

**SUPPLEMENT TO PETITION REQUESTING A CONTESTED CASE HEARING
BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT**

On Monday, May 9, 2011, John Russell filed this PETITION on behalf of the landowner
Wahi Ho`omalulu Limited Partnership.

In the ARGUMENTS Section of that PETITION, (page 6) we advise that Wahi
Ho`omalulu LP owns at least 18 Land Commission Awards (LCAs), kuleanas, on the Waiehu
Stream, which are listed in the attached Exhibit I from Title Guaranty and are shown on the maps
attached as Exhibits J-1 and J-2.

We also advised on page 6 that we would provide the "native testimony" and the "foreign
testimony" to show that people used these lands for agriculture. This use entitles these LCAs to
appurtenant water rights. The case *Territory v. Gay*, 31 Haw. 376, 386 (1921) holds:

Whenever it has appeared that a kuleana or perhaps other piece of land
was, immediately prior to the grant of an award by the land commission, enjoying
the use of water for the cultivation of taro or for garden purposes or for domestic
purposes, that land has been held to have had appurtenant to it the right to use the
quantity of water which it had been customarily using at the time named. In some
instances a mere reference to the land in the award or in the records of the land
commission as "taro land" ("aina kalo" or "loi kalo") or as "cultivated land"
("aina mahi") has sufficed to lead to and to support an adjudication that that land
was entitled to use water for agricultural purposes.

We have copies of the native testimony and copies of the foreign testimony, from the
State Archives, Exhibits 1 through 15. Below are quotes from the native testimony and foreign
testimony showing that most of these lands were in taro (kalo) prior to the grants of the LCAs.

That testimony is:

LCA 1806:3 to Makalawelawe, the native testimony says - "Section 3 - Taro pauku,
pasture at Honuhonuiiki" and on the "Waihee" side, on the "Waiehu stream" (Exhibit 1). The
foreign testimony says "3. is a Section of lois" (Exhibit 8).

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RESOURCE MANAGEMENT
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LCA 2461:2 to Kanehailua, the native testimony says - "6 patches at Ohianui" (Exhibit 2). The foreign testimony says "2...loi's in the ili of Ohiamui" (Exhibit 9).

LCA 2468:1 to Keau, the native testimony says - "Section 1 - Taro patches at Alahaha" (Exhibit 3). The foreign testimony says " No.1. is a kalo and kula land, in the ili of Ohiamui" (Exhibit 10).

LCA 2468:2 to Keau, the native testimony says - "Section 2 - 7 taro patches at Alahaha" (Exhibit 3). The foreign testimony says "No. 2 is seven lois in the ili of Alahaha" (Exhibit 10).

LCA 2554:1 to Wawae, the native testimony says - "Section 1 - Taro moo", "Waihee" - "Stream" (Exhibit 4). The foreign testimony says "No. 1 is lois of kalo" (Exhibit 11).

LCA 2554:2 to Wawae, the native testimony says "Section 2 - Taro moo", "Waihee Stream" (Exhibit 4). The foreign testimony says "No. 2. is lois of kalo" (Exhibit 11).

LCA 3259 to Luaehu, the native testimony says - "Nuuhiwa sworn He has seen 1 taro section", "Waihee Stream" (Exhibit 3). The foreign testimony says "is a large kalo plot" (Exhibit 12).

LCA 3275D to Holomoana (Kaholomoana) the native testimony says: "patch at Ohia... 1 patch at Ohia... 3 patches at Ohia... 46 patches at Poohuea... 6 patches at Kaluaolena" and mentions "stream" (Exhibit 5 and 6). The foreign testimony says "No. 1 is a kalo... No. 2 is one loi... No. 3 is one loi... No. 4 is 3 lois...No. 5 is 46 lois... No. 6 is 6 lois" (Exhibit 13).

LCA 3275-E:2 to Kalea, the native testimony says - "Section 2 - 2 Taro patches at Lualailua in Waiehu" (Exhibit 6). The foreign testimony says "No. 2 is 2 lois" (Exhibit 13 & 14).

LCA 3275-E:3 to Kaleo, the native testimony says - "Section 3 - 22 taro patches at Lualailua in Waiehu" "Maalaea-Stream" (Exhibit 6). The foreign testimony says "No. 3 is 22 lois" (Exhibit 13 & 14).

LCA 3275-E:4 to Kaleo, the native testimony says - "Section 4 - taro pauku at Paneenee in Waiehu" "Mauka and Waihee-Stream" (Exhibit 6). The foreign testimony says "4. is a section of lois" (Exhibit 13 and 14).

LCA 3275-E:6 to Kaleo, the native testimony says - "Section 6 - Taro pauku in Kumuiliuili in Waiehu" "Waihee-Stream" (Exhibit 6). The foreign testimony says "No. 6, is a section of lois" (Exhibit 13 and 14)

LCA 3275-W to Kaaea, the native testimony says "Kaleo sworn... he has also seen 1 house site section in the ili of Honuhonuihi in Waiehu" (Exhibit 7).

LCA 3451 to Kapahi, the foreign testimony says "land consist of one piece of kalo and kula land" (Exhibit 15).

LCA 11222 to Kapaku, the foreign testimony refers to three pieces of land " No. 1 is a ____ of kalo... No. 2 is one loi... No. 3 is one loi" (Exhibit 16).

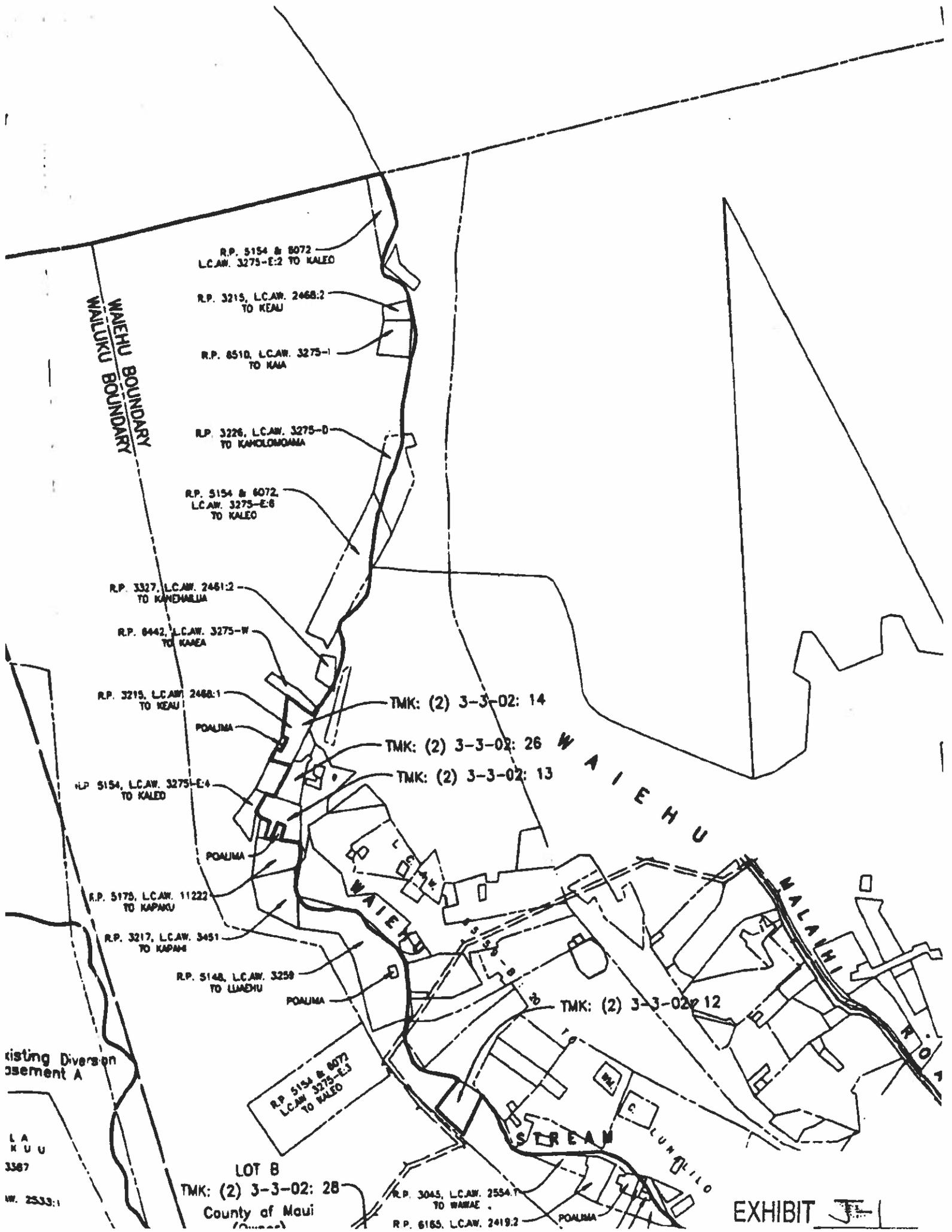
In conclusion, this evidence proves that the listed LCAs were in taro (kalo) cultivation prior to the grants of the awards, and LCA 1806:3 had pasture, and LCA 3275-W had a house site, so that these LCAs are now entitled to appurtenant water rights.

DATED: MAY 11 2011



TOM C. LEUTENEKER
Attorney for Wahi Ho`omalua LP

All of that certain parcel of land situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being portions of the land described in and covered by Deed of Kamehameha IV to C. Brewer and others dated April 2, 1863, recorded in Liber 16 at Page 374; Royal Patent Number 7302, Land Commission Award Number 4452, Apana 9 to H. Kalama; Royal Patent Number _____, Land Commission Award Number 8559-B, Apana 20 to W.C. Lunailo; Royal Patent Number 6073, Land Commission Award Number 1806, Apana 2 to Makalawelawe; Royal Patent Number 6073, Land Commission Award Number 1806, Apana 3 to Makalawelawe; Royal Patent Number 6165, Land Commission Award Number 2419, Apana 2 to Kamahiai; Royal Patent Number 3327, Land Commission Award Number 2461, Apana 2 to H. Kanehailua; Royal Patent Number 3215, Land Commission Award Number 2468, Apana 2 to Keau; Royal Patent Number 3215, Land Commission Award Number 2468, Apana 1 to Keau; Royal Patent Number 3045, Land Commission Award Number 2554, Apana 1 to Wawae; Royal Patent Number 3045, Land Commission Award Number 2554, Apana 2 to Wawae; Royal Patent Number 5148, Land Commission Award Number 3259, to Luaehu; Royal Patent Number 3226, Land Commission Award Number 3275-D, to Kaholomoana; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 2 to Kaleo; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 6 to Kaleo; Royal Patent Number 5154, Land Commission Award Number 3275-E, Apana 4 to Kaleo; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 3 to Kaleo; Royal Patent Number 6510, Land Commission Award Number 3275-I, to Kaia; Royal Patent Number 6442, Land Commission Award Number 3275-W, to Kaaea; Royal Patent Number 3217, Land Commission Award Number 3451, to Kapahi; Royal Patent Number 6753, Land Commission Award Number 3459, Apana 4 to Keawe; Royal Patent Number 7299, Land Commission Award Number 4452, Apana 6 to H. Kalama; Royal Patent Number 5147, Land Commission Award Number 5454, Apana 4 to Pauanihi; Royal Patent Number 5157, Land Commission Award Number 11222, to Kapaku; being LOT A-1 of the IAO VALLEY LARGE-LOT SUBDIVISION, containing an area of 834.016 acres, more or less, bearing Tax Key designation (2) 3-3-002-portion 001.



