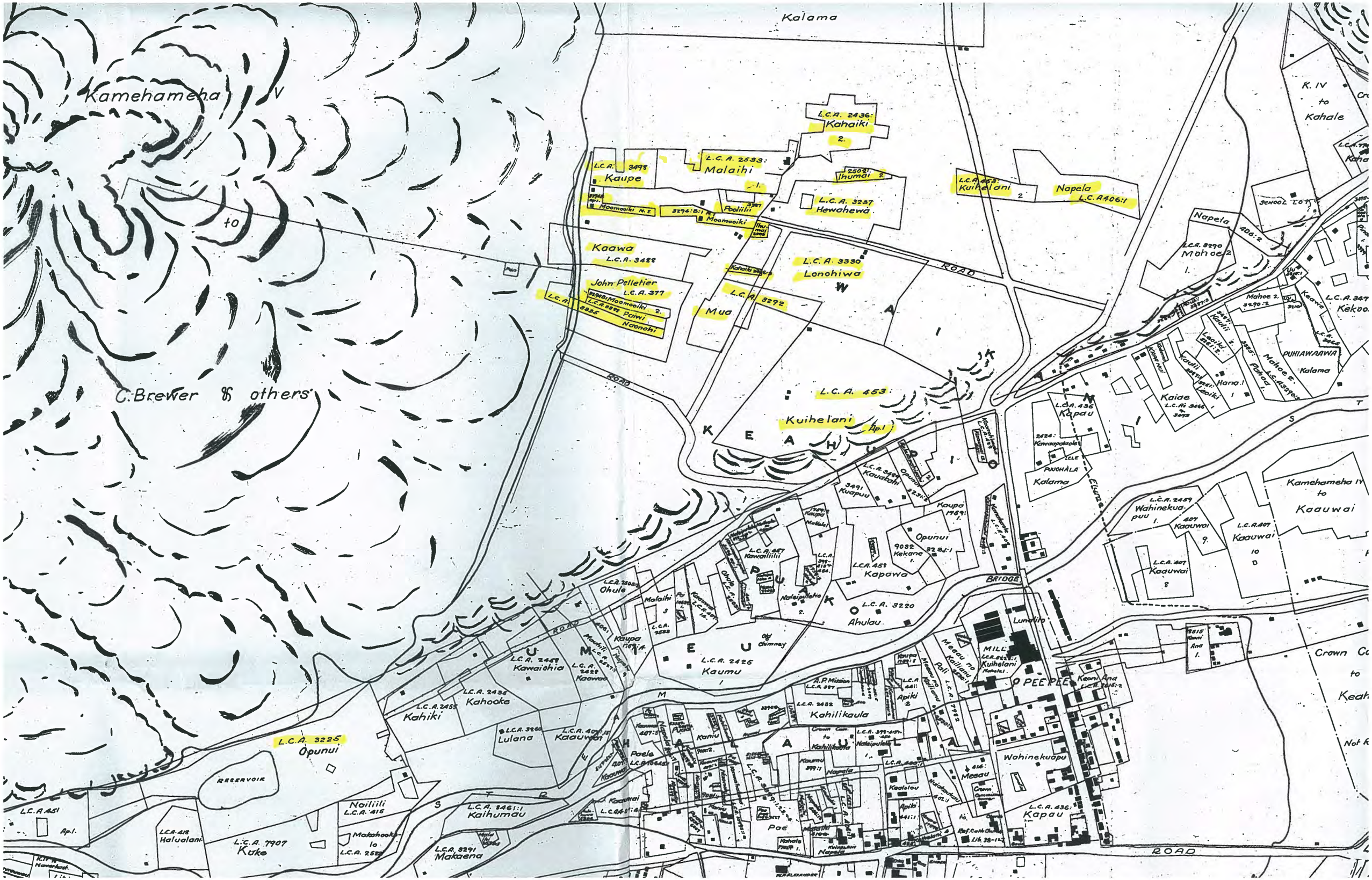
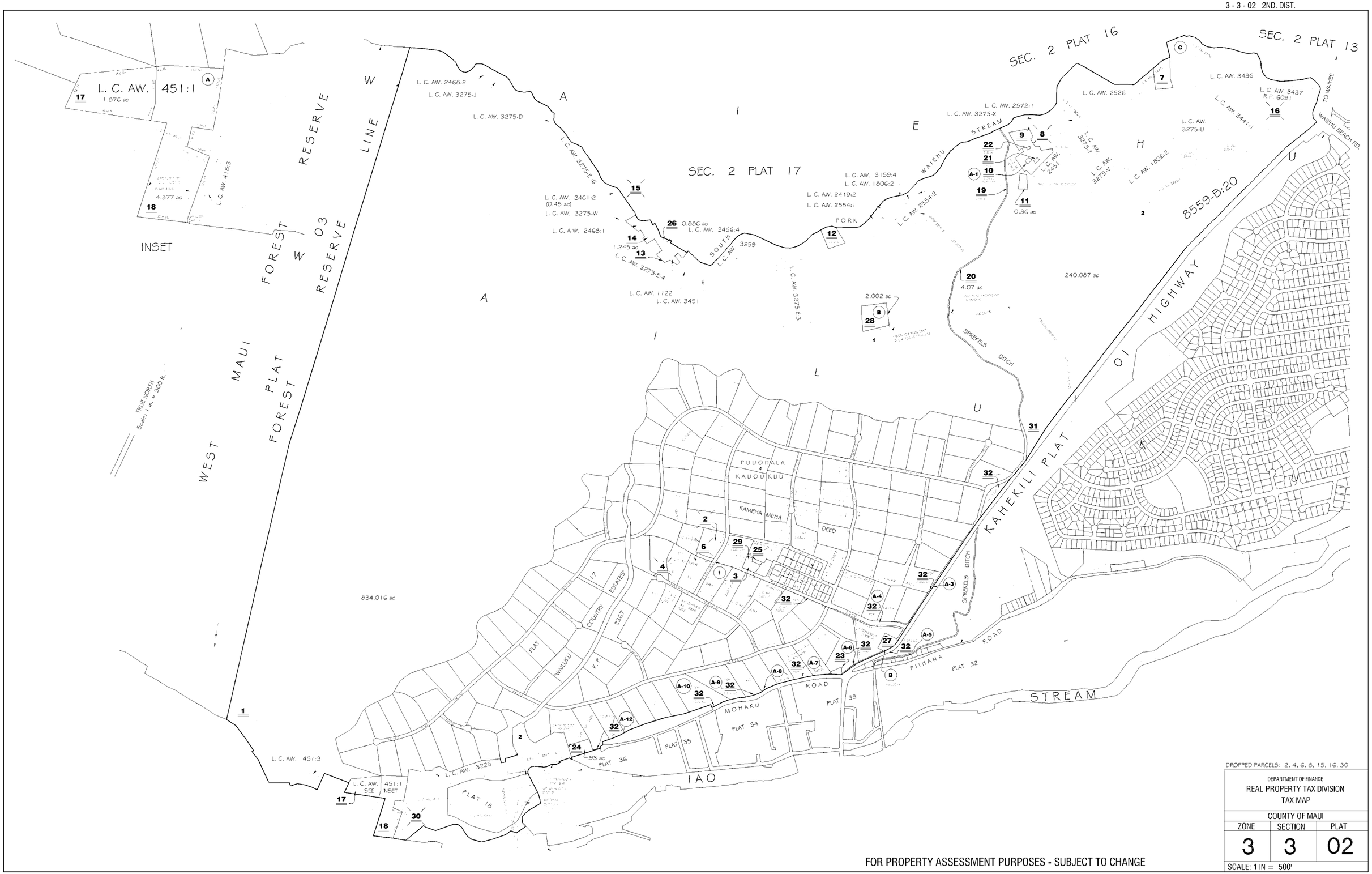


