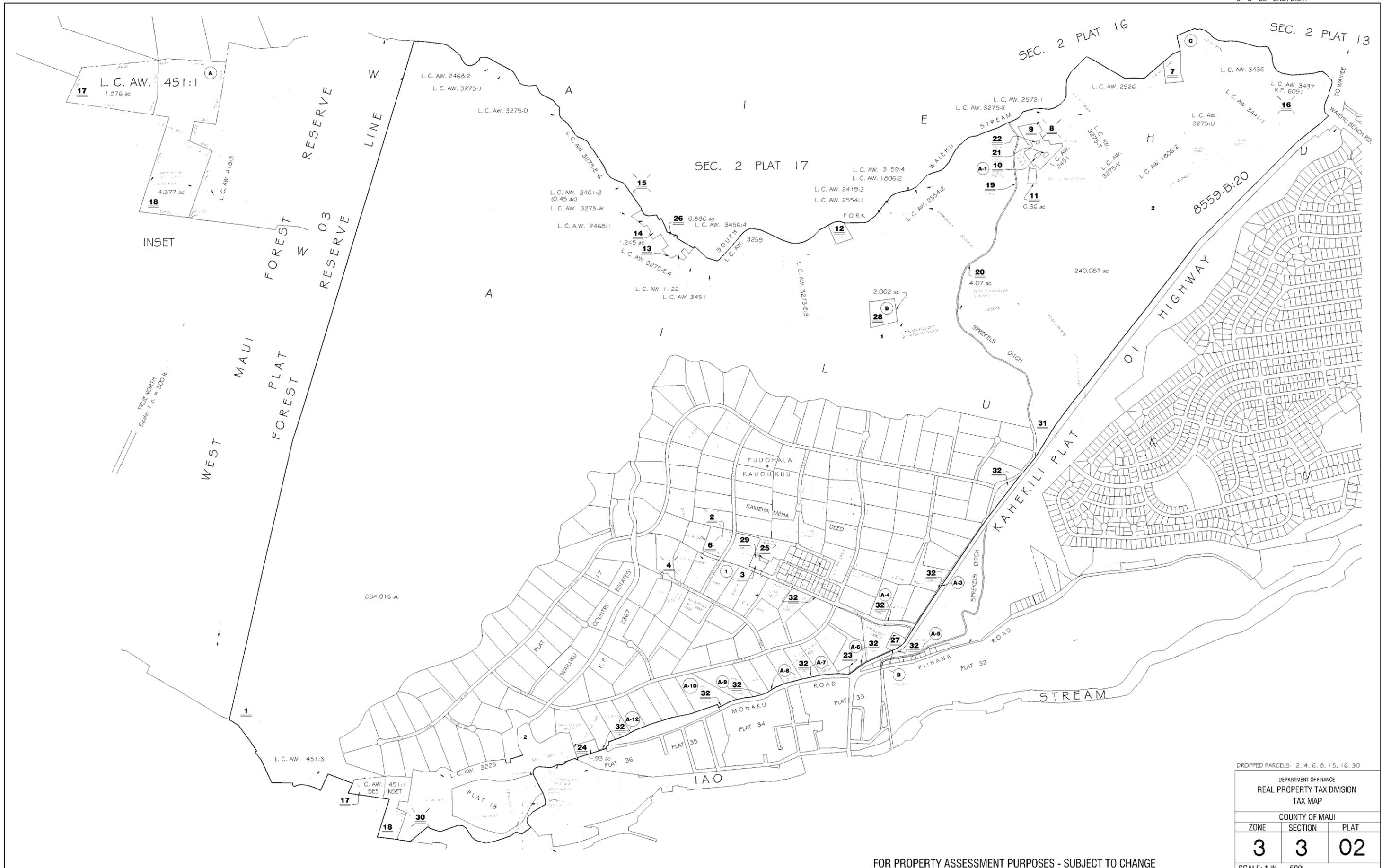


SOURCE: TMB & SURVEY/DEPT. BY: JMK DATE: 3/8/1934 DWS: NO. 1927



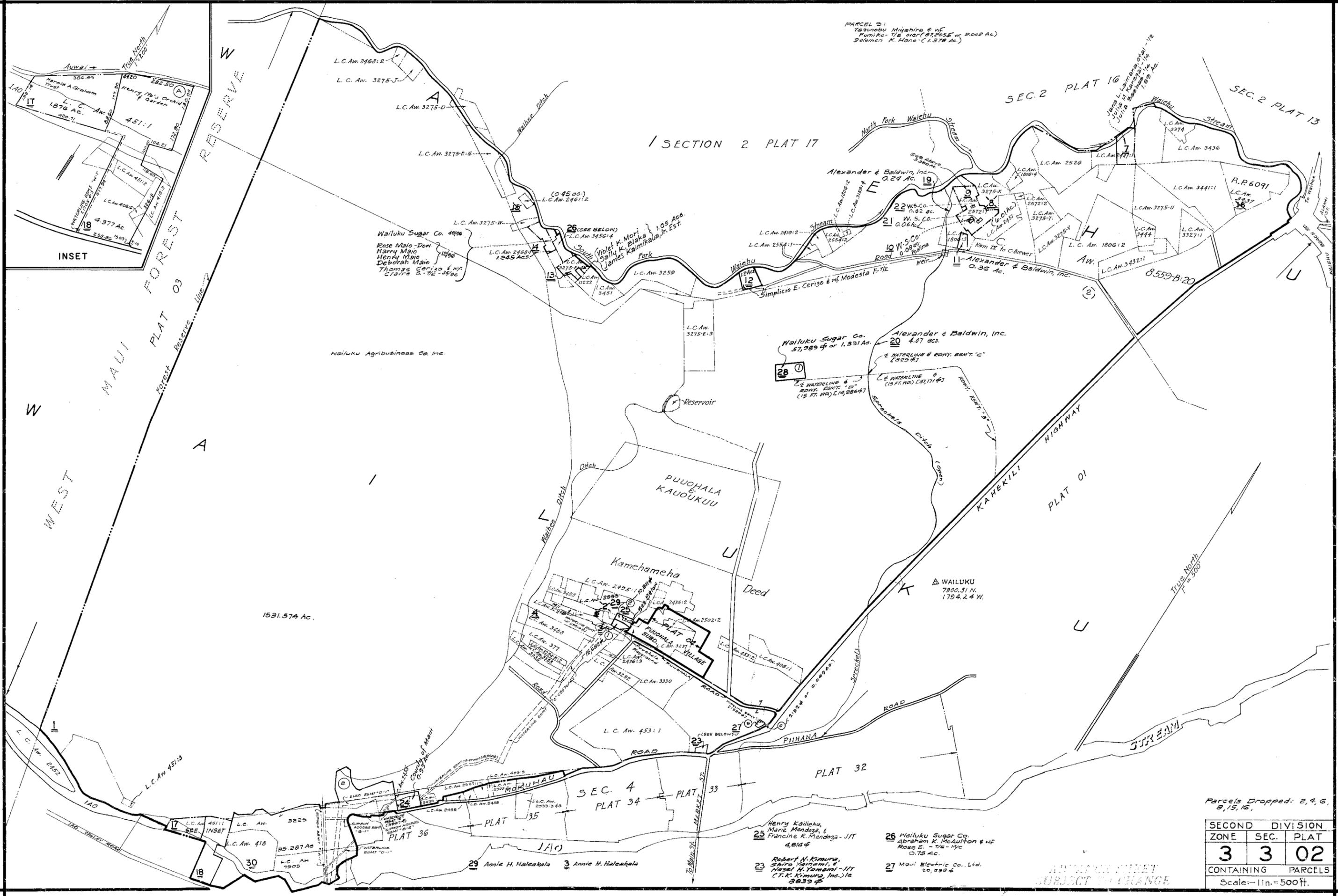
DROPPED PARCELS: 2, 4, 6, 8, 15, 16, 30

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:

SEP 8 1938
 FEB 14 1939
 NOV 23 1950
 JUN 6 1966
 JUN 27 1966
 JUN 13 1972
 JUN 13 1974
 JUN 13 1977
 JUN 9 1977
 JUN 21 1983



PARCEL 5:
 Tanihira Miyahira & W.F.
 Punika 7 1/2 Acs (87,205 of 2002 Ac.)
 Selemen K. Hana (1,378 Ac.)

INSET

Dwg No. 1927
 By: J.A.K. March 8, 1934
 Source: Top. Maps, Bureau & Survey Dept.

Parcels Dropped: 2, 4, 6, 8, 15, 16,

SECOND DIVISION		
ZONE	SEC.	PLAT
3	3	02
CONTAINING PARCELS		
Scale: 1 in. = 500 ft.		

AMERICAN STREET
 SUBJECT TO CHANGE

PRINTED

<u>Land Comission Award</u>	<u>Royal Patent Number</u>	<u>Awarded To:</u>	<u>Native Registers</u>		<u>Native Testimony</u>		<u>Foreign Register</u>	<u>Foreign Testimony</u>	<u>English Trans Water in LCA</u>
			<u>Eng</u>	<u>Haw</u>	<u>Eng</u>	<u>Haw</u>			
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 4452, Apana
9 to H. Kalama
(Volume 10, Page 470)

Royal Patent Number 7302
(Volume 25, Page 165)



ROYAL PATENT.

Upon Confirmation by the Land Commission.

WHEREAS, The Board of Commissioners to quiet Land Titles have by their decision awarded unto

— Hazateleponi Kalama — L.C. Award. 4452.

