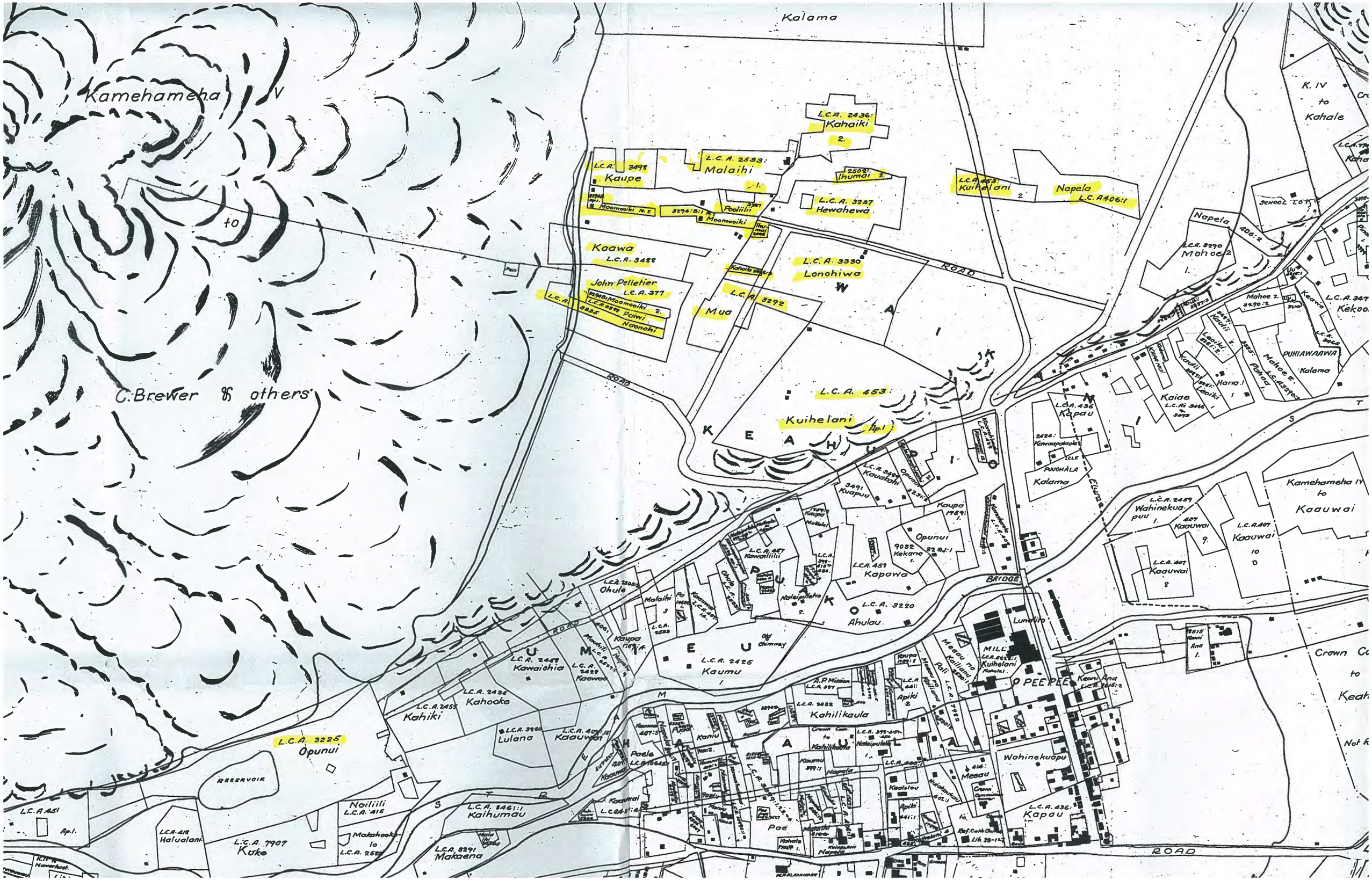
Kamehameha V
to
C. Brewer & others
Kalama
L.C.A. 2436: Kahaiki 2.
L.C.A. 3498 Kaupe
L.C.A. 2533: Malaihi
Ihumai 2
L.C.A. 3237 Hewahewa
L.C.A. 453: Kuihelani 2
Napela L.C.A. 406:1
Moomooiki N.E.
Moomooiki
Poliiili
Kaawa L.C.A. 3488
John Pelletier L.C.A. 377
Moomooiki 2.
Poiwi
Noonahi
Mua
L.C.A. 3330 Lonohiwa
L.C.A. 3292
ROAD
L.C.A. 453
Kuihelani Apl.
K E A H U
Napela 406:2
L.C.A. 3290 Mahoe 2
K. IV to Kahale
SCHOOL LOT
Keawe
L.C.A. 3477 Kekoo
PUHIAWAAWA
Kalama
Mahoe E.
Kaide
L.C.A. 436 Kapau
PUUHALA
Kalama
Kamehameha IV to Kaauwai
L.C.A. 2459 Wahinekuapuu 1.
407 Kaauwai 9.
L.C.A. 407 Kaauwai 10
L.C.A. 407 Kaauwai 8
BRIDGE
Kuakahi
Kuapuu
Opunui
Kekane
Kapawa
L.C.A. 3220 Ahulau
Ohule
Kawaiohia
Kaupa
Kaumu
Kahiki
Kahooke
Lulana
Kaauwai
Opunui
L.C.A. 3225
RESERVOIR
Nailiili L.C.A. 415
Kaihumau
Makaena
Halualani
Kuke
L.C.A. 451
Apl.
Kahilikaula
Apiki
Meeau
Wahinekuapu
Kapau
Lundin
MILL
O PEE PEE
Kuihelani
Poli
Poe
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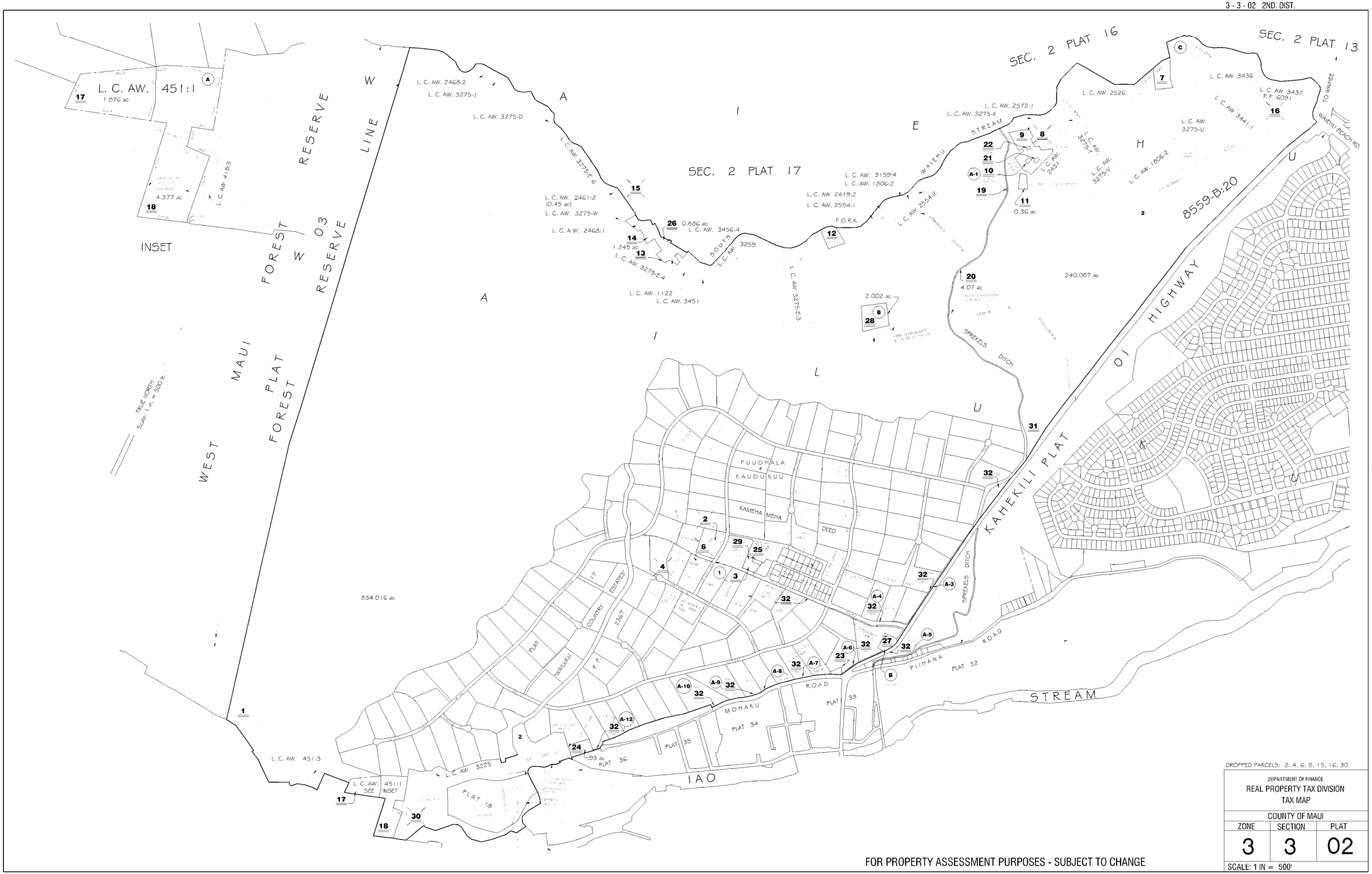
Napela
Kaalalou
Kaulaokuu
Crown Land to Keah
Not K
ROAD