Kalama
Kamehameha V
to
C. Brewer & others
L.C.A. 2436: Kahaiki 2.
L.C.A. 3498 Kaupe
L.C.A. 2533: Malaihi 1.
Ihumai 2
L.C.A. 3237 Hewahewa
Kuihelani 2
Napela L.C.A. 406:1
Kaawa L.C.A. 3488
John Pelletier L.C.A. 377
L.C.A. 3330 Lonohiwa
L.C.A. 3292 Mua
L.C.A. 453: Kuihelani Ap.1
ROAD
K. IV to Kahale
Napela 406:2
L.C.A. 3290 Mahoe 2 1.
Mahoe 2. 3290:2
L.C.A. 347 Kekoo
PUHIAWAAWA Kalama
Kaide
Hana 1
L.C.A. 436 Kapau
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
Kaupa 1769:1
Opunui 3231:1
9032 Kekane 1.
L.C.A. 458 Kapawa
L.C.A. 3220 Ahulau
BRIDGE
Lunalilo
MILL
PEE PEE
Keoni Ana
Crown Co to Keah
Not R
L.C.A. 2425 Kaumu 1
L.C.A. 2458 Kawaiohia
L.C.A. 2435 Kahooke
L.C.A. 2455 Kahiki
L.C.A. 3260 Lulana
L.C.A. 407:15 Kaauwai
L.C.A. 3225 Opunui
RESERVOIR
L.C.A. 451 Ap.1.
L.C.A. 418 Halualani
L.C.A. 7907 Kuke
Nailiili L.C.A. 415
L.C.A. 3461:1 Kaihumau
L.C.A. 3291 Makaena
Kahilikaula
Apiki 2
Wahinekuapu
L.C.A. 436: Kapau
Meeau
Kealalou
Apiki 441:1
Pae
Kahale 1.
Napela
ROAD



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

DEPARTMENT OF FINANCE
REAL PROPERTY TAX DIVISION
TAX MAP

COUNTY OF MAUI

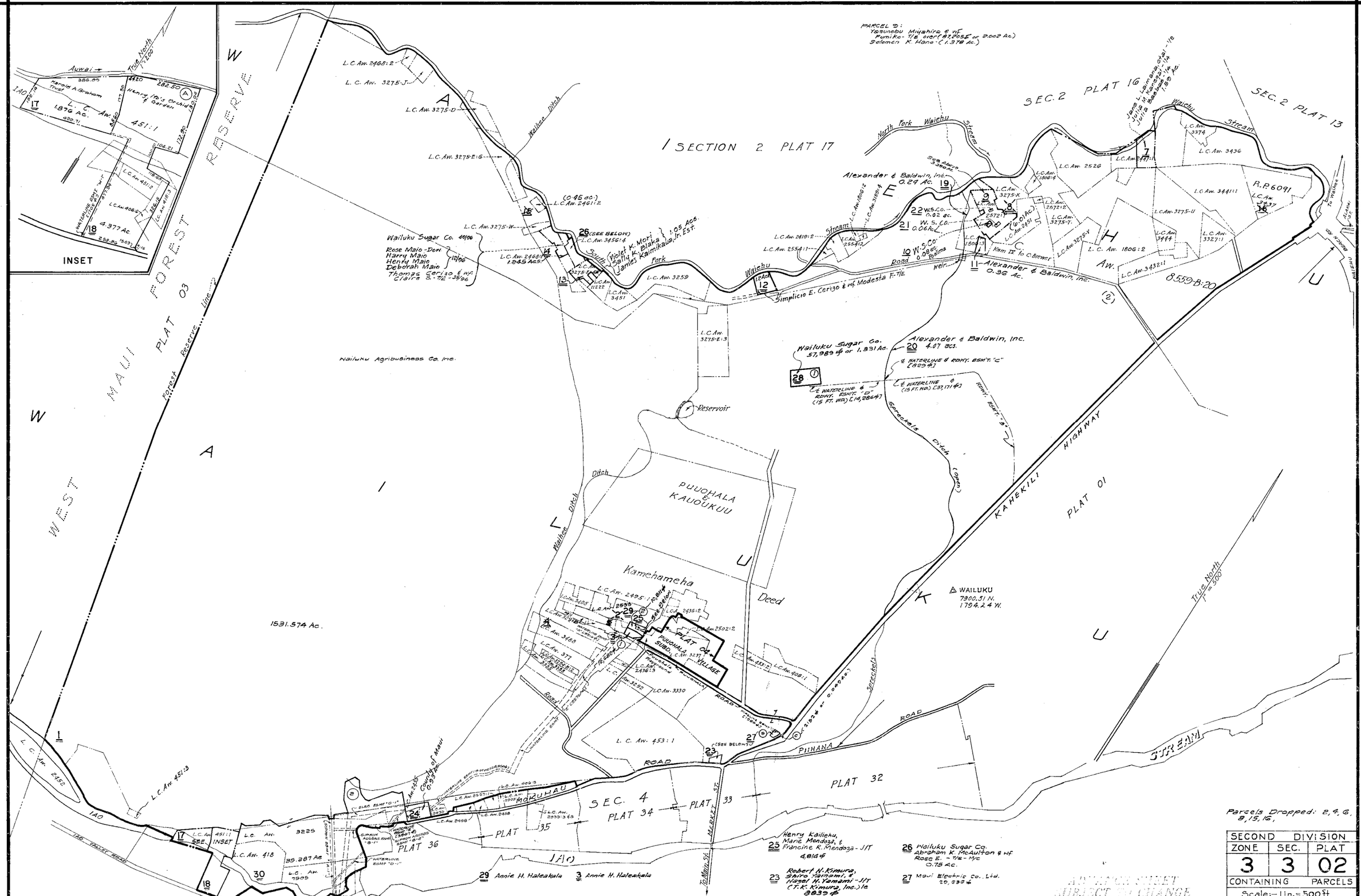
ZONE	SECTION	PLAT
3	3	02

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 406, Apana 1
to Napela
(Volume 3, Page 696)

Honolulu February 8. 1854

Helu 406 Papela [illegible]

Ke mau la mahele ma ke ala o Kukaunahi

Apana 1. Ohumaka ma ke kihi Hemolana a e holo

	5	69°	Hi. 2.22	Ke ma ke ko Kuolaki	
	Ke	66°	Hi. 2.66	" " "	
	Ak.	66½	Hi. 3.88	" " "	
Pukiawaiwa	Ak	80°	Ko. 2.77	" " "	
22) 3.10	Ke	29°	Hi. 2.90	" " "	5 Alanui
1.17	Ke	82¾	Ko 5.09	" "	
4.27	Ke	63°	Ko 4.05	" "	
Waekauli	Ak.	19°	Ko 1.37	" "	Kuolaiwa
3 - .15	Ke	71¼	Ko 1.43	" "	"
4 - .11	Ak.	35¼	Ko. 2.98	" "	" 5 Kuolaiki
.26					

a hiki mua ke kihi mua — 3/10 Eka.

Halaula
5 - 0.60
6 0.08
7 - .63
11 1.74
12 - .26
3.51 - 0.05 [illegible]
Kahuaoli 0.055
Waeau 0.685
Kaunuili — 0.35

Apana 2. Ohumaka ma ke kihi Kuolaiwa Akau e pili ana me ke Alanui Aupuni, a e holo.

Ak	72½	Hi. 4.15	Ak. ma ko ke Kuolaiki	
Ke	70¼	Hi 3.10	" "	"
Ak.	89°	Hi. 1.58	" "	"
Ke	9°	Hi. 80	"	ke Alanui
Ke	66½	Ko 1.35	"	ko ke Kuolaiki
Ak.	80½	Ko. 4.27	"	"
Ke	76¾	Ko 3.14	"	" Mahoe "
Ak.	4½	Ko. 1.14	"	ke Alanui a hiki mua

ke kihi mua — 1 7/100 Eka

Apana 3 1 Loi Kalo ma ka ili o Waikaui Ohumaka ma ke kihi Auna a e holo

Ak	46¾	Ko 1.30	Ak ma ko Kamaile	
Ak.	32°	Hi. 1.10	"	Kamo
Ke	61°	Ki 1.11	"	Hilama
Ke	20°	Ko 1.39	"	Kuolaiki a hiki mua

ke kihi mua — 7/100 Eka

Apana 4 2 Loi Aina ma Waikaui Ohumaka ma ke kihi Akau a e holo

Ak	50¼	Ko 53	Ak ma ko Kuolaiki
Ke	80°	Ko 82	" " "
Ke	29°	Ko 1.00	" " "
Ak	46°	Ko 40	" " "
Ak	34½	Ko 42	" " "
Ak	24°	Ko 32	" " "

Ak 48° Ko .38 Kh ma ko Konohiki
Ak 37½ Hi 1.32 " "
Ak 34¼ Ko .81 " " Keeke a hiki ma ke kihi mua
11/100 Eka.

Apana 5 1 Loi ma Halauula 1. E hoomaka ma ke kihi Akau a e holo Hu 59° Ko .45 Kh ma ko Kalapa
Hu 38° Hi 1.23 " "
Ak 64¼ Hi .47 " " Kahilikula
Ak 29¼ Ko 1.29 " " " a hiki ma ke kihi mua 6/10 Eka.