R.P. 5154 & 8072
L.C.A.W. 3275-E-2 TO KALEO

R.P. 3215, L.C.A.W. 2468:2
TO KEAU

R.P. 6510, L.C.A.W. 3275-1
TO KAA

R.P. 3226, L.C.A.W. 3275-0
TO KAHOLOMOMIA

R.P. 5154 & 8072,
L.C.A.W. 3275-E-6
TO KALEO

R.P. 3327, L.C.A.W. 2461:2
TO KAHUHALUA

R.P. 6442, L.C.A.W. 3275-W
TO KAAEA

R.P. 3215, L.C.A.W. 2468:1
TO KEAU

POALIMA

TMK: (2) 3-3-02: 14

TMK: (2) 3-3-02: 26

TMK: (2) 3-3-02: 13

R.P. 5154, L.C.A.W. 3275-E-4
TO KALEO

POALIMA

R.P. 5175, L.C.A.W. 11222
TO KAPAKU

R.P. 3217, L.C.A.W. 3451
TO KAPAKU

R.P. 5148, L.C.A.W. 3258
TO LIHAHU

POALIMA

TMK: (2) 3-3-02: 12

R.P. 5154 & 8072
L.C.A.W. 3275-E-3
TO KALEO

Existing Diversion
Segment A

LA HUU
3367

W. 2533:1

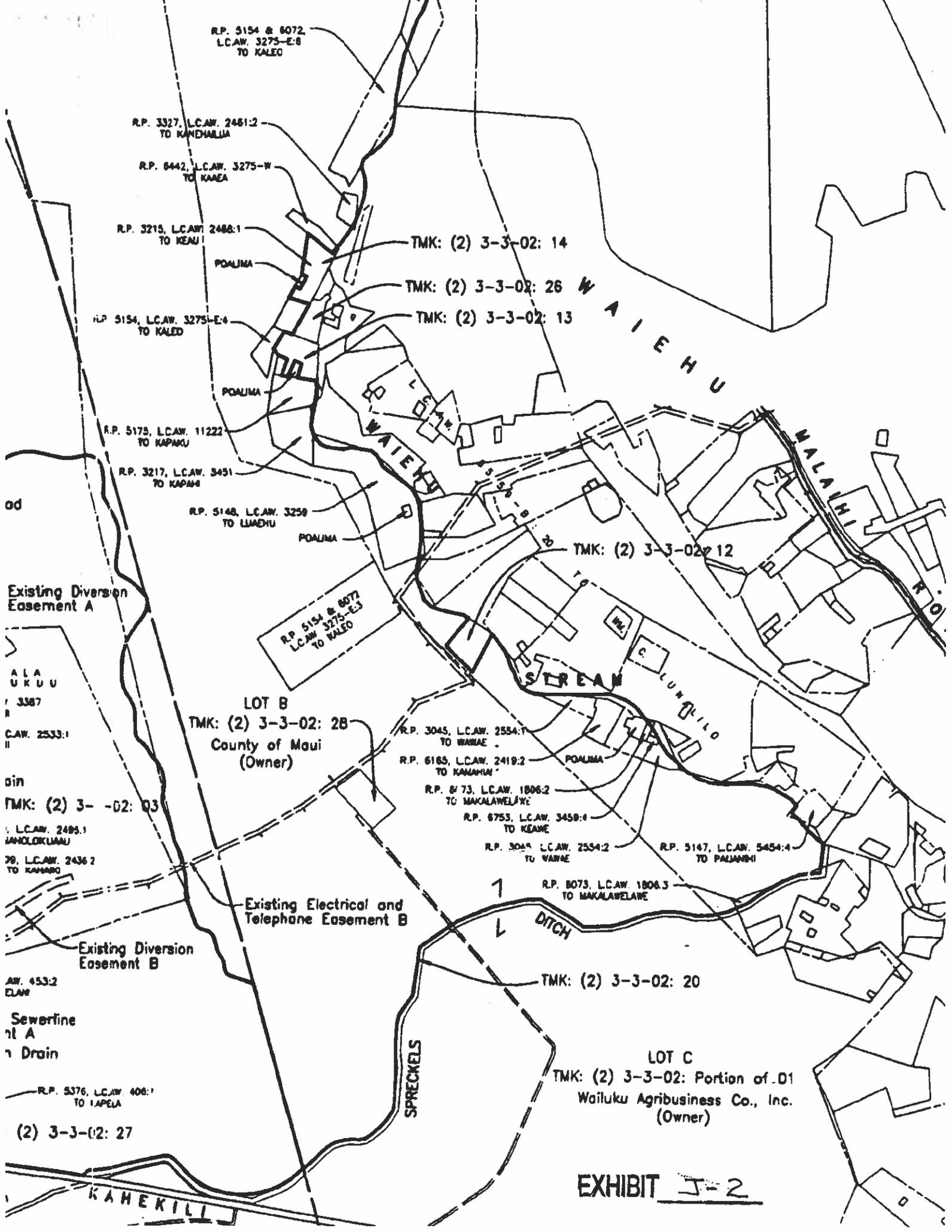
LOT B
TMK: (2) 3-3-02: 28
County of Maui

R.P. 3045, L.C.A.W. 2554.1
TO WAIHEHU

R.P. 6165, L.C.A.W. 2419.2

POALIMA

EXHIBIT J-1



R.P. 3154 & 6072
L.C.A.W. 3275-E-8
TO KALEO

R.P. 3327, L.C.A.W. 2481-2
TO KANEHALUA

R.P. 6442, L.C.A.W. 3275-W
TO KAAEA

R.P. 3215, L.C.A.W. 2488-1
TO KEAU

POALIMA

TMK: (2) 3-3-02: 14

TMK: (2) 3-3-02: 26

TMK: (2) 3-3-02: 13

R.P. 5154, L.C.A.W. 3275-E-4
TO KALEO

POALIMA

R.P. 5175, L.C.A.W. 11222
TO KAPAKU

R.P. 3217, L.C.A.W. 3451
TO KAPAKU

R.P. 5148, L.C.A.W. 3259
TO LIADHU

POALIMA

TMK: (2) 3-3-02: 12

Existing Diversion
Easement A

R.P. 5154 & 6072
L.C.A.W. 3275-E-8
TO KALEO

LOT B
TMK: (2) 3-3-02: 28
County of Maui
(Owner)

R.P. 3045, L.C.A.W. 2554-1
TO WAAE

R.P. 6165, L.C.A.W. 2419-2
TO KANAHU

R.P. 673, L.C.A.W. 1806-2
TO MAKALAWELAWE

R.P. 6753, L.C.A.W. 3459-4
TO KEANE

R.P. 3045, L.C.A.W. 2554-2
TO WAAE

R.P. 5147, L.C.A.W. 5454-4
TO PALIANDHI

ALA
UKUU
3387
C.A.W. 2533-1

TMK: (2) 3-3-02: 03

L.C.A.W. 2495-1
KANOLOKUANU

36, L.C.A.W. 2436-2
TO KANAHU

Existing Electrical and
Telephone Easement B

Existing Diversion
Easement B

AW. 453-2
ELAM

Sewerline
of A
Drain

R.P. 5376, L.C.A.W. 406-1
TO LAPELA

TMK: (2) 3-3-02: 27

R.P. 8073, L.C.A.W. 1806-3
TO MAKALAWELAWE

TMK: (2) 3-3-02: 20

LOT C
TMK: (2) 3-3-02: Portion of .01
Wailuku Agribusiness Co., Inc.
(Owner)

EXHIBIT J-2

KAHEKILI

NATIVE TESTIMONY

<u>LCA #</u>	<u>Land Owner</u>	<u>Native Testimony</u>	<u>Comments</u>
X 1806	Makalawelawe	310 v.5	
2419	Kakamiai	none	
X 2461	Kanehallua	321 v.5	
1 2468 1	Keau	313 v.5	
1 2468 2	Keau	n/a	only 1 entry
1 2554 1	Wawae	316 v.5	
1 2554 2	Wawae	n/a	only 1 entry
1 3259	Luaehu	312 v.5	
1 3275D	Kaholomoana	335 v.5	
1 3275 E2	Kaleo	335 v.5	
1 3275 E3	Kaleo	n/a	See Index for LCA #3275 listings
1 3275 E4	Kaleo	n/a	
1 3275 E6	Kaleo	n/a	
1 3275 I	Kaia	337 v.5	
1 3275 W	Kaaea	344 v.5	
3451	Kapahi	664 v.4	No Kapahi testimony @664 v.4
4452 6	Kalama	none	No LCA 4452-6; See Index for LCA #4452-10 listings. Which Maui property?
5454	Pauanihi	308 v.5	
11,222	Kapaku	339 v.5	No Kapaku testimony @ 339 v.5

No. 3377 Puulau (cont.)

Section 1 - Taro land, pasture and house at Kipapa
Mauka Kapuoho
Waihee Pali
Makai Kamai
Malaaea Ahikuli stream

Section 2 - Pasture land at Kukuikomo
Mauka, Waihee, amakai Konohiki
Malaaea Stream

Section 3 - Pasture land, sugar, wauke at Kahakapiele
Mauka Apapau
Waihee Pali
Makai and Malaaea Apapau

No. 2572 Naheana

July 17, 1849

Kaawa sworn He has seen 3 sections in these ilis of Waiehu. *First section Pg. 310 from Eleele at the time of Kam II. 2nd section from Makalawelawe before 1837. 3rd section from Kaelepulu, Kaelepulu's land from Keahi in 1843. Keahi's land from Naea, Naea's land from Namakaeha in 1840. Namakaeha's land from Kaunuohina in 1837. 5 Poalima's in section 1, no objections.

Section 1 - Taro pauku at Pahapahawale
Mauka Konohiki
Waihee Waiehu stream
Malaaea Puula/Konohiki

Section 2 - Taro pauku at Pilipili
Mauka Kaelepulu
Waihee Konohiki
Makai and Malaaea Kaelepulu

Section 3 - Taro (1) patch at Kailiili
Mauka, Waihee, makai Popoki
Malaaea Kaawa's land

No. 1806 Makalawelawe

July 17, 1849

Kaawa sworn He has seen 5 sections in these ilis of Waiehu. Land from Eleele at the time of Kam II, 2 Paolima's in the section, no objections.

Section 1 - Taro pauku, pasture at Kailiili
Mauka Keole
Waihee Kaawa's land
Makai Pasture

Section 2 - 3 Taro patches from Honuhonunui
Mauka Prisoners patch
Waihee Stream
Makai, Malaaea Wawae

Section 3 - Taro pauku, pasture at Honuhonuiki
Mauka Luaehu
Waihee Waiehu stream
Makai Wawae
Malaaea Wailuku

Section 4 - 10 patches, pasture and house at Pahapahawale
Mauka Pasture
Waihee Waiehu stream
Makai Naheana's land

Section 5 - House lot makai of Pahapahawale
Mauka Kaawa's land
Waihee Waiehu stream
Makai Sea
Malaaea Pasture

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Kaleo sworn He has seen 5 sections in these ilis of Waiehu. Sections 1,2, and 5 from Kanehailua's father, Uwe at the time of Kam I. Sections 3 and 4 from Keliinui in 1837, no objections.

