

This TMK map accurately depicts the `auwai as it enters and exits the property, the existing lo`i kalo with hatch marks, and the area of existing diversified agriculture in grey.

EXHIBIT 2

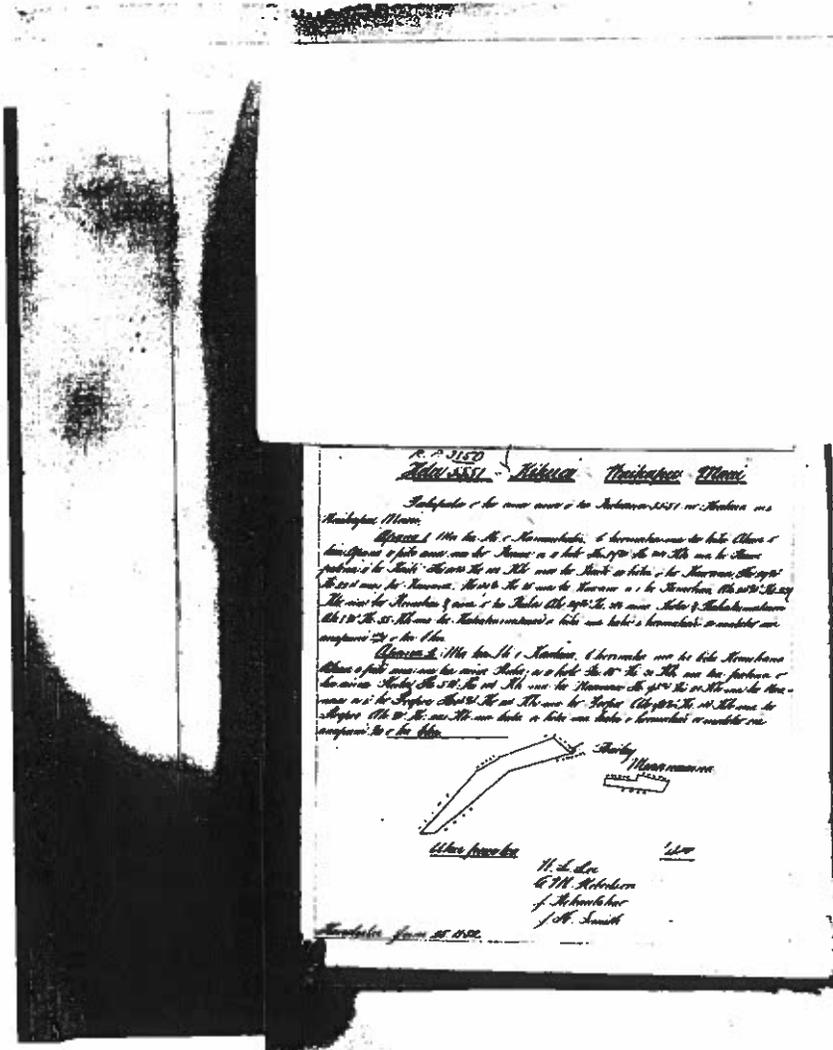


EXHIBIT 5

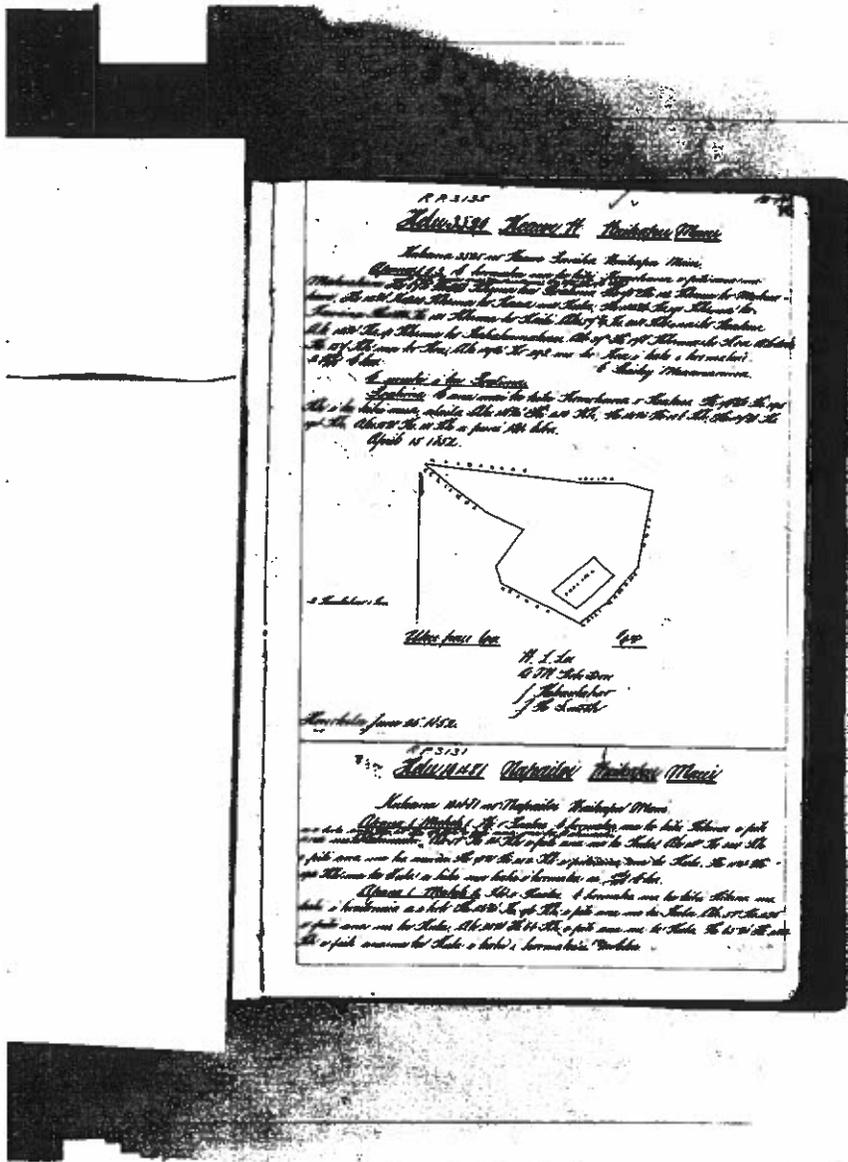


EXHIBIT 5

100
 heke ana, ua laua aku o Sia nona
 me ka haka ole. Me ka Mahalo
 Waikele Na Kamakea
 2^d Dec. 1847 a Paulo

3520 Keawe waikele
 Ma Aloha. He haka aku oia au i koi ke-
 leana, he oia au i 20, aia ka ili aia
 i Kapua o Puna ma Waikele i
 Maui, he lala, a hekele i lei 22 a 23
 lona, a me kulana haka ma Waikele
 Waikele Na Keawe
 22 Dec. 1847

3521 Keawe
 Ma Aloha. He haka aku oia au i
 koi kele ana, he oia au i 16 ma ka
 ili aia i Kapua o Puna ma Waikele
 i Maui. A o na palema oia ka Maui
 na lei o Pakele. Hekele he ka aia, ma
 ka Puna ma lei o Keawe, ma ke ke
 mahana ili aia o Pili. He haka
 waikele maui koi. Maui koi he oia
 Waikele. 22 Dec. 1847 Na Keawe

3522 Keawe
 Ma Aloha. He haka aku oia au i
 koi kele ana, he oia au i aia, aia
 ma ka ili aia i Kapua o Waikele
 ma Waikele i Maui, a oia 19, he oia
 a oia aia he ma Palama
 Waikele 23 Dec. 1847 Na Keawe