Apana 6. ~~1 Loi~~ ~~Kiki~~ ma Halauula 1. E hoomaka ma ke kihi Akau a e holo
Hu 52½ Ko .57 Kh ma ko pali
Hu 30° Hi 1.27 " ko Pilepowehine + Luni
Ak 73½ Hi .54 " " Kahilikula
Ak 28¼ Ko 1.46 " " Kalapa a hiki ma ke kihi mua 8/100 Eka

Apana 7. Kalo 1 Kulo ma Halaula. E hoomaka ma ke kihi Akau kokoke i ke kahawai, a e holo
Hu 44° Ko 1.09 Kh ma ko ke Konohiki
Hu 31¼° Hi .82 " " Kaauwai
Halaula Hu 41½° Hi 4.10 " " "
Sap 40362 Hu 24°½ Hi 1.03 " " Pepee
A 53¾ Hi .44 " " Kaukaliu
A 26° Ko 1.07 " " Uwe
A 62¼ Hi .54 " " "
Hu 27° Hi 1.00 " " "
Ak 53¾ Hi .60 " " "
Ak 30¾ Ko 1.01 " " Kaauwai
Ak 50° Ko 3.35 " " Kapuaa
Ak 34¾ Ko 1.85 " " " a hiki ma ke kihi mua 63/100 Eka

Apana 8 1 Loi ma ka ili o Kaluaiki. E hoomaka ma ke kihi Hikina a e holo
Hu 37½ Ko 1.00 Kh ma ko ke Konohiki
Ak 46½ Ko .39 " " Kalualani
Ak 8½ Hi .94 " " "
Hu 8° Hi .71 " " + Konohiki
a hiki ma ke kihi mua 7/10 Eka

Apana 9 Kalo 1 mau loi nalo mai Pouia ili
E hoomaka ma ke kihi Akau a e holo

Apana 5 1 Loi ma Halauula 1. E hoomaka ma ke kihi Akau a e holo He 59° Ko .45 Kh ma ko Kalapa
He 28° Hi 1.23 " "
Ak 64¼ Hi .47 " " Kahilikaula
Ak 29¾ Ko 1.29 " " " a hiki ma ke kihi mua 6/10 Eka.

Apana 6. 1 Loi ma Halauula 1. E hoomaka ma ke kihi Akau a e holo
He 52½ Ko .57 Kh ma ka pali
He 30° Hi 1.27 " ko Pelepowahine + Lani
Ak 73½ Hi .54 " " Kahilikaula
Ak 28¼ Ko 1.48 " " Kalapa a hiki ma ke kihi mua 8/100 Eka

Apana 7. Kalo & Kula ma Halauula. E hoomaka ma ke kihi Akau kokoke i ke kahawai, a e holo
He 44° Ko 1.09 Kh ma ko ke Konohiki
He 31¼° Hi .82 " " Kaauwai
Halauula 5 ap. 4.03 Eka He 41½° Hi 4.10 " " "
He 24°½ Hi 1.03 " " Pepee
A 53¾ Hi .44 " " Kaukalin
A 26° Ko 1.07 " " Uwe
A 62°¼ Hi .54 " " "
He 27° Hi 1.00 " " "
Ak 53°¾ Hi .60 " " "
Ak 30¾ Ko 1.01 " " Kaauwai
Ak 50° Ko 3.35 " " Kapuaa
Ak 34¾ Ko 1.85 " " " a hiki ma ke kihi mua 63/100 Eka

Apana 8 1 Loi ma ka ili o Kaluaoiki. E hoomaka ma ke kihi Hikina a e holo
He 27½ Ko 1.00 Kh ma ko ke Konohiki
Ak 76½ Ko .39 " " Kaluaiani
Ak 8½° Hi .94 " " "
He 81° Hi .71 " " " + Konohiki
a hiki ma ke kihi mua 5/100 Eka

Apana 9. Kalo + mau Loi malo ma Umiau ili
E hoomaka ma ke kihi Akau a e holo
He 34¾ Ko .79 Kh ma ko ke Konohiki
He 44¼ Hi 2.47 " " Meauhili
He 52½ Hi 2.73 " " "

✓ Hu 45° Hi 194 Kh ma ko Muakiki
Ak 44° Hi .88 " ko kukuni kakiko
Ak 1° Ho .62 " " " "
Akau 54¼ Komohana 1.56 Kh + Hem 57° Komohana 65 Kh + Akau 54½
Komohana 96 Kh + Akau 39° Hikina .66 Kh ma ko Kaupa uale no
Akau 54¼ Komohana 4.32 Kh ma ko Ohule, a hiki mai ke kiki mua
68
100 Eka

✓ + Apana 10. / Loi ma ko iki o Kumuwiliwili. E komoka ma ke kiki Akau a e holo.
Hu 63½ Ho 47 ma ke kuil + kuna
Hu 16½ Hu 69 " " "
Ak 69° Hi 49 " "
Ak 19° Ho 77 " " Kalaiku a hiki ana ke kiki mua
3
100 Eka.

Apana 11. Pohale, Pakuai & Halo ma ko iki o Kaluula.
E komoka ma ke kiki Hikina a e holo
Akau 32° Komohana 1.87 Kh ma ko A Kumu
Akau 28° Komohana .72 " " ko Komohiki
Huma 60¼ Komohana .76 " " "
Akau 26° Komohana 1.34 " " "
Hum 69½ Komohana .49 " " Kaupa
Akau 28¼ Komohana 1.54 " " "
Hem 56° Komohana .33 " " "
Akau 31¼ Komohana .94 " " "
Akau 57½ Hikina .53 " " "
Huma 39½ Hikina .72 " " "
✓ Akau 63½ Hikina .23 " " "
Hem 29½ Hikina 1.88 " " "
Akau 59¼ Hikina .67 " " ko Komohiki
Akau 25° Komohana 3.42 " " "
Huma 62¼ Komohana 2.11 " " "
Akau 35° Komohana 1.53 " " "
Huma 57½ Komohana .65 " " "
Huma 33° Hikina 2.83 " " A Kumu
Akau 41¼ Hikina .66 " " ko Komohiki
Huma 49° Hikina 1.15 " " "
Huma 29½ Hikina 2.43 " " Kaukau + Malaki
Huma 63° Komohana .54 " " "
Huma 28¼ Hikina 2.04 " " "
Huma 65° Komohana 4.95 " " "
Huma 29½ Hikina 1.03 " " "
Akau 27½ Hikina 4.39 " " ko Akuna Apana
a hiki mai ke kiki mua 100 Eka

✓ Apana 12 E komoka ma ke kiki Akau e pili mua ma ke
Kaiehu ma ke holo
Hu 37½ Hi 2.64 Kh ma ko Kaiehu + Kaiehu
Hu 14 " Ho 76 " " "

P.P. 67

Akau 34¼ Komoh. 1.56 Kh + Hem 37° Komohana 6 E + Akau 54½
Komohana 96 Kh + Akau 39° Heikina 66 Kh ma ke Kaupa uale no
Akau 54¼ Komohana 4.32 Kh ma ke Okale, a hiki mai ke kiki mua
66 / 100 Eka

✓ Apana 10. / Loi ma ka iki o Kamuwiliwili. E komoka ma ke kiki Akau a e holo.

Hex 63½ Ho 47 ma Kaulokuna
Hex 16½ Hex 69 " "
Ak 69° Hex 49 " "
Ak 19° Ho 77 " " Kalaeloa a hiki iina ke kiki mua
3 / 100 Eka

Apana 11. Pohale, Pakuai & Kalo ma ka iki o Kalaula.
E komoka ma ke kiki Heikina a e holo

