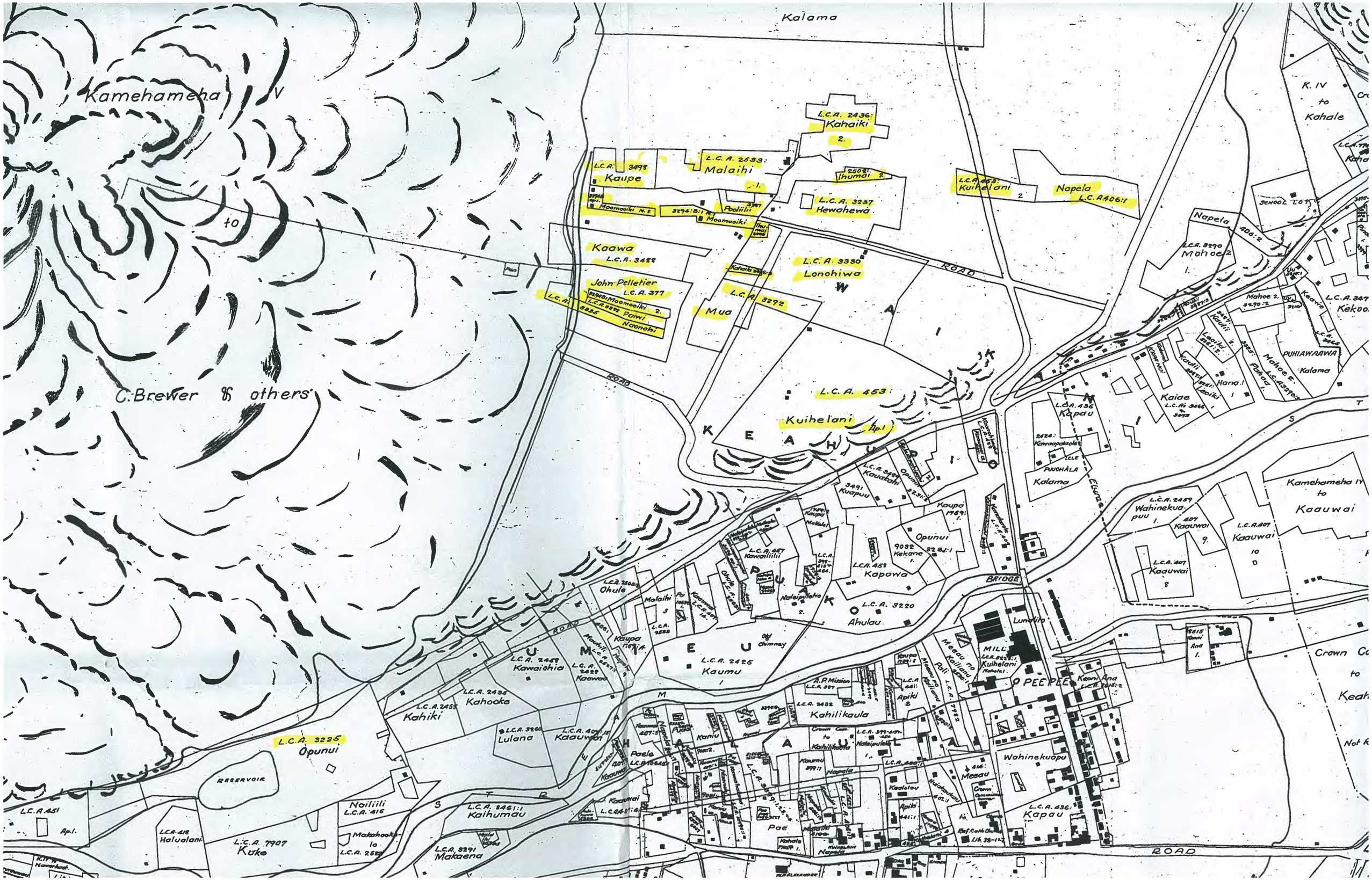
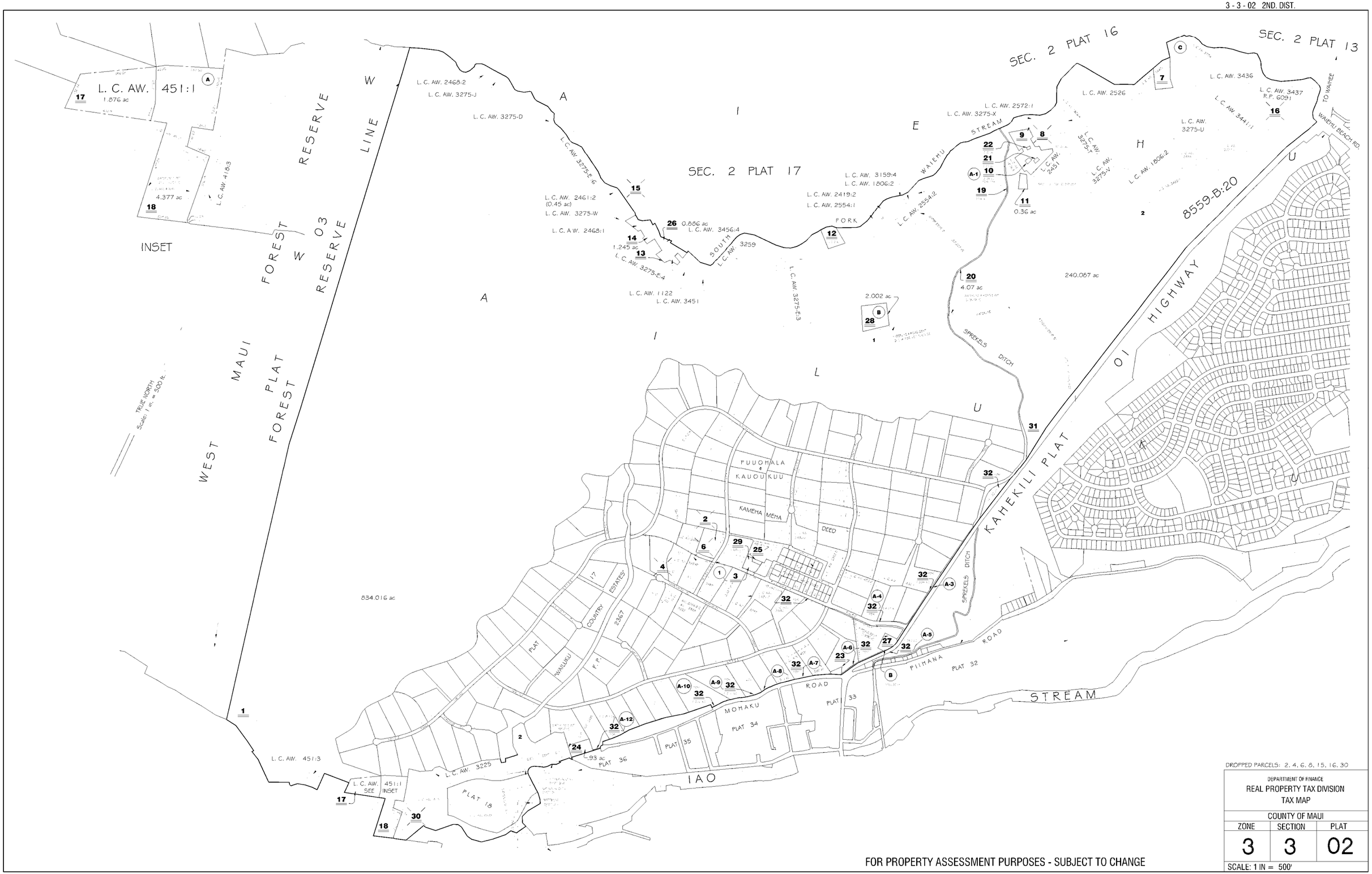