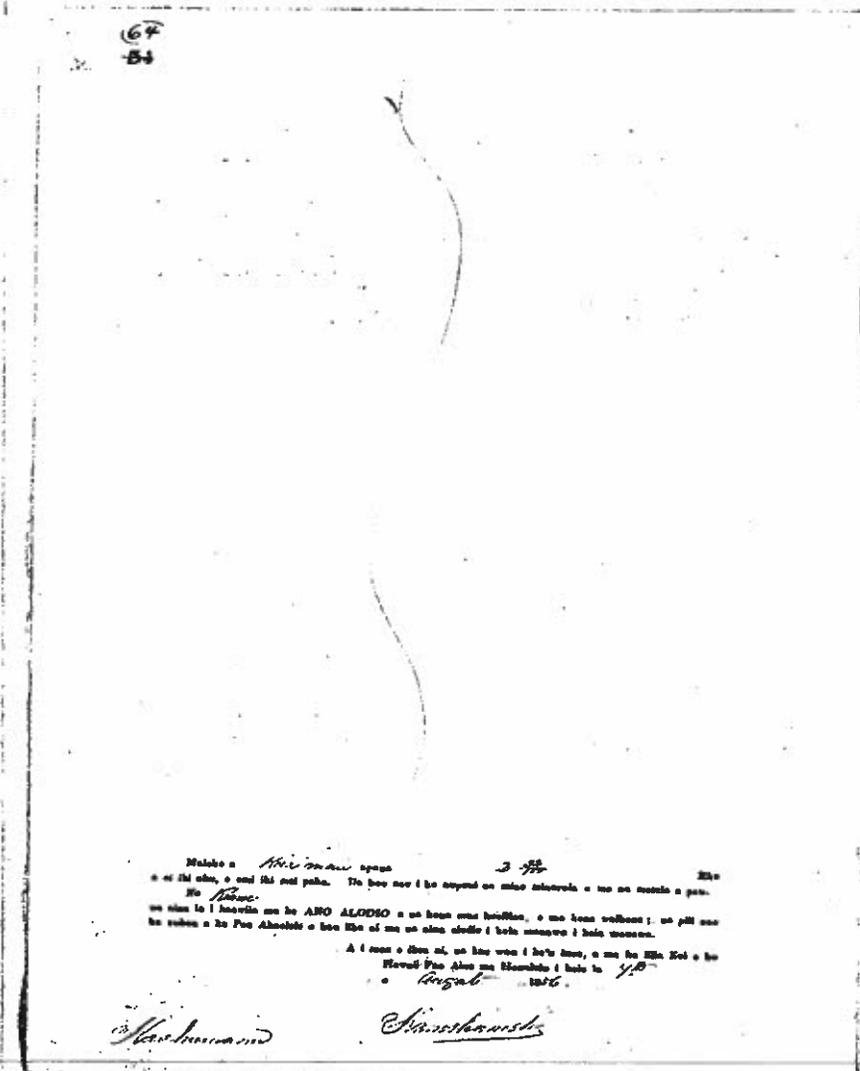


EXHIBIT 5

Whakawhāriki Kōwhiri () *Whakawhāriki Kōwhiri*

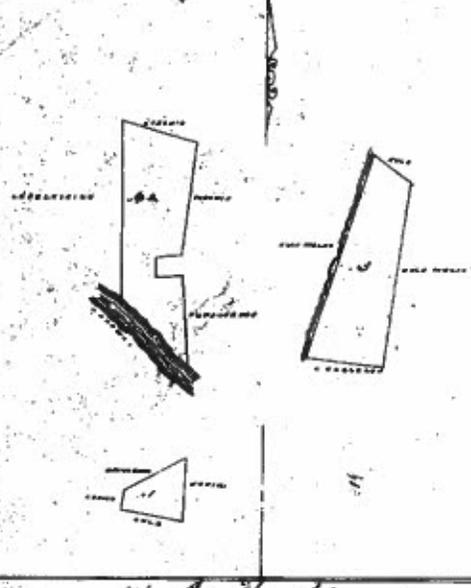
Whakawhāriki Kōwhiri - *Whakawhāriki Kōwhiri* - *Whakawhāriki Kōwhiri*
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Whakawhāriki Kōwhiri - *Whakawhāriki Kōwhiri* - *Whakawhāriki Kōwhiri*

Whakawhāriki Kōwhiri Aug 24, 1852

Whakawhāriki Kōwhiri
Whakawhāriki Kōwhiri



Whakawhāriki Kōwhiri
Whakawhāriki Kōwhiri
Whakawhāriki Kōwhiri
Whakawhāriki Kōwhiri