Akau 32°	Komohana	1.87 Kh	ma ke	A Kaumu
Akau 28°	Komohana	.72 "	"	ke Komohiki
Hema 60¼	Komohana	.76 "	"	"
Akau 26°	Komohana	1.34 "	"	"
Hema 69½	Komohana	.49 "	"	Kaupa
Akau 28¼	Komohana	1.54 "	"	"
Hem 56°	Komohana	.33 "	"	"
Akau 31¼	Komohana	.94 "	"	"
Akau 57¼	Heikina	.53 "	"	"
Hema 32½	Heikina	.72 "	"	"
Akau 63	Heikina	.23 "	"	"
Hem 29¼	Heikina	1.88 "	"	"
Akau 59¼	Heikina	.67 "	"	ke Komohiki
Akau 28°	Komohana	3.42 "	"	"
Hema 62¼	Komohana	2.11 "	"	"
Akau 35°	Komohana	1.53 "	"	"
Hema 57½	Komohana	.65 "	"	"
Hema 35°	Heikina	2.83 "	"	A Kaumu
Akau 48¼	Heikina	.66 "	"	ke Komohiki
Hema 48°	Heikina	1.15 "	"	"
Hema 29¼	Heikina	2.43 "	"	Kaukalu & Kalaeki
Hema 65°	Komohana	.54 "	"	"
Hema 88½	Heikina	2.04 "	"	"
Hema 65°	Komohana	1.95 "	"	"
Hema 29¼	Heikina	1.63 "	"	"
Akau 57½	Heikina	1.39 "	"	ke Akaumu Apana

a hiki mai ke kiki mua. 1/100 Eka

Apana 12 E komoka ma ke kiki Akau a holo mai ma ke
Kalaeloa a e holo

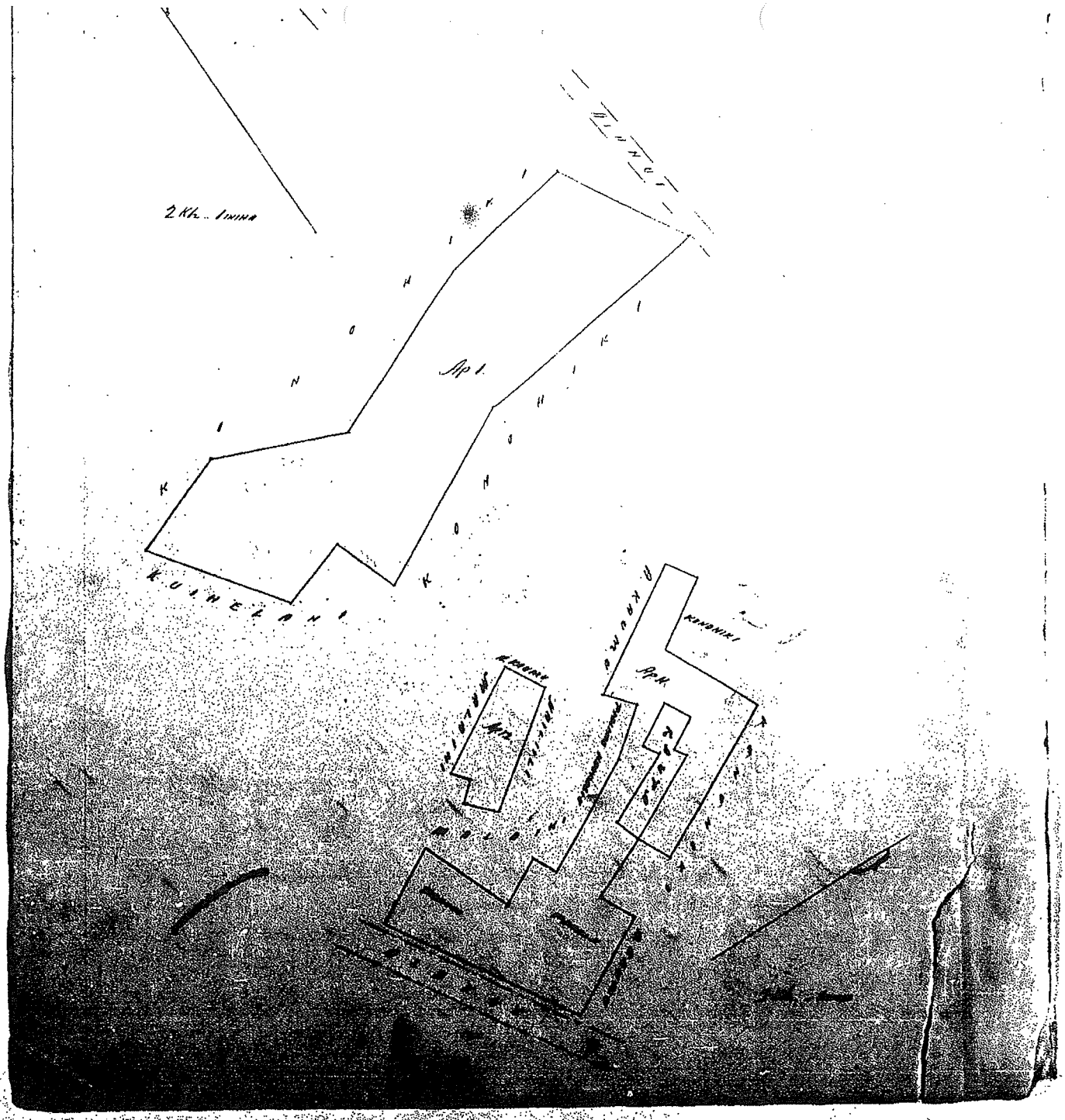
Hex 3.6 Hex 3.6 Kh ma ke Kaulu & Kalaeki
Ho 4.6 Ho 4.6 " " "

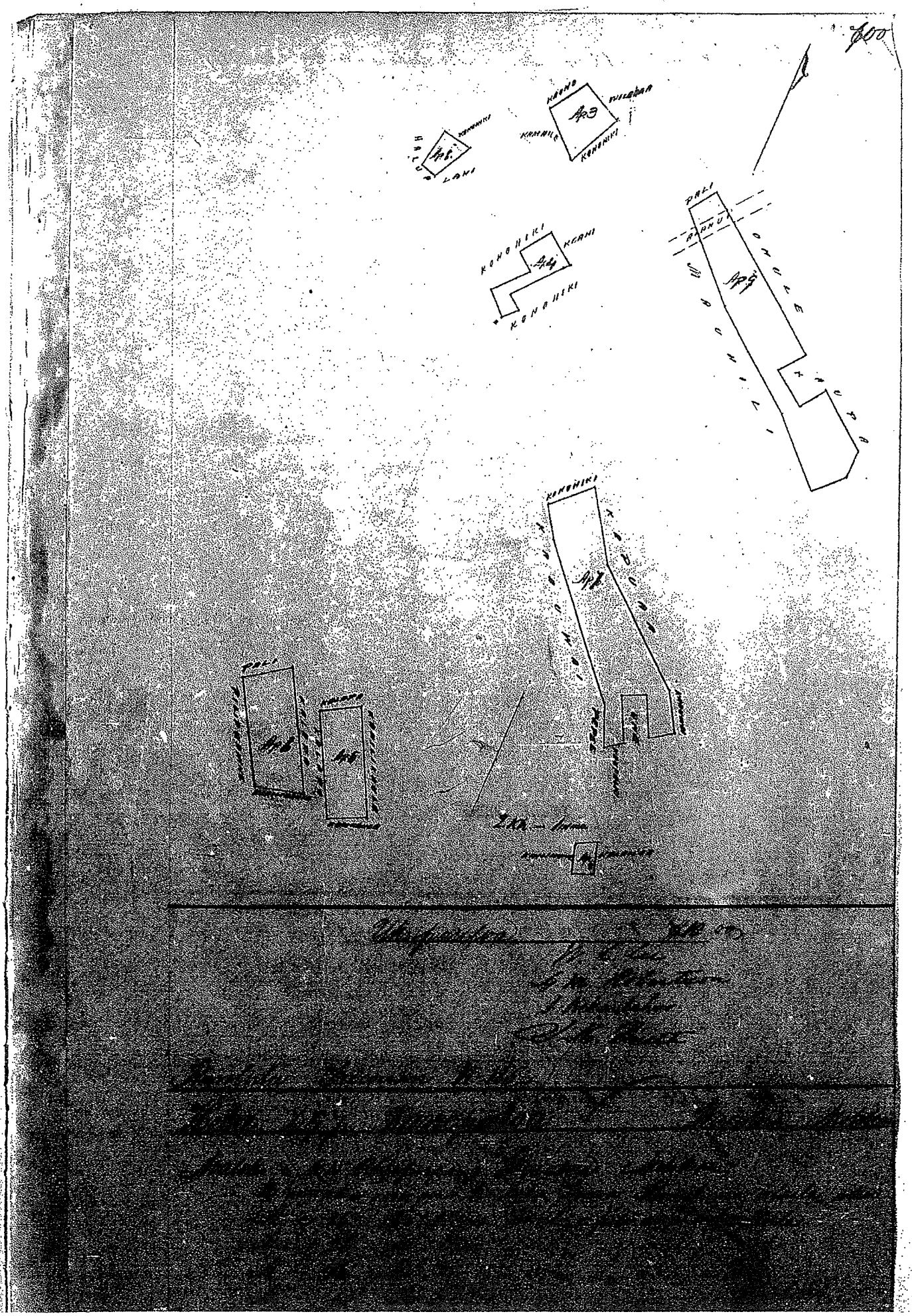
699

Ak. 57° Hi. 90 Kh. ma ho A. Kaumu a hiki ma kahi i hoomakai. 26/100 Eka

E. Bailey
(Maanaama)

Wailuku Januari 12. 1854.