Kamehameha V
to
C. Brewer & others
Kalama
L.C.A. 2436: Kahaiki 2.
L.C.A. 3498 Kaupe
L.C.A. 2533: Malaihi
Ihumai 2
L.C.A. 3237 Hewahewa
L.C.A. 453: Kuihelani 2
Napela L.C.A. 406:1
Moomooiki N.E.
Moomooiki
Poliiili
Kaawa L.C.A. 3488
John Pelletier L.C.A. 377
Moomooiki 2.
Poiwi
Noonahi
Mua
L.C.A. 3330 Lonohiwa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



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

DEPARTMENT OF FINANCE
REAL PROPERTY TAX DIVISION
TAX MAP

COUNTY OF MAUI

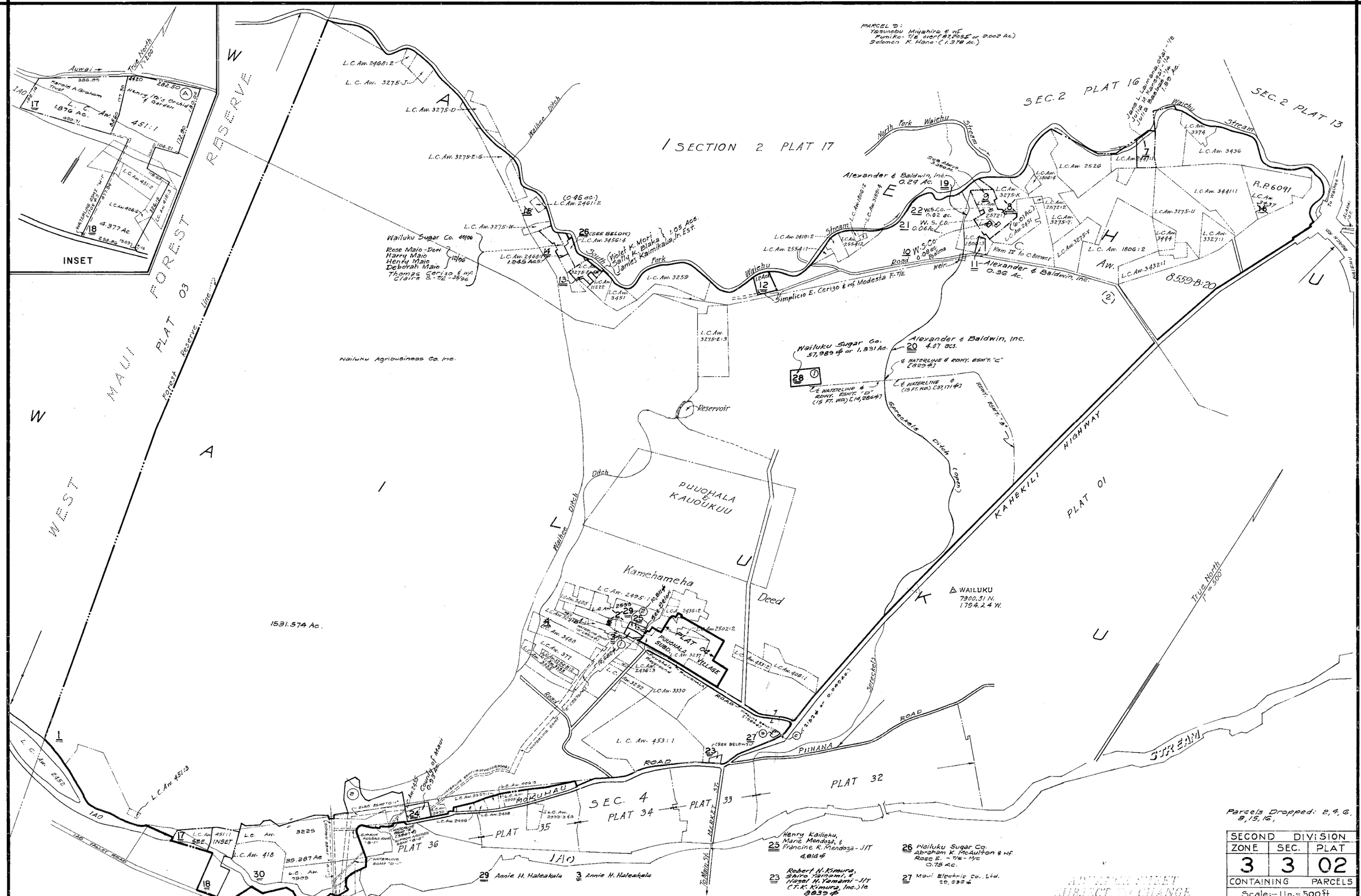
ZONE	SECTION	PLAT
3	3	02

SCALE: 1 IN = 500'

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

PRINTED:

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



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

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

SCHEDULE "1"

Land Commission Award Number 453, Apanas 1 and 2 to Kuihelani
(Volume 3, Page 715)

Helu 453. Keikelani.

Aporau 1. Aka ka ili Keikelani [illegible]
Kuwaiana Hemo a e holo

Ak.	15° 3/4	Ko.	12.87	Ah. ma ka ili o Keikelani	
Ak.	84° 1/2	Ko.	6.37	"	
Ko.	85° 1/2	Ko.	6.91	" "	
Ko.	36° 3/4	Ko.	5.55	" "	Kuolo?
Ko.	18°	Ko.	.50	" "	
Ko.	52°	Ko.	1.84	" "	"