Whakawhāriki Kōwhiri Sep 27, 1852

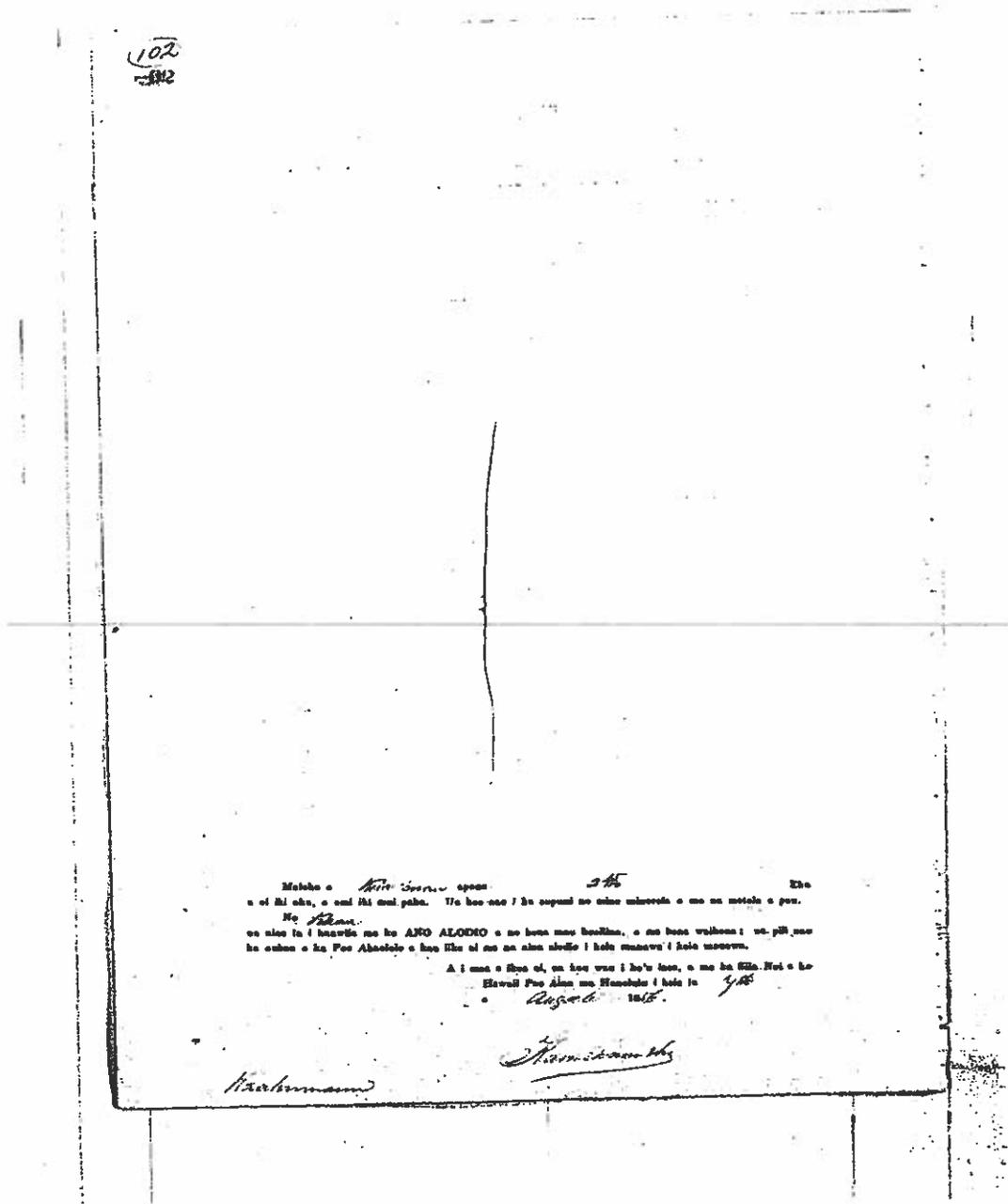


EXHIBIT 5



"Pamela Bunn"
<PBunn@ahfi.com>
01/23/2012 12:10 PM

To Robert.K.Chong@hawaii.gov
cc Charley.F.Ice@hawaii.gov, Dean.D.Uyeno@hawaii.gov,
"Isaac Moriwake" <imoriwake@earthjustice.org>, "Jocelyn
Doane" <jocelynd@oha.org>, "Kapua Sproat"
bcc
Subject Re: Status of Appurtenant Rights Document Review

Robert,

I took a closer look at the second page of your Waikapu chart, and it appears that the only one for which you have been unable to find a reference to water use is LCA 3105.1 (SWUPA 2336; Santiago). According to the foreign testimony, which is attached to the SWUPA and reattached here, Apana 1 of LCA 3105 is a "House Lot." Therefore, it would have had domestic water use.

In looking more closely at Mr. Santiago's application, I discovered that it omits reference to one of the LCAs that is part of TMK 3-6-5-19. The application includes 2 TMK parcels: 3-6-6-24, which is LCA 3105:1, and TMK 3-6-5-19, which includes parts of LCA 3250 and LCA 2522. I have attached a highlighted TMK map that makes it clearer. The green parcel is LCA 3105:1 (TMK 3-6-6-24, which is on a different TMK map), the orange parcel is LCA 3520, and the yellow parcel is LCA 2522. The pink outline is the boundaries of TMK 3-6-5-19.

You already have the documentation for LCA 3250 with Mr. Santiago's SWUPA and, as noted in your chart, LCA 3250 had 20 loi. I have attached the LCA, the RP, and the foreign testimony for LCA 2522. The foreign testimony talks about "3 pieces in Waikapu", although the LCA and the RP do not refer to multiple Apana. It may be that the claimant, Makuakane, was the awardee of multiple awards. Of the three pieces described in the foreign testimony, No. 1 is "a piece of kalo land in Punia" and No. 2 is "3 lois in the ili of Pikoka." On the TMK Map for 3-6-5 (attached), the word "PUNIA" runs through parcel 3-6-5-19, while "PIKOKA" appears more mauka. In any event, LCA 2522 could only be No. 1 or No. 2, because both of those are described as being bounded on the Waihe`e side by "the Creek of Waikapu," whereas No. 3 appears to be "landlocked," being bounded on all sides by the land of Kauai, the witness.