2 Kh. Inina
Kuhnelani
Kuhnelani
Kuhnelani



KONOHIKI
KONOHIKI
KONOHIKI
KONOHIKI
PALI
PALI

Royal Patent Number 5376
(Volume 21, Page 407)

40

HELU..... 5376

PALAPALA SILA NUI.

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

NO KA HEA. Ua hoobolo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko Napela Kulaana Helu..... 406
ma ke **Ano Alodio** iloko o kahi i oleloia malulo.

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 na ke **Ano Alodio** ia Napela i kela wahi a pau loa ma Puhiawaawa – Waihuka ma ka mokupuni o Maui penei na mokuna,

Ke mau loi Maloo –

Ap. 1 – Ehoomaka ma ke Kihi Hom e holo –

Akau	69	Hik	2.22	Kaul	ma	Konohiki
Hema	66	"	2.66	"	"	"
Akau	66½	"	3.88	"	"	"
"	80	"	2.77	"	"	"
Hema	29	"	2.90	"	"	" L alanui
Hema	82¾	Hom	5.09	"	"	"
"	63	"	4.05	"	"	"
Akau	19	"	1.37	"	"	Kaihelani
Hema	70¼	"	1.43	"	"	"
Akau	35¼	"	2.93	"	"	" L Konohiki

Ha 3 Pu Ea

Ap. 2 – Ehoomaka ma ke Kihi Hom Ap. 1 hiki ma ke alanui

Akau	72½	Hik	4.15	Kaul	ma	Konohiki
Hema	70¼	"	3.10	"	"	"
Akau	89	"	1.58	"	"	"
Hema	9	"	80	"	"	Alanui
"	65½	Hom	1.35	"	"	Konohiki
Akau	80½	"	4.27	"	"	"
Hema	76	"	3.14	"	"	Maloo Pokonohiki
Akau	4½	"	1.14	"	"	Alanui

Ha 1.17 Ea

Malaiko o [illegible] 4.27 [illegible]

[illegible]

Ko [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 18 [illegible]

[illegible]

[illegible]

NATIVE REGISTER
(HAWAIIAN)

Helu 405 Kaili
Ma

Wailuku Januari 13. 1847

Auhea olua e na Luna imi kuleana
Ke hai aku nei au i ke kunu o ke ku-
leana o kou pa nei, no Pakanua mai
oia kou wahi e noho nei, nona mai
i kona la i hoomakaukau ai e hoi aku
i kona kuleana ma ka lani ia mau
la ka loaa ana mai o kou pa nei
E ia na hoike. o Haauwai o Makahano-
hano. o Kekuauli

Nau na Kaili

Helu 406 Napela
Ma

Aloha maikai na Luna hoona
No ka hoopii kuleana. He kuleana
kou 2 pahale
4 loima Waikani
11 loi " " Uniea
11 loi " Halaula
1 moo maloo
1 loi Kaluoiki
2 loi Kamamao
1 Kula Kumuwiliwili
He mau loi aia ma Puhiawawa
a ke mau eka aia malaila (Kula)
no kela kanaka keia kanaka mai
na loi i haawi i kou makuakane
A na Limaikaika i noi aku ia Nailiili
i pa nou, kuai au me Kauhapa i

NR-406-1

136

kekahi pa. A ua loihi no hoi kou
noho ana ma na loi a me na kula
Aole mea i keakea mai
Owau no me ka Mahalo

Wailuku } Napela
Jan. 13. 1847

Helu 407 Kaauwai 13 Januari 1847
Ma

Pa a 4. Ua poina au i ka ha o ko
makou pa, no Kahaiolopua, a he ho-
olina hoi au nona, o kou hooko kau-
oha no hoi ia aia makai o ke alanui
aupuni, e hele ai i ka huila wili-
ko. Owa ka inoa o ka aina.
Eia kahi e ana ia hoi kou wa-
hi i mahi ai, ma kela wahi, keia wa-
hi; a no ke aupuni ia wahi o kona
e pili ana me kou wahi i manao ai
e noho loa, o kou ia ke ae ia mai
nae.
Owau no me ka mahalo

Na Te. Kaauwai

Wailuku }
Mokupuni }
o Maui }

NR-406-2

NATIVE REGISTER (ENGLISH)

No. 403 Kekipi Page 134

Letter telling of the right to the houselot.

I, Kekipi, hereby tell you of my right to my houselot at Wailuku, as follows: When I saw that place I wanted a houselot and I leased it from Kailihiwa. No one hindered or obstructed me until this time. The witness is Kailihiwa. This houselot is outside of the lot of the big school on the main road.
Wailuku, 12 Jan. 1847 KEKIPI

No. 404 Kaupa Wailuku, Jan. 13, 1847

Hear ye, you two Land Commissioners:

I hereby tell you the basis of my right to my lot which was from Kaunuohua. My witness is Kailihiwa.
KAUPA

No. 405 Kaili Page 135
Wailuku, January 13, 1847

Hear ye, you two Land Commissioners:

I hereby tell you the basis of my right to my lot. My residence was from Pakamia. It was from him on the day he was preparing to return to his kuleana in heaven -- that was when I got this lot. Here are the witnesses: Kaauwai, Makahanohano, Kekuauli.
KAILI

✓ No. 406 Napela

Greetings to the two Land Commissioners:

Concerning the petition for rights: I have rights to:some
4 taro patches at Waikani
11 taro patches at Umieu
11 taro patches at Halaula
1 moo, unirrigated
1 taro patch at Kaluaiki
2 taro patches at Kamamao Page 136
1 kula at Kumuwiliwili
Some taro patches are at Puhiawaawa and some acres are there (kula). My makuakane got these from various people, and Armstrong spoke to Nailiili for a lot for me and I bought a lot from Kauhapa. I have had the taro patches and the kulas for a long time and no one has objected.
Wailuku, January 13, 1847 NAPELA

No. 407 Kaauwai 13 January 1847

Lot 4. I forgot the fourth of our lots, from Kahauolopua. I am his heir and executor. It is makai of the Government Road going to the sugar mill. Owa is the name of that land. This place will be surveyed as one of my places to farm. It adjoins my place, and is the government's and I have thought to occupy for a long time, if it is agreed to.
Wailuku, Island of Maui KAAUWAI

NR 406

copied on Hawaii State Archives public copier

NATIVE TESTIMONY (HAWAIIAN)

keakea ia e Kama, aole nae aia i pa i ka wa ililo ai ia ia kela wahi Oka pau no ia o kou ike

Helu 406 Napela

Hoohikiia o Nailiili ma ka olelo a ke Akua. Ua hoopii aku o Napela ia Limaikaika, a o Limaikaika a ia Kailihiwa. a o Kailihiwa ae a iau, a ae aku no au ia Napela e like me ka Kailihiwa i olelo mai ai ia, he mau loi no kahi o Napela au i ike malaila, no Hawaii mai kona, no Namakaeha mai ko Hawaii i kuai he loi he loi kuai, Aole au ike ka mea nana i keakea mai ku loi a ka pahale, elima loi ma ko Nailiili chiku ma ko Kama, he hale no hoi kahi o Napela e ku ana i waena, a he kula no hoi kahi malaila, o ka pau no ia o kou ike

Hoohikiia o Kuihelani ma ka olelo a ke Akua. Aia ma Pukiawawa, he loi a he kula; i ko makou wa e noho kumu ana; ekolu makou (o Kuihelani) o Napela o Kekuhuna, kuka makou o hoopii ia Kailihiwa i wahi mahi uala kalo, a holo keia manao ia makou, hoopii makou ia Kailihiwa i ua wahi nei. a ae mai no o Kailihiwa

NT-406-1

no makou ia wahi, kohokoho no makou ua wahi nei o Kuihelani ma kahi e pili ana i ke alahele i Waihee o Napela mawaena o Kekahuna makai, mahelein mai na loi a ke kula, pela no ia makou a pau ekolu a mahi no makou i ke kalo ma na loi; a i ke ko. a uala ma ke kula ekolu M. H. o kanu kalo ana i na loi a me ke kula i ka uala a me ke ko, Aia ma Puhiawawa keia wahi a Napela e koi mai nei

Hoohikiia o Kalaipuleho ma ka olelo Hemolele Ua kuai no laua nei o Kauhapa a ua lilo ka pa ia ia nei (oia o Napela) Ua paa na palapala kuai o laua nei he $50.00 ke kumu kuai, o kona mau palena, o ka pa o Malaihi ma ka Akau, ka pa mua ma ka Hikina; ma ka huma a me ke Komohana ka pa o Malaihi

Hoohikiia o Puaa ma ka olelo a ke Akua Aia ma Halaula kahi o Napela e hoopii mai nei, ewalu Loi ilalo ekolu iluna nei, he kula ma kaq aoao e pili ana i Kahawaiq, no Hawaii mai ko Napela, he hooilina nae o Napela no Hawaii. no Palaau mai ko Hawaii i ka wa i noho mua mai ai o Mika Lena i Wailuku nei, mai laila mai a hiki loa mai i keia la. Aole au ilohe ua keakea mai kahi ia ia;

NT-406-2

Hoohikiia o Kailihiwa ma ka olelo a ke Akua
Aia ma Puhiawawa he kula, a me na loi
no ko lakou noho kumu ana haawi
aku au ia wahi no lakou, Aole au i
lohe ua keakeaia noho ana a hiki
i keia wa.