Ko.	46° 1/2	Ko.	2.87	" "	Kalani
Ko.	33° 1/2	Ko.	1.89	" "	Kanaka
Ak.	50°	Ko.	1.09	" "	Puuwai
Ak.	34° 3/4	Ko.	1.35	" "	Kaohuapaoa
Ak.	54° 1/2	Ko.	1.64	" "	"
Ak.	50° 1/2	Ko.	.48	" "	Kalani
Ak.	39° 3/4	Ko.	.47	" "	
Ak.	56° 3/4	Ko.	.49	" "	
Ak.	23° 1/2	Ko.	2.55	" "	"
Ko.	39° 1/2	Ko.	9.98	" "	Alanui
Ak.	63° 1/2	Ko.	2.59	" "	ili o Paako
Ko.	55°	Ko.	3.30	" "	"
Ko.	83° 1/4	Ko.	5.66	" "	" o kuhi

ma ke kihi mua.— 16 76/100 Eka.

Aporau 2. Loi ma ka ili o Kuhiwai [illegible] Chiomaka ma ke kihi Kikiaola Hemo a e holo.

Ak.	19°	Ko.	1.37	Ah. ma ka Aapili	
Ko.	71° 1/4	Ko.	1.43	" " "	5 Kiwaiki
Ko.	77° 1/2	Ko.	5.43	" "	"
Ko.	27° 3/4	Ko.	2.12	" "	"
Ak.	69°	Ko.	6.42	" "	" o kuhi mua

ke kihi mua. 1 11/100 Eka.

Aporau 3. "Kipaaako" ma ka ili o Paako [illegible] ma ke kuai aina."

Chiomaka ma ke kihi Akau a e holo.

Ko.	42°	Ko.	1.84	Ah. ma ka Kawaikiki	
Ko.	52° 1/2	Ko.	1.08	" "	Kalaipuloko
Ak.	37° 1/2	Ko.	1.78	" "	Kawaikiki

Ak. 50°½ Ko. 68 " " alamu

Ak. 39°¾ Ko. 47 " "

Ak. 56°¾ Ko. 49 " "

Ak. 23°½ Ko. 2.55 " " "

Ke. 39°½ Ko. 9.90 " " Alamu

Ak. 63°½ Ko. 2.59 " " ili o Puako

Ke. 55° Ko. 3.30 " " "

Ke. 83°¼ Ko. 5.66 " " " a hoko

ma ke kihi mua.— 16 76/100 Eka.