DROPPED PARCELS: 2, 4, 6, 8, 15, 16, 30

DEPARTMENT OF FINANCE
REAL PROPERTY TAX DIVISION
TAX MAP

COUNTY OF MAUI

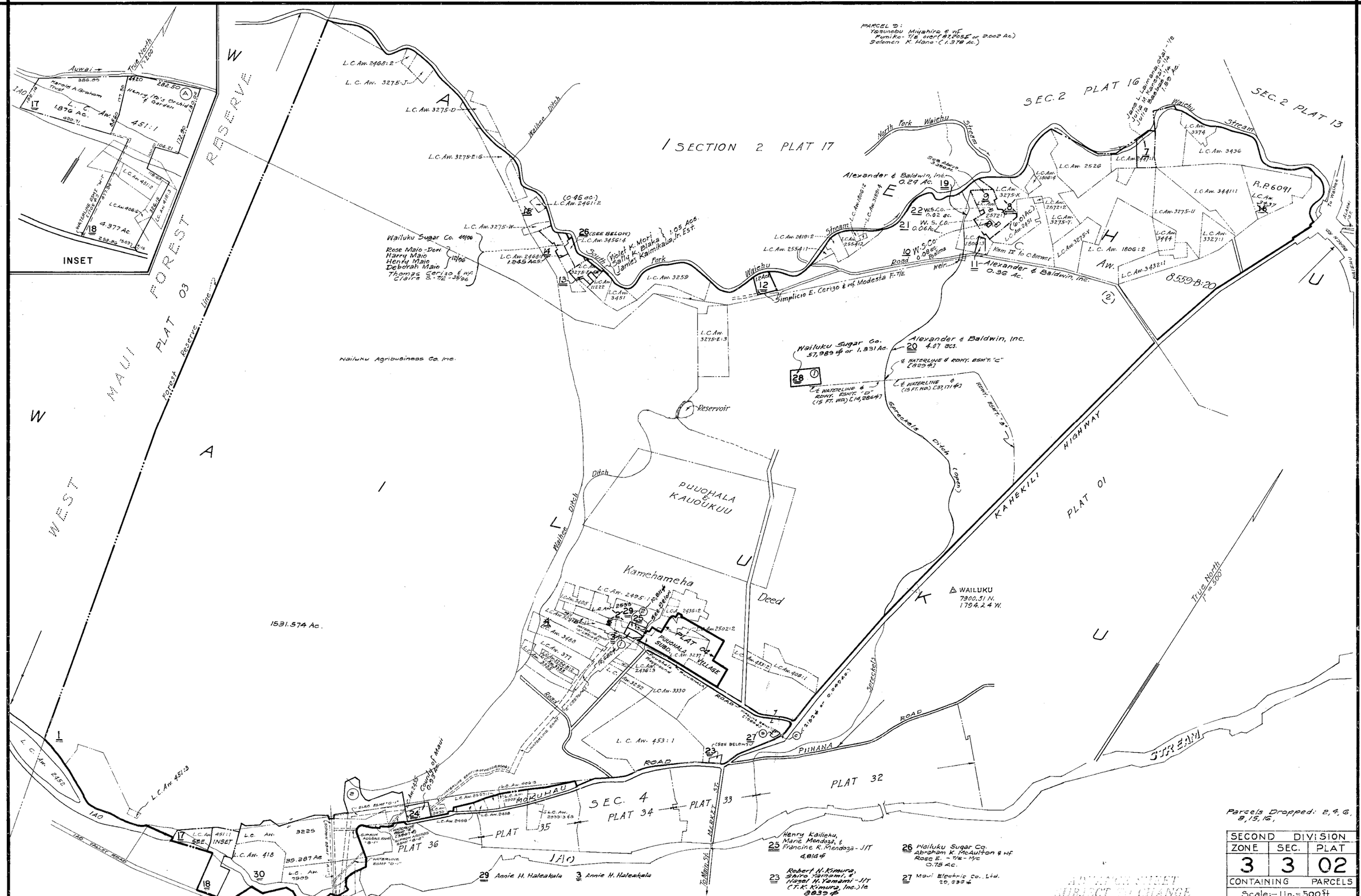
ZONE	SECTION	PLAT
3	3	02

SCALE: 1 IN = 500'

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

PRINTED:

SOURCE TMK & SURVEY DEPT. BY JAK DATE 3/8/1934 DWG NO. 1927



Dwg. No.: 1227
By: J.A.K. March 8, 1934
Source: Tax Maps Bureau & Survey Dept.

Land Comission Award	Royal Patent Number	Awarded To:	Native Registers		Native Testimony		Foreign Register	Foreign Testimony	English Trans Water in LCA
			Eng	Haw	Eng	Haw			
377	5366	John Pillitier	None	None	None	None	x	x	
406	5376	Napela	x	x	x	x	None	x	x
453	997; 997(por.)	Kuihelani	x	x	x	x	None	None	x
2434	6397(por.)	Kahooke	x	x	x	x	None	x	x
2436	2009; 2009(por.)	Kahaiki	x	x	x	x	None	x	x
2495	7790	Kaiaholokuaau	x	x	x	x	None	x	x
2502	5973; 5973(por.)	Ihumai	x	x	x	x	None	x	x
2503	3652(por.)	Ohule	x	x	x	x	None	x	x
2533	6529(por.); 6437(por.)	Malaihi	x	x	x	x	None	x	x
3225	6298-6458 (por.)	Opunui	x	x	x	x	None	x	x
3237	6888(por.)	Hewahewa	x	x	x	x	None	x	x
3292		Mua	x	x	x	x	None	x	x
3330	4424(por.); 4622(por.)	Lonohiwa	x	x	x	x	None	x	x
3335	7774	Naonohi	x	x	x	x	None	x	x
3387	6065(por.)	Pooliilii	x	x	x	x	None	x	x
3388	6101	Paiwi	x	x	x	x	None	x	x
3488	5289	Kaawa	x	x	x	x	None	x	
3498	7432	Kaupe	x	x	x	x	None	x	
4452	7302(por.)	H. Kalama	x	x	x	x	None	x	
4461	6630	Kawaa	x	x	x	x	None	x	x
3275-E	5154	Kaleo	None	None	x	x	None	x	x
3294-B	6102; 6102; 6102(por.)	Moomooiki	None	None	x	x	None	x	x