Let me know if there are questions.

Pam



Pamela W. Bunn
Of Counsel

Alston Hunt Floyd & Ing
1001 Bishop St. Suite 1800

land.

No. 7 is bounded Mauka, by Eritia's land & Homanaka, by the Homanaki's land. Maunaloa, by Kapunapuhoo's land. Maunaloa, by Hama's land.

Cl. 3158. Kawa :

~~Ohuani~~ See below the lands of the Cl. They consist of 2 pieces in the ili of Waikapa. Maunaloa.

- No. 1 is a house lot
- " 2 " 10 lbs
- " 3 " 5 " 4 lbs

The Cl. rec'd these lands from Kapunapuhoo in the days of Kamehameha I. and his title has never been disputed.

No. 1 is bounded, Maunaloa by Kawa's land Maunaloa by the back of Waikapa. Maunaloa, by the ili of Waikapa. Maunaloa, by the same.

No. 2 is bounded, Maunaloa, by Eritia's land Maunaloa, by the Homanaki's land. Maunaloa, by the same Maunaloa, by the same.

No. 3 is bounded Maunaloa, by Kapunapuhoo's land Maunaloa, by Hama's land Maunaloa, by Hama's land.

Cl. 3237. Kawa

~~Ohuani~~ See below the lands of the Cl. They consist of 4 pieces in Waikapa, and one in Hama. Maunaloa.

- No. 1 is a section of land in Hama
- " 2 " " " " " " "
- " 3 " " " " " " "
- " 4 " " " " " " " Maunaloa.
- " 5 " " Potato ground " Maunaloa.

The Cl. rec'd No. 1, 2, 3, 4 from his sister in 1832, who rec'd the land in the days of Kamehameha I. No. 5, he received

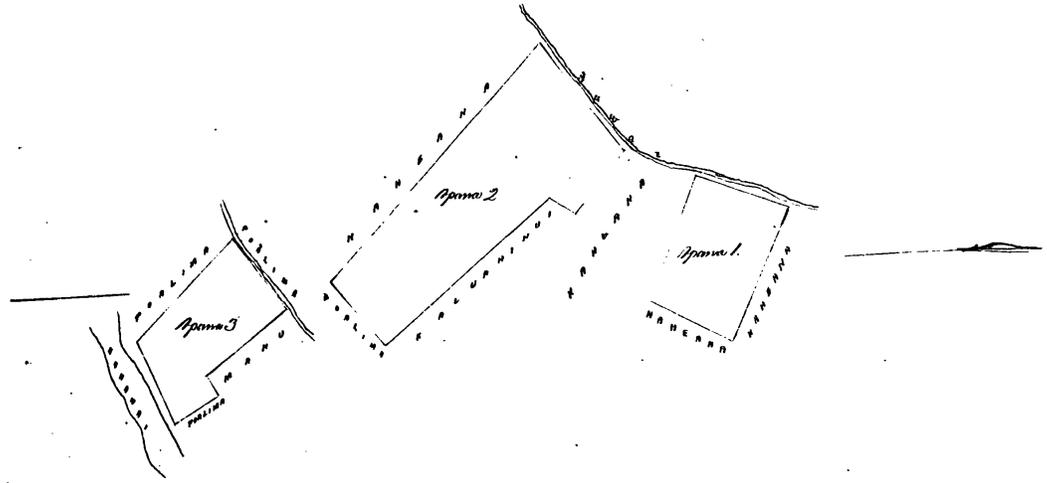
Kema	35° Hornohana	67 1/2	Mā ma Saluakinui
Kema	40° Pihina	5.32	Mā ma Saluakinui
Kema	51° Hornohana	2.33	Palimasi, I. R.
Mau	45° Hornohana	7.52	to Heana
Mau	51 1/2° Pihina	3.30	to auwā a hiki ma te hiki mau 1 1/2 Eka

Apama 3. Plat. O hōmaka mā te hiki Mau, a e hō

Kema	36° Pihina	2.43	Mā ma te Apama
Mau	66° Pihina	4.7	
Kema	30 1/2° Pihina	1.21	Palimasi & Saluakinui
Kema	70 1/2° Hornohana	2.25	kahawai
Mau	42° Hornohana	3.22	Palimasi
Mau	54 1/2° Pihina	1.94	a hiki ma te hiki i hōmaka i 5 1/2 Eka

Teituku, Maratu 7, 1853.