Hoohikiia o Kanakaole ma ka olelo a ke Akua
Ua ike no au he loi ko Napela, aia ma
Kaluiki ma Iao owau no ka hakuaina
a malalo no ou ko Napela noho ana, Aole
mea nana i keakea aku ia ia

Hoohikiia o Kauha ma ka olelo Hemolele
Aia ma Umieu ko Napela mau loi
he umikumamalua, no Hawaii mai
kona, no Kauakahi mai ko Hawaii, a
he ai moo oia, Aole au i lohe ua huhu
mai ke konohiki ia Hawaii, a ia Napela
he mau loi maloo no ma kahawai

Hoohikiia o Kawelohea ma ka olelo a ke
Akua He mau loi ko Napela ma
Kumamao a ma Kumuwiliwili, aole
no Napela no Hawaii W. hookahi loi
ma Kumuwiliwili, elua ma Kumamao
mahope no nae ou ka noho ana, he
konohiki au no keia mau aina, e
hiki no iau ke haawi e like me
kou manao, aole huhu mai kou
hakuaina iau no kuu haawi ana
Ua keakea ia na loi ma Kumuwiliwili
a koe ke kula.

NT-406-3

NATIVE TESTIMONY (ENGLISH)

Here is something. When Auwae died Kaoo ma lived there with the servants. That was only a plain at one time and when Nahienaena came houses were built again there and their (two) interest was spread out by her. Here is something - I have heard from Kailihiwa that Kuihelani had been granted some other land. It is a flat area of patches from Kaunuohua. I did not hear accurately that Limaikaika had gone to Kaunuohua but it is hearsay only that Limaikaika had gone to ask (for land). That place had been enclosed at that time and a government enclosure was on one side for the road. Kuihelani had worked on some of the sections and our sale was transacted.

No. 396 - Keomailani

Kailihiwa sworn by the Word of God:

It is mauka of Pakamia's place. When he came to ask for a place for himself. I had consented and this was just after Kawailepolepo had died in the year 1837½ [sic]. No one has objected to him to this very present time. My interest was from Kaunuohua and he had received his claim from Kamehameha III yet Kaunuohua did not become angry with me for giving away these places.

Kaauwai sworn by the Word of God:

I have seen it and it was Kailihiwa who had given him this place for a house site, where he lived with the guardians of Kawailepolepo. When Kaio died Keomailani was the heir and lived with the guardians, yet it was Keomailani's Kahu-kane who asked Pakamia for a section [of land] that is adjoining the road. Pakamia agreed that he have that land and build a fence. That property has been enclosed to this time altho' the kahukane who had built it is dead but his young brother and the wife of the deceased survive. Those are his servants living on that property now for Keomailani's advantage in life. No one has objected to them to this present time which was the time I had gone to Oahu and for these days I do not hear anyone objecting. On the northeast is Kaihi's property, on the northwest is the prison patch and Kama's property and on the south end are the government road and the ditch.

Kaupa sworn by the Word of God:

Keomailani's property is makai of Kama's land. He had received this land from Kailihiwa; Kailihiwa had received it from Kaunuohua and Kaunuohua had received it from Kamehameha III. I had heard of Kailihiwa's giving [land] from Kaio. When Kaio died his property was left to Mileka and from that time to the

present, I have known that Kama has objected, yet he did not fence when the place was granted to him. That is the end of what I have known.

No. 406 - Napela

Nailiili sworn by the Bible:

Napela had filed a suit with Limaikaika, Limaikaika with Kailihiwa and

NT 406-1

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Kalihiwa complained to me and I agreed with Napela just as Kailihiwa had told me. Napela has patches there which I have seen that Hawaii had given to him. Hawaii had received these [patches] from Namakaeha, which were sale patches and Hawaii had bought them. I have not known the person who has objected from the patches to the house site. Five patches in Nailiili's [lot], 7 in Kama's [lot] and Napela has a house also standing in the center. A school too is there. That ends what I have known.

Kuihelani sworn by the Word of God:

There is a patch and a field at Puhiawawa during the time we were living there as teachers. There were three of us [Kuihelani], Napela and Kekahuna and we had a discussion about complaining to Kailihiwa for a place to plant taro potato. This we did for that place and Kailihiwi

had granted it to us. We selected our own places. Kuihelani had the place adjoining the pathway to Waihee, Napela chose the center and Kekahuna had makai. The patches and fields were divided among us and we planted taro and sugar cane in the patches and potatoes in the fields. For three years we planted taro in the patches and potato and sugar cane in the fields. There is a peace at Puhiawawa for which Napela is demanding here.

Kalaipuleho sworn by the Word of God:

These two (people) here Kauhapa had a sale and the property was acquired by him here [that is Napela]. The bill of sale of these two here was drawn and $50.00 was the sale price. His boundaries are the property of Malaihi on the north, the original lot on the east and on the south and west, the property of Malaihi.

Puna sworn by the Word of God:

Napela is filing a suit for a place at Halaula which has 8 patches below, 3 above here and a field on the side bordering Kahawai. Napela being an heir had received this [land] from Hawaii. Hawaii had received this property from Palaau at the time Mika Lina had come to Wailuku here for the first time. Since that time to this day I have not heard that anyone has objections.

Kailihiwa sworn by the Word of God:

There is a field and patches at Puhiawawa which I had given them because they were teachers. I have not heard any objections about this to this time.

Kanakaole sworn by the Word of God:

I know that Napela has a patch which is at Kaluiki in Iao. I was the landlord and Napela lived under me, and no one had objected to him.

Kaupa sworn by the Bible:

Napela has 12 patches at Umiea which he had received [this land] from

NT 406 (Cont) -2

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Hawaii. Hawaii had received [this land] from Kauakahi who was a moo ruler. I have not heard that the konohiki has chide Hawaii nor Napela. There were some dry patches at Kahawai.

Kawelohea sworn by the Word of God:

Napela has patches at Kamamao and at Kumuwiliwili. (It is) not for Napela but for Hawaii-wahine patch at Kumuwiliwili and two at Kamamao, but living is under my control for I am a Konohiki for these lands; therefore, I can give as I desire and my landlord will not reprove me for having done so. There has been objections for the patches at Kumuwiliwili with the exception of the field.

No. 473 - Pikanele page 135

Z. Kaauwai sworn by the Bible:

Pikanele has land at Honuaula, which is named Waipao. After a long interval, the land with the house site at Kaeo and the Waipio property were approved in the year 1841. It was a high court case held in Lahaina and it was clarified that the land and house site was for Pikanele. The konohikis were involved with this land originally a long time ago. Ihu was the first konohiki to claim that place and when he was separated from it, Pahuwai lived there, after which Pikanele acquired it probably in the year 1836 and he built a new fence. In the year 1840, because of adulterous activities there the konohikis filed a complaint against Pikanele and it was felt that the government should take back that property. Pikanele was taken to court at that time where Kekauluohi gave his side (land) to M. Kekaunaoa and the decision was for Pikanele for his (Pikanele's) losses on the house lot and the land. That is Pikanele's interest on this place which he is claiming. The minister of the government had authorized that property for Pikanele.

Nalaipuleho sworn by the Word of God:

The first of the Konohiki to have that place was Ihu and Pahuwai. That is how this person here has won. When Pahuwai stopped living there the village and land was taken by Pikanele, and no one else (claimed) after that only Pikanele and

page 136

I have heard it said that the minister had given Pikanele absolute grant. No one has objected until this time. This is absolute [grant] like the way Kekauluohi gives [property].

---

page 137

Wailuku, Sept. 5, 1847

No. 411 - Poonui

Z. Kaauwai sworn:

This place which Poonui is complaining about is at Waikapu. It is outside

NT 406 (cont) -3

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FOREIGN TESTIMONY

N° 6472. Kekoko.

Ua hele kino mai o Kekoko, a hai mai la ua hoihoi pono aku au i kou kuleana ma Wahikuli, Lahaina, no E. Kuakamauna ke Konohiki, a e noho no au malalo ona e like me ka noho kahiko ana.

Wailuku Aug 31, 1853.

✓ N° 406. Napela.

Kaluaipee, sworn, knows the lots of claimant in Waikumiiki, Wailuku. They consist of 5 Lois. 3 of the Lois are bounded,

Waihee, by burying place, Poalima & Keahi,-
Makai, " " "
Maalaea, " " "
Manka, " Kaauwai.

The other 2 Lois are bounded,

Waihee, by Keahi's land,-
Makai, " " "
Maalaea, " Watercourse,-
Manka, " Kapau & Keahi's land.

Claimant recd these Lois from his father, who got them from Wilama in 1838, and he has held them without dispute till the present time.

N° 300 B. A. Paki.

Claim for 6 Kalo patches, in Waikapu, Maui. These patches have been sold by the Govt. Agent. They are said to have been Poalima patches and therefore went with the Land to the Government in the Division of 1848.

FT 406

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Water Related Terms for Various Land Commission Awards in Wailuku

LCA	RP	Awardee	Water Terms cited in Metes and Bounds Description
406 Ap1	5376	Napela	This award contains many lo'i maloo (dry taro) patches
453 Ap 1,2	997	Kuihelani	Ap 1 is bounded by a Poalima and Ap 2 is the site of lo'i(taro patches)
2434	6397	Kahooke	A Poalima (ali'i taro patch) cited as a boundary
2436 Ap 1,2,3	2009	Kahaiki	All 3 Apana are identified as kalo (taro) lots and Apana 2 cites an auwai (ditch)
2495 Ap 1,2,3,4	7790	Kaiaholokuaau	A Poalima sits within Apana 4
2502 Ap 1,3	5973	Ihumai	Apana 1 & 3 are kalo (taro) lots and an auwai runs through Ap 3
2503 Ap 2	3652	Ohule	Apana 2 is a kalo (taro) and house lot bounded by a Poalima
2533 Ap 1	6529 & 6437	Malaihi	Apana 1 is an aina kalo (taro land) bounded by a Poalima
3225	6298	Opunui	A Kahawai (stream) and 2 Poalima lie within this parcel that is bounded by an auwa
3237 Ap 3	6888	Hewahewa	A Poalima is surrounded by this parcel bounded by an auwai (ditch)
3275E	5154	Kaleo	Parcels 1 & 4 contain a kahawai (stream) and Poalima
3292		Mua	Identified as a kalo (taro) lot containing auwai (ditch) and Poalima
3294B Ap1M1 & M2, Ap2	6102	Moomooiki	Ap1 M1, Ap 1M2, Ap2 all identified as kalo (taro) lots with an auwai adjoining
3330	4424 & 4622	Lonohiwa	A kalo (taro) lot with an auwai adjoining
3335	7774	Naonohi	Identified as a kalo (taro) lot containing auwai (ditch)
3387	6065	Pooliilii	Award identified as having 9 lo'i (taro patches)
3388	6101	Paiwi	A kalo (taro) lot with an auwai adjoining
4461 Ap 1,2	6630	Kawaa	Both parcels identified as kalo (taro) lots

Ukupanalwa) 3.6.00

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

Honolulu Februari 8. 1854.

Helu 406. Kapela (1111) Waikuku. Maui.

Translation:

There are many dry taro lots in the ili of Puhiawaawa.

Hemau (dry taro) loi wailo ma ke ili o Puhiawaawa.

Apana 1. Chromaka ma ke kihi Komokana a e holo.

S.	69°	Hi.	2.22	Kk. ma ke kihi Komokana	
Ke	66°	Hi.	2.66	" " "	
Ak.	66½	Hi.	3.88	" " "	
Ak	80°	Hi.	2.77	" " "	
Ke	29°	Hi.	2.90	" " "	y Alamui
Ke	82¾	Ho	5.09	" " "	
Ke	63°	Ho	4.05	" "	
Ak.	19°	Ho	1.37	" "	Kuikelani
Ke	71¼	Ho	1.43	" "	"
Ak.	35¼	Ho	2.98	" "	" y Komokana

Puhia 90 252) 3.10 1 17 4 37

Kuikelani 3 - .15 4 - .11 .26

a kihi ma ke kihi mua. = 3 1/10 Eka.

Kalaeula 5 - 0.60 6 0.08 7 - .63 11 1.74 12 - .26 3.31 - 0.3 Eka

Kahiaa 0.05 Uaniea 0.68 Kuamuili - 03

Apana 2. Chromaka ma ke kihi Komokana Akau e pili ana me ke Alamui Aupuni, a e holo.

Ak	72½	Hi.	4.15	Kk. ma ke ke Komokana	
Ke	70¼	Hi	3.10	" " "	
Ak.	89°	Hi.	1.58	" " "	
Ke	9°	Hi.	80	"	ke Alamui
Ke	65½	Ho	1.35	"	ke ke Komokana
Ak.	80½	Ho	4.27	"	" "
Ke	76¾	Ho	3.14	"	" Akahoe "
Ak.	4½	Ho	1.14	"	ke Alamui. a kihi ma

ke kihi mua. = 1 7/100 Eka

Apana 3. 1 Loi Kalo. ma ke ili o Waikuku. Chromaka ma ke kihi Kuma a e holo.

Ak	46¾	Ho	1.30	Kk ma ke	Kamaile
Ak.	32°	Hi.	1.00	" "	Kamo
Ke	64°	Hi	1.11	" "	Kilama
Ke	25°	Ho	1.39	" "	Komokana a kihi ma

ke kihi mua. = 45/100 Eka.

Apana 4. 2 Loi Kalo. ma Waikuku. Chromaka ma ke kihi Akau a e holo

Ke	34½	Ho.	.83	Kk ma ke	Komokana
Ke	50°	Ho.	.82	" "	"
Ke	42°	Ho	1.00	" "	"
Ke	46°	Ho	.68	" "	"
Ak.	34¼	Hi.	42	" "	"
Ak.	48°	Ho.	38	" "	"

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Ak. 37°½ Ki 1.32 Kh. ma ke Konohiki
Ak. 54°¼ Ko .81 " " Keahi a hiko ma ke
kihi mua. 11/100 Eka.

Apana 5. 1 Loi ma Halaula 1. Choomaka ma ke kihi
Akau a e holo.

He 59° Ko .45 Kh ma ke Kalapa
He 28° Ki 1.23 " " "
Ak. 64°¼ Ki .47 " " Kahilikaula
Ak. 29°¼ Ko 1.29 " " " a hiki ma
ke kihi mua. 6/10 Eka

Apana 6. 1 Loi ma Halaula 1. Choomaka ma ke kihi
Akau a e holo

He 52°½ Ko .57 Kh. ma ka Pali
He 30° Ki 1.27 " ke Pilipowahine & Lani
Ak 73°½ Ki .54 " " Kahilikaula
Ak. 28°¼ Ko 1.48 " " Kalapa a hiki
ma ke kihi mua. 8/100 Eka.

Apana 7. Kalo & Kula ma Halaula. Choomaka ma
ke kihi Akau, kohoke i ke kahawai, a e holo

He 44° Ko 1.09 Kh ma ko ke Konohiki
He 31°¼ Ki .82 " " Kaauwai
He 41°½ Ki 4.10 " " "
He 24°½ Ki 1.03 " " Pepee
Ak 53°¾ Ki .44 " " Kankalin
Ak 26° Ko 1.07 " " Uwe
Ak 62°¼ Ki .54 " " "
He 27° Ki 1.00 " " "
Ak 53°¾ Ki .60 " " "
Ak 30¾ Ko 1.01 " " Kaauwai
Ak 50 Ko 3.35 " " Kapuaa
Ak. 34°¾ Ko 1.85 " " " a hiki ma
ke kihi mua.— 63/100 Eka.

Halaula
5 ap 4.03 Ea.

Halaula 1
.50
08 + .80
.68
.74
.05
Pepee
.68
Kaauwai
-03

Apana 8. 1 Loi ma ka ili o Kaluaoiki. Choomaka ma
ke kihi Hikina a e holo.

He 27°½ Ko 1.00 Kh. ma ko ke Konohiki
Ak. 76°½ Ko .39 " " Haluaiani
Ak. 8°½ Ki .94 " " "
He 81° Ki .71 " " " & Konohiki
a hiki ma ke kihi mua.— 5/100 Eka.

Apana 9. Kalo & mau Loi malo na Umiau ili
Choomaka ma ke kihi ~~ma ke kihi~~ Akau a e holo.

He 34°¼ Ko .79 Kh. ma ko ke Konohiki
He 44°¼ Ki 2.47 " " Mauhili
He 52°½ Ki 2.73 " " "
He 45° Ki 1.94 " " "
Ak. 44° Ki .88 " ke kahawai kahiko.