Apana 2. Loi ma ka ili o Puhiawawa. Chiomaka

ma ke kihi Hikiaa Kema a e holo.

Ak. 19° Ko. 1.37 Ak. ma ko Napela

Ke 71¼ Ko. 1.43 " " " 3 Kuokiki

Ke 77°½ Ko. 5.43 " " "

Ke 27°¾ Ke. 2.12 " " "

Ak. 69° Ke. 6.42 " " " a kihi ma

ke kihi mua.— 1 11/100 Eka.

Apana 3. "Kipaaako" ma ka ili o Puako. Ua loaa ia Kuhelani

ma ke kuai aina.

Chiomaka ma ke kihi Akau a e holo.

Ke. 42° Ko. 1.84 Ak. ma ko Kawaiuliu

Ke. 52°½ Ke. 1.08 " " Naleipuleko

Ak. 37°½ Ke. 1.78 " " Kawaiuliu

Ak. 47°¾ Ko. 93 " " " a kihi ma ke

kihi mua.— 15/100 Eka.

Apana 4. Ke Apana Alamu kokoko i kaawili i pani

ma kekahi Apana ma e like i ke Alamu kou makai o ka

Kapuhala.

Chiomaka ma ke kihi Akau a e holo

[illegible] ma ko Kuokiki

[illegible] ma pono

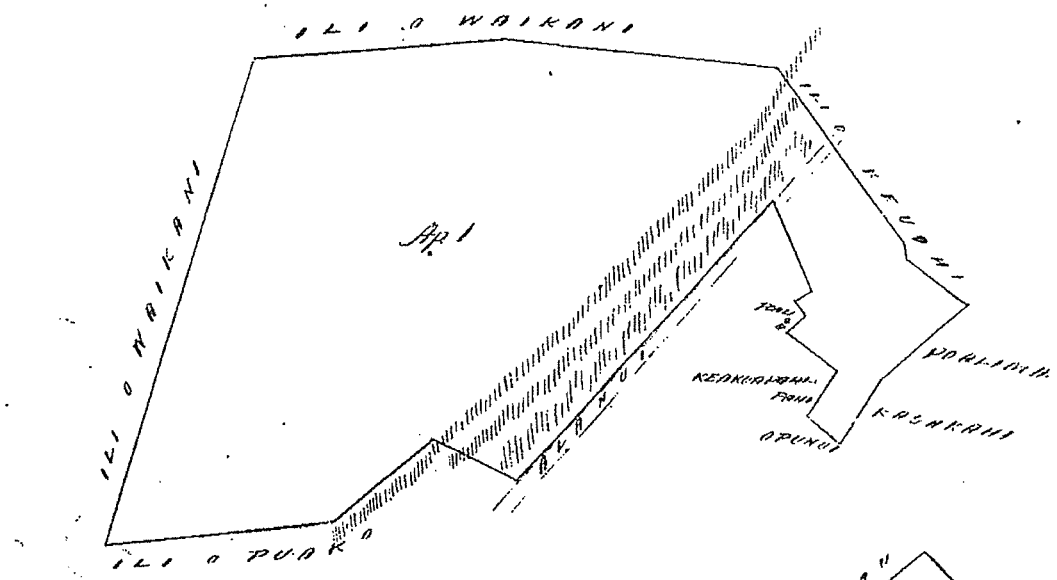
[illegible] Alamu kou

[illegible] Alamu

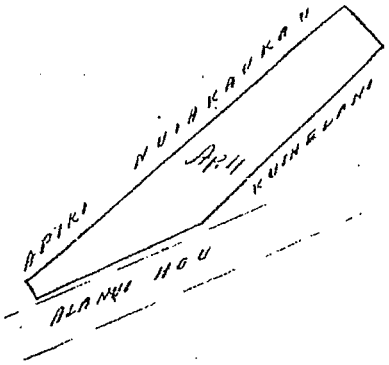
Ahi. 48°¼ Hui 5.45 Ahi. ma ka Apiki o Nuiakaukau a hiki ma ke kihi mua.– 38/100 Eka.

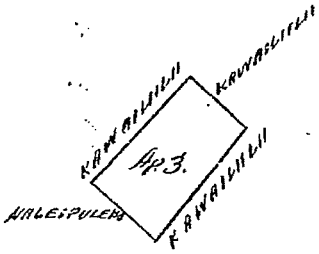
C. Bailey Measurer

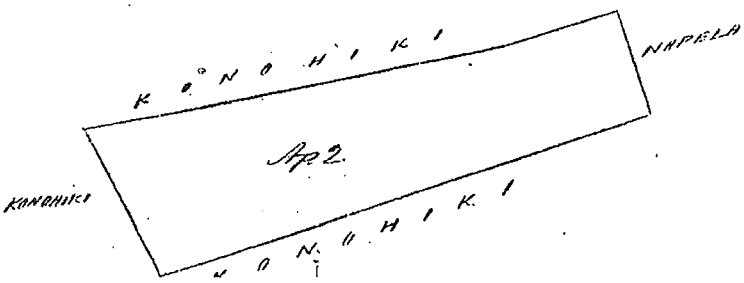
Wailuku Januari 7. 1854.