Section 1 - Pauku patch at Paneenee

Mauka, Waihee and makai	Stream
Maalaea	Waiehu pali

Section 2 - 6 patches at Ohianui

Mauka	Keau
Waihee	Z. Nakookoo's land
Makai, Maalaea	Keau

Section 3 - 12 patches at Kaohe

Mauka	Polea's land
Waihee	Pali
Makai	Upai's (w) land
Maalaea	Stream

Section 4 - 5 Patches at Kaohe

Mauka, Waihee	Polea's land
Makai	Pepe's land
Maalaea	Pali

Section 5 - 2 Patches at Kumuiliuili

Mauka and Waihee	Kaleo's land
Makai	Pa's (w) land
Maalaea	Kaleo's land

Ehu sworn He has seen 4 sections in these ilis of Polipoli. Kepaa's land from Nawai at the time of Kam. I. 1 Friday in section 1, no objections.

Section 1 - Taro land at Halelau

Mauka and Waihee	Ehu's land
Makai	Poalima
Maalaea	Ehu's land

Section 2 - Pasture land at Kepalaoa 1

Mauka	Pea
Waihee	Kamana Baisa
Makai and Maalaea	Pea

Section 3 - Pasture land At Kepalaoa 1

Pea's boundaries are on all sides.

Section 4 - Pasture land at Kepalaoa 2

Apapau's boundaries surround this section.

Kula sworn He has seen 6 sections in the ilis of Waiehu. Sections 1 and 3 from Eleele at the time of Kam II. Section 2 from Kaliula at the same time as sections 1 and 3. Section 4 from Papahi in 1845. Kapahi's land from Eleele. Section 5 from Naheana. Section 6 from Kaiakahi. 1 poalima in section 1 and another in section 4, no objections.

Section 1 - Taro pauku at Omao 3

Mauka	Konohiki
Waihee	Kapahi
Makai	Kaluula's land
Maa;aea	Konohiki

No. 2526 Makanui (cont.)

Section 2 - 7 Taro patches at Kahimana
Mauka Polea
Waihee and makai Ahikuli stream
Malaaea Wawae

Section 3 - 3 taro patches at Pilipili
Mauka Naheana's land
Waihee, makai, Malaaea Kaelepulu

Section 4 - 1 taro patch at Pahapahawale
Mauka Keo
Waihee Stream
Makai Keo
Malaaea Nakookoo's land

No. 3259 Luashu July 17, 1849

Nuuhiwa sworn He has seen 1 taro section between the ilis of Ohianui and Ohia-iki in Waiehu. This land from Eleele at the time of Liholiho. 2 Poalimas there, no one objected.

Mauka Kumukahi ili
Waihee Stream
Makai Honuhonuiki ili
Malaaea Waiehu pali

No. 2468 Keau Wailuku, Waiehu con't. July 17, 1849 pg.313

Nuuhiwa sworn He has seen 2 sections in the ilis of Waiehu. Land from eleele at the time of Kam. II. 3 poalimas in the first section, no objection.

Section 1 - Taro patches at Alahaha
Mauka Kaaea
Waihee Papalina's (w) land
Makai Kalama
Malaaea Government school

Section 2 - 7 Taro patches at Alahaha
Mauka Kalia
Waihee, makai, Malaaea Kaia

No. 3433 Kuaana July 17, 1849

Hao sworn He has seen 1 section in Pohakunui ahupuaa. Land from Kanepaina in 1839. 2 Poalimas in there, no one objected.

Mauka, Waihee Kamana Biasa
Makai Government enclosure
Malaaea Pa.

No. 3444 Kalopa (w) Wailuku, July 18, 1849

Kula sworn He has seen 2 sections in these ilis at Waiehu. Land from Eleele at the time of Kam II. No objection. The poalimas have been separated.

Section 1 - 8 patches at Omao 1
Mauka and Waihee Nakookoo's land
Makai Prisoners patch
Malaaea Kula's land

No. 2526 Pa (cont.)

Section 5 - 3 Taro patches at Ohia 2

Mauka	Pulehupo
Waihee and makai	Polea's land
Maalaea	Stream

No. 2548 Luaehu July 18, 1849

This claim has been done on No. 3259 on July 17, 1849.

No. 3428 Kekai July 18, 1849

Hao sworn He has seen 1 section at Pohakunui of Napoko of 10 patches and a pasture. Land from Pa in 1845, Pa's land from Lelehu before the Law, no objections.

Mauka	Kikoho
Waihee	Government enclosrue
Makai	Lelehu/Poalima
Maalaea	Kauau

No. 3430 Kekuaihehia July 18, 1849

Kaiuipoepoe sworn He has seen 1 section in the ili of Mookahi in Polipoli. Land from Kapapuni, an old land from her (Kekuaihehia) husband, no one objected.

Mauka	Kapapuni's land
Waihee	Kapulu
Makai	Auwa'e's land
Maalaea	Kapapuni's land

No. 3437 Kaliula (from 304) July 18, 1849

Kamahiai sworn He has seen 1 section of taro and a *pasture in the ili of Kapoi- pg.316 nonui in Napoko. Land from Keinohookama in 1817, 1 poalima there. No one has objected.

Mauka	Mahina
Waihee	Government fence
Makai	Naheana's land
Maalaea	Waiehu stream

No. 2554 Wawae July 18, 1849.

Nuuiwa sworn He has seen 3 sections in the ili of Honuhonu of Waiehu. Land from Eleele in 1835, no objections. 1 Poalima in the first section.

Section 1 - Taro moo

Mauka	Honuhonuiki ili
Waihee	Stream
Makai	Kamahiai
Maalaea	Government fence

Section 2 - Taro moo

Mauka	Kamahiai
Waihee	Stream
Makai	Prisoners' patch
Maalaea	Government fence

No. 2542 Ulaula (cont.)

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

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

No. 3275 Weloula July 19, 1849

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

No. 3275 B Kapohuli July 19, 1849

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

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

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

Section 1 - Whole ili of Ohiaiki

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

Section 2 - Taro pauku and pasture at Kaalaino

Mauka	Kamai
Waihee and makai	Kamaka
Maalaea	Konohiki

No. 3275 C Mokupanee July 19, 1849

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

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

No. 3275 Holomoana July 19, 1849

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

Section 1 - Kaulu ili in Waiehu

Mauka	Kapohuli
Waihee	Pali
Makai	Keliinui
Maalaea	Stream

No. 3275 Holomoana (cont.)

- Section 2 - 1 patch at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 3 - 1 patch at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 4 - 3 patches at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 5 - 46 patches at Poohuea in Ahikuli
Mauka and Waihee Kamanele
Makai Waiwaiole
Maalaea Ahikuli stream
- Section 6 - 6 patches at Kaluaolena at Ahikuli
Waiwaiole's boundaries on all sides.
-

No. 3275 M Kaleo

July 19, 1849

Claimant sworn He wrote and sent (claim) to Oahu on Dec. 29, 1847. Kakohuli sworn He has seen 8 sections in these ilis of Wailuku and Waiehu. All sections in Waiehu from Kaleo's grandparents, 1 poalima in section 2, no objections.

- Section 1 - 2 taro patches at Puuhala in Wailuku
Kawaa's boundaries on all sides.
- Section 2 - 2 Taro patches at Lualailua in Waiehu
Mauka Kahokuli's land
Waihee Kuhilanakea's land
Makai Paahao
Maalaea Paikalehoule
- Section 3 - 22 taro patches at Lualailua in Waiehu
Mauka, waihee Paikalehoula
Makai Kahue
Maalaea Stream
- Section 4 - taro pauku at Paneenee in Waiehu
Mauka and Waihee Stream
Makai and Maalaea Kaina
- Section 5 - Pasture and house at Kumuiliuili at Waiehu
Makai and Waihee Luaehu
Makai Naleipuleho
Maalaea Wailuku ahupuaa
- Section 6 - Taro pauku in Kumuiliuili in Waiehu
Mauka Keliinui
Waihee Stream
Makai Paikalehoula
Maalaea Konohiki
- Section 7 - 5 Taro pauku (patches) at Ukiki in Waiehu
Mauka and Waihee Kahue
Makai Prisoners' patch
Maalaea Stream
- Section 8 - Whole ili land of Kepaka in Waiehu
Mauka Kaia
Waihee Stream
Maalaea AND Makai Keau

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No. 3275 F Kane

Wailuku, July 19, 1849

Kamai sworn Naleipuleho wrote Kane's claim in 1847. Waiwaiole sworn he has seen 4 sections in these ilis of Ahikuli. Section 1 from Kaaimalani at the time of Kam. II. Section 2 from Kaneiakala in 1835. Section 3 from Kamahaloa at the time of Kam II.

EXHIBIT 6

Kula sworn Naleipuleho wrote in Dec. 1847. Kula has seen 3 sections in these ilis of Waiehu. Land from Kula before 1843, his land from Kahoa. Kahoa's land is old and from his parents at the time of Kam. I, no objections.

Section 1 - Taro pauka and pasture in Ohia

Mauka	Kaelepulu
Waihee	Makanui
Makai	Kahalelahulu
Maalaea	Wailuku ahupuaa

Section 2 - 6 Taro patches at Omao 2

Mauka	Kaiaulani
Waihee	Kapaoula
Makai	Naialaolao
Maalaea	Kaiaulani

Section 3 - Wauke pasture at Panenee

Mauka	Z. Nakookoo's land
Waihee	Stream
Makai	Kaleo's land
Maalaea	Waiehu pali

Kaleo sworn Hehas know - he has written claim on Dec. 19, 1847, he has also seen 1 house site section in the ili of Honuhonuihi in Waiehu. Kaaea's land from Eleele at the time of Kam II, no objections.

Mauka and Waihee	Popoki
Makai	Wawae
Maalaea	Government enclosure

Hehas not filed his claim.

Kula sworn Kaleohano wrote and he has seen 1 taro section, pasture and house lot.

in the ili of Pahapahawale in Waiehu. Land from Eleele at the time of Kam II, his land from his parents in-law. 4 Poalimas there, no one has objected.

Mauka	Z. Nakookoo's land
Waihee	Stream
Makai	Z. Nakookoo's land
Maalaea	Naheana's land

Kaleo sworn He has heard Naleipuleho had written (claim) in Dec. 1847 and he has seen 2 sections in these ilis of Waiehu. Kaneiki's land (2sections) from Polea in 1838. No objections, 1 polaima in section 2.