LCA
406:1
2/4

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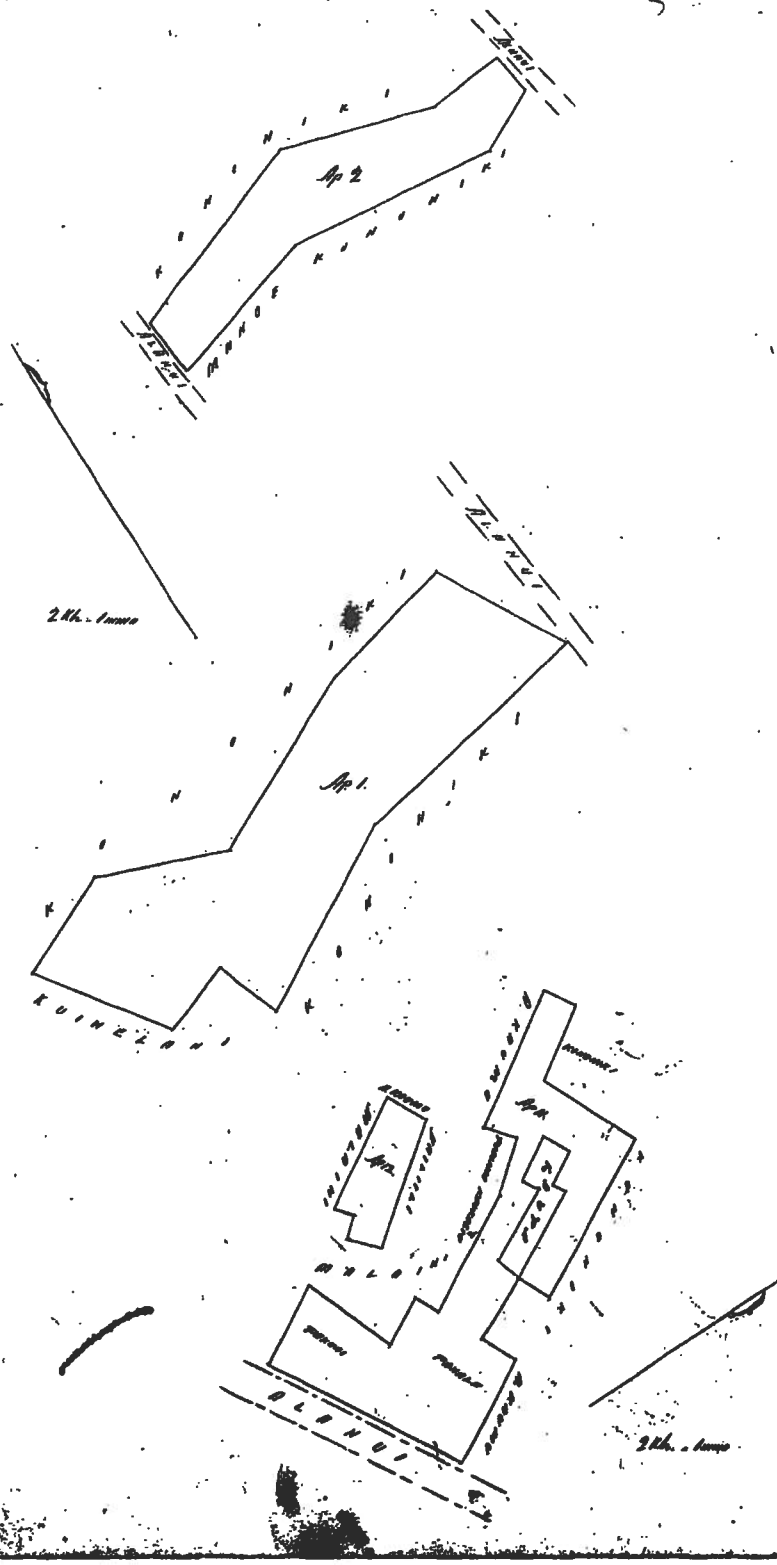
Ak. 57° Ki 90 Kh. ma ke A. Kaumu. a luke ma kahu i hormakau. 26/100 Eka

E. Bailey.
(W. Baanaama)

Naitukuo Januari 12. 1874.



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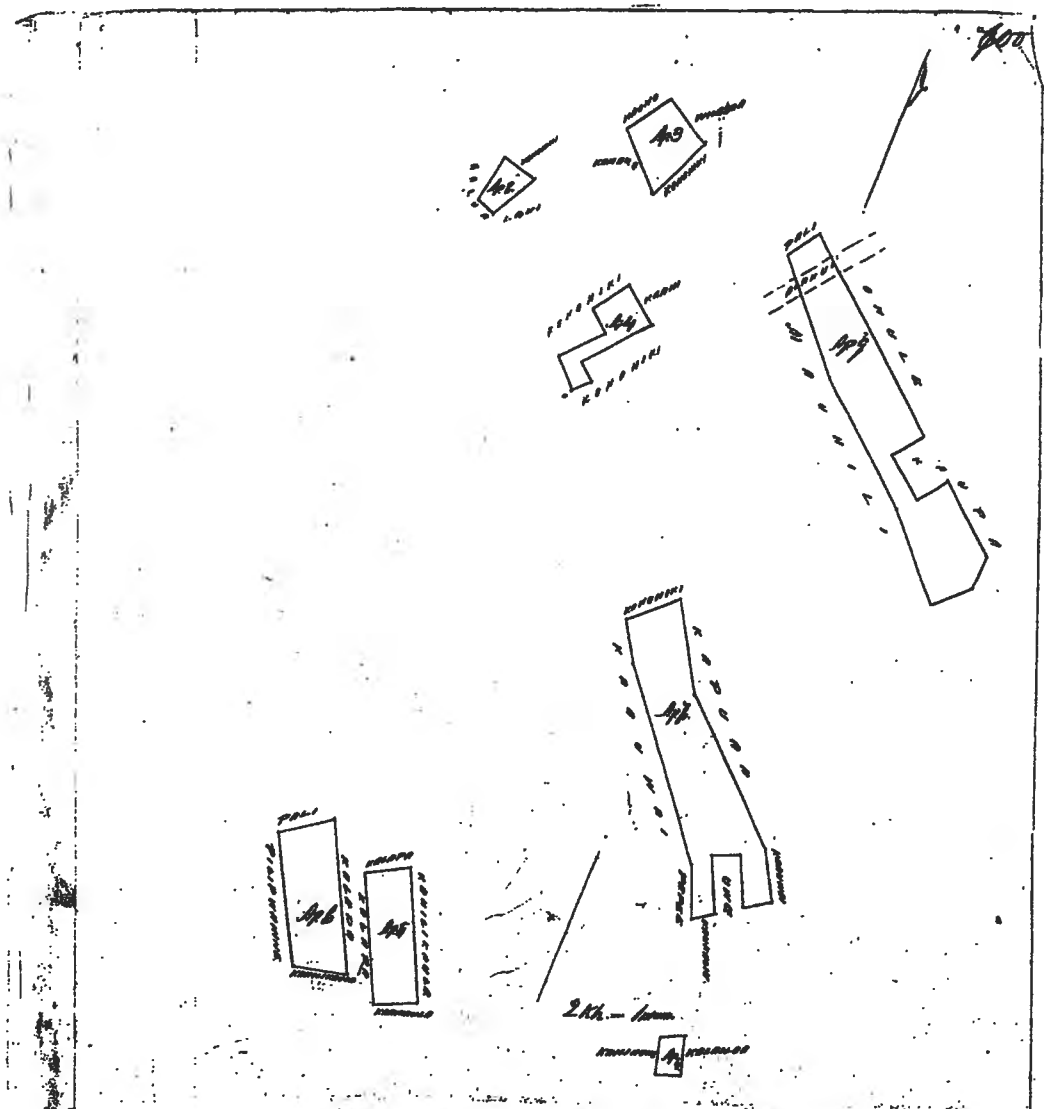

Ukupuaitoa $10.00

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

Honolulu Februari 11. 1854.

Helu 497. Kanepaloa. Waialua Molokai

Malaki o ka Ahupuaa o Waialua Molokai.

Chomaka ana ma ke kihi Hema Kumhana alaila aku.

A. 86° Ho. 1.44/100 Kaul e pili ana [illegible]

He. 25° Ho. 72/100 " "

A. 86° Ho. 2.— " " [illegible]

A. 40° Ho. 5.52/100 " " [illegible]

A. 89° Ho. 1.— " " [illegible]

alaila [illegible] chomakaai ma ka pali. [illegible]

Molokai Oct. 1853. [illegible]

LCA
40611
414

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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.