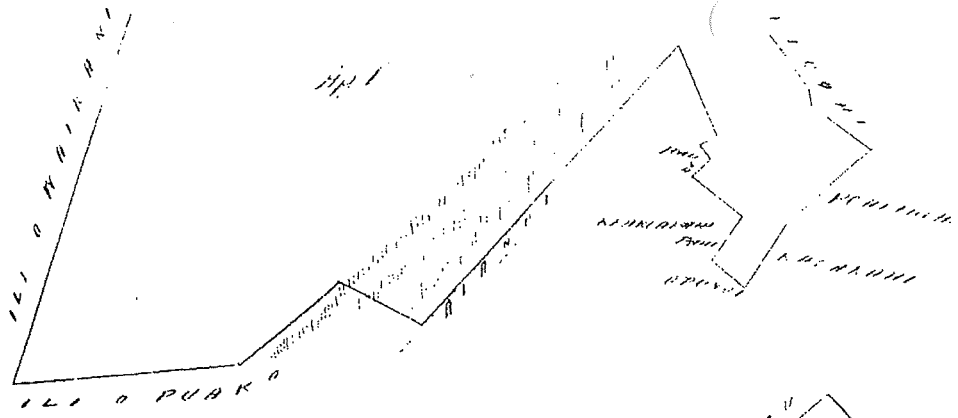


4 Kh. – 1 ik.

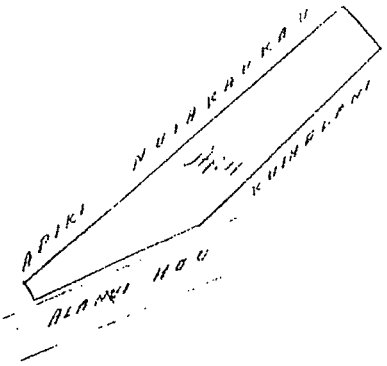


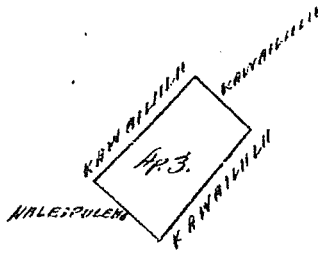


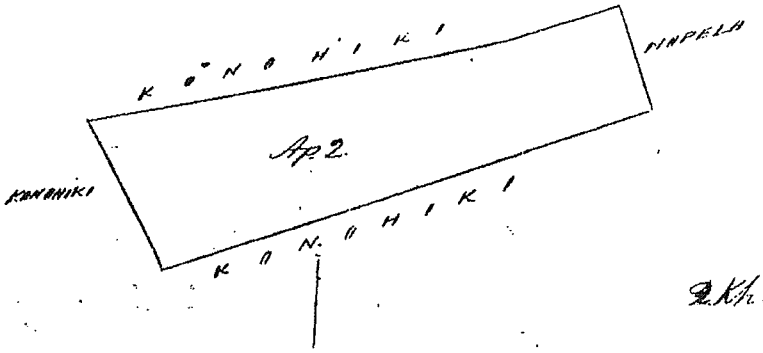




4. Kh. - 1N.







2. Kh. - 1N.

Ukuapanalua $8.00

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

Honolulu Februari 11. 1857.

File Plan Description Shows:

Royal Patent Number 997
(Volume 8, Page 273)

Should be Royal Patent Number 1997

HELU ~~997~~

PALAPALA SILA NUI,

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

No ka mea, ua hooholo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko Kaniaa Kuleana Helu 3572 ma ke Ano Alodio iloko o kahi i oleloia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha III., 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 haawi aku oia ma ke Ano Alodio ia Kaniaa i keia mau wahi a pau loa ma Heia ma ka mokupuni o Oahu penei na mokuna, Koolaupoko

apana 1. 8 Eri o hormaka ana ma ke kihi Hema a o holo ana
akau 55° Kom. 240 pauku, e pili ana i ko ke Konohiki,
akau 34° Hik. 346 " " " " "
akau 19° Hik. 380 " " " " "
akau 82° Hik. 250 " " " " Oehia
Hema 7½° Hik. 400 " " " " ke Konohiki
Hema 43° Kom. 600 " " " " " i ke kihi
mua. 2.70/100 Eka

apana 2. 1 Eri. o hormaka ana ma ke kihi akau a o holo ana
Hema 37° Hik. 80 pauku, o pili ana i ko Wahine
Hema 25° Kom. 48 " " " " "
Hema 55° Kom. 180 " " " " Kalaau
akau 30° Kom 85 " " " " Kapakai
akau 54° Hik. 194 " " " " Kalaau i ke
kihi mua. 0.15/100 Eka.

apana 3. Pahale. o hormaka ana ma ke kihi akau, a o holo ana
Hema 33° Hik. 160 pauku, o pili ana i ko kahakai
Hema 57° Kom 160 " " " " ko ke Konohiki
akau 33° Kom 160 " " " " " "
akau 57° Hik. 160 " " " " " i ke kihi
mua. 0.25/100 Eka.

Maloko o ia Mau apana 3, 10/100 * Eka
a oi iki aku, a emi iki mai paha. Ua koe nae i ke aupuni na mine minerela a me na metela a pau.
No Kauiaa
ua aina la i haawiia ma ke Ano Alodio a no kona mau hooiline, a me kona waihona; ua pili nae ka auhau
a ka Poe Abaolelo e kau like ai ma na aina alodio i keia manawa i keia manawa.