Section 1 - Taro pauku and pasture at Kaalino

Mauka	Mokupanee
Waihee	Polea's land
Makai	Kamai
Maalaea	Upai's land /Mokupanee

FOREIGN TESTIMONY

Chart of Foreign and Native Testimony
(in order by LCA#)

<u>LCA #</u>	<u>Land Owner</u>	<u>Foreign Testimony</u>
1806	Makalawelawe	524 v.7
2419	Kakamiai	530 v.7
2461	Kanehailua	535 v.7
2468 1	Keau	527 v.7
2468 2	Keau	n/a
2554 1	Wawae	530 v.7
2554 2	Wawae	n/a
3259	Luaehu	526 v.7
3275D	Kaholomoana	n/a
3275 E2	Kaleo	550 v.7
3275 E3	Kaleo	n/a
3275 E4	Kaleo	n/a
3275 E6	Kaleo	n/a
3275 I	Kaia	n/a
3275 W	Kaaea	n/a
3451	Kapahi	543 v.7
4452 6	Kalama	
5454	Pauanihi	522 v.7
11,222	Kapaku	555 v.7

Kachjula in 1848, and he from Liaki in 1848, and he from
Naru in 1848, and he from Samokuba in 1860, and he from
a Kurumua in 1857. His title was never disputed. There are 5
pouina bits in P. 24

N^o 1 is bounded. Maaka, by the Murokiki's land. Waikua, by the
Creeks of Waikua. Maakui, by Poulas land. Maalawa, by the
Murokiki's land.

N^o 2, is bounded. Maakui, by Kachjula's land. Waikua, by
the Murokiki's land. On other two sides, by Kachjula's land.

N^o 3, is bounded. Maakui & Waikua & Maakui sides, by Poulas
his land. Maalawa, by my land.

C. 1806. Maakui-awhau.

Maaka for. The Ott's land consist of 5 pieces in Waikua, Maui.
N^o 1 is a portion of kaha & kaha in the side of Maakui.

- " 2 " kaha land of 3 bits " " " Maakui-awhau.
- " 3 " a section of bits " " " Maakui-awhau.
- " 4 " a kaha land of 10 bits, on kaha & Maakui lot in Pukupukuhau.
- " 5 " a Maaka lot in Pukupukuhau.

The Ott was & them from Maakui in the reign of Tamu-
hau-awhau II and his title is not disputed. There are 2 pouina
bits in P. 24

N^o 1, is bounded. Maaka, by Maakui's land. Waikua, by Maakui
land. Maakui, by Maakui's land. Maalawa, by Maakui's.

N^o 2, is bounded. Maakui, by the Maakui bits. Waikua, by
the Creek of Waikua. On other two sides, by Maakui's land.

N^o 3, is bounded. Maakui, by Maakui's land. Waikua, by the
Creeks of Waikua. Maakui, by Maakui's land. Maalawa, by Maakui's.

N^o 4, is bounded. Maakui, by Maakui's land. Waikua, by the
Creek of Waikua. Maakui, by Maakui's land. Maalawa, by Maakui's.

N^o 5, is bounded. Maakui, by my land. Waikua, by the
Creeks of Waikua. Maakui, by Maakui's land. Maalawa, by Maakui's land.

C. 2447. Maaka.

Maaka for. The Ott's land consists of 4 pieces in Waikua, Maui.

29. 1847. The land consist of 8 pieces, one in Waikato and
the other 7 in Waikato, New Zealand

- 1. is 2 lots in Waikato, Waikato
- 2. " " " " Waikato, Waikato
- 3. " " " " Waikato, Waikato
- 4. " a section of land in Waikato
- 5. " " " " Waikato, Waikato
- 6. " a section of land in Waikato, Waikato
- 7. " 5 lots in Waikato
- 8. " the lot of Waikato, Waikato

As the lot from the year 1843, until 1847
2, 3, 4, 5, 6, 7 & 8 from the days of the Waikato War. He
had them through his parents. His title is not disputed. There is
one problem for it is 1847

1. is bounded. Waikato and all sides, by the Waikato land.

2. is bounded. Waikato, by my land Waikato, by Waikato
land's land. Waikato, by the Waikato land. Waikato, by the Waikato land's
land.

3. is bounded. Waikato and Waikato sides, by the Waikato land.
Waikato, by the Waikato land. Waikato, by the Waikato land.

4. is bounded. Waikato and Waikato sides, by the Waikato land.
On other two sides, by the Waikato land.

5. is bounded. Waikato and Waikato sides, by the Waikato land.
Waikato, by the Waikato land. Waikato, by the Waikato land.

6. is bounded. Waikato, by the Waikato land. Waikato, by
the Waikato land. Waikato, by the Waikato land. Waikato, by the Waikato
land's land.

7. is bounded. Waikato and Waikato sides, by the Waikato land.
Waikato, by the Waikato land. Waikato, by the Waikato land.

8. is bounded. Waikato, by the Waikato land. Waikato, by
the Waikato land. On other two sides, by the Waikato land.

Waikato July 23rd 1849.
C. 3278 & 3279

It is to be shown that the Waikato land was not the claim of
the Waikato land and that it was sent in to the Commission in Dec^r 1847

piece and that he has no true title to.

C. 3613 Papiou.

John Lee. The Old land consists of 4 pieces in Waikhu, Manu.
No 1. is a kula land of 23.000 and kula in Ohiaki
2. " 5 kula in Kuluwama
3. " 3 " " Kapiou.
4. " 9 " " Kapiou.

The Claimant got these lands from John in 1838, and his title has never been disputed. There is no dispute in No 1. It is bounded Waikhu by Kaniolo's land, Waikhu, by John's land, Waikhu, by Pulehanga's land, Waikhu by the Creek of Waikhu.

No 2. is bounded Waikhu, by my uncle Waikhu, by Mr Birch's land, Waikhu, by the Creek of Ohiaki, Waikhu, by John's land.

No 3. is bounded Waikhu, by Pulehanga's land. On other three sides, by Kaniolo's land.

No 4. is bounded Waikhu by Kaniolo's land, Waikhu, by the Creek of Waikhu, Waikhu, by Kaniolo's land, Waikhu, by the same.

C. 3654 Kapiou

John Lee. The Old land consists of one piece of kula and kula land, on the side of Kaniolo's land, Waikhu, Manu.

He got it from John in 1838, and he had it from the day of Kaniolo's land. His title is now without dispute. There is no other claimant.

It is bounded Waikhu, by Kaniolo's land, Waikhu, by the Creek of Waikhu, Waikhu, by Kaniolo's land, Waikhu, by the side of Waikhu.

C. 3647 Kapiou.

John Lee. The Old land consists of 2 pieces of land in Pulehanga



1839. N^o 4. from Paula before 1839. N^o 5. from Kai-lani before 1839. and N^o 6. from Kaina before 1839. His title is not disputed.
 N^o 1. is bounded. Maaka, by Anwai's land. Waikua, by N^o 2. Pichi land. Makai, by Waiwara's land. Maaluu, by the Crnk of Waikua.
 N^o 2. is bounded. Maaka, by Kahoohoo's land. On other three sides, by Kahoohoo's land.
 N^o 3. is bounded. Maaka, by Kaina's land and so all sides.
 N^o 4. is bounded. Maaka, by Paula's land. Waikua, by the Crnk. Makai, by Paula's land. Maaluu, by Kahoohoo's land.
 N^o 5. is bounded. on all sides, by Kahoohoo's land.
 N^o 6. is bounded. on all sides, by Kaina's land.



C. 32784. Kapulu. The 1st 1122?

Kamehameha Sen. I know that Kahoohoo's title was written out and sent in this claim in 1847. The title has three pieces of land, all in Waikua, Maui.
 N^o 1. is a piece of kaka & kaka in the title of Kahoohoo's.
 " 2. " " " in Kahoohoo's title.
 " 3. " " " in Kahoohoo's title.
 The Claimant rec^d these lands from Kahoohoo in the years before 1839. His title was never disputed. There is one piece of land in N^o 1.
 N^o 1. is bounded. Maaka, by Kahoohoo's land. Waikua, by the Crnk. Makai, by Kahoohoo's land. Maaluu, by the Crnk.
 N^o 2. is bounded. On all sides, by Kahoohoo's land.
 N^o 3. is bounded. Maaka, by Kahoohoo's land. On other three sides, by Kahoohoo's land.

C. 32750 Kaina

Kamehameha Sen. I know Kaina's claim was written out and sent in by Kahoohoo in 1847. The title has 2 pieces in Waikua, Maui.
 N^o 1. is a section of his in Kahoohoo's title.

Wahi Ho`omalua has appurtenant water rights:

Wahi Ho`omalua owns at least 18 Land Commission Awards (LCA), kuleanas, on the South Fork of the Waiehu Stream, including TMK (2) 3-3-02-26, and one on the Iao Stream. Parcel 3-3-02-01 itself borders on these Streams, and thus these lands have appurtenant and riparian water rights. These LCAs are listed on Tab G, from Title Guaranty.

We have the "Native Testimony" and the "Foreign Testimony" on these kuleanas to show that people dwelt on these lands and used these lands for agricultural purposes, primarily for taro production, described below. Thus Wahi Ho`omalua has the right to take surface water to its kuleanas, for domestic and agricultural purposes.

The case, *McBride Sugar v. Robinson*, 54 Haw. 174, 188 (1973), holds:

"It is the general law of this jurisdiction that when land allotted by the Mahele was confirmed to the awardee by the Land Commission and/or when Royal Patent was issued based on such award, such conveyance of the parcel of land carried with it the appurtenant right to water for taro growing."

McBride says the burden of proof to show the amount of water that was actually being used for taro cultivation at the time the LCA was awarded is on Wahi Ho`omalua, the person asserting the right (pp. 188-189). Appurtenant water rights are calculated by the number of acres under taro cultivation at the time the LCA was awarded, multiplied by the average quantity of water used per day per acre in growing taro.

Pioneer Mill v. Ward, 37 Haw. 74, 92 (1945), says:

In *Territory v. Gay*, 31 Haw. 376, at 395, the late Chief Justice Perry made the following more elaborate statement of the Hawaiian law on the subject under discussion: "Water for domestic purposes on a lower ahupuaa is in any event assured under Hawaiian law. Every portion of land, large or small, ahupuaa, ili or kuleana, upon which people dwelt was, under the ancient

Hawaiian system whose retention should, in my opinion, continue unqualifiedly, entitled to drinking water for its human occupants and for their animals and was entitled to water for other domestic purposes. At no time in Hawaii's judicial history has this been denied. Whenever it is proven that people dwelt, at the time of the award of the land commission, upon a piece of land awarded, it will be easily found and adjudicated that that piece of land was and is entitled to water for all domestic purposes. Under similar circumstances lands of the king or of any other konohiki which have remained unawarded would be similarly treated. These rights to water for drinking purposes and for other domestic uses are included in the ancient appurtenant rights hereinabove referred to.

The case, *Territory v. Gay*, 31 Haw. 376, at page 386 holds:

If any of the lands were entitled to water by immemorial usage, this right was included in the conveyance as an appurtenance. An easement appurtenant to land will pass by a grant of the land, without mention being made of the easement or the appurtenances.

Then *Territory v. Gay*, says on page 376:

Appurtenant Water Rights

Whenever it has appeared that a kuleana or perhaps other piece of land was, immediately prior to the grant of an award by the land commission, enjoying the use of water for the cultivation of taro or for garden purposes or for domestic purposes, that land has been held to have had appurtenant to it the right to use the quantity of water which it had been customarily using at the time named. In some instances a mere reference to the land in the award or in the records of the land commission as "taro land" ("aina kalo" or "loi kalo") or as "cultivated land" ("aina mahi") has sufficed to lead to and to support an adjudication that that land was entitled to use water for agricultural purposes.