SCHEDULE "1"

Land Commission Award Number 3488 to
Kaawa (Volume 7, Page 501)

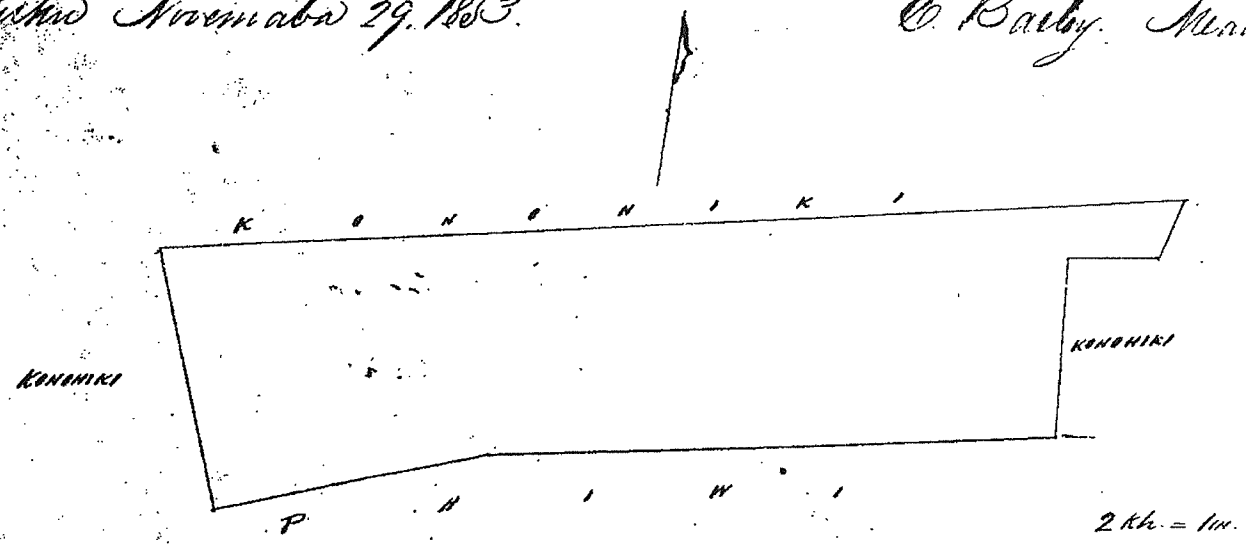
Helu 3488 Konohiki Waikiki Oahu

Kala ma kaili o Punki.

Ohomaka ma ke kiki Akau a e holo.

Hi	77 3/4	Ho	13.76	Ah ma ke	Konohiki.
Hi	20'	Hi	3.47	" " "	"
Ah	70'	Hi	3.72	" " "	Paiwi.
Ah	78° 3/4	Hi	7.70	" " "	"
Ah	3° 3/4	Ho	2.37	" " "	Konohiki.
Ah	78° 3/4	Hi	1.19	" " "	"
Ah	15°	Hi	.88	" " "	" a hiki ma ke kiki mua - 3 96/100 Eka

Waikiki Novemaba 29. 1853. C. Bailey Meamaaina.



Ukupaulea

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

Honolulu Ianuari 7. 1854

Royal Patent Number 5289
(Volume 21, Page 233)

HELU.....5289

PALAPALA SILA NUI.

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

NO KA HEA, ~~Ua hoopholo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana olaio ko~~ Kuleana Helu.....3488

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

Nolaila, na keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV., ke Alii nui a ke Akua i kona lokomaikai i hoonoho ai malung o ko Hawaii Pae Aina, i na konaka a pau, i keia la nona iho, a no kona mau hope alii, ua haawi aku oia ma ke **Ano Alodio** ia i kela wahi a pau loa ma penei na mokuna,

ma ka mokupuni o

Maluhe o Keia apana 3. 96 Eka

a ui iki aku, a ami iki mai paka. Ua kue nae i ke aupuni na mina mineela a me na metela a pau.

No

na aina la i hanaia aku ke Aina Aloha a me kona aku hooilina, a nu kona waihona; ua pili nae

ke ahoa i ka Pae Aloha e hao iho ai ma ai aina alodo i kuhu manawa i kuu manawa.

A I MEA X.IKI AI, na hau wai i ka u moa, a me ka Sila Nui o ko Hawaii Pae

Aina ma Honolulu i kau ia

18 63

Kamehameha

Kamehameha

Kalamaoa

NATIVE REGISTER (HAWAIIAN)

malaila, i Waikoni 4 loi, o kou kai kuleana ia oukou e na Luna Koona kuleana Aloha maikai one ka Mahalo ia oukou
Wailuku 3 Ian. 1848. Na Kaana

3486 Kailihiwa

Owau o Kailihiwa he
Mp mau loi kou, aia i Keahupio 18 loi, he wahi kula e pili ana i ia loi, oia kou wahi kuleana one kou wahine nie Malaea, oia ko mana kuleana Aloha one ka Mahalo
Wailuku 6 Ian. 1848. Na Kailihiwa

3487 Kaulii

Aloha maikai na Luna
Mp Koona kuleana. He hoi aku nei au. i kou kuleana ia oukou, aia i Ahuena 16 loi: Opuhala, wahi kula no loi, oia kou mau kuleana Aloha na Luna Koona kuleana Aina
Wailuku 5 Ian. 1848. Na Kaulii

3488 Kaana

He hoi aku nei au i kou
Mp mau kuleana, aia ma Puki, o ka nui 137 loi, oia kou kuleana. Owau o Kaana i Puki. Aloha na Luna Koona
Wailuku. 6 Ian. 1848. Na Kaana

3489 Kanakahi

Aloha na Luna Koona
Mp kuleana. He hoi aku nei au i kou mau loi, aia ma Keahupio 13 loi, o kou

NR- 3488

NATIVE REGISTER (ENGLISH)

copied on Hawaii State Archives public c

No. 3484 - Kapale

I, Kapale, hereby state my claim: there are 18 lo'i at Ahuena, also a house and its surroundings. It is feared there may be trouble. A respectful farewell to the Land Commissioners.
Wailuku, 5 January 1848 KAPALE

No. 3485 - Kaono

I have 2 lo'i at Lemukee,

and 9 lo'i at Waikani, that is my claim which is stated to you, the Land Commissioners. A respectful farewell to you.
Wailuku, 3 Jan. 1848 KAONO

No. 3486 - Kailihiwa

I, Kailihiwa have 18 lo'i at Keahupio and a small kula adjoining the lo'is. That is the claim of my wahine, Malaea, and myself. A respectful aloha.
Wailuku, 6 Jan. 1848 KAILIHIWA

No. 3487 - Kaulii

Greetings to the Land Commissioners: I hereby state my claim: 16 lo'i in Ahuena, a hala clump and also a kula, those are my claims. Farewell to the Land Commissioners.
Wailuku, 5 Jan. 1848 KAULII

✓ No. 3488 - Kaawa

I hereby state my claims which are at Puki, a total of 127 lo'i. I, Kaawa, am at Puki. Farewell to the Land Commissioners.
Wailuku, 6 Jan. 1848

KAAWA

No. 3489 - Kauakahi

Greetings to the Land Commissioners: I hereby tell of my lo'is: At Keahupio are 13 lo'i.