A i mea e ikea ai ua kau wau i ko'u inoa, a me ka Sila Nui o ko
Hawaii Pae Aina ma Honolulu i keia la 14 o
Septemaba, 1852

Owau Kauikaueka

Owau Keeni Aua

1977

HELU

PALAPALA SILA NUI.

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

No ka mea, ua hooholo na Luna Hoona i na kumu kuleana aina i ka olelo, hu kuleana oiaio ko

Kuikelani (Kuleana Helu 455)

ma ke ~~Kuleana Nui~~ Ano Alodio iloko o kahi i oleloia malalo, ~~[illegible]~~

Noloila, na keia Palapala Sila Nui, ke hoike aku nei o Kamehameha III., ke Alii nui a ke Akua i kona ~~[illegible]~~ i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la, nona iho a no kona mau hopa alii ~~[illegible]~~ ua hawi aku oia ma ke Ano Alodio ia Kuikelani

i kela wahi a pau loa ma Waiakea
ma ka mokupuni o Hawaii i penei na mokuna,

Apana 1, ma Ka Ili o Keahuapio
Hoomaka ma Ke kihi Komohana Kuua a e holo
A 15¼ Ki 12.87 Kaul ma Ka ili o Waiakea
A 84½ Ki 6.37 " " "
Ke 85½ Ki 6.90 " " "
Ke 86¼ Ki 5.55 " " Kenoki
Ki 18 Ki .50 " " "
Ki 52 Ki 1.14 " " "
Ki 46½ Ki 2.57 " " Koalima a e
Ki 35½ Ki 1.19 " " Kanakaki
A 50 Ki 1.09 " " Opuuui
A 54½ Ki 1.35 " " Keakuapakipaki
A 50½ Ki 1.64 " " "
A 50½ Ki .61 " " Koalima
A 39¼ Ki .47 " " "
A 44¼ Ki .49 " " "
A 29½ Ki 2.55 " " "
Ki 59½ Ki 9.90 " " Alamu
A 65½ Ki 2.57 " " Pua Ki
Ki 55 Ki 3.30 " " "
Ki 55¼ Ki 5.66 " " "
A hiki i Ke Kihi oana " " 16 Ki 1 Ki

Apana 234 i ka Ili o Pikiwai

Shoomaka ana ma Ke Kihi Akau a e holo

A 19 Hi 1.37 Kaul ma Ko Napoleo

He 91½ Hi 1.48 " " " ma Kiwahiki

He 77½ Hi 5.48 " " "

He 27¾ Hi 2.12 " " "

A 69 Hi 6.42 " " "

a hiki ma Ke Kihi mua — 1 ¹⁄₁₀ Eka

Apana 5. "Apaaahi" ma Ka Ili o "Piiahai" ma Loaa ia Kuikelani ma Ke Kuai aina

Shoomaka ma Ke Kihi Akau a e holo

He 42 Ho 1.54 Kaul ma Ko Kawailiili

He 52½ Hi 1.18 " " Nalipuleho

A 37½ Hi 1.78 " " Kawailiili

A 47¾ Ho .90 " "

a hiki ma Ke Kihi mua — ⁸⁵⁄₁₀₀ Eka

Apana 6. He Apana Alanui Pahiko i Naauwia i kapino Ke Kahe Apana ona i Ilo i Ke Alanui hou, ma Kai o Ka Nalepule

Shoomaka ana ma Ke Kihi Akau a e holo

He 45¾ Hi .70 Kaul ma Ko Ke Konohiki

He 44¼ Ho 3.23 " " " na aina Konoi

He 64½ Ho 2.36 " " Ke alanui hou

He 32½ Ho .28 " " Ka Pahale o Kaumu

A 41½ Hi 5.45 " " Ko Apiki me Kuiakaukau

a hiki ma Ke Kihi mua — ³⁵⁄₁₀₀ Eka

Mahoka o Keia mau Apana — 18 ⁴⁸⁄₁₀₀ — Eka a ei ka aku, a eeli ka wai pahu. Ua koe nae i ke aupuni na mine minerela a me na metela a pau.

Na Kuikelani

ua aina ka i hawiia ma ke Ano Alodia a no kona mau hooilina, a me kona waihona, ua pili nae ka auhau a ka Poe Aloalolo e ka: like ai ma na aina alodio i kela manawa i keia manawa.

A i mea e ikea'i, ua kau wau i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae aina ma Honolulu i keia la — 14 — o June, 1855

Kamehameha

Keoni Ka Hanaumanu

NO.

ROYAL PATENT,

UPON CONFIRMATION OF THE LAND COMMISSION.

Whereas, the Board of Commissioners to Quiet Land Titles have by their decision awarded unto

an estate of **Freehold** less than Allodial, in and to the land hereafter described, and whereas

Therefore, Kamehameha, by the grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known unto all men, that he has, for himself and his successors in office, this day granted and given absolutely, in **Fee Simple** and

all that certain piece of land situate

, and described as follows:

NATIVE REGISTER
(HAWAIIAN)

keakea huwa oia iau i kuia manawa no ka mea, aole ia o ka liki o koma aina.

Wailuku. 12 Feb 1847 } Liki

Helu 452 Kaiole
Ma.