The case, *Reppun v. Board of Water Supply*, 65 Haw. 531, 551 (1982), holds:

Unlike riparian rights, appurtenant water rights are incidents of land ownership. In the first of our recorded cases governing water rights the nature and foundation of these rights were described thusly:

[When a grantor] has conveyed portions [of an] ahupuaa to several persons . . . [e]ach grantee will hold all that has been conveyed to him, unless it should conflict with a previous conveyance. This includes the [artificial] water on their lands and all the water which the lands had enjoyed from time immemorial.

Peck v. Bailey, supra at 662. These rights were characterized by the court as "appurtenant to . . . lands", *id.*, and superior to riparian rights inasmuch as they constituted "an easement in favor of the [property with an appurtenant right] as the dominant estate." *Id.*

Thus, appurtenant water rights are rights to the use of water utilized by parcels of land at the time of their original conversion into fee simple land.

The case, *In Re Water Use Permit Applications*, 94 Haw. 97, 149, in footnote 52, says:

"In the future some existing uses may be subject to modification to satisfy superior claims (e.g., unexercised appurtenant rights)."

The Water Code, HRS Section 174C-63 says:

Appurtenant rights are preserved. Nothing in this part shall be construed to deny the exercise of an appurtenant right by the holder thereof at any time. A permit for water use based on an existing appurtenant right shall be issued upon application. Such permit shall be subject to sections 174C-27 and 174C-58 to 174C-62.

The State Constitution Article XI, Section 3 says the State shall conserve and protect agricultural lands.

Wahi Ho`omalua has riparian water rights:

McBride Sugar holds (at pages 191 and 192):

"McBryde, the State, and Gay & Robinson, as owners of land in the Hanapepe Valley, may have water rights other than appurtenant water rights. This court in *Terr. V. Gay*, 31 Haw. 376, 395 (1930), recognized such a right and said:

'Water for domestic purposes on a lower ahupuaa is in any event assured under Hawaiian law. Every portion of land, large or small, ahupuaa,

ili or kuleana, upon which people dwelt was, under the ancient Hawaiian system whose retention should, in my opinion, continue unqualifiedly, entitled to drinking water for its human occupants and for their animals and was entitle to water for other domestic purposes. At no time in Hawaii's judicial history has this been denied."

And *McBryde* holds:

"We therefore hold that under the statute a proprietor of land adjoining natural watercourses has riparian water rights. . . .the right to use water flowing therein without prejudicing the riparian rights of others and the right to the natural flow of the stream without substantial diminution and in the shape and size given it by nature. This right is incapable of measurement into number of gallons per day. Of course, the riparian right appertains only to land adjoining a natural watercourse for its use." (At pp. 197 and 198).

Reppun holds (pp. 552-553):

"A riparian proprietor has the right to enjoy the benefits of a flow of water, as an incident to his estate, can use the water for irrigation, watering his cattle, and other domestic purposes, provided he does not materially diminish the supply of water or render useless its application by others.

8 Haw. at 662. It would thus appear that riparian owners are entitled to the use of natural flow of the stream under the so-called "natural flow" theory of riparianism. . . "

But as we said, we are convinced the exclusive purpose of the statutory imposition of riparian rights in this jurisdiction was to enable tenants of ahupuaas to make productive use of their lands and that our interpretation of these rights must proceed in conformity with this purpose . . .

Reppun also says (p. 538):

The Plaintiff taro farmers' claims to the waters of the Waihee stream are premised on *McBryde v. Robinson, supra*. There, we held, inter alia, that 1) HRS § 7-1, originally enacted in 1850 as section 7 of our kuleana act, imposed the "natural flow" doctrine of riparianism upon the

waters of our state; 2) that riparian water rights appertain only to land adjoining a natural watercourse for its use; and 3) that the right to the use of water by virtue of its application to the land at the time of the Mahele, *i.e.*, appurtenant water rights, may be used only in connection with those particular parcels of land to which that right appertains.

On page 539 the *Reppun* Court says:

"We decline the invitation to overrule *McBryde v. Robinson, supra*. We find that the rules of law posited in that opinion are applicable here."

Reppun said:

"An expression of the will of the sovereign with respect to waters is next found in section 7 of the Enactment of Further Principles. Laws of 1850, p. 202. This section provided in relevant part that:

The people also shall have the right to drinking water, and running water and the right of way. The springs of water and running water, and roads shall be free to all, should they need them, on all lands granted in fee simple; provided, that this shall not be applicable to wells and water courses which individuals have made for their own use. (HRS § 7-1.)

In *McBryde* meaning was given to this language for the first time when we ruled that the statute, at the time of its passage, imposed the "natural flow" doctrine of riparianism upon the waters of the Kingdom. We continue to find this interpretation to be appropriate and proper. (At pages 544-545).

In Re Water Use Permit Application, 94 Haw. 97, 137 (2000), has the referral:

"See also *McBryde*, 54 Haw. at 191-98, 504 P. 2d at 1341-44 (comparing section 7 of the Kuleana Act with authority in other jurisdictions recognizing riparian rights to water for domestic uses)."

All of Wahi Ho`omalua lands adjoin a natural water course, either the Waiehu Stream or the Iao Stream.

Wahi Ho`omalua has HRS § 7-1 water rights:

The lands owned by Wahi Ho`omalua also have rights to surface water by HRS § 7-1, which says:

Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple; provided that this shall not be applicable to wells and watercourses, which individuals have made for their own use.

Native Testimony and Foreign Testimony

The 18 Land Commission Awards (LCAs), kuleanas, on the Waiehu Stream, are listed in the attached Tab G from Title Guaranty and are shown on the maps attached as Tabs H and I.

The attached "native testimony" and the "foreign testimony" show that people used these lands for agriculture. This use entitles these LCAs to appurtenant water rights. The case *Territory v. Gay*, 31 Haw. 376, 386 (1921) holds:

Whenever it has appeared that a kuleana or perhaps other piece of land was, immediately prior to the grant of an award by the land commission, enjoying the use of water for the cultivation of taro or for garden purposes or for domestic purposes, that land has been held to have had appurtenant to it the right to use the quantity of water which it had been customarily using at the time named. In some instances a mere reference to the land in the award or in the records of the land commission as "taro land" ("aina kalo" or "loi kalo") or as "cultivated land" ("aina mahi") has sufficed to lead to and to support an adjudication that that land was entitled to use water for agricultural purposes.

We have copies of the native testimony and copies of the foreign testimony, from the State Archives. Tab J is a summary of the Native Testimony and Tab R is a summary of the

Foreign Testimony. Below are quotes from the native testimony and foreign testimony showing that most of these lands were in taro (kalo) prior to the grants of the LCAs. That testimony is:

LCA 1806:3 to Makalawelawe (Tab K), the native testimony says - "Section 3 - Taro pauku, pasture at Honuhonuiiki" and on the "Waihee" side, on the "Waiehu stream". The foreign testimony (Tab S) says "3. is a Section of lois".

LCA 2461:2 to Kanehailua (Tab L), the native testimony says - "6 patches at Ohianui". The foreign testimony (Tab T) says "2...lois in the ili of Ohiamui".

LCA 2468:1 to Keau (Tab M), the native testimony says - "Section 1 - Taro patches at Alahaha". The foreign testimony (Tab U) says " No.1. is a kalo and kula land, in the ili of Ohiamui".

LCA 2468:2 to Keau (Tab M), the native testimony says - "Section 2 - 7 taro patches at Alahaha". The foreign testimony (Tab U), says "No. 2 is seven lois in the ili of Alahaha".

LCA 2554:1 to Wawae (Tab N), the native testimony says - "Section 1 - Taro moo", "Waihee" - "Stream". The foreign testimony (Tab V), says "No. 1 is lois of kalo".

LCA 2554:2 to Wawae (Tab N), the native testimony says "Section 2 - Taro moo", "Waihee Stream". The foreign testimony (Tab V), says "No. 2. is lois of kalo".

LCA 3259 to Luaehu (Tab M), the native testimony says - "Nuuhiwa sworn He has seen 1 taro section", "Waihee Stream". The foreign testimony (Tab W), says "is a large kalo plot".

LCA 3275D to Holomoana (Kaholomoana) (Tabs O & P), the native testimony says: "patch at Ohia...1 patch at Ohia... 3 patches at Ohia... 46 patches at Poohuea... 6 patches at Kaluaolena" and mentions "stream". The foreign testimony (Tax X) says "No. 1 is a kalo... No. 2 is one loi... No. 3 is one loi... No. 4 is 3 lois...No. 5 is 46 lois... No. 6 is 6 lois".

LCA 3275-E:2 to Kalea (Tab P), the native testimony says - "Section 2 - 2 Taro patches at Lualailua in Waiehu". The foreign testimony (Tabs X & Y) says "No. 2 is 2 lois".

LCA 3275-E:3 to Kaleo (Tab P), the native testimony says - "Section 3 - 22 taro patches at Lualailua in Waiehu" "Maalaea-Stream". The foreign testimony (Tabs X & Y) says "No. 3 is 22 lois".

LCA 3275-E:4 to Kaleo (Tab P), the native testimony says - "Section 4 - taro pauku at Paneenee in Waiehu" "Mauka and Waihee-Stream". The foreign testimony (Tabs X & Y) says "4. is a section of lois".

LCA 3275-E:6 to Kaleo (Tab P), the native testimony says - "Section 6 - Taro pauku in Kumuiliuili in Waiehu" "Waihee-Stream". The foreign testimony (Tabs X & Y) says "No. 6, is six lois".

LCA 3275-W to Kaaea (Tab Q), the native testimony says "Kaleo sworn... he has also seen 1 house site section in the ili of Honuhonuihi in Waiehu".

LCA 3451 to Kapahi (Tab Z), the foreign testimony says "land consist of one piece of kalo and kula land".

LCA 11222 to Kapaku (Tab AA), the foreign testimony refers to three pieces of land " No. 1 is a ____ of kalo... No. 2 is one loi... No. 3 is one loi".

This evidence proves that the listed LCAs were in taro (kalo) cultivation prior to the grants of the Awards, and LCA 1806:3 had pasture, and LCA 3275-W had a house site, so that these LCAs are now entitled to appurtenant water rights.

Conclusion:

Wahi Ho`omalua argues that because its lands have been in ag use for 100 years, the lands contain mature macadamia nut trees, it has an ag plan and it intends to reactivate the surface

All of that certain parcel of land situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being portions of the land described in and covered by Deed of Kamehameha IV to C. Brewer and others dated April 2, 1863, recorded in Liber 16 at Page 374; Royal Patent Number 7302, Land Commission Award Number 4452, Apana 9 to H. Kalama; Royal Patent Number _____, Land Commission Award Number 8559-B, Apana 20 to W.C. Lunalilo; Royal Patent Number 6073, Land Commission Award Number 1806, Apana 2 to Makalawelawe; Royal Patent Number 6073, Land Commission Award Number 1806, Apana 3 to Makalawelawe; Royal Patent Number 6165, Land Commission Award Number 2419, Apana 2 to Kamahiai; Royal Patent Number 3327, Land Commission Award Number 2461, Apana 2 to H. Kanehailua; Royal Patent Number 3215, Land Commission Award Number 2468, Apana 2 to Keau; Royal Patent Number 3215, Land Commission Award Number 2468, Apana 1 to Keau; Royal Patent Number 3045, Land Commission Award Number 2554, Apana 1 to Wawae; Royal Patent Number 3045, Land Commission Award Number 2554, Apana 2 to Wawae; Royal Patent Number 5148, Land Commission Award Number 3259, to Luaehu; Royal Patent Number 3226, Land Commission Award Number 3275-D, to Kaholomoana; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 2 to Kaleo; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 6 to Kaleo; Royal Patent Number 5154, Land Commission Award Number 3275-E, Apana 4 to Kaleo; Royal Patent Number 5154 and 6072, Land Commission Award Number 3275-E, Apana 3 to Kaleo; Royal Patent Number 6510, Land Commission Award Number 3275-I, to Kaia; Royal Patent Number 6442, Land Commission Award Number 3275-W, to Kaaea; Royal Patent Number 3217, Land Commission Award Number 3451, to Kapahi; Royal Patent Number 6753, Land Commission Award Number 3459, Apana 4 to Keawe; Royal Patent Number 7299, Land Commission Award Number 4452, Apana 6 to H. Kalama; Royal Patent Number 5147, Land Commission Award Number 5454, Apana 4 to Pauanihi; Royal Patent Number 5157, Land Commission Award Number 11222, to Kapaku; being LOT A-1 of the IAO VALLEY LARGE-LOT SUBDIVISION, containing an area of 834.016 acres, more or less, bearing Tax Key designation (2) 3-3-002-portion 001.

W

WAIHEHU BOUNDARY
WAILUKU BOUNDARY

R.P. 5154 & 6072
L.C.A.W. 3275-E:2 TO KALEO

R.P. 3215, L.C.A.W. 2468:2
TO KEAU

R.P. 6510, L.C.A.W. 3275-I
TO KAMA

R.P. 3226, L.C.A.W. 3275-D
TO KAHOLOMOMAMA

R.P. 5154 & 6072,
L.C.A.W. 3275-E:8
TO KALEO

R.P. 3327, L.C.A.W. 2461:2
TO KAHEMALUA

R.P. 9442, L.C.A.W. 3275-W
TO KAAEA

R.P. 3215, L.C.A.W. 2468:1
TO KEAU

POALIMA

TMK: (2) 3-3-02: 14

TMK: (2) 3-3-02: 26

TMK: (2) 3-3-02: 13

R.P. 5154, L.C.A.W. 3275-E:4
TO KALEO

POALIMA

R.P. 5175, L.C.A.W. 11222
TO KAPAKU

R.P. 3217, L.C.A.W. 3451
TO KAPAA

R.P. 5148, L.C.A.W. 3259
TO WAIEHU

POALIMA

TMK: (2) 3-3-02: 12

Existing Diversion
Assessment A

R.P. 5154 & 6072
L.C.A.W. 3275-E:3
TO KALEO

LOT B

TMK: (2) 3-3-02: 28

County of Maui
(Continued)

R.P. 3045, L.C.A.W. 2554.1
TO WAAEA

R.P. 6165, L.C.A.W. 2419.2

POALIMA

STREAM

WAILUKU

WAIHEHU

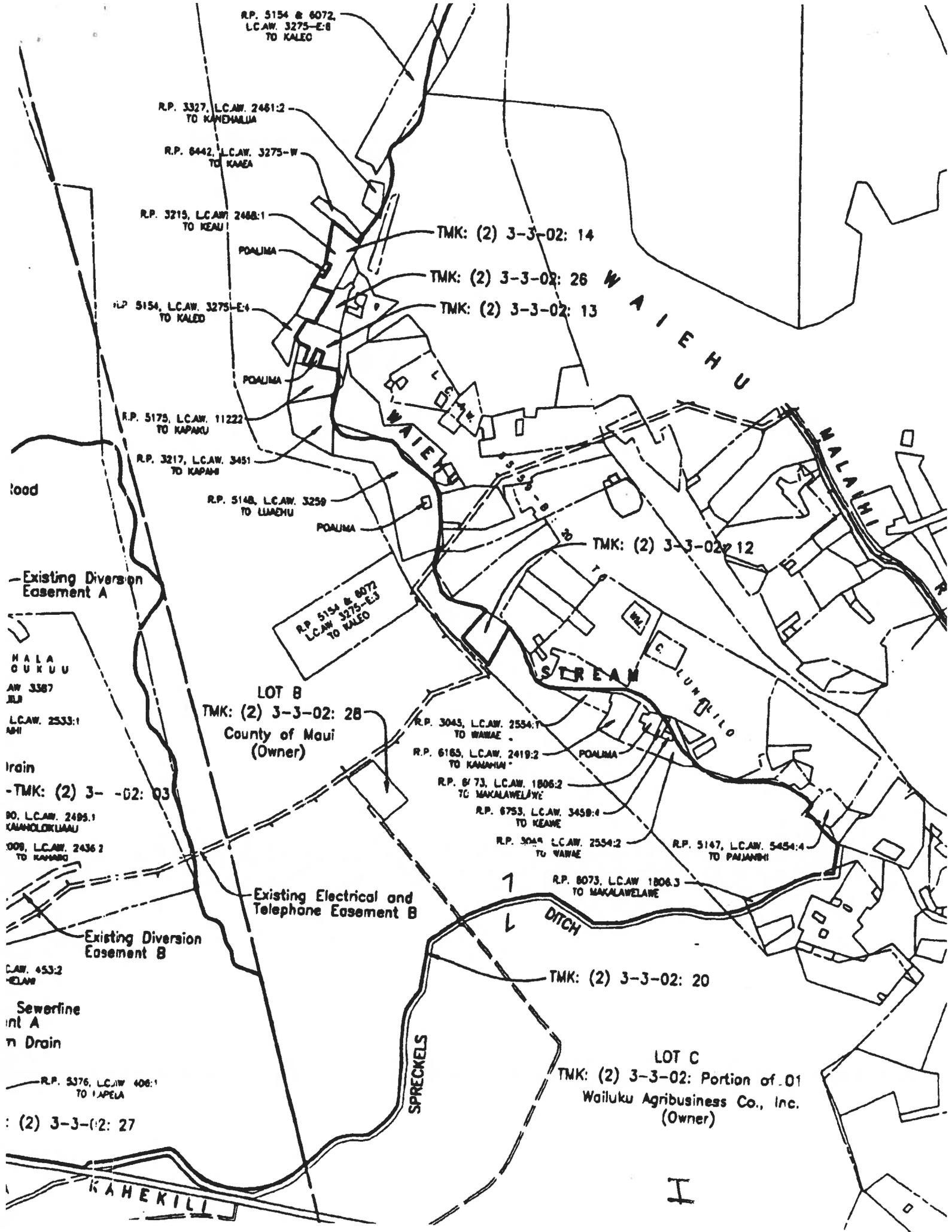
MALAMA

RIO

LAKUU
3387

W. 2533:1

H



R.P. 5154 & 6072,
L.C.A.W. 3275-E-8
TO KALEO

R.P. 3327, L.C.A.W. 2461-2
TO KAHENALUA

R.P. 6442, L.C.A.W. 3275-W
TO KAAEA

R.P. 3215, L.C.A.W. 2468-1
TO KEAU

R.P. 5154, L.C.A.W. 3275-E-6
TO KALEO

R.P. 5175, L.C.A.W. 11222
TO KAPAKU

R.P. 3217, L.C.A.W. 3451
TO KAPAHU

R.P. 5148, L.C.A.W. 3259
TO WAIHEHU

R.P. 5154 & 6072
L.C.A.W. 3275-E-5
TO KALEO

LOT B
T.M.K.: (2) 3-3-02: 28
County of Maui
(Owner)

R.P. 3045, L.C.A.W. 2534-1
TO WAAE

R.P. 6165, L.C.A.W. 2419-2
TO KAHANUI

R.P. 6773, L.C.A.W. 1806-2
TO MAKALAWELAWE

R.P. 6753, L.C.A.W. 3458-4
TO KEANE

R.P. 3049, L.C.A.W. 2534-2
TO WAAE

R.P. 5147, L.C.A.W. 5454-4
TO PAIJAHI

R.P. 8073, L.C.A.W. 1806-3
TO MAKALAWELAWE

T.M.K.: (2) 3-3-02: 20

LOT C
T.M.K.: (2) 3-3-02: Portion of .01
Wailuku Agribusiness Co., Inc.
(Owner)

Food

- Existing Diversion
Easement A

MALAOKUHU
ROAD
L.C.A.W. 2533-1
1941

Train
- T.M.K.: (2) 3-3-02: 03

R.P. 30, L.C.A.W. 2495-1
KAHOLEKUAU

R.P. 3008, L.C.A.W. 2436-2
TO KAHANUI

Existing Electrical and
Telephone Easement B

Existing Diversion
Easement B

R.P. 453-2
WELANI

Sewerline
in A
Drain

R.P. 5376, L.C.A.W. 408-1
TO IAPELA

T.M.K.: (2) 3-3-02: 27

KAHEKILI

NATIVE TESTIMONY

<u>LCA #</u>	<u>Land Owner</u>	<u>Native Testimony</u>	<u>Comments</u>
X 1806	Makalawelawe	310 v.5	
2419	Kakamiai	none	
X 2461	Kanehailua	321 v.5	
- 2468 1	Keau	313 v.5	
- 2468 2	Keau	n/a	only 1 entry
- 2554 1	Wawae	316 v.5	
- -2554 2	Wawae	n/a	only 1 entry
- 3259	Luaehu	312 v.5	
- 3275D	Kaholomoana	335 v.5	
- 3275 E2	Kaleo	335 v.5	
- 3275 E3	Kaleo	n/a	See Index for LCA #3275 listings
- 3275 E4	Kaleo	n/a	
- 3275 E6	Kaleo	n/a	
- 3275 I	Kaia	337 v.5	
- 3275 W	Kaaea	344 v.5	
3451	Kapahi	664 v.4	No Kapahi testimony @664 v.4
4452 6	Kalama	none	No LCA 4452-6; See Index for LCA #4452-10 listings. Which Maui property?
5454	Pauanihi	308 v.5	
11,222	Kapaku	339 v.5	No Kapaku testimony @ 339 v.5

No. 3377 Puulau (cont.)

Section 1 - Taro land, pasture and house at Kipapa
Mauka Kapuoho
Waihee Pali
Makai Kamai
Malaaea Ahikuli stream

Section 2 - Pasture land at Kukuikomo
Mauka, Waihee, amakai Konohiki
Malaaea Stream

Section 3 - Pasture land, sugar, wauke at Kahakapiele
Mauka Apapau
Waihee Pali
Makai and Malaaea Apapau

No. 2572 Naheana

July 17, 1849

Kaawa sworn He has seen 3 sections in these ilis of Waiehu. *First section Pg. 310 from Eleele at the time of Kam II. 2nd section from Makalawelawe before 1837. 3rd section from Kaelepulu, Kaelepulu's land from Keahi in 1843. Keahi's land from Naea, Naea's land from Namakaaha in 1840. Namakaaha's land from Kaunuohina in 1837. 5 Paolima's in section 1, no objections.

Section 1 - Taro pauku at Pahapahawale
Mauka Konohiki
Waihee Waiehu stream
Malaaea Puula/Konohiki

Section 2 - Taro pauku at Pilipili
Mauka Kaelepulu
Waihee Konohiki
Makai and Malaaea Kaelepulu

Section 3 - Taro (1) patch at Kailiili
Mauka, Waihee, makai Popoki
Malaaea Kaawa's land

No. 1806 Makalawelawe

July 17, 1849

Kaawa sworn He has seen 5 sections in these ilis of Waiehu. Land from Eleele at the time of Kam II, 2 Paolima's in the section, no objections.

Section 1 - Taro pauku, pasture at Kailiili
Mauka Keoole
Waihee Kaawa's land
Makai Pasture

Section 2 - 3 Taro patches from Honuhonunui
Mauka Prisoners patch
Waihee Stream
Makai, Malaaea Wawae

Section 3 - Taro pauku, pasture at Honuhonuiiki
Mauka Luaehu
Waihee Waiehu stream
Makai Wawae
Malaaea Wailuku

Section 4 - 10 patches, pasture and house at Pahapahawale
Mauka Pasture
Waihee Waiehu stream
Makai Naheana's land

Section 5 - House lot makai of Pahapahawale
Mauka Kaawa's land
Waihee Waiehu stream
Makai Sea
Malaaea Pasture

Page 311

K

Kaleo sworn He has seen 5 sections in these ilis of Waiehu. Sections 1, 2, and 5 from Kanehailua's father, Uwe at the time of Kam I. Sections 3 and 4 from Keliinui in 1837, no objections.

Section 1 - Pauku patch at Paneenee

Mauka, Waihee and makai	Stream
Maalaea	Waiehu pali

Section 2 - 6 patches at Ohianui

Mauka	Keau
Waihee	Z. Nakookoo's land
Makai, Maalaea	Keau

Section 3 - 12 patches at Kaohe

Mauka	Polea's land
Waihee	Pali
Makai	Upai's (w) land
Maalaea	Stream

Section 4 - 5 Patches at Kaohe

Mauka, Waihee	Polea's land
Makai	Pepe's land
Maalaea	Pali

Section 5 - 2 Patches at Kumuiliuili

Mauka and Waihee	Kaleo's land
Makai	Pa's (w) land
Maalaea	Kaleo's land

Ehu sworn He has seen 4 sections in these ilis of Polipoli. Kepaa's land from Nawai at the time of Kam. I. 1 Friday in section 1, no objections.

Section 1 - Taro land at Halelau

Mauka and Waihee	Ehu's land
Makai	Poalima
Maalaea	Ehu's land

Section 2 - Pasture land at Kepalaoa 1

Mauka	Pea
Waihee	Kamena Baisa
Makai and Maalaea	Pea

Section 3 - Pasture land At Kepalaoa 1

Pea's boundaries are on all sides.

Section 4 - Pasture land at Kepalaoa 2

Apapau's boundaries surround this section.

Kula sworn He has seen 6 sections in the ilis of Waiehu. Sections 1 and 3 from Eleele at the time of Kam II. Section 2 from Kaliula at the same time as sections 1 and 3. Section 4 from Papahi in 1845. Kapahi's land from Eleele. Section 5 from Naheana. Section 6 from Kaiakahi. 1 poalima in section 1 and another in section 4, no objections.

Section 1 - Taro pauku at Omao 3

Mauka	Konohiki
Waihee	Kapahi
Makai	Kaluula's land
Maa; aea	Konohiki

No. 2526 Makanui (cont.)

Section 2 - 7 Taro patches at Kahimana

Mauka	Polea
Waihee and makai	Ahikuli stream
Malaaea	Wawae

Section 3 - 3 taro patches at Pilipili

Mauka	Naheana's land
Waihee, makai, Malaaea	Kaelepulu

Section 4 - 1 taro patch at Pahapahawale

Mauka	Keo
Waihee	Stream
Makai	Keo
Malaaea	Nakookoo's land

No. 3259 Luāehu

July 17, 1849

Nuuhiwa sworn He has seen 1 taro section between the ilis of Ohianui and Ohiaiki in Waiehu. This land from Eleele at the time of Liholiho. 2 Poalimas there, no one objected.

Mauka	Kumukahi ili
Waihee	Stream
Makai	Honuhonuiki ili
Malaaea	Waiehu pali

No. 2468 Keau

Wailuku, Waiehu con't. July 17, 1849 pg.313

Nuuhiwa sworn He has seen 2 sections in the ilis of Waiehu. Land from eleele at the time of Kam. II. 3 poalimas in the first section, no objection.

Section 1 - Taro patches at Alahaha

Mauka	Kaaea
Waihee	Papalina's (w) land
Makai	Kalama
Malaaea	Government school

Section 2 - 7 Taro patches at Alahaha

Mauka	Kalia
Waihee, makai, Malaaea	Kaia

No. 3433 Kuaana

July 17, 1849

Hao sworn He has seen 1 section in Pohakunui ahupuaa. Land from Kanepaina in 1839. 2 Poalimas in there, no one objected.

Mauka, Waihee	Kamana Biasa
Makai	Government enclosure
Malaaea	Pa.

No. 3444 Kalopa (w)

Wailuku, July 18, 1849

Kula sworn He has seen 2 sections in these ilis at Waiehu. Land from Eleele at the time of Kam II. No objection. The poalimas have been separated.

Section 1 - 8 patches at Omao 1

Mauka and Waihee	Nakookoo's land
Makai	Prisoners patch
Malaaea	Kula's land

M

No. 2526 Pa (cont.)

Section 5 - 3 Taro patches at Ohia 2

Mauka	Pulehupo
Waihee and makai	Polea's land
Maalaea	Stream

No. 2548 Luaehu

July 18, 1849

This claim has been done on No. 3259 on July 17, 1849.

No. 3428 Kekai

July 18, 1849

Hao sworn He has seen 1 section at Pohakunui of Napoko of 10 patches and a pasture. Land from Pa in 1845, Pa's land from Lelehu before the Law, no objections.

Mauka	Kikoho
Waihee	Government enclosrue
Makai	Lelehu/Poalima
Maalaea	Kauau

No. 3430 Kekuaihehia

July 18, 1849

Kaiuipoepoe sworn He has seen 1 section in the ili of Mookahi in Polipoli. Land from Kapapuni, an old land from her (Kekuaihehia) husband, no one objected.

Mauka	Kapapuni's land
Waihee	Kapulu
Makai	Auwa'e's land
Maalaea	Kapapuni's land

No. 3437 Kaliula

(from 304) July 18, 1849

Kamahiai sworn He has seen 1 section of taro and a *pasture in the ili of Kapoi- pg.316 nonui in Napoko. Land from Keinohookama in 1817, 1 poalima there. No one has objected.

Mauka	Mahina
Waihee	Government fence
Makai	Naheana's land
Maalaea	Waiehu stream

No. 2554 Wawae

July 18, 1849.

Nuuhiwa sworn He has seen 3 sections in the ili of Honuhonu of Waiehu. Land from Eleele in 1835, no objections. 1 Poalima in the first section.

Section 1 - Taro moo

Mauka	Honuhonuiki ili
Waihee	Stream
Makai	Kamahiai
Maalaea	Government fence

Section 2 - Taro moo

Mauka	Kamahiai
Waihee	Stream
Makai	Prisoners' patch
Maalaea	Government fence

No. 2542 Ulaula (cont.)

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

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

No. 3275 Weloula July 19, 1849

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

No. 3275 B Kapohuli July 19, 1849

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

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

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

Section 1 - Whole ili of Ohiaiki

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

Section 2 - Taro pauku and pasture at Kaalaino

Mauka	Kamai
Waihee and makai	Kamaka
Maalaea	Konohiki

No. 3275 C Mokupanee July 19, 1849

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

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

No. 3275 Holomoana July 19, 1849

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

Section 1 - Kaulu ili in Waiehu

Mauka	Kapohuli
Waihee	Pali
Makai	Kelinui
Maalaea	Stream

- Section 2 - 1 patch at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 3 - 1 patch at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 4 - 3 patches at Ohia in Ahikuli
Mahi's boundaries on all sides
- Section 5 - 46 patches at Poohuea in Ahikuli
Mauka and Waihee Kamanele
Makai Waiwaiole
Maalaea Ahikuli stream
- Section 6 - 6 patches at Kaluaolena at Ahikuli
Waiwaiole's boundaries on all sides.

July 19, 1849

Claimant sworn He wrote and sent (claim) to Oahu on Dec. 29, 1847. Kakohuli sworn He has seen 8 sections in these ilis of Wailuku and Waiehu. All sections in Waiehu from Kaleo's grandparents, 1 poalima in section 2, no objections.

- Section 1 - 2 taro patches at Puohala in Wailuku
Kawaa's boundaries on all sides.
- Section 2 - 2 Taro patches at Lualailua in Waiehu
Mauka Kahokuli's land
Waihee Kuhilanakea's land
Makai Paahao
Maalaea Paikalehoule
- Section 3 - 22 taro patches at Lualailua in Waiehu
Mauka, waihee Paikalehoula
Makai Kahue
Maalaea Stream
- Section 4 - taro pauku at Paneenee in Waiehu
Mauka and Waihee Stream
Makai and Maalaea Kaina
- Section 5 - Pasture and house at Kumuuliuli at Waiehu
Makai and Waihee Luashu
Makai Naleipuleho
Maalaea Wailuku ahupuaa
- Section 6 - Taro pauku in Kumuuliuli in Waiehu
Mauka Keliinui
Waihee Stream
Makai Paikalehoula
Maalaea Konohiki
- Section 7 - 5 Taro pauku (patches) at Ukiki in Waiehu
Mauka and Waihee Kahue
Makai Prisoners' patch
Maalaea Stream
- Section 8 - Whole ili land of Kepaka in Waiehu
Mauka Kaia
Waihee Stream
Maalaea AND Makai Keau

Wailuku, July 19, 1849

Kamai sworn Naleipuleho wrote Kane's claim in 1847. Waiwaiole sworn he has seen 4 sections in these ilis of Ahikuli. Section 1 from Kaaimalani at the time of Kam. II. Section 2 from Kaneiakala in 1835. Section 3 from Kamahaloa at the time of Kam II.

FOREIGN TESTIMONY

Kula sworn Maleipuleho wrote in Dec. 1847. Kula has seen 3 sections in these ilis of Waiehu. Land from Kula before 1843, his land from Kahoa. Kahoa's land is old and from his parents at the time of Kam. I, no objections.

Section 1 - Taro pauka and pasture in Ohia

Mauka	Kaelepulu
Waihee	Makanui
Makai	Kahalelahuhulu
Maalaea	Wailuku ahupuaa

Section 2 - 6 Taro patches at Omao 2

Mauka	Kaiaulani
Waihee	Kapaoula
Makai	Naiialaolao
Maalaea	Kaiaulani

Section 3 - Wauke pasture at Panenee

Mauka	Z. Nakookoo's land
Waihee	Stream
Makai	Kaleo's land
Maalaea	Waiehu pali

Kaleo sworn Hehas know - he has written claim on Dec. 19, 1847, he has also seen 1 house site section in the ili of Honuhonuihi in Waiehu. Kaaea's land from Eleele at the time of Kam II, no objections.