an estate of **Freehold** less than Allodial, in and to the Land hereafter described, and whereas *proper* applications having been made to the Minister of the Interior by Hon. H. C. Parker, administrator of the Estate of Charles Fernandin for a Royal Patent for the within described lands, a certificate defining the boundaries of the same being filed, and the Government's commutation thereon relinquished by an order of the Privy Council dated June 4. 1855.

THE ^{Kalakaaua} ~~Emperor~~, by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and his successors in office, this day granted and given absolutely, in Fee Simple, unto

— Hazateleponi Kalama —

all that certain piece of Land situated known as the Miaina of Puuhala

Waikuku in the Island of Mau and described as follows:

Commencing at a stone marked → at the northwest corner of this land, on the South side of the gulch, and a little mauka of an old road to Waichu pond which stone the north corner of the Waikuku Mill Chimney bears S. 41° 00' E true, and the spire of the P. C. church bears S 62° 6' E true the boundary runs.

1. S. 4° 2' W true 1044 ft. along Honohiki, to a stone marked thus → a little mauka of an old ditch - thence.
2. S. 77° 10' E true 246 ft. along Honohiki to a red wood post. Thence
3. S. 44° 40' W true 1155 ft. crossing junction of old Waichu road, and over ridge down into gulch to a rock at bottom of same marked thus → thence.
4. S. 72° 4' W true 1812 ft. along Honohiki, up gulch to point of commencement

Area. 48 ²⁴/₁₀₀ acres.