This is my little claim. A respectful farewell to the Land Commissioners.
Wailuku, 6 Jan. 1848 KAUAKAHI

No. 3490 - Kapaa

Here are my two lo'i: one in Keahupio, and one in Puako, that is my little claim. A respectful farewell.
Wailuku, 6 Jan. 1848 KAPAA

NR 3488

NATIVE TESTIMONY (HAWAIIAN)

ko-
Apana 2. 1 lihikalo. M. o Kaolulo. W. o Pojaki. M. o Naea.
M. o Nawai.
Apana 3. 1 lihikalo. M. o Naea. W. o Kekipi. M. o Naea.
M. o Kaolulo.

5272 D Kealoha. Julai 11. 1849.

Nalejuleho Hoohikiia. Nau no i kakau kona palapala kuleana i ka M. H. 1846. a hoonua i Oahu.
Kalachaeha. Hoohikiia. Ua ike au hookahi Apana Aina ma ka ili o Kapaaloa, Wailuku.
Penei na palena. M. Ili o Kaulupalu. W. o Kaama. M. Pa Aupuni. M. o Naea.

5272 C Kaneiulu.

Nalejuleho Hook. Nau no i kakau kana palapala kuleana, i ka M. H. 1846. a hoonua i Oahu.
Piikia Hoohikiia. Ua ike au 1 Apana aina kalo, ma ka ili o Kupaa, a me Laieiki ma Wailuku.
He aina kahiko no kona mai kona mau Makua mai i ka wa o Kamehameha I. Hookahi palina malko. Aole mea kaakea.
Penei na palena. M. o Kekaula. W. Pa Aupuni. M. Ili o Laiemui. M. Kahawai.

3488. Kaawa.

Mikaiai Hoohikiia. Ua ike au hookahi Apana kalo ma ka ili o Puki, Wailuku.
No Auwae mai mamua o ka M. H. 1830, Aole mea kaakea, Ke nae palina malako.
Penei na palena. M. Pa Aupuni. W. Ili Pohakupukupu. M. Ili Waikaimui. M. Ili Kapalaalaea.

NT 3488-1

Waihee, o Poupou. Makai, o Piniao me Kalaikoa. M. Kahawai o Waiehu.

3465. Keawe. Pulai 9. 1849.

Paniolo Hoohikiia. Ua ike no au hookahi Apana kalo ma ka ili o Ahuena ma Wailuku.

No Kailihiwa mai i ka M. H. 1844. Ole mea keakea. 2 pualima maloko.

Penei ma pualena. Mauka, o Pale. Waihee, o Naea. M. o Keoho. Maalaea, o Kahanolopuna -

3254. Hana.

Malue II. Hoohikiia. Ua ike au i kona aina i Wailuku - 2 Apana -

Apana 1. Aina kalo ma Ahuena.

" 2. Ale " "

No Kekakeha mai kona aina i ka M. H. 1845. a ua loaa hoi ia ia i ka wa o Kamehameha 1. Ole mea keakea. 2 pualima iloko -

1 M. o Kaiae. W. kiu aina. M. o Kaulii. M. kiu aina.

2 M. o Kaulii. W. kiu aina. M. o Kaulii. M. kiu aina no.

3503. Kahawai.

Kauai Hoohikiia. Ua ike au i kona aina i Wailuku. 3 Apana -

Apana 1. aina kalo ma Halemano ili

" 2. 3loi " " " "

" 3. 5 " " " Paunio "

No Keawe mai kona aina i ka M. H. 1835. Ole mea keakea -

1 M. o Lonoaea. W. o Keahi. M. o Keawe. M. o Ohiai.

2 M. o Keahi. W. pela no. M. o Nuhi. M. o Ohiai.

3 M. o Kekipi. W. pela no. M. pela no - M. o Kahawai -

3498. Kuipe.

Moomooiki Hoohikiia. Ua ike au hookahi no Apana ma ka ili o Haluao

NT 3488-2

NATIVE TESTIMONY (ENGLISH)

No. 5272B - Mula

Page 635

Naleipuleho sworn: It was I who wrote his land claim.

Piohia sworn: I know his parcels of land in the 'Ili of Pauniu, three parcels. His land was from his wahine in 1840. One po'alima is in Parcel 1. There is no opposition.

Parcel 1. Taro land, bounded by theland of Kaolulo.

Page 636

Parcel 2. One taro lo'i, bounded mauka by Kaolulo, Waihee by Popoki, makai by Naea, Maalaea by Nawai.

Parcel 3. One taro lo'i bounded mauka by Naea, Waihee by Kekipi, makai by Naea, Maalaea by Kaolulo.

No. 5272D - Kealoha July 11, 1849

Naleipuleho sworn: It was I who wrote his claim in 1846 and sent it to Oahu.

Kalaehaeha sworn: I know of one parcel of land in the 'Ili of Kapaaloa, Wailuku. It is bounded mauka by the 'Ili of Kaulupala, Waihee by Kaama, makai by Government lot, Maalaea by Naea.

No. 5272C - Kaneiaulu

Naleipuleho sworn: It was I who wrote his claim in 1846 and sent it to Oahu.

Piohia sworn: I know of one parcel of taro land in the 'Ili of Kuipaa and Laieiki in Wailuku. It is an ancient land from his makuas from he time of Kamehameha I. One po'alima is in it. There is no opposition. It is bounded mauka by Kekaula, Waihee by government lot, makai by 'Ili of Laienui, Maalaea by Kahawai.

✓ No. 3488 - Kaawa

Nihoaiai sworn: I know of one parcel of taro in the 'Ili of Puuki, Wailuku. It was from Auwae before 1830. There is no opposition. There are four po'alima in it. It is bounded mauka by government lot, Waihee by 'Ili of Pohakupukupu, makai by 'Ili of Waikani nui, Maalaea by 'Ili of Kalapaalaea.

No. 4386 - Kaiole July 11, 1849

Page 638

Kalaehaeha sworn: I know his two parcels of land in Wailuku.

Parcel 1. Taro land in the 'Ili of Auhaka
" 2 " " " " Pohakea

His land was from me in 1834*/sic/. I had gotten it from Kailihiwa in 1835. There is no opposition.

1. is bounded mauka by Ohule, Waihee by Wailuku stream, makai by my land, Maalaea by the 'Ili of Waiaka.

2. is bounded mauka by my land, Waihee by Naea, makai by lo'i pa'ahao, Maalaea, the same .

/*1844/

NT 3488

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FOREIGN TESTIMONY

R. 3334. Kiliwai.

Hanoa Sur. shows the land of the Claimant. It is one piece of kalo land in the ili of Kahana, Waiehu, Maui.

He received it from Keomea before the year 1830. and his title is not disputed. There is one pualima tree in it.

It is bounded Makai by the Creek & Government Road, by the ili of Mokea, Hana, Waihee, by the ili of Kapukahehu, Waiehu, by the ili of Pohakuhapuhapu.

R. 3483. Kuaana.

Hitchcock Sur. shows the land of the Claimant. It is one piece of kalo land in the ili of Paukō, Waiehu, Maui.

The Claimant received it from Kuaana before 1830. His title has never been disputed. There are 4 pualima trees in it.

It is bounded Makai, by the Gov. Road, by the ili of Pohakuhapuhapu, Waiehu, by Kaihani and Makaea, by the ili of Mapulahua.

R. 4386. Kaiola.

Hitchcock Sur. shows the lands of the Claimant. They consist of 2 pieces in the ili's of Wailuku & Waiehu, Waiehu, Maui.

The Claimant received them from me in 1844. and 2 received them from Kaiehiwa in 1835. His title nor mine were ever disputed.

No. 1 is bounded Makai, by Chief's land, Mauka, by the Creek of Waiehu, Hikiu, by my land, Kaalaea, by the sea of Waiehu.

No. 2 is in Waiehu, and is bounded Makai, by my land, Waiehu, by the Pualima of Hana, on the two sides, by Pualima trees.