Aloha olua e na Luna Hoona:
He hoopii aku nei au i kou kuleana ia olua. He mau loi kou, a me kou kuleanaiale. Aia ma Waikani i Wailuku nei. 25 loi a me ka kula.

Wailuku 12 Feb 1847 } Kaiole

Helu 453 Kuikelani
Ma

He palapala hai aku i ke kumu kuleana loi a me ke kumu kuleana ma ke ala ilihi aina kea ili aina o Wailukumui.
Eia na mau loi nui 93 loi ma Keahupuo, he wahi kula mabo ketahi malualo. Penei na aoao o na wahi nei, ma ka Akau he wahi kahawai ma ka Kihina ke ala hele loa, ma ka Hema he kae o ka pali, a me ke kula o Puako. ma ke Komohana ka auwai, oia na palena o na wahi nei, oia ko makou kuleana loi Kahiko mai kupuna mau makua mai, koe o Kaiako-

NR 453-1

Kahi koe, a make ia, hoolili mai iau i kela wahi. 11 loi ma Perkiawawa he wahi kula kekahi malaila, no Kailikiva mai ia wahi ou 1 loi ma Mokuhau, 20 loi ma Ahuana, 2 ma Halaula, 2 ma kekahi Halaula 1 loi ma Kumuwiliwili, 70 ma Peepee, no Mahune mai ia wahi ou, nau i noi aku ia iu, haawi mai oia a iau i kela wahi. Aole mea na na i keakua mai a hiki i keia la

Wailuku
6 Feb. 1847 } Na Kuihelani

Helu 454 Naleipuleho

Feb. 13. 1847.

Aloha na Luna Koona kumu kuleana
He palapala hai aku ia olu i keia kuleana ma Waihee. Ua haawi mai no o Haauwai i kela aina nou ia Kuiahuni. O kou aina ia, O ka makahiki o ka Haku 1836 ia manawa i noho ai makou ma Waihee, he mahina na Keakahiloki i kou noho ana malaila. Aole ai oia aina Nau no i mahi me na haumana. A pikai ka ai kukulu i hale kula, i hale moe ka makahiki kou noho ana ilaila me na haumana. Na na haumana i mahiai o ka uku no iu o lukou i

NATIVE REGISTER (ENGLISH)

wrongly hindered me at this time. This is not the edge of his land.
Wailuku
12 Feb. 1847 LIHI

No. 452 Kaiole

Greetings to you two Land Commissioners:

I hereby petition you for my right. I have some taro patches and a houselot at Waikani, Wailuku, 25 taro patches and the kula.
Wailuku
12 Feb. 1847 KAIOLE

✓ No. 453 Kuihelani

Letter telling of the basis of right in the taro patch and the basis of right in various lihis and 'ilis of Wailuku.

There are 93 taro patches at Keahupio and also an unirrigated kula. The description is as follows: on the north, a small stream, on the east, the highway, on the south, the edge of the cliff and the kula of Puako, on the west, the auwai. Those are the boundaries and that place is our taro patch kuleana from my parents from long ago,

Kaiakahi remained and upon his death I inherited it. Eleven taro patches at Puhiawawa and also a small kula there, this was from Kailihiwa. Seven taro patches at Mokuhau, 20 taro patches at Ahuana, 2 at Halaula, 2 at another Halaula, 1 taro patch at Kumuwiliwili, 70 at Peepee. This place is mine from Mahune -- I asked him and he gave me that place. No one has hindered me until today.
Wailuku
6 Feb. 1847 KUIHELANI

No. 454 Naleipuleho Feb. 13, 1847

Greetings to the Land Commissioners:

Letter telling of this kuleana at Waihee. Kaauwai gave me that land of Kuiopuni. In the year of our Lord, 1836, we lived at Waihee, a farm for Keakakilohi. There was no vegetable food on this land. It was I who farmed, with the students. When there was food, the school house was built and a sleeping house. I lived there four years with the students. The students farmed as their compensation

to the school teacher, Naleipuleho. The kuka is mine too. The boundary of Kuunakawelu is on the east, a fence is on the north,

NR 453

copied on Hawaii State Archives public copier

NATIVE TESTIMONY (HAWAIIAN)

o Nalapuleko malaila, a hiki mai i ka M.H. 1882 ka hauwi mai o Paulukii i aina ia ia ma Pelekane i Lokaina ka hauwi ana, a e noho malalo o Rekaulukii, aole malalo o Kaauwai a make o Rekaulukii malalo o konu hope, oia pakaa o V. Kamanalii

Helu 453 Ruihelani

Hoohikiia o Kawaililii ma ka olelo Hawaiiki Ua ike no au ia wahi a ia nei e hoopii mai nei o Ruihelani no ka imi aina o Auwae no ka noho hale, o Auwae ka imi hale o Puki no ke noho hale, a make o Puki ili mai ia Kaiakahi a make o Kaiakahi ili mai no i na keiki, a aia no ia lauà ka mahi ia keia wa, Aole ona mea naka i keakea mai ia Pukiawawa a me Mokukau a me Halaula a me Pepee, a me na kula e ae e pili ana ia ia.