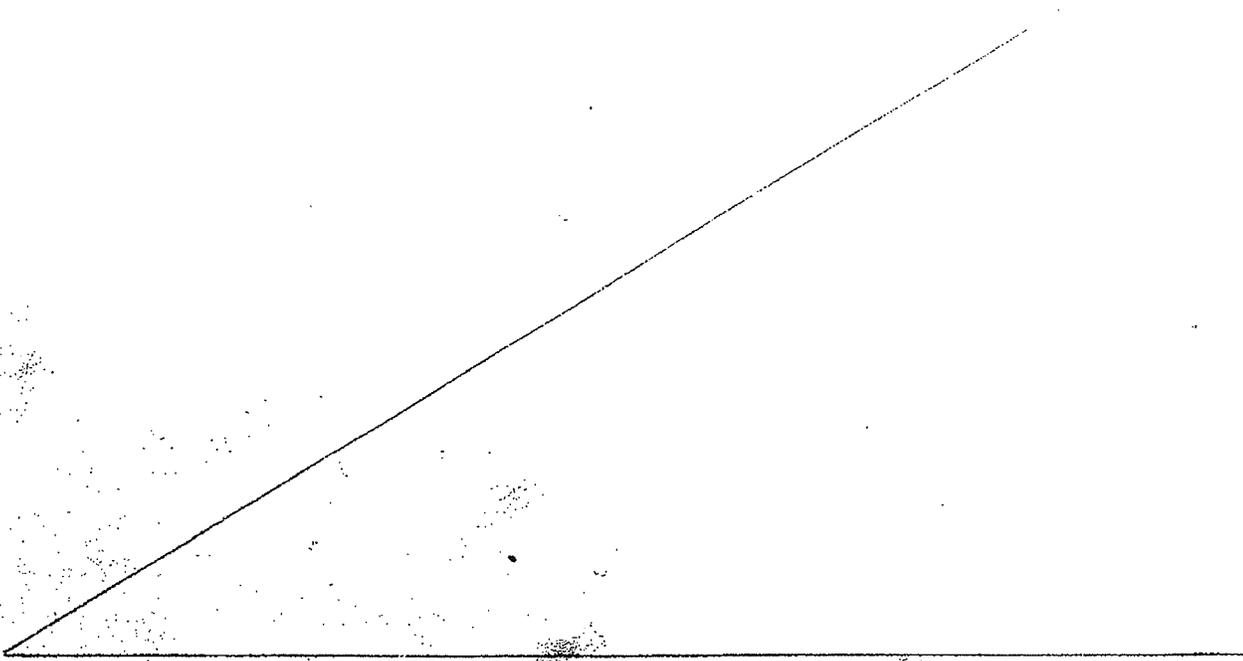
Award 4452 to Herman, is included in this survey said award contains

3 ²⁴/₁₀₀ acres (covered by P. O. 6670, issued 5. Nov. 1854.)

48.24 less 3 ²⁴/₁₀₀ = 44 ²⁴/₁₀₀ acres.

2. B.	35° 26'			
3. E.	35° 13'	6	167.	
4. N.	49° 45'		286	
5. N.	25° 48'		109.5.	
6. N.	50° 56'	40	114.	Subsides to initial point.

Area: 177.2



Containing 45.98 Acres,
 more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

To Have and to Hold the above granted Land in Fee Simple, unto the said
Kayaleponi Kalama. Heirs and Assigns forever,
 subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all Landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed, this 29th day of May 1879

By the King
 the Minister of Interior
 S. G. Milder

Kalakana: B

**NATIVE REGISTER
(HAWAIIAN)**

3. He mo'oiina o Kuaiawa ka inoa, mai kou mau ma-
haua mai mai ia aina, a hooiki laua maluna ou,
Ia ka Ahi Pili i ka aina o Ahulohou, Ia ka A. i ka
aina o Wawaenui, Ia ke Komohana ke Kakaawai, Ia
ka Homa i ka aina o Waikapu 14 Ioo.

3. Ia ulanuaia he mo'oiina ou, Kuuaka ka inoa,
Ka Huna i ka awi mai me ka ai o ke Komohiki, eha au
mau makahiki i mahi ai i ia aina la. 13 Kona
mau Ioi. Ia ka Ahi A. Ka pili i ka Mulirai, Komoha-
na i ka pa aina, Komohana H. Ia ka aina o Kaamiohu
Ia ka Hihina he wahi kula hoi e pili ana i ua
aina la.

Nau na Polu

4452 C. Wamaina (for Walamas.) Honolulu Jan. 19, 1848.

I ka Paraidena o na Luna Hoona
Kumu Kuleana Aina
Williamo L. Lee

Ile ka Wakalo

No ke Kauoha ana mai a ke Lii wahine Hapa-
leponi Walamas. Nui e hana imua o oukou
i kona mau kuleana pahale e waiho nei a o-
ke i ka awi ia ke mamua.

Maolaila ke kai maopopo aku nei au i
kona mau pahale, a me ke Kuleana pu e po-
no ai.

1 Pahale ia Hoopula laua me Kuuwila
Kamanuwai i Honolulu nei.

No H. Walamas ia pa, he wahi waiho wa-
le iho no ia, a na kona makuakane e hana imua
i na hale, a hooponopono i ka holo pu ana
mai me ke Lii Liholihos (ua ka makahiki 1822)
mailaila ka noho ana a hiki i keia manawa

ʻole mea nana i Keakea.