R. 3214. Ehu.

Hitchcock Sur. shows the land of the Claimant. It is one piece of kalo in the ili of Kalua, Waiehu, Maui.

FT 3488

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Land Commission Award Number 377 to John Pillitier (Volume 3, Page 259)

Claim No. 377. John Pillilei

The present claim is for two pieces of land: the one, situated at Lahaina Maui, and the second piece at Wailuku, on the same Island.

After hearing evidence upon these claims, the Board have disallowed that situated at Lahaina - and confirmed the one at Wailuku, which is proved to have been given to the Claimant by the King in the Year 1834, & which the Claimant afterwards occupied & cultivated, until he went to California - when he left it in charge -

We therefore Award a fee-simple title to John Pillilei for a piece of land situated in Kapalalua, Wailuku, Maui; reserving in this award, the rights of Naonohi, and Moonooiki - as described in the accompanying Survey of the same, made by J. Metcalf and E. Bailey.

"In Kapalalua - Wailuku Maui;
Commencing at Rock, at S.E. Corner of this land, at Junction of Water-Courses - Running N. 6° W. 5 Ch. along Naiwahi's land, & auwai to angle - Thence N. 6° E. 2 Ch. left along auwai to N.E. Corner of this land - Thence S. 75° 15' W. 8 Ch. 22 3/12 ft. along land called "Puuki," to angle - Thence S. 70° 15' W. 1 8/10 Ch along "Puuki," to path, by auwai, at N.W. Corner of this land - Thence

After hearing evidence upon the claims, the Board have disallowed that situated at Lahaina - and confirmed the one at Wailuku, which is proved to have been given to the Claimant by the King in the Year 1834, & which the Claimant afterwards occupied & cultivated, until he went to California - when he left it in Charge -

We therefore Award a fee simple title to John Pillikia for a piece of land situated in Kapalalaea, Wailuku, Maui; reserving in this award, the rights of Naonohi, and Moonooiki - as described in the accompanying Survey of the same, made by J. Metcalf and E. Bailey.

"In "Kapalalaea" - Wailuku Maui;

Commencing at Rock, at S. E. Corner of this land, at Junction of Water-Courses - Running N. 6° W. 5 Ch. along Nawahies land, & auwai to angle - Thence N. 6° E. 2 Ch. S. ft along auwai to N. E. Corner of this land - Thence S. 78° 15' W. 8 Ch. 22 $\frac{1}{2}$ ft. along land Called "Punki," to angle - Thence S. 70° 15' W. 1 $\frac{8}{10}$ Ch along "Punki," to wall, by auwai, at N. W. Corner of this land - Thence S. 15° E. 8 Ch. 23 ft. along wall, & auwai, to S. W. Corner of this land - Thence S. 89° E. 3 $\frac{1}{2}$ Ch along "Umiea," to angle of Burrow - Thence N. 81° 15' E. 5 $\frac{3}{4}$ Ch.

along curve to place of Commencement. —

Including an area of 6 Acres $\frac{16}{100}$.

T. Metcalf Sur.

Aug. 3. 1849.

"Deduct the Kuleanas of Naonohi & Moomooihi as follows:

For Naonohi, measure from the S. W. Corner of this, N. 28° W. 2. 64 Ch. to S. W. corner of Naonohi house lot; thence run around Naonohi's lot thus: N. 2° W. 1. 30 Ch. & N. 75° $\frac{1}{2}$ E. 1. 96 Ch. and S 6 $\frac{3}{4}$° E. 1 Ch. & S. 89° $\frac{3}{4}$ E 5. 10 Ch. and N. 82° $\frac{1}{2}$ E 3. 48 Ch, and S. 12° E. 78 Ch & S. 83° W. 4. 13 Ch. & due W. 4. 46 + 2. 00 to S. W. Corner again; deducting that part of the area, which falls within this lot, viz $\frac{69}{100}$ of an acre - there remains 5 $\frac{47}{100}$ Acres.

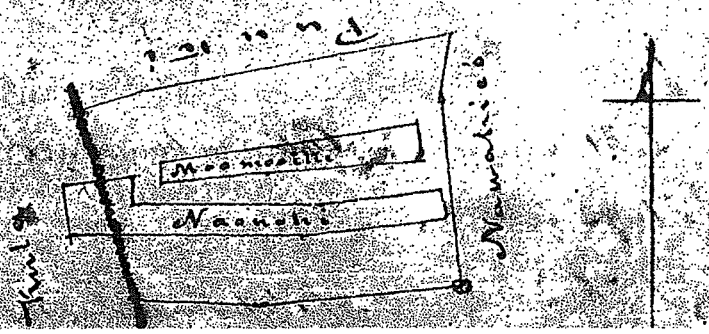
For Moomooihi, from N. E. corner of this lot, measure S 18° $\frac{1}{2}$ W. 2. 89 Ch. to N. E. Corner of Moomooihi's lot; thence run around it thus: S. 80° $\frac{1}{4}$ W. 4. 07 Ch & S. 84 $\frac{1}{2}$ W. 3. 07 Ch. & S. 5° E. 62 Ch. & N. 86 $\frac{1}{2}$ E 2. 76 Ch & 82 $\frac{1}{2}$ E 4. 30 Ch. & N. 56° E. 20 Ch. & N. 12 $\frac{3}{4}$ W. 73 Ch. to N. E Corner again; the area of which $\frac{1}{2}$ acre, deduct from the remainder above, leaves a balance of 4 $\frac{97}{100}$ Acres

$\frac{69}{50}$
$\frac{119}{}$

6.16
1.19
4.97

Jan 12. 1851.

E. Bailey Sur



For Naonohi measure from the S. W. Corner of this, a distance of 2. 64 Ch. to S.W. corner of Naonohi's house lot; thence run around Naonohi's lot thus: N 2° W. 1. 30 Ch. & N. 75½° E. 1-96 Ch. and S 6¾° E. 1 ch. & S. 89° ¾ E 5. 10 Ch. and N 82½ E 3. 18 Ch, and S. 12° E. 78 Ch & S. 83° W. 2. 13 Ch. & due W. 2. 46 + 2-00 to S.W. Corner again; deducting that part of the area, which falls within this lot, viz 69/100 of an acre - there remains 5 47/100 Acres.

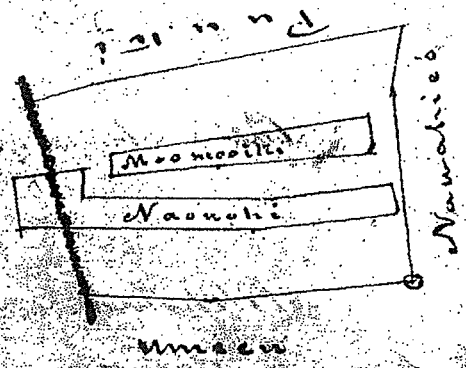
For Moomooiki, from N. E. corner of this lot, measure S 18½° W. 2. 89 Ch. to N. E. Corner of Moomooiki's lot; thence run around it thus: S. 80¼° W. 2. 07 Ch & S 82½ W. 3. 07 Ch. & S. 5° E. 62 Ch. & N. 86½ E 2. 76 ch & 82½ E 2. 30 Ch. & N. 56° E. 20 Ch. & N. 12¾ W. 73 Ch. to N. E Corner again; the area of which ½ acre, deduct from the remainder above, leaves a balance of 4 97/100 Acres

Jan 12. 1852.

E. Bailey Sur

6.16
1 19
4.97

69
50
1.19



W. L. Lee
G. R. Robertson
J. F. Smith
J. Schaubacher

February 15th 1852

Cost.

Survey 10.00
Commission 2
12.00

Royal Patent Number 5366
(Volume 21, Page 387)

HELU 5366

PALAPALA SILA NUI.