Mauka and Waihee	Popoki
Makai	Wawae
Maalaea	Government enclosure

Hehas not filed his claim.

Kula sworn Kaleohano wrote and he has seen 1 taro section, pasture and house lot.

in the ili of Pahapahawale in Waiehu. ^{HANA} Land from Eleele at the time of Kam II, his land from his parents in-law. 4 Poalimas there, no one has objected. Page 345

Mauka	Z. Nakookoo's land
Waihee	Stream
Makai	Z. Nakookoo's land
Maalaea	Naheana's land

Kaleo sworn He has heard Maleipuleho had written (claim) in Dec. 1847 and he has seen 2 sections in these ilis of Waiehu. Kaneiki's land (2sections) from Polea in 1838. No objections, 1 polaima in section 2.

Section 1 - Taro pauku and pasture at Kaalino

Mauka	Mokupanee
Waihee	Polea's land
Makai	Kamai
Maalaea	Upai's land /Mokupanee

Chart of Foreign and Native Testimony
(in order by LCA#)

<u>LCA #</u>	<u>Land Owner</u>	<u>Foreign Testimony</u>
1806	Makalawelawe	524 v.7
2419	Kakamiai	530 v.7
2461	Kanehailua	535 v.7
2468 1	Keau	527 v.7
2468 2	Keau	n/a
2554 1	Wawae	530 v.7
2554 2	Wawae	n/a
3259	Luaehu	526 v.7
3275D	Kaholomoana	n/a
3275 E2	Kaleo	550 v.7
3275 E3	Kaleo	n/a
3275 E4	Kaleo	n/a
3275 E6	Kaleo	n/a
3275 I	Kaia	n/a
3275 W	Kaaea	n/a
3451	Kapahi	543 v.7
4452 6	Kalama	
5454	Pauanihi	522 v.7
11,222	Kapaku	555 v.7

C. 2468. Heme.

Heme See The Ct's land consist of two pieces in Teiela, Maui.
N^o 1 is a hah and kula land, in the iti of Chiamui.

" 2. " Swan his in the iti of Ukukua.

The Ct. rec^d these from Clubs in the days of Kameha
meha II. and his title has never been disputed. There are 3 pealua
his in 1841

N^o 1 is bounded. Mauike, by Kaia's land. Waike, by Pa-
paia's land. Wakui, by Teberua's land. Maalaea, by the Coast
Kula.

N^o 2 is bounded. Mauike, by Kalia's land. On other three
sides, by Kaia's land.

C. 3433 Huaana.

Huaana See The Ct's land consist of one piece of kula, in the Ohupe
aa of Tehehuanui, Tehe, Maui.

The Ct. rec^d it from Lampaisa in 1839, and his title
has never been disputed. There are two pealua his in it.

It is bounded. Mauike, by Mr Birch's land. Waike, by the
same. Wakui, by the Coast Kula. Maalaea, by Pa's land.

C. 3444. Kalopa. Te

Mauikehu. July 18. 1849.

Kalopa See The Ct's land consist of 2 pieces of kula in Mauikehu,
Maui.

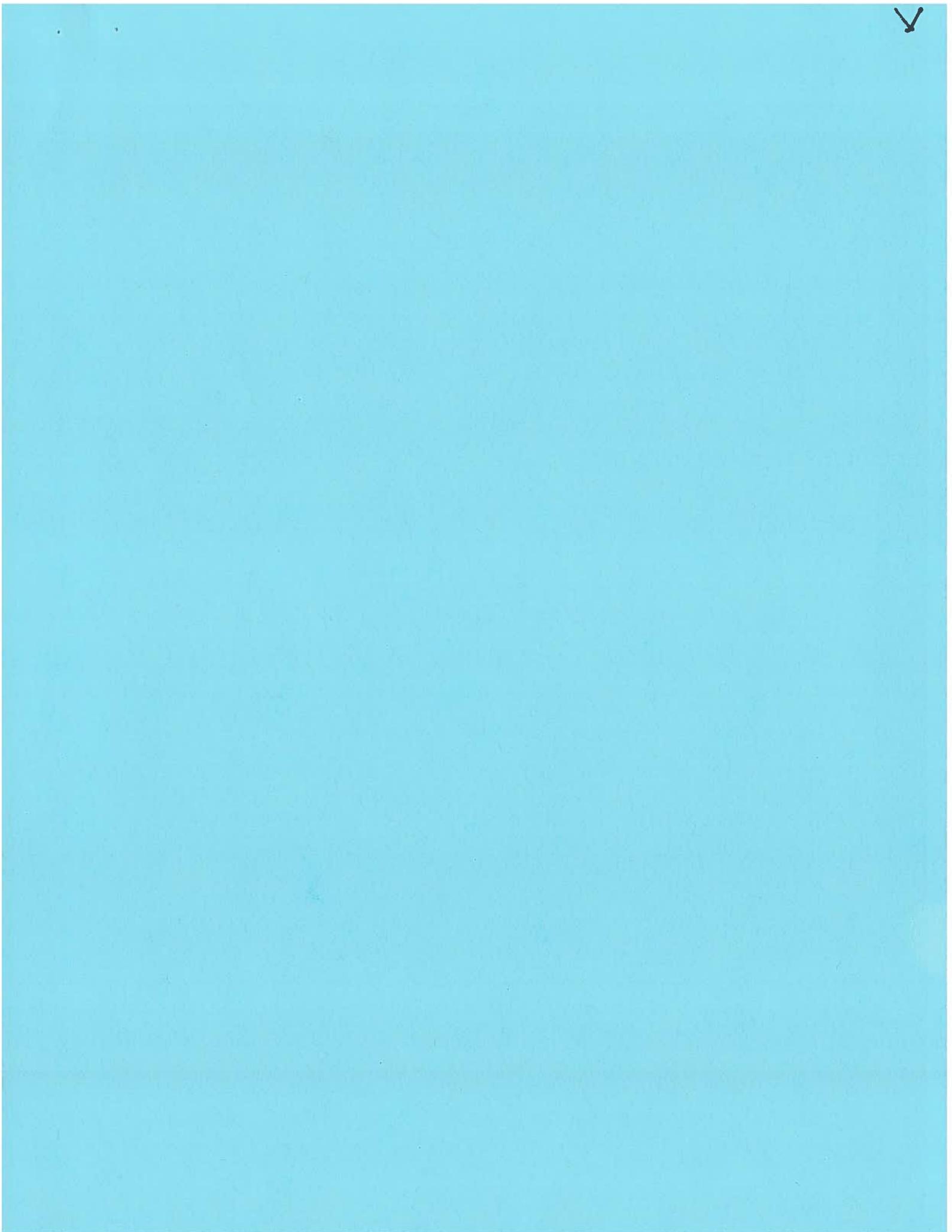
N^o 1 is 8 his in the iti of Cross 1.

" 2. " 20 " " " " 2.

The Ct. rec^d these his from Clubs in the days of Kameha
meha II. and his title has never been disputed.

N^o 1 is bounded. Mauike & Waike sides, by Wakuike's land.
Wakui, by the Tehehuanui his. Maalaea, by my land.

N^o 2 is bounded. Mauike & Waike sides, by Wakuike's
land. Wakui, by the Tehehuanui his. Maalaea, by Wakuike's land.



W

C. 32756 A. h. l. m. a. m.

Kichu. No. 1. No. 2. No. 3. No. 4. No. 5. No. 6. No. 7. No. 8. No. 9. No. 10. No. 11. No. 12. No. 13. No. 14. No. 15. No. 16. No. 17. No. 18. No. 19. No. 20. No. 21. No. 22. No. 23. No. 24. No. 25. No. 26. No. 27. No. 28. No. 29. No. 30. No. 31. No. 32. No. 33. No. 34. No. 35. No. 36. No. 37. No. 38. No. 39. No. 40. No. 41. No. 42. No. 43. No. 44. No. 45. No. 46. No. 47. No. 48. No. 49. No. 50. No. 51. No. 52. No. 53. No. 54. No. 55. No. 56. No. 57. No. 58. No. 59. No. 60. No. 61. No. 62. No. 63. No. 64. No. 65. No. 66. No. 67. No. 68. No. 69. No. 70. No. 71. No. 72. No. 73. No. 74. No. 75. No. 76. No. 77. No. 78. No. 79. No. 80. No. 81. No. 82. No. 83. No. 84. No. 85. No. 86. No. 87. No. 88. No. 89. No. 90. No. 91. No. 92. No. 93. No. 94. No. 95. No. 96. No. 97. No. 98. No. 99. No. 100.

1845 is a ...
1846 is one ...

- 3. " " " " " "
- 4. " 3 " " " "
- 5. " 46 " " " "
- 6. " 6 " " " "

1841. to me & from his parents in the days of ...
and the pieces ... from ... in the year 1845
and he from ... in several times, ... from ...
... who had them from his parents, who purchased them from
the days of ... His title is not disputed except to
1842. (which dispute has no foundation, ... was the conclusion
made after a long and ... investigation) ...
... in ...

1843. is bounded ... by ...
1844. is bounded ... by ...
1845. is bounded ... by ...
1846. is bounded ... by ...
1847. is bounded ... by ...
1848. is bounded ... by ...
1849. is bounded ... by ...
1850. is bounded ... by ...

C. 32757 E. K. A.

The ... made ... that he ... and sent in ...

X

piece and that he has no true title to.

C. 3613 Tefino.

John Lee. The Ct's land consist of 4 pieces in Waikoa, Hawaii.
No. 1 is a half land of 25.500 and half in Waikoa
2. " 5.000 in Waikoa
3. " 3.000 " Waikoa.
4. " 9.000 " Waikoa.

The Claimant rec'd these lands from John in 1838, and his title has never been disputed. There is no dispute in No. 1. No. 1 is bounded Waikoa by Stanislaus's land, Waikoa by John's land, Waikoa by Stanislaus's land, Waikoa by the Creek of Waikoa.

No. 2 is bounded Waikoa, by my land, Waikoa, by Stanislaus's land, Waikoa, by the Creek of Waikoa, Waikoa, by Stanislaus's land.

No. 3 is bounded Waikoa, by Stanislaus's land. On other three sides, by Stanislaus's land.

No. 4 is bounded Waikoa by Stanislaus's land, Waikoa by the Creek of Waikoa, Waikoa by Stanislaus's land, Waikoa by the same.

C. 3658 Tefino.

John Lee. The Ct's land consist of one piece of half and half land, in the title of Stanislaus's land, Waikoa, Hawaii.

He rec'd it from Stanislaus in 1838, and he had it from the day of Stanislaus's death. His title is now without dispute. There is no dispute Claimant.

It is bounded Waikoa, by Stanislaus's land, Waikoa, by the Creek of Waikoa, Waikoa, by Stanislaus's land, Waikoa, by the title of Stanislaus's land.

C. 3667 Tefino.

John Lee. The Ct's land consist of 2 pieces of land in Waikoa.