2. Paia Kekai mauka o Peleane i Honolulu nei,

No H. Kalamia ia pa, he wahi wahi wale iho no maua, a hiki i keia wa o Kaomi nana, a me kona pue i hooponopono i na mea maluna iho, a mai ia manawa a hiki i keia wa, ʻole mea nana i Keakea.

3 Paia Kōi ma Wanaana i Honolulu nei,

No Timoteo Kualili ia pa a hiki i ke Lii Ka lioi, a haawi ke Lii ia H. Kalamia, ua lilo ia ia a mau loa aku.

4. Paia Keawehano, Ula o aku o Aunui,

Now, a me Kalamia ia pa, he wahi wahi wale iho no, a i keia hoi ana mai o makou me ke Lii Liholihō mai Hawaii mai, oia ke Makahiki 1821, a ma maua, a me ke maua pue i hooponopono i na mea maluna iho, a mailaila mai a hiki i keia manawa, ʻole mea nana i Keakea.

5. Paia Kekaiakihiko Ula o aku o Mokuhimia ma Lohaina Maui, makai o ke Lanii Aupuni.

No H. Kalamia ia pa, nana a me kona pue Kanaka i hooponopono i na mea maluna iho i keia Makahiki 1839, a mailaila mai ka mau o ka noho ana, a hiki i keia wa, ʻole mea nana i Keakea.

6 Paia Kekai Ula o aku o Mokuhimia ma Lohaina Maui, makai o ke Lanii Aupuni.

No H. Kalamia ia pa, nana a me kona pue Kanaka i hooponopono i na mea maluna iho i keia Makahiki 1839, a mailaila ka mau o ka noho ana a hiki i keia manawa, ʻole mea nana i Keakea.

Oia mau e hōke pololei aku nei ia outou

a i ka la a oukou e kii mai ai i au, ua makuuau
au i ka lawe pu iku me na hoike pono no keia
mau kuleana i kaia maluna.

Owau no me ka Mahalo

Charles Kanaiias

(Olelo poma)

Eh ana kokeia mai no oua mau aho ae
o keia puhi, oia kaia iwi ia oukou, mai waiho
loa aku oukou a mahope loa.

4452

C. Kanaiias

Honolulu Januari 19, 1848.

I ka Paresidena o na Luna Looma

Kumu Kuleana Aina

William L. Lee

Me ka Mahalo

Ke hai aku nei au i keia kuleana pahale
oia ma Honolulu nei, oia ma Kapaala, He
waiho waiho wale iho no, Mamua o ka make ana o
David Kamehameha, hoowhi aku la au i kuu
waiho Kanaika malaila, a nani a me ia i hoopo-
pono i na mea maluna iho, a ua mau kono
noho ana malaila a hiki i keia manawa, aole
me mana i keia.

A ke olelo haahua aku nei au i mea o oukou
alo, e lawe pono aku no au i na hoike kupa no
keia kuleana. Eh ana kokeia mai nae au
mawaho ae o keia puhi, oia kaia iwi ia oukou.
Mai hoopi ana aku oukou

Owau no me ka Mahalo

Charles Kanaiias

**NATIVE REGISTER
(ENGLISH)**

3. At Manuaula I have a mo'o named Kauaaa which was given me by Hune with the consent of the konohiki. I have cultivated that land for four years. It has 13 lo'i. On the northeast it adjoins the muliwai, on the west is the land fence, on the southwest is the land of Kaamoku, on the east is a kula which adjoins this land.

FOLU

✓ No. 4452 C. Kanaina (for Kalama) Honolulu, Jan. 19, 1848

To the President of the Land Commissioners, William L. Lee, Respectfully: By direction of Queen Hazaleleponi Kalama, I hereby present her claims for houselots which have not previously been given. Therefore I hereby describe her houselots and her right to them.

1. Houselot of Naopala and Kauwila at Kamanuwai in Honolulu. This lot is for H. Kalama. It was originally unused land and her makua-kane built the house and made the improvements before sailing with King Liholiho (this was the year 1822). It has been occupied since then, and

Page 604

no one has objected.

2. Lot of Kekai, mauka of Pelekane, in Honolulu. This lot is for H. Kalama. It was formerly unused land until the time of Kaomi, when she and her people made the improvements on it, and since then until the present time no one has objected.

3. Lot of Noi at Kaanaana in Honolulu.

This lot was for Timothy Haalilio and it became the King's, who gave it to H. Kalama forever.

4. Lot of Keawehano, beyond Aienui.

This lot is mine and Kalama's. It was formerly unused and when we returned here with King Liholiho from Hawaii in the year 1821, we and our people made the improvements on it and from then until this time no one has objected.

5. Lot to Kekukahiko beyond Mokuhinia at Lahaina, Maui, mauka of the Government Road.

This lot is for H. Kalama. She and her people made the improvements on it in 1839 and it has been continuously occupied since then with no objections.

6. Lot of Kekai, beyond Mokuhinia at Lahaina, Maui, makai of the Government Road.

This lot is for H. Kalama. She and her people made the improvements on it in 1839 and it has been continuously occupied since then with no objections.

These are what I have described correctly to you,

Page 605

and on the day you send for me I will be prepared to bring the proper witnesses for the aforesaid claims. I am, with thanks,

CHARLES KANAINA

P.S. Let it be done soon, after this week. I request that you do not defer it for a long time.

NR 4452

**NATIVE TESTIMONY
(HAWAIIAN)**

Page 445
4452 A. Kalama

From Page 187.