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

NO KA HEA, Ua hoohoio na Luna Hoona i na kumu kuleana aina i ka ololo, he kuleana oiaio ko Kuleana Helu 777
John Pittsinger
ma ke **Ano Alodio** iloko o kahi i oleloia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, 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, ua haawii aku oia ma ke **Ano Alodio** ia John Pittsinger
i keia .wahi a pau loa ma Kapalaalaea — Waihee
ma ka mokupuni o Maui penei na mokuna,

Commencing at Rock at S.E Corner of this land at junction of taken Courses & running

North	6° West	5 Chains	along	Nawaiwai land & Auwai to angle	
"	6° East	2 " 4 ft	"	Auwai to N.E Corner of this land	
South	78.15 West	8. " 42 $\frac{3}{12}$	"	Land called Kuuki to angle	
"	70.15	1 $\frac{8}{10}$ " —	"	Kuuki to Wall by Auwai N.W Corner of this	
"	16° East	5 " 23 ft	"	Wall & Auwai to S.W Corner	
"	89°	3 $\frac{1}{4}$ " —	"	Unlen to angle of Auwai	
North	84.15 "	5 $\frac{3}{4}$ —	"	Auwai to Commencement	

Area 6.16 acres

Dated claim of Nicomoki 0.69 ac. } 1.19
" " " Moomooiki 0.50 } 4.22 Acres

Naomoki — from S.W Corner of this N. 48° W 2.64 Ch to S.W Corner of his House lot — thence run round his lot thus — N. 4° W 1.30 Ch. — N. 75 $\frac{1}{2}$° E. 1.96 Ch. — S. 6 $\frac{3}{4}$° E. 1 Ch. S. 89 $\frac{3}{4}$° E. 5.10 Ch. N. 82 $\frac{1}{2}$° E 3.48 Ch — S. 12° E 0.78 Ch. S. 83° W 4.13 Ch. and due West 4.46 + 2.00 to S.W Corner again. deducting that Part of the area which falls within this lot 62/100 Acres

Moomooiki — from N.E Corner of this — S. 18 $\frac{1}{2}$° W 2.89 Ch. to N.E Corner of his lot — thence run round it thus — S. 80 $\frac{1}{4}$° W 4.07 Ch. S. 84 $\frac{1}{4}$° W 3.07 Ch — S. 5° E. 0.62 Ch — N. 86 $\frac{1}{4}$° E. 2.76 Ch. N. 82 $\frac{1}{4}$° E 4.50 Ch. N. 50° E 0.20 Ch. N. 14 $\frac{3}{4}$° W 0.73 Ch to N.E Corner again

Area $\frac{50}{100}$

Makoko o Kaia apana 4:97 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 John Richards

ua aina la i haawiia ma ke **Ano Alodio** a ne kona mau hooiliha, a me kona waihona; ua pili nae ka auhau a ka Poe Ahaolelo e kau like ai ma na aina alodio i keia manawa i keia manawa.

A I MEA E IKEA AI, ua kau wau i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae Aina ma Honolulu i Keia la 27

o August 18 63

Kamehameha

Kaahumanu

L. Kamehameha

FOREIGN REGISTER

No test.? taken - it should be here also

"See also testimony of John Young and Mr. Pelly." (appended to the document by W. Richards Esq.) with the following:

"Personally appeared before the Commission to quiet land titles Maunake, and made oath that to the best of his knowledge the foregoing statements are all true."

Hale Pelekane Jan 11. 1847 Signed William Richards

See also Cl. 5909 Peka wife of Claimant — Testimony of John Young & J. Pelly written

No 375 & 376 Claims No 375 & 376
Copied in Native Register.

Claim No 377. John Pilletier Claimant Maui.
To the Commrs. for quieting land titles. Lahaina Jan 18th 1847.
Gent.

The undersigned begs leave to lay the following Claims for your adjudication. One building lot, situated in Lahaina, given to me by his Majesty Kamehameha III for work done for him as a Blacksmith in the year 1836.

No 1

Also one land situated in Wailuku called Kapalaalaea (pencil) Kahapiy (ink) given to me by Kamehameha III for work done as a Blacksmith in 1836. His highness the Premier John Young wrote the letter to the head man in Wailuku Kaikini to give me up the Land. Kaukilepolepo, who is since deceased

Signed John his + mark Pilletier

Mr. Jones at Home Office is agent in Cl.'s absence as stated by Cl. 5 July — and who states his wife to be heir in case of his death

No 378 Claims No 378 to 386.
Copied in Native Register

FR 377

FOREIGN TESTIMONY (1)

Claim No 374 Antonia Sylva Maui. Jan 48

John F Halstead sworn deposed that while Kaui Paulet had charge of the Island, the place of Mamuki was advertised for sale at auction it was done by written notice. Mr Mellish was auctioneer, and told me it was to be sold to foreclose a mortgage which Kaui Paulet had ordered to be foreclosed; I went to the Auction, but some other things being sold first, I did not stay to witness the sale of the Premises, but Mellish told me afterwards that Antonio had purchased it at 550 dollars. (For remaining testimony see Hawaiian Book)
Note: Refer to Mr John Young) Resumed Page 126 Vol 3.

Claim No 377 John Pelletier Maui

R. Butler sworn deposed. In 1836 I spoke to the King in behalf of Claimant, and he gave him a building spot here in Lahaina I believe a part of it in Paeolii, and bounded makai by my land, I believe Paaaewa on one side, and he has occupied that spot undisturbed down to the present time. About the same time I went with the King to Wailuku in the Packet, and the King took Pelletier with him; and gave him a land in Wailuku by the name of Kapalaoiaa, which land he has occupied undisturbed down to the present time; which is all I know.
Note. For further evidence consult the King and Mr Young.

Claim No 280 B. H. S. Twinton Maui

Iule Testd 1860
George Lawrence Kalaipuleha sworn deposed acknowledging the signatures to the original deeds. In 1834 Wiburg was living on the premises in question, and bargained with men to make the adobies for the house. I heard that the Premises were given him by Kalaikou for building

R 377

FT 377

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FOREIGN TESTIMONY (2)

No. 377 John Pillitier. R.P. 4477

H. L. Brooks, sworn, Knows the land occupied by claimant. It was given to him by the King in the year 1837. He built houses and lived on the place up to the year 1849, when he went to California - he left his wife in charge of his property - she was taken sick and died in their house at Lahaina. Claimant planted sugar cane and Kalo on this land. Witness was present when the King gave claimant the land.

Paiwi, sworn, Knows the land in Wailuku given by the King to claimant in the year 1834. It is bounded Makai by the Kula land, - Waikapu, by Union, - Makai, by Nawaiheai's land, - Waihee by Puki. Claimant possessed and cultivated the land up to the time he went to California, when he left it in charge of witness. There are several Kuleanas in the land.

Knows the House lot of claimant in Lahaina. Knows that he lived there previous to his obtaining the land at Wailuku. It joins Mr. Butler's land. Claimant's wife died there since he went to California.

(Cont. at page 107)

No. 425. Pii

Na, sworn, Knows claimant's land at Waihee. It consists of one piece on which his house is situated, and several Kalo patches.

It is bounded, Mauka, by Kamaka's land, - Kahakuloa, by water course and pali, - Makai, by the Konohiki's land, - Waiehu, by Puhau's land.

Claimant got this piece of land from Z. Kaauwai in the time of Kapili, and has held uninterrupted possession of it up to this time.

Z. Kaauwai, sworn, - Witness gave the

FT 377

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FOREIGN TESTIMONY (3)

Lot No 3, was given to claimant by Kaaeluaole in the year 1847.

He held undisturbed possession of these several Lots up to the time of his death in 1857.

Nupanae, sworn, says that Naea put in his claim for three pieces of land. Knows the pieces of land, and confirms in full the testimony of the former witness.

(From page 661)

No 3420 B. Kawakepi.