E. Bailey
New Amalima
1.09
1.87
65
3.21



Ukhu pua

P. L. Lee
S. M. Robertson
J. H. Smith

Condululu, Maratu, April 19, 1853. J. Tukuhaka

Abelu 2522 Maauakano / Punia, Maratu, Maru.

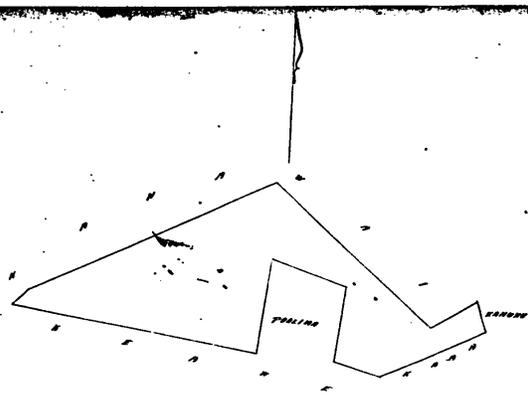
Mā o Punia, Maratu, Maru

O hōmaka mā te hiki Hornohana, a e hō

Mau	52 1/2° Pihina	4.54	Mā ma te kahawai
Mau	65° Pihina	6.16	
Kema	49 1/2° Pihina	4.79	
Mau	57 1/2° Pihina	1.21	
Kema	17° Pihina	68	to Pihina
Kema	65° Hornohana	2.60	Palimasi & Saas
Mau	75° Hornohana	1.12	to Heana
Mau	8° Pihina	1.66	Palimasi
Mau	70 1/2° Hornohana	1.80	
Kema	6 1/2° Hornohana	2.15	
Mau	81 1/2° Hornohana	5.66	to Heana a hiki ma te hiki mau 1 1/2 Eka

Teituku, Maratu 7, 1853.

E. Bailey
New Amalima



Uku fau loto \$5.00

W. L. Lee
G. M. Robertson
S. H. Smith

Honolulu Aperila 19, 1853

S. Kekaulaha

Uku 3108 Honolulu

Maalepolo & Pipili, Kaitiaki, Oahu

Apama 1. Uku ma Pipili Kaitiaki, Maui

Uku ma ka kahawai kiki Oema o keia, a e holo
O hama ma ka kahawai kiki Oema o keia, a e holo

Mau	72'	Pikina	.61	Ek. e fili ana i kahawai	
Mau	42 1/2'	Pikina	.81	"	
Mau	6 1/2'	Pikina	3.90	"	Kapupahoe
Mau	15 1/2'	Pikina	1.05	"	"
Mau	57'	Komohana	2.28	"	"
Pema	10'	Komohana	3.47	"	Kaa
Mau	89'	Pikina	.73	"	Kapupahoe
Pema	4'	Komohana	3.63	"	a kiki ma ka kiki mau 150 Ek.

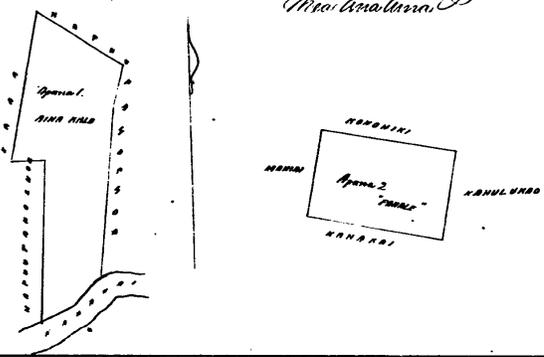
Apama 2. Uku ma Maalepolo, Maui

Uku ma ka kahawai kiki Komohana Oema, a e holo
O hama ma ka kahawai kiki Komohana Oema, a e holo

Mau	10'	Pikina	.50	Ek. e fili ana ma Maalepolo	
Pema	80'	Pikina	.70	"	Komohana
Pema	10'	Komohana	.55	"	Kakulaha
Mau	80'	Komohana	.70	"	Kahawai a kiki i ka kiki mau 100 Ek.

C. Bailey
Maalepolo, Maui

Honolulu, Maraki 1, 1853



SCALE
Apama 1 2 Kaulaha = 1/2
2 1/2 =

Uku fau loto \$5.00

W. L. Lee
G. M. Robertson
S. H. Smith
S. Kekaulaha

Honolulu Aperila 19, 1853

HELU 2125

PALAPALA SILA NUI.

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

NO KA MEA, ua hoooho na Luna Hoona i na kumu kuleana sina i ka olelo, he kuleana olelo ke

Makunani.

Kuini...

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

Nolala, ma keia Palapala Sila Nui, ke boike aku nei o Kamehameha IV, ke Alii nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawai' Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona mau hope alii, ua haawii aku oia ma ke **Ano Alodio** a *Makunani*

i kela wahi a pau loa ma *Honolulu*

ma ka mokupuni o *Maui* penei na mokuna,

Alii o Hawaii.