(Kope.) No A. Kalama mau ana "Makale."
 Kula Ahupuaa Puna Hawaii.
 Kapalaalaea " " " " " "
 Kalahuihua " " " " " "
 Anaeoomatu " " " " " "
 Waipua Ahupuaa Hamakua " "
 Kaahe " " " " " "
 Iuhiauwaa " " " " " "
 Lemukee " " " " " "
 Purohala " " " " " "
 Ananione " " " " " "
 Waikahalulu " " Honolulu " " " "
 Kailua Ahupuaa Koolaula " "
 Waiaho " " " " " "
 Kapiuni " " " " " "

Hua Kalai }
 April 26. 1854 }

Kope oiaio
 A. G. Thurston
 Koolaula

Ua hoolowia hui e ka Ahakukakukamaku
 i ka la 29 o Augate. 1850. no Koolaula Kalama ia
 mau ana a pau ma ke Ono Aloha no me ka Makale
 i mau e kaula i kapa no ke Oupuni.

A. G. Thurston
 Koolaula A. Kalai.

5240 Kalama. Item 214 P

No Kalama mau ana Makale.
 No Kaulakikihi " " " " " "
 No Kalawa Ahupuaa Koolaula Hawaii
 Kama Kalai } NT 4452
 A. G. Thurston

**NATIVE TESTIMONY
(HAWAIIAN)**

✓ 4452

Wagaleleponi Kalama.

Makete.
Hawaii.

Kalama

Tuna.

Hono

Kohala

(Copy)

No Wagaleleponi

Ahupuaa

Wapalaalaea

Kalahupuaa

Anaehoomalu

Waipio

Kahe

Puhiauaawa

Lemuka

Puhala

Mamene

Maitakahalulu

Kaula

Kamaka

Kahipuu

Ahupuaa

Ke on Waialeale

"

"

"

"

"

Ahupuaa

Wamaka

Hau.

"

"

"

"

Honolulu, Kona Paha.

Molokai

"

"

Ke au au i hua Makete ma makete

NT 4452 (2)

Hagaleponi Kalama ma ana i hahania maluna, sea aia i ka
ehiki ho laue aku iina i ka Iae Iona Huland.

(Iona) Kama chancha

Kale Alii
11 Ibituari 1848

Hopia e i. J. Kalama

in H. Kalama

See Page 355.

Kakawalo.

A. Kama

18474
(Stop)

No. A. Kama me ma i ka Ika i ka Baku Mahala.

Ma'ona, Ulu'ona, Kona, Hawaii

Ma'ona

Ma'ona

Ma'ona

Ma'ona

Ma'ona

Ma'ona

"

Ma'ona

Ma'ona

Ma'ona

Ma'ona

Ma'ona

**NATIVE TESTIMONY
(ENGLISH)**

No. 8559 B William Charles Kanaina (con't.)

Kamoku ili for Waikiki in Manoa, Kona, Oahu.
Kaluaokau ili for Waikiki in Manoa, Kona, Oahu.
Kapahulu ili for Waikiki in Manoa, Kona, Oahu.
Kaalaea ahupuaa, Koolaupoku, Oahu.
Kapaka ahupuaa, Koolauloa, Oahu.
Laiewai ahupuaa, Koolauloa, Oahu.
Laiemaloo ahupuaa, Koolauloa, Oahu.
Pahipahialua, Koolauloa, Oahu.
Kahili, koolauloa, Koolau, Kauai.
Kahihiwai, Koolauloa, Koolau, Kauai.
Pilauwai, Koolauloa, Koolau, Kauai.
Manuahi ili, Kona, Kauai.

Waipouli ahupuaa, Puna, Kauai.
These lands listed above shall be for me forever, it would not be
right for the government to claim my land.

The following lands, I shall give to the government forever.

Kapulena ahupuaa, Hamakua, Hawaii.
Kukuihaele ahupuaa, Hamakua, Hawaii.
Auau ahupuaa, Kohala, Hawaii.
Keopuhiukahi ahupuaa, Kona, Hawaii.
Papaakoko ili of Honokohau, Kona, Hawaii.
Ninole ahupuaa, Kau, Hawaii.
Laepao ahupuaa, Puna, Hawaii.
Koa 1 ahupuaa, Puna, Hawaii.
Koa 2 ahupuaa, Puna, Hawaii.
Laeapuki ahupuaa, Puna, Hawaii.
Kaiiiki ahupuaa, Hilo, Hawaii.
ZKahuku, ahupuaa, Hilo, Hawaii.
Waiakoa ahupuaa, Kula, Maui.
Kou ili of Waiehu Puali, Kom. Maui.
Kapoino ili of Waiehu Puali Kom. Maui.
Halelena ili of Waiehu puali Kom. Maui.
Keokamu ili of Waiehu, Puali Kom. Maui.
Wainee ahupuaa, Lahaina, Maui.
Mahana ahupuaa, Lanai.
Kamalomalo ahupuaa, Puna, Kauai.
Kumukumu ahupuaa, Koolau, Kauai.

Pg. 187

I've given the lands listed above to the government forever, all of them are for
the government.

Please consider my request with compassion for me.

With appreciation, I am,
William Charles Lunalilo
Charles Kanaina (child guardian)

Department of Interior
6 April, 1852

This is a true copy of Lunalilo's division with the government.

A.G. Thruston
Secretary

No. 4452 Hazaleleponi Kalama

COPY HAZALELEPONI KALAMA'S DIVISION
Kula ahupuaa, Puna Hawaii.
Kapalaalaea ahupuaa, Kona, Hawaii.
Kalahuipuaa ili of Waimea, Kohala, Hawaii.
Anaehoomalu ili of Waimea, Kohala, Hawaii.

NT 4452-1
WNT

No. 1452 Hazaleleponi Kalama (con't.)

Waipio ahupuaa, Hamakua, Hawaii.
Kaohē ilifor Wailuku, Maui.
Puhiaawaawa ili for Wailuku, Maui.
Lemukee ili for Wailuku, Maui
Puohala Wailuku, Maui.
Manienie, Wailuku, Maui.
Waikahalulu, Honolulu, Kona, Oahu.
Kailua ahupuaa, Koolaupoko, Oahu.
Kaneohē ahupuaa, Koolaupoko, Oahu.
Hakipuu ahupuaa, Koolaupoko, Oahu.

I have approved this land division, the lands * listed above are for Haza- *Pg. 188
leleponi Kalama, and they may be presented to the land officers.

(Sign) Kamehameha
Copied by S. P. Kalama
(for H. Kalama) Sec.

Royal Palace
11 Feb. 1848
SEE page 358

No. 10474 N. Namauu

COPY

N. Namauu's land in the Mahele Book.
Moeanoa ahupuaa, Kona, Hawaii.
Awakee ahupuaa, Kona, Hawaii.
Halelua ahupuaa, Kohala, Hawaii.
Kuleikahono ahupuaa, Hilo, Hawaii.
Halelua ahupuaa, Kau, Hawaii.
Weha ahupuaa, Hamakua, Hawaii.
Kaupokolua, ahupuaa Hamakualoa, Maui.
Ulumalu ahupuaa, Hamakualoa, Maui.
Pahoa ahupuaa, Lahaina, Maui.
Puumoa ahupuaa, Lahaina, Maui.
Hoeae ahupuaa, Ewa, Oahu.
Puohai ahupuaa, Hilo, Hawaii.

True Copy.

Dept. of Interior
23 Dec. 1852

A.G. Thruston
Secretary

No. 8018 Alike Mela

COPY

Alike Mela's land in Mahele Registry.
Opaeula ahupuaa in Lahaina, Maui.

TRUE COPY

Dept. of Interior
25 Dec. 1852

A.G. Thruston
Secretary K.K.

No. 7681 Kekai

COPY

Kekai's 1/2 property in Mahele Registry.
1/2 Kaukahoku ili for Kapalama, Kona, Oahu.

TRUE COPY

Dept. of Interior
25 Dec. 1852

A.G. Thruston
Secretary K.K.

NT 4452-2
LW7

✓ No. 4452 H. Kalama (from page 187)

COPY

H. Kalama's land distributions.

Kula ahupuaa, Puna, Hawaii.
Kapalaalaea ahupuaa, Kona, Hawaii.
Kalahuipuaa ili for Waimea, Kohala, Hawaii.
Anaehoomalu ili for Waimea, Kohala, Hawaii.
Waipio ahupuaa, Hamakua, Hawaii.
Kaohe ili for Wailuku Puali, West Hawaii.
Puhiawawa, ili for Wailuku, Puali, West Hawaii.
Lemukee ili for Wailuku, Puali, West Hawaii.
Puuhala ili for Wailuku, Puali, West Hawaii.
Manienie, Ili for Wailuku, Puali, West Hawaii.
Waikahalulu, ili for Honolulu, Kona, Oahu.
Kailua ahupuaa, Koolaupoko, Oahu.
Kaneohe ahupuaa, Koolaupoko, Oahu.
Hakipuu ahupuaa, Koolaupoko, Oahu.

TRUE COPY

Interior Dept.
26 April 1854

A.G. Thruston
Clerk

A decision has been made by the Privy Council on this 29th day of Aug. 1850, that all of those lands are for Haialeleponi Kalama as fee simple without a half division for the government.

A.G. Thruston
Clerk

No. 5240 Kalama (from page 214)

Kalama's land distributions.

1/2 Maulukikepa ili for Waikiki, Kona, Oahu.
1/2 Halawa ahupuaa, Kohala, Hawaii.

TRUE COPY

Interior Dept.
28 April 1854

A.G. Thruston
Chief Clerk

The above half of Halawa has been already patented to Nakookoo's sister and heir of Kalama by Royal Patent no. 781, * 15 June 1852, conveying *Pg. 359 1090 acres for one dollar.

A. G. Thruston
Chief Clerk, Interior Dept.

No. 5364 Nakookoo

Nakookoo's 1/2 land distributions.

1/2 Maulukikepa ili for Waikiki, Kona, Oahu.

TRUE COPY

Interior Dept.
28 April 1854

A.G. Thruston

No. 7774 Kahamu

Kahamu's 1/2 land distributions.

1/2 Honomaele ahupuaa, Kona, Maui.

TRUE COPY

Interior Dept.
28 April 1854

A.G. Thruston
Chief Clerk

NT 4452-3

FOREIGN TESTIMONY

81

15th May 1854.

N^o 4453. H. Kalama.

Kekai, sworn says he knows the House Lots of Queen Kalama, at Lahaina, Maui.

The first Lot is in the Ahupuaa of Waiohama, and is bounded Mankā by the Kouohiki's land, Obowā side by Kabeana's land, Makai by the Public Road, - Kaanapali side by the Loko called "Mokuhinia". Olt rec^d this Lot from the King about the year 1836, and her retainers have occupied it ever since, without Dispute.

The second Lot is also in Waiohama, - and is bounded Mankā by the Public Road, - Obowā side by the Kouohiki's land, - Makai by land of A. Paki, - Kaanapali side by the Loko called "Mokuhinia". Olt rec^d this Lot from the King at the same time as the first Lot, and has held it ever since.

Keanehans, sworn, says he knows these two Lots, and confirms in full the testimony of Kekai.

N^o 8559. C. Kanaina.

Polea, sworn, says he knows the House Lots of C. Kanaina, in Lahaina, Maui. There are four of them, called "Keawaiti", "Hoonanama", "Mikahi" & "Paohi".

The Lot called "Keawaiti" is bounded Mankā by Mr. Baldwin's, - Obowā side by a street, - Makai by the Sea Beach, - Kaanapali side by the Custom House.

The Lot called "Hoonanama", is bounded Mankā by Papeka's land, - Obowā side by a street, - Makai by the Main street, - Kaanapali side by L. Paalua's land.

FOREIGN TESTIMONY

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Pam 278 P. 31 March 1853.

N. 4452. H. Kalama

Counter the Government.

C. Karama, sworn, says the ili of "Kai-kahalulu" was given to Kalama after the death of Kaomi, when Capt. Relcher was here - and at the Division of lands in 1848 this ili was given to her again by the King, excepting only such parts of it as are occupied by the Govt or by private parties.

This ili of "Kai-kahalulu" is bounded on Waikiki side by "Kaakaukukui" & "Kuwaiolani"; - "Maokai" by the Sand Point; - Ewa side by the inner Harbor; - Mauka by Beritania street.

This ili was formerly in the possession of Karama a Chief under Kamehameha I, from the time of the Battle of Nuuanu until it was given to Kaomi by His present Majesty.

After Kaomi died it was given to Kalama. The stone or coral on this ili was taboed by Kiana for the Govt, but I cannot tell the year. But it was not taboed so that the Konoiki who held the land could not cut stone on it - no one else could do so however.

I cut stone on it in the life time of Kaahumanu. No one was allowed to cut stone on it without Kiana's consent. Does not consider that this land belongs to the Govt as a part of the Harbor.

M. Kukuawaa, sworn, says he knows the

'Ili of Waikahakalulu. Knows that
 Kinan taboos the stone on this ili.
 When Kuakini was Governor he held
 this ili. After that it was given to
 Kaomi by the present King and sub-
 sequently to Kalama. Kinan ta-
 boos the stone by her own authority.
 The Govt. was not organized at that time.
 If any of the Chiefs wanted to cut
 stone they had only to ask her, but
 if any Kamaoka cut stone there he had
 to divide with her. I think the Govt. can
 taboo the stone but not the substratum
 under it, for that belongs to the land.

A. Paki, sworn, says when I was
 acting Governor of Oahu, in 1822 per-
 haps, my father Kinan had charge
 of Waikahakalulu. After we were
~~given~~ the land was given to Kalama.
 In former times, the only taboos
 on these enakai lands, as far as I
 know, were put on by the several
 Kauhikeas. By the Organic Acts
 the coral reefs were tabooed by the
 Legislature. But the taboo put on
 before that for the purpose of pre-
 venting the filling up of the Harbor
 was declared by myself, by order
 of the Governor of Oahu in 1844.
 But the soil and all the rights
 & privileges appertaining to the
 land belong to the Kauhikea
 near the ili.

John Young, sworn, says he thinks the mauka part of Waikahalulu belongs to Kalama. By the first laws it was declared that no private individual could take any property or land which the Chiefs had set apart for the Govt. This was confirmed by the new statutes, which declare the coral reef on all the islands to be Govt. property. The rights of piracy however still remain with the Konohekeis. I have understood that cutting the stone on this land was tabooed to prevent the Harbor from being filled up, and since I was made Minister of the Interior none of the Chiefs have been permitted to cut stone there without the consent of the Privy Council. The Govt. had some idea of selling a part of it at one time and had it surveyed by W. H. Stearns. But by advice of Col Smith, in 1849 perhaps, they declined to sell it. Kanaina never mentioned this claim on behalf of the Queen till recently when the N. P. S. Navigation Company applied for a part of the land. The Govt. has exercised the rights of ownership on it ever since I came to be Minister of the Interior and the taboo on the stone by A. Paki was done in his capacity of Govt. Agent. The Govt. has disposed of a part of the land to the N. P. S. Company.

L. Kaaleka, sworn, says the stone on this land was tabooed by Mairaa who also forbid the woman from gathering limu there &c. After her death these restrictions appeared to be discontinued, and the people indiscriminately went there for limu. I heard of the taboo declared by Paki in 1844, to prevent the Harbor from being filled up.

J. P. Judd, sworn, - When I came to the Islands, the Harbor and the land in question were in the hands of the Governor of Oahu. In the time of Keakini (Gov^r of Oahu) the stone began to be tabooed by the Gov^r & so it has been ever since. I never heard that the Queen claimed this makai lale of Waikahahele till 1850, when her agent Kanaina started this claim. As I understand it, this lale belongs to the Government as a part of the Harbor, and I do not think the Queen or any one else has a right to it. In former times, all the people were allowed indiscriminately to go and take limu there; I do not know that the people of Waikahahele alone were privileged to take limu. (This is admitted by Kanaina) At the

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Division of lands in 1848, I understood that the mauka part only of this Ili was given to the Queen.

"i" Kialama, however, says he acted as clerk at the Division of lands, in the Palace in 1848. At the Division of the Queen's lands, the Ili of Kairi Kahalulu was given to her. That is to say, the Mauka part of it only, and it was distinctly stated by Mr. Young, Mr. Judd & others at the time that she did not take the mauka Ili now in dispute, which it was understood the Govt had previously set apart for its own purposes.