The House Lot claimed by Kawakepi, in Paeohi, is the same as that claimed by John Pillitier No 377.

Nanola, sworn, says this House Lot belonged in ancient times to Puali the father of Kawakepi. He lived there with his family. The origin of John Pillitier's living there was, that he married the daughter of Puali and came to live with the family. He never owned the lot.

Naeki, sworn, confirms in full the testimony of last witness.

(From page 102).

No 377 John Pillitier.

Decided that the House Lot claimed by John Pillitier, belongs to Kawakepi No 3420 B.

No 4878 K. Piapia (for Halama). R. P. 3377

Claimant appeared in person and relinquished her claim for the Apanas 3 & 3 of her claim in the Ili of Kaluaokaanuenue.

FT 377

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2012 APR 27 AM 10: 37

April 27, 2012

Department of Land and Natural Resources
Commission on Water Resource Management
Attention: Robert Chong
Kalanimoku Building, Room 227
1151 Punchbowl Street
Honolulu, Hawaii 96813

Re: Wailuku Country Estates Irrigation Company and the Wailuku Country Estates Community Association, Inc.

Appurtenant Rights Determination in Na Wai Eha Surface Water Management Areas (Waihee, Waiehu, Iao and Waikapu Streams)

Dear Ladies and Gentlemen:

This firm represents the Wailuku Country Estates Irrigation Company ("WCEIC") and the Wailuku Country Estates Community Association, Inc. ("WCECA") in connection with their applications that were submitted to the Commission for existing and new water uses.

This letter is in response to the water commission's letter dated February 21, 2012, regarding the water commission's review and comments to the information we submitted for appurtenant right claims (for TMK: (2) 3-2-002: various) except with respect to the following which the water commission found to support WCEIC's and WCECA's appurtenant right claims:

1. LCA 2533:1 and RP 6529 (appurtenant right claim documented for Ap 1).
2. LCA 3225 and RP 6298 & 6458 (appurtenant right claim documented).
3. LCA 3292 (appurtenant right claim documented).
4. LCA 3330 and RP 4424, 4622 (appurtenant right claim documented).
5. LCA 3335 and RP 7774 (appurtenant right claim documented).
6. LCA 3387 and RP 6065 (appurtenant right claim documented).
7. LCA 3388 and RP 6101 (appurtenant right claim documented).

FILE ID: SWUP, 2189.6/2196.6
DOC ID: 2238

Please see the attached chart with our responses to the water commission's February 21, 2012 letter. In addition, we would like to add the following which explains our responses to the water commission's comments that there were no references to water use in some of the Royal Patents ("RP") and Land Commission Awards ("LCA") in WCEIC's/WCECA's application. In short, implicit in a LCA and RP is the appurtenant right to water. Since the LCA and RP were required to be in literal agreement with the other, reference to water use in either one means that there was a reference to water use in the other.

Further, as explained below, since the form of the RP required description by metes and bounds only, reference to water use may not be in the RP. This should hold true for LCAs as well. Consequently, testimony at the time of application (which we submitted) should weight in on whether the lands were being cultivated at that time.

Background

In 1845, the Board of Land Commissioners to quiet land titles was formed. It was the Land Commission's responsibility to ascertain or reject claims of interest in land brought before it. The Board was not empowered to grant fee simple title to land. Its duty was to determine each applicant's identifiable interests in land and issue an award describing those interests. *Public Access Shoreline Hawaii v. Hawaii County Planning Commission*, 79 Haw. 425, 445, 903 P.2d 1246, 1266 (1995) ("*PASH*"); *Application of Elizabeth Cockett Robinson*, 49 Haw. 429,434, 421 P.2d 570, 574 (1966) (the Land Commission Award is a determination of a right to a patent). Actual title to land could be gained only by a payment of commutation to the Kingdom and issuance of a royal patent. *PASH*, 79 Haw. at 445, 903 P.2d at 1266; *Omerod v. Heirs of Kainoa Kupuna Kaheananui*, 116 Haw. 239, 247, 172 P.3d 983, 991 (2007) (citing *PASH).*

After the Land Commission entered a LCA, the Minister of Interior could issue a RP after the awardee paid a commutation fee. In essence, a RP was a quitclaim of the government's interest in the land. *Id.*; *Brunz v. Mott Smith*, 3 Haw. 783, 1877 WL 7569 (1877) (the effect of a patent is to relinquish the government's interest in the area described therein unto the original awardee). In summary, neither the LCA nor RP was required to show the use of the land.

Additional Responses to Water Commission's Comments

Form of RP required metes and bounds

The water commission commented that there were no references to water use in some of the LCA's and/or RP's in WCEIC's/WCECA's application. However, this should not be determinable on the issue of water use or cultivation on the lands since the they were only required to show the lands' metes and bounds.

The form of all RPs were required to describe the land therein by metes and bounds or by natural boundaries. In order to obtain a RP and obtain fee simple ownership of land conveyed during the Mahele, an awardee needed to present a Boundary Commission judgment describing his or her land by metes and bounds. *Id.*; *Greenwell v. Paris*, 6 Haw. 315, 1882 WL 7783 (1882) (The object of the boundary commissioner is to enable parties to obtain such Royal Patents defining their lands by metes and bounds); *See Application of Elizabeth Cockett Robinson*, 49 Haw. 429, 421 P.2d 570 (1966) (the form of all Royal Patents shall describe the land by actual survey or by natural boundaries as the case may be).

There were some instances where the water commission noted references to water use in the LCA but not in the RP, and vice versa. However, the metes, bounds and description of the survey in the petition must be in literal agreement with the award. *Brunz*, 3 Haw. 783, 1877 WL 7569 (1877) . Consequently, if water use is referenced in either the LCA or the RP it should apply equally to the other.

Testimony Regarding Water Use

We note that the water commission did not comment on the testimony submitted and so are unsure on the water commission's position regarding the same. Since neither the LCA nor RP can be relied upon to reference water use (since metes and bounds only were required in them), testimony by applicants and others at the time of application should weigh equally in on the question. Furthermore, by virtue of the lands being Kuleana lands, the use of water thereon is implied. In this regard, the first six sections of the Kuleana Act enabled the common people of Hawaii to secure fee simple title to the **lands they actually cultivated**. The seventh section contained the rights that were to accompany a commoner's tenancy. *Reppun v. Board of Water Supply*, 65 Haw. 531, 549, 656 P.2d 57, 69 (1982).

Generally, the conveyance of land, confirmed by a LCA and/or when the RP was issued based on such award, **carried with it the appurtenant right to water** for taro growing. *McBryde Sugar Company, Limited v. Robinson*, 54 Haw. 174, 188, 504 P.2d 1330, 1339 (1973); *See also Maikai v. Hasings & Co.*, 5 Haw. 133, 1884 WL 6659 (1884) (Holders of Kuleanas are entitled to water for irrigation purposes from the stream in the land which their Kuleanas are situated.) Unlike riparian rights, appurtenant water rights are incidents of land ownership. This includes the water on their lands and all the water which the lands had enjoyed from time immemorial. *Reppun*, 65 Haw. at 551, 656 P.2d at 70.

We are also enclosing the following documents that respond to the Commission's various comments:

1. File Plan - regarding location of the various apanas.
2. Enlargement of File Plan re LCA 4452:9, RP 7302.
3. Index re LCA 3237.

4. Land Patent No. S-8536 re LCA 3237:3 issued in 1960.
5. Copy of RP 6102

We trust our responses satisfies the Commission's comments. Please do not hesitate to advise the undersigned if you have any questions. Thank you for your consideration in this matter.

Very truly yours,

TOM QUITIQUIT CHEE WATTS &
YAMAMOTO, LLP

Donna H. Yamamoto

Enclosures

cc: client

WAILUKU COUNTRY ESTATES IRRIGATION COMPANY
and the WAILUKU COUNTRY ESTATES COMMUNITY ASSOCIATION, INC.