*I kamahele au i ka hiki Hawaii a hele au i
Maui 1811 Chi 1812 ma ka hiki Hawaii*

<i>Maui 1811 Chi 1812</i>	"	"
<i>Maui 471 Chi 1817</i>	"	"
<i>Maui 571 Chi 1821</i>	"	"
<i>Maui 17 Chi 1827</i>	"	<i>Kakua</i>
<i>Maui 68 Chi 1830</i>	"	<i>Statiki & Kana</i>
<i>Maui 78 Chi 1832</i>	"	<i>Kawa</i>
<i>Maui 8 Chi 1836</i>	"	<i>Malina</i>
<i>Maui 78 Chi 1838</i>	"	"
<i>Maui 68 Chi 1840</i>	"	"
<i>Maui 8 Chi 1844</i>	"	<i>Kawa</i>
<i>a hiki au i ka hiki Hawaii 1844</i>		<i>Maui</i>

(42)
32

Maloko o *Ka* *spana* *1 1/2* Eka
a oi iki aku, a emi iki mai paha. Ua koe nae i ko aupuni na mine minereka a me na metela a pau.
No *Hakawai'i*
ua aina la i haawia ma ke ANO ALODIO a no kona mau hooilina, a me kona waihona; ua pili nae
ka subau a ka Poe Ahaolelo e kau like ai ma na aina alodio i keia manawa i keia manawa.

A i mea e ike ai, ua kau wau i ko'u inoa, a me ka Sila Nui o ko
Hawaii Pae Aina ma Honolulu i keia la *4th*
o *Aug 10* - 1866.

Kaahumanu

Kamehameha

C. 2522. Makuaian

Hawai Sec. I know the lands of the Ct. They consist of 3 pieces in Waikapu. Hawaii.

- N^o 1. is a piece of kula lands in Pania.
- " 2. " 3 lots in the is. of Pihaku.
- " 3. " a kula in Waikahu.

The Ct. me^t these lands from Keane in the year 1833, and his title was never disputed.

N^o 1. is bounded. N. & E. by the is. of Pihaku. Waikae, by the Creek of Waikapu. Kula, by my land. Kaula, by Keane's land.

N^o 2. is bounded. N. & E. by Makapuu's land. Waikae, by the Creek. Kula, by Waikae's land. Kaula, by Keane's land.

N^o 3. is bounded. Kaula, and all sides, by my land.

C. 2416. Kapohana.

Hawai Sec. I know the lands of the Ct. They consist of 3 pieces in Waikapu and Kula. Hawaii.

- N^o 1. is a piece of kula & House lot, in Kapohana.
- " 2. " " " " Potato ground in Palaua, Kula.
- " 3. " " " " " Kaula - Kula.

The Ct. me^t N^o 1. from Kapunapuhua in older times before 1839, and N^o 2. from Keane in 1843, and N^o 3. from Keane at the same time. His title was never disputed. There is one Kaheo lot in N^o 1.

N^o 1. is bounded. N. & E. by Kapunapuhua's land. Waikae, by Keane's land. Kula, by John Richardson's land. Kaula, by Keane's land.

N^o 2. is bounded. Kaula and all sides, by Keane's land.

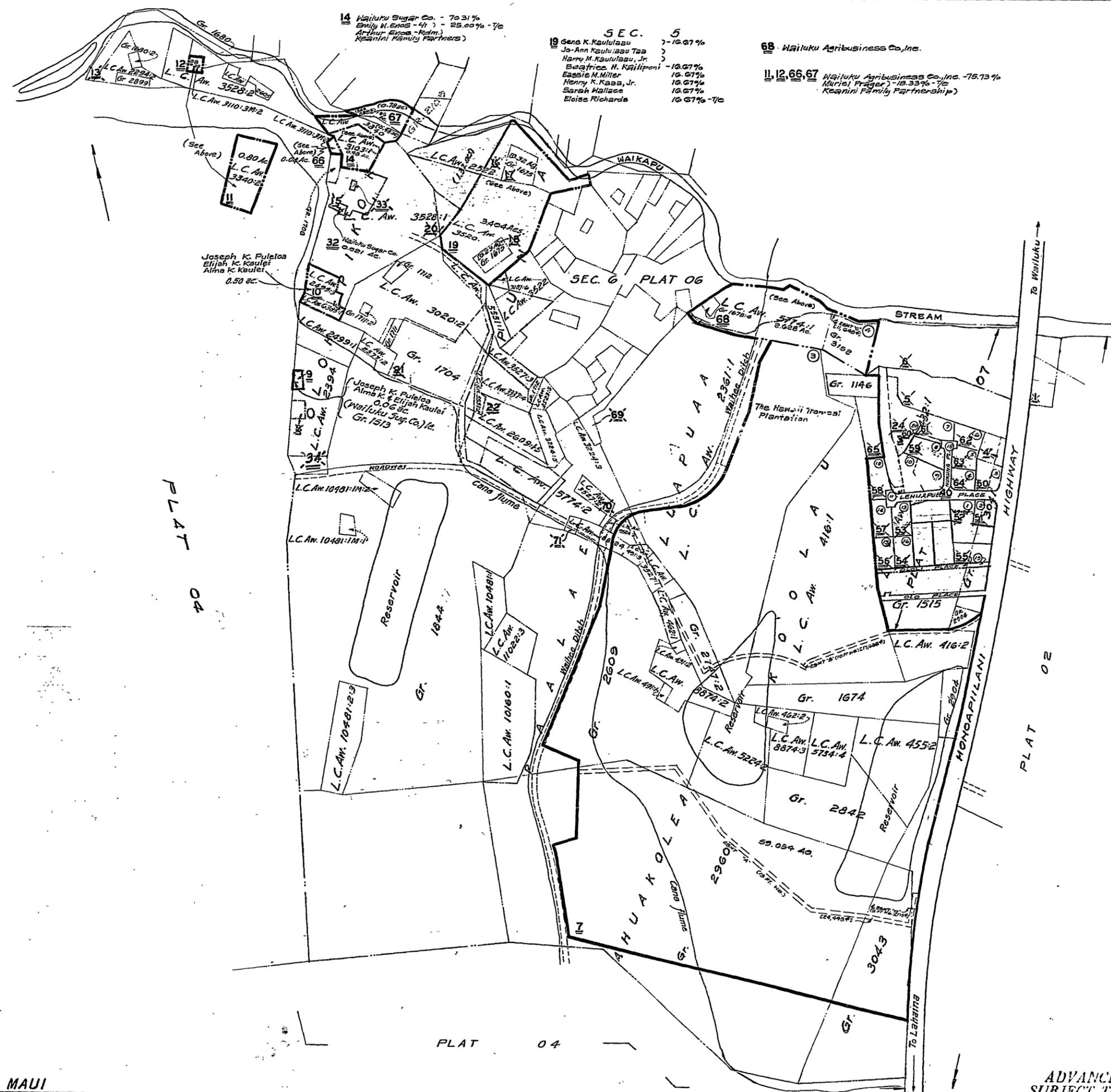
N^o 3. is bounded. Kaula and all sides, by Keane's land.

C. 3020. Makuaian.

Hawai Sec. I know the lands of the Ct. They consist of 2 pieces in Waikapu. Hawaii.

APR 1935
 OCT 1935
 NOV 5 1935
 NOV 1935
 FEB 1 1942
 FEB 24 1942
 FEB 16 1945
 AUG 27 1945
 NOV 6 1946
 SEP 27 1946
 SEP 30 1950
 OCT 10 1950
 NOV 22 1950
 SEP 23 1951
 APR 3 1963
 APR 3 1963
 NOV 4 1972
 NOV 13 1975
 NOV 13 1976
 JAN 31 1974

DWG No: 2122 Revised to:
 By: D.S.C. & H.N. August 1974
 Source: Tax Maps Bureau



14 Wailuku Sugar Co. - 70.31%
 Emily H. Enos - 41% - 25.00% - 7%
 Arthur Enos - (adm.)
 Keonini Family Partners)

SEC. 5
 19 Gene K. Kaululaau 7-10.07%
 Jo Ann Kaululaau Taa)
 Harry M. Kaululaau, Jr.)
 Beatrice H. Kaulipani - 10.07%
 Essie M. Miller 10.07%
 Henry K. Kaaba, Jr. 10.07%
 Sarah Wallace 10.07%
 Eloise Richards 10.07% - 7%

68 Wailuku Agribusiness Co., Inc.
 11, 12, 66, 67 Wailuku Agribusiness Co., Inc. - 75.73%
 Muriel Prager - 18.33% - 7%
 Keonini Family Partnership)

Por. of WAIKAPU, WAILUKU, MAUI

ADVANCE SHEET
 SUBJECT TO CHANGE

Parcels Dropped:
 8, 15, 16, 17, 18, 20, 21, 22, 23, 37, 45,
 6, 40, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61,
 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

SECOND DIVISION	
ZONE	SEC. PLAT
3	6 05
CONTAINING PARCELS	
SCALE: 1 in. = 200 Ft.	