April 1. 1853.

N^o ~~1000~~ 1926. Nanauki. from Page 426
(Copy)

Lobikana,

Aloha oe

Ke hai aku nei
ua holo ka olelo no ke Kuleana o
Nanauki mauka o Mauiwa, i Ko-
lowalu. 12 Loi ai, a me Kahi Kahua
hale. Koe Kahi Kula no ke Koino =
hiki oia ka mea i holo.

(sig^o) Cha^t Kanaina.

Honolulu
31 Mar 1853 }

Kūkulu ka 'ike i ka 'ōpua



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FOREIGN TESTIMONY

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April 17 1854.

No 7713 M. Hekuanawa (T. Hanomahu)

Counter the Govt ^{From 9538.}

Kiomi Ona, Sworn says - I have nothing to testify to in reference to the claim of M. Hekuanawa in Kaakiauakua pertaining to the wall built to protect the Harbor from filling in, which wall runs from the Lime Kiln to Sears Sumner's Land.

I am sure he gave it to Government in 1847, but I will not swear anything about it until I have laid the matter before the Privy Council, as to "Chalio", he said he had nothing to say. To page 585.

28 April 1854.

No 4452. H. Kalama.

Kihei, sworn, says he knows the part of the Pa Mos claimed by the Queen. It is on the South East side of the King's part. It is bounded on the Waikiki side by J. Pukoi's Lot, - Makai by the Canton Hotel premises, - On the Ewa side by the King's part of the Pa Mos, - Mauka by S. C. Damon's Lot. The Queen got this Lot from His Majesty in the year 1845, since which time I and the other tenants have lived under her. Waka, sworn, says he knows this Lot and formerly lived on it under the Queen. Confirms, on full the testimony given by last witness.

Knows also the Lot belonging to the Queen in the possession of Keawe hana,

FT 4452-1

in Honolulu. It is bounded on the Waikiki side by the Lot called Aie Nui, - Makai by Marine Street, - On Ewa side by John Muck's land, - Mauka by King Street. This lot formerly belonged to Kalaismoku, and from him it came to C. Kawaina who gave it to the Queen about the year 1838, and she has held it ever since.

C. Kawaina, sworn, says the Queen got this Lot from him about the year 1838. It is an old possession of the Family, and the Queen's title is undisputed.

Kekai, sworn, says he knows the lot claimed by Kalama, in Honolulu, called "Halekaha". It is bounded Mauka by land belonging to the King, On Waikiki side by the British Consulate ground, - Makai by the King's Lot called "Pere-tawa", - On Ewa side by the land called "Kaakopua". The Queen got this Lot from the King about the time of their marriage. It is present occupied by myself and others under the Queen.

Pulou, sworn, says he knows the House lot claimed by H. Kalama in Kalahe. It is enclosed by a wall. It is bounded on Honolulu side by a fish pond belonging

to Leholike, - Makai by the Sea Beach, -
On Ewa side by John Si, - Manka by
the Kowhiki of MoKamaea.

No. 11,230. Kapahukula.

Claimant being sworn, deposes that
his claim for his House Lot in "Ka-
pookoo", Kona, Hawaii, in the year
1848, and forwarded to the Land
Commission at Honolulu.

K. Kapahuka, sworn, says he
knows the House Lot of Claimant.
It is called "Konsuleli", and is bounded
Manka by the public road, - On Kaa-
lā side by the lot of Hamahine, - Ma-
kai by the Sea Beach, - Kailua
side by the lot of Kepe.

Claimant inherited this lot
from his ancestors who held it
from ancient times, and there is
no dispute as to claimant's title.

FT 4452-3

TOM QUITQUIT CHEE WATTS & YAMAMOTO, LLP

Carl Tom
S.V. (Bud) Quitquit
David W.H. Chee
Jeffrey D. Watts

ATTORNEYS AT LAW
841 Bishop Street, Suite 2125
Honolulu, Hawaii 96813
Telephone: (808) 526-3011
Fax: (808) 523-1171
dyamamoto@btpqlaw.com

Donna H. Yamamoto
Danielle Degele-Mathews
Jerilynn Ono Hall
Edward R. Brooks

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

2012 APR 27 AM 10:37
COMMUNICATIONS SECTION
PROPERTY

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).

Department of Land and Natural Resources
Commission on Water Resource Management
Attention: Robert Chong
April 27, 2012
Page 2

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 they were only required to show the lands' metes and bounds.

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Attention: Robert Chong
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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 Puhiaawaawa.” Puhiaawaawa is apana 1. Consequently, appurtenant right is documented for apana 1. See the following that references “Puhiaawaawa: 1. English translation 2. native register (English) that “some taro patches are at Puhiaawaawa...” 3. native testimony (English) by Kuihelani: “There is a patch and a field at Puhiaawaawa...”, by Kailihiwa: “There is a field and patches at Puhiaawaawa...”
RP 5376	No ref to water use.	As well, the RP says that the land is in Puhiaawaawa. This should be tied in to the LCA that says there are many dry taro lots in the ili of Puhiaawaawa.
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.	<p>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.</p> <p>See File Plan (LCA 2435 indicated below Lot 69)</p> <p><u>NOTE: all LCA's that were commented as not located are shown highlighted on the File Plan.</u></p>
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 Pohakukupupu, 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	<p>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.</p> <p>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.</p>
LCA 3275-E: 3,4,6	Appurtenant right claim documented	
RP 5154	No ref to water use	<p>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).</p>
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.