Hoohikiia o Ohuinui ma ka olelo a ke Akua Ua ike no au i na mea a pau ana i hoopii mai nei, makela wahi keia wahi ana i Makiai, a me na kula nona no, mai Iao a kala i kai, Ua ike no au, Aole ona mea nana i keakea mai malailo.

Hoohikiia o Napela ma ka olelo a ke Akua He hoike aku nei au no Pukauwawa, he 25 Pai malaila, no Kailikiiwa mai ia aina, o na palena, he pa aina ma pa Akau, o ke kulana hale o Kahale ma ma ka Hewa, o Waikani a ma me Akuena a me ke alahelelaa ma he Hoo Ua ana no maua me Bailey ia wahi a laaa 64 Eka

a ua makehia 1/3 no Kuihelani a pela no na Loi he 70 ia ia, a o ke mana 2/3 kiu no iaia hookahi papahele, Ua koi aku i ke Aupuni hookahi hapahele no ka mea ua make ka mea nona ia wahi

Hoohikiia o Kailikiwa ma ka olelo a ke Akua Nau no i hoawi aku ia Puhiawawa ia lakou la i wahi makiai no lakou, a ke mau nei no ia lakou i keia wa, Aole o lakou mea nana i keakea.

Helu 428 Kaonohimaka From 178 Page

Hoohikiia o Kapau ma ka olelo a ke Akua Eia ma Waikani kela wahi a Kaonohimaka e hoopii mai nei, nou aku Kona elua mau Loi, he mau Loi kahiko no ia aou a no Pikanele mai kahi ona. Ua ike pono no au ia mau Loi ona a ke noho nei no ia malaila a hiki i keia wa, Aole ona mea nana i keakea mai

Helu 457 Kawailiili

Hoohikiia o Apunui ma ka olelo a ke Akua Eia no ma Wailuku nei keia mau mea a Kawailiili i hoopii mai nei, aia ma Puaka, mai kona mau makua mai no kela wahi, mai ka wa mai no o Kuihelani a hiki i keia la, he hale no kahi ona malaila, Aole no koi he mea nana i keakea ia ia a hiki mai i keia la

NT-453-2

NATIVE TESTIMONY (ENGLISH)

No. 454 - Nalaipuleho

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Kaili sworn by the Bible:

I have seen the place that Nalaipuleho is claiming which is in Waihee named Kukuiopuni. Nalaipuleho had received his (interest) from Z. Kaauwai. Kaauwai had lived there by reason of the right from Hoapili. Nalaipuleho began to live there in the year 1836. The land formerly was a plain without any plants, so Nalaipuleho worked on the land with students. There was a school house there and a sleeping house too which Nalaipuleho still has at this time. The place is overgrown with weeds but the school house still remains at the present time.

Napela sworn by the Bible:

N. (Nalaipuleho) lived there in the year 1837. Kaauwai had given that place to him and the boundaries are on the north is Punahawele, on the south is Pohanokama and on the west is Halepaka. Nalaipuleho

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did cultivation there until the year 1842, Kauluohi gave him land at Pelekane in Lahaina and living was under Kekauluohi instead of Kaauwai. After Kekauluohi's death, living would then be under her successor V. Kamamalu perhaps.

No. 543 - Kuihelani

Kawailiilii sworn by the Word of God:

I have seen that place this person here is claiming. Kuihelani was the property seeker and Auwae was the possessor of the property. Auwae sought inheritance for the children while Puhi had possession of the property. When Puhi died Kaiakahi became the heir and when Kaiakahi died the children were the heirs, and they (two) have the farming of the land at this time. No one has objected to him for Puhiawawa, Mokuhau, Halaula, Pepee and the other fields which are adjacent to him (his fields).

Ohunui sworn by the Word of God:

I have known about all of the things he is claiming on that place and this place which he has cultivated and the fields are for him too, from Iao and going further toward the sea. I have known that no one has objected to him there.

Napela sworn by the Bible:

I am reporting about Puhanawawa. There are 25 patches there and this land was from Kailihiwa with the boundaries as a property is on the north, Kahale's houses are on the south, Waikani, Ahuena and the distant pathway are on the west side. Bailey and I had surveyed that place

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and found 64 acres and it was divided thus, 1/3 [of land] besides 70 patches were for Kuihelani and of our 2/3 [of land], 1/3 of it is with me and 1/3 has been returned to the government because the person who had owned the land is dead.

NT 453

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Kailihiwa sworn by the Word of God: page 184

I am the one who have given Puhiawawa for farming to those people and they still have it at this time, no one has objected to them.

No. 428 - Kaonohimaka From pg. 178

Kapau sworn by the Word of God:

That place that Kaonohimaka is claiming is at Waikani. The two patches which he has are from me. The two patches which he has are from me. They were my two old patches. Pikanele had given him his land. I have personally seen those patches and he has been living there until the present time, no one has objected.

No. 457 - Kawailiilii

Opunui sworn by the Word of God:

These things that Kawailiilii are claiming are in Wailuku at Puako. That place is from his parents, from the time of Kuihelani to the present time and he has a house there too. No one has objected to him to this day.

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Kahoohuwa sworn by the Word of God:

I have seen that place which is at Puako and is an ili for Wailuku here. The land is from his (Kawailiili) parents who had received it from Kuihelani I and he is living at that place at this time and no one has objected to him. He also has a fence there.

No. 462 - Mahuