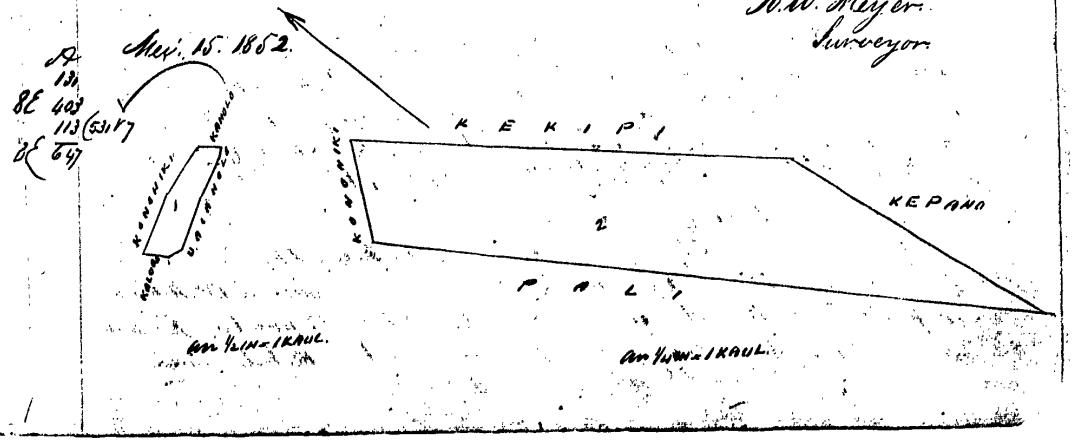
Manowai ili. Kapiioha. Molokai.

Apana 1. Ehoomaka ana ma ke kihi Hik. oia aina a e holo ana. Ak. 35½° Ko. 0.41 Kaul. ma ko Kaholo. alaila He. 88¼° Ko. 0.99½ Kaul. ma ko Konohiki. alaila He. 78° Ko. 1.14 Kaul. ma ko Konohiki. alaila. He. 27¾° Hi. 0.44 Kaul. ma ko Kaluaa. alaila He. 61° Hi. 0.32 Kaul. ma ko Kaluaa alaila. Ak. 75° Hi. 1.00 Kaul. ma ko Waioholo. alaila. Ak. 79° Hi. 0.70 Kaul. ma ko Waioholo. alaila. Ak. 69° Hi. 0.22 Kaul. ma ko Waioholo. a hiki i kahi i hoomaka ia. Ma ia Apana. 131 Anana.

Apana 2. Ehoomaka ana ma ke kihi Ko. Ak. manae oia aina, a e holo ana. He. 42° Ko. 3 Kaul. 62 pauku ma ko Konohiki. alaila. He. 30° Hi. 25 Kaul. 00 pauku. ma ka pali. alaila. Ak. 6° Ko. 10 Kaul. 74 pauku ma ko Kepano. alaila. Ak. 33½° Ko. 16. Kaul. 40 pauku ma ko Kekipi. a hiki i kahi i hoomaka ia. Ma ia Apana 8 Eka 403 Anana.

R. W. Meyer.
Surveyor.

Mei. 15. 1852.



HELU 7237

Palapala Sila Nui

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

No ka Mea, Ua hooholo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko

Iumpahoohoo Kuleana Helu 460

ma ke **Ano Alodio** iloko o kahi i oleloia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o **Kalakaua,** ke Alii Nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona mau hope Alii, a ua haawi aku oia, ma ke **Ano Alodio** ia Iumpahoohoo i kela — wahi a pau loa ma Waikapu — ma ka Mokupuni o Maui penei na mokuna:

Ili o Hoopahelo Waikapu Maui

E hoomaka ke aua ma ke kahawai kihi Kamohana maukaloa a e holo

Ak 31 Ho 300 kh ma ka pali
" 67² " 365 " " "
Ho 65 " 400 " " "
Ho 75 Ko 888 " " kahawai a hiki ma ke kihi mua

147/100 Eka

Maloko o ia _____ apana 1 47/100 _____ 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 _____ Paupahochoo _____
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 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 11 o Januari 1879

per Kalakaua R

Saml G Wilder

oia ke kuleana ma ua wahi nei. O kela wahi i kukuluia ai ka hale lua e Mahune aole i ae aku o Papa ia kukulu ana a Mahune, nui ko laua hoopaapaa ana no ia wahi, me ka ae ole aku nae o Papa. Penei ka Mahune [illegible] ia Papa, nana e imi i wahi no maua, oia kahi i keakeaia. Penei na aoao, ma ka Akau ka auwai, ma ka Hikina ka auwai, ma ka Hema he ala aupuni, ma ke Komohana ka loi o Kuihelani a me na loi o Apiki; oia na palena o ua wahi nei aia ma ka ili aina o Halaula keia wahi

Wailuku
13 o Feb. 1847 } Na Niuakaukau ke kahu o Mileka

Helu 460 Puupahoehoe

Ma Waikapu Feb. 13 - 1847

Ena Luna Hoona

Ke hai aku nei au ia olua i kou mau kuleana aina, ma Waikapu nei. Eia ua mau kuleana la au e hai aku nei ia olua. Oohia, no Kalainohoino mai kou noho ana ma Waikapu nei, oia kou kuleana i noho ai, make o Kalainohoino, noho no wau ma lalo o Keeaumoku. Oohia no na ae kuu kuleana mua, o na palena Oohia, o Kealia no na ka Paakai, a me ke kai, a me ke kula, O kamaomao, mai ke alaae a hiki i Kaumuhee mai Kaumuhee aku a hiki i Kihahale oia ka palena Oohia

Eia ketahi: mau kuleana ou e hai aku nei ia olua o Pilipili: a me Mokahelahela a me Haamui no Haamui ke kuahiwi mau

ka pono o Waikapu he wahi kula ko Pilipili maloko o ka pa aina

Eia kekahi wahi kula Ohia ma loko nei o ka pa aina e pili ana me Kukuialaimaka, a me Kapalaalaea a me Loaloa, Make o Keeaumoku O Kaahumanu no maluna o wau no ke kanaka, Make o Kaahumanu o Kinau no maluna oiu, a make o Kinau o Hoapili W. no maluna oiu, Make o Hoapili W. o Kekauluohi no maluna oiu, a make o Kekauluohi o Kekuanaoa no maluna oiu e noho nei i keia manawa, o wau a me kuu kaikamahine o Kaweka.

Eia kekahi kuleana oiu e noho nei o Olohe, he wahi kula no kona maloko nei o ka pa aina, e pili ana i Palailaiha a me Pohakuloa, a me Pilipili, a me Kuaiwa.

Oia no koiu mau kuleana ponoi mai koiu noho ana mai.

Eia kekahi Iloko o keia mau kuleana oiu. (elima 5) na koiu waiwai ponoi i hana. i kekahi mau Loi i hoolimalima ia e au i kela wa kahiko he rama, he Kao he 40, Hookahi Honu honu kai.

Nau na J. Puupahoehoe

Helu 429 Kawelohea from Page 172

Hoohikiia o Puupahoehoe

Ua ike no au i kahi o Kawelohea e hoopii mai nei, he malawauke, aea ma Kahiki ma Iao, nona no ia wahi mai a Auwae mai ka noho ana, a ia Kalawaiahonu i keia wa i paiia ka mea ililo ai ia in aole au lohe ka mea i hemo ai, Ua ike au ka nui o ka loaa malaila ia wa he mau no ka loaa malaila

Wailuku Feb. 12 1847

Helu 460 Puupahoehoe

Hoohikiia o Eeka ma ka olelo a ke Akua. Ua ike no au ia mau aina a pau a P. e hoopii aku nei ia oukou, o Ohia, o Pilipili, o Kakelahela, o Haamui o Olohe, o kona mau palena, o ke ala ae o Kaumukee ma ka Hik. ma ka Hema o ke Alia a me ke kai, ma ke Komohana ~~ma~~ ke kuahiwi mauka pono o Waikapu he mau kula no iloko o ka pa aina He aina o Pilipili, he mau loi a he kula kona, o Haamui he aina no ia, nona ke kuahiwi mauka o Waikapu he mau loi no malaila a me he kula maloko o ka pa aina o Olohe, he Loi no malaila a he kula no, wa kapu ia e Kinu i ke Ko mamua o kela mau Loi i hoolimalimaia he rama ka waiwai i lilo malaila, a he Honu kahi a me na Kao he kanaha, oia ka lilo no kela mau Loi

Mai kahiko loa mai no ka loaa ana o keia mau aina ia Puupahoehoe. Aole ona mea nana i keakea mai.

Hoohikiia o Kaili ma ka olelo a ke Akua. Ua ike no au i kahi o Puupahoehoe e hoopii mai nei. aia ma Waikapu o Ohia, o Pilipili, o Makahelahela o Haanui, o Olohe, no kona kaikua=ana mai kona o Kalainohoino ka inoa. no Keeumoku mai ko Kalai=nohoino. Ua ike au i ka noho ana malaila. ma kahi aoao no au o Waikapu, a hala kahi mau makahiki alaila hoi mai au a noho pu makou malaila, a ia wa lohe au he mau aina ponoi kela no lakou. he kai paakai o Ohia a me ke kula a he kai no hoi, mai ke ala ae o mai a Kaumuhee a me na kula e ae e puli ana ma Wailuku, a he kula e ae no iloko o ka pa aina o Waikapu, no Ohia, a he mau loi kahi, he mau loi no ko Pilipili a he kula no hoi maloko o ka pa aina; O Haanui he mau Loi no kona a me ke kula no, a no Haanui no hoi ke kuahiwi o Waika=pu, o Mokahelahela, he kula kona, o Olohe mau loi no kona a me ke kula, aia ma ka Akau o ka hale pule, He mau Loi no kahi o Puupahoehoe i hoo lima lima

ia, he rama he kunue a he honu
kahi a me na kao he kanaha, a he
Mano kekahi i lilo no ka hana ana
a he ia maoli no kahi ililo aku
A o ka mea nana i keakea o Haanui
Ua ae mai no oia no Haanui io no ia
aina.

Helu 418 Kalualani
Hoohikiia o Kalehua ma ka olelo a ke Akua
Ua ike no au i kahi o Halualani, aia ma
Kapaakukui ma Iao, nou aku kona noho
ana malaila, no Mahune mai kou, a
no ka Moi mai ko Mahune, he kanakolu-
kumamalima au Loi i haawi ai, a cha
ma kahi eae, a huia he kanakolukuma-
maiwa a pau, Aole ona mea nana i kea-
keakea mai.

Hoohikiia o Huhu ma ka olelo a ke Akua
Ua ike no au i kahi o Kalualani i hoopii mai
nei ia oukou, nou aku kahi mau Loi ona
no Mahune mai kou, a no Kamehameha III
mai ko Mahune, aia ma Kapaakukui
hauwahi ona he aina okoa no ia, aia
ma Kaluauhi kahi ona, aole nae au ike
pono i ka nui o na Loi malaila, Aole
no hoi he mea ona nana i keakea