Document	Commission Comment	WCEI/WCECA Comment
LCA 377	Appurtenant right claim documented for "cultivated" and "kuleana" land.	The description of the land in the LCA and the RP are the same. Consequently, both LCA and RP document the appurtenant right claim.
RP 5366	Appurtenant right claim documented	
LCA 406:1	11 Apana are listed. No specific ref to water use for Ap 1. Further documentation required for Ap1. NR, NT, and FT refer to loi, taro, sugar cane and potato patches but do not specify which apana.	The LCA states: "There are many dry taro lots in the ili of Puhiawaawa." Puhiawaawa is apana 1. Consequently, appurtenant right is documented for apana 1. See the following that references "Puhiawaawa: 1. English translation 2. native register (English) that "some taro patches are at Puhiawaawa..." 3. native testimony (English) by Kuihelani: "There is a patch and a field at Puhiawaawa...", by Kailihiwa: "There is a field and patches at Puhiawaawa..."
RP 5376	No ref to water use.	As well, the RP says that the land is in Puhiawaawa. This should be tied in to the LCA that says there are many dry taro lots in the ili of Puhiawaawa.
LCA 453: 1 & 2	Appurtenant right claim documented.	

RP 997	RP refers to LCA 3572. No ref to water use.	The File Plan refers to RP 997 (which we submitted for your reference only). However, we believe RP "997" is a typo on the File Plan (the "1" is missing) and RP "1997" is correct because RP 1997 cites LCA 453. Furthermore, RP 1997 mirrors the description in LCA 453 and as such documents the appurtenant right claim. Also, the register references taro patches and the native testimony references patches and farming.
LCA 2434 & 2435	LCA 2434 & 2435 are not shown on survey or TMK maps. Documentation provided for LCA 2435 but 2435 is crossed out. NR, NT, FT documentation provided for LCA 2434.	There appears to be two (2) LCA 2435's. One was issued to Kaakole (a copy was submitted) and the other was issued to **Kahooke** (a copy was submitted). The RP 6397 also states Kuleana Helu 2435 to **Kahooke**. However, we believe the LCA and RP for **Kahooke** showing 2435 are typos (and should be 2434) because the register and testimony for **Kahooke (**property in Wailuku) is numbered 2434 while the property for Kaakole (2435) is in Kapunakea. A poalima is referenced in the LCA for **Kahooke**. The register for 2434 refers to loi's and the native testimony refers to taro and 3 po'alimas and the foreign testimony references kalo and 3 poalimas on the property. See File Plan (LCA 2435 indicated below Lot 69) **NOTE: all LCA's that were commented as not located are shown highlighted on the File Plan.**
RP 6397	RP ref to LCA 2435.	See above. A poalima is also referenced in the RP. The description of the land mirrors the LCA.

LCA 2436:1, 2 &3	Appurtenant right claim documented for Ap 2. Survey map only shows Ap 2 but not Ap 1 or 3	LCA shows that all 3 apanas are identified as kalo (taro) lots and Apana 2 cites an auwai (ditch). See translation of LCA into English that was submitted. The register also refers to loi's and the native and foreign testimonies refer to loi's and kalo. The LCA, RP, testimony and register all cite the same areas of Pohakukupukupu, Holu and Waikani See File Plan Map (Apana 1 is indicated on Lot 43; Apana 3 is indicated on Lot 120)
RP 2009	Appurtenant right claim documented for Ap 2. Survey map only shows Ap 2 but does not show Ap 1 or 3.	The RP mirrors the LCA that shows all 3 apanas identified as kalo lots.
LCA 2495:1, 2, 3 & 4	Appurtenant right claim documented for Ap 1. TMK map only shows Ap 1 but does not show Ap 2-4.	Apana 4 contains a poalima Alii taro patch (see translation into English that was submitted and drawing of apana 4 in LCA with poalima drawn in). See register, native and foreign testimonies that references taro land/taro moo at Pohakupukupu (apana 1 & 2) and Puuokala (apana 3) and poalima (apana 4). See File Plan (Apana 2 is indicated on Lot 43; Apana 3 is indicated on Lot 43; Apana 4 is indicated across Lots 37 and 44)
RP 7790	No ref to water use for Ap 1.	The land description in the RP and LCA are the same and the comment as to LCA 2495 applies here.

LCA 2502: 1 & 3	Appurtenant right claim documented for Ap 2 & 3	See English translation of LCA indicating water use for Apana 1 & 3 which are both taro lots and an auwai runs through Apana 3. See also the register (reference to loi) and native testimony (reference to taro (apana 1 & 3) & poalima (apana 3) and foreign testimony (reference to loi's (apana 1 & 3) and poalima (apana 3))
RP 5973	Appurtenant right claim documented for Ap 2 & 3	The description of the land in the RP mirrors the LCA.
LCA 2503: 2	LCA is not shown on TMK. Ref to kalo and pahale	See File Plan (LCA 2503:2 is indicated on Lot 12 of the North Iao Village)
RP 3652	RP is for LCA 2502	RP 3652 cites LCA 2502. However, we believe it is a typo because the description in RP 3652 is exactly the same as in LCA 2503. Consequently, both reference water use. Further, both RP 3652 and LCA 2503 are to Ohule. The LCA and RP references poalimas, the register references lois, native testimony references taro and poalimas and foreign testimony references kalo and poalima.
LCA 3237: 3	Appurtenant right claim documented.	

RP 6888	No ref to water use	The purpose of the RP was to quitclaim the government's interest in the property and to contain metes and bounds description. Consequently, reference to water use would not necessarily be in the RP. The register references lois, native testimony references taro land, taro loi, taro pauku and foreign testimony references lois. Royal Patent 6888 is indicated in the Index for LCA 3237 but it is land in Kalihi, Oahu. Before 1960, no RP was issued. The RP was issued in 1960 and only shows metes and bounds. A copy is attached.
LCA 3275-E: 3,4,6	Appurtenant right claim documented	
RP 5154	No ref to water use	The description of the land in RP is the same as in LCA 3275-E and thus, appurtenant right claim was documented in the RP as well. Native testimony references taro patches (apana 3), taro pauku (apana 4 & 6) and foreign testimony references lois (apana 3, 4 & 6).
LCA 3294-B: 2; LCA 3294-B:1, M1; LCA 3294-B-1, M2	Appurtenant right claim documented	

RP 6102	No ref to water use.	RP tracks LCA and references kalo. Appurtenant right contained in LCA is in RP. Enclosed is a clearer copy of RP 6102. The native testimony references taro land and taro moo (cultivated piece of land) and foreign testimony references moo of kalo.
LCA 3488	Appurtenant right claim documented.	
RP 5289	No ref to water use.	The RP notes the land is "Aina Kalo". The register references 127 loi's, native testimony references taro and poalimas and foreign testimony references kalo land and poalimas,
LCA 3498	Appurtenant right claim documented.	
RP 7432	No ref to water	Reference to "kalo" is contained in both the LCA and RP. The description in the RP and the LCA are exactly the same. Consequently, both LCA and RP refer to water use. The register references taro.
LCA 4452:9	LCA is not shown on TMK map. No ref to Ap. 9.	Reference to "Apana 9" appears on the LCA under the words "Helu 4452" See File Plan (LCA 4452 is shown on the enclosed 8 ½ x 11 map)

RP 7302	No ref to water use	RP evidenced the government's quitclaim of its interest in the property and the RP was only required to contain the metes and bounds of the property.
LCA 4461:1 & 2	LCA is not shown on TMK MAP. Ref to kalo and moo kalo.	See File Plan (Apana 2 is indicated across Lots 30 and 31; Apana 2 is indicated on Lot 32).
RP 6630	Ref to kalo and moo kalo.	RP references kalo moo and mirrors the LCA. Also, native testimony references taro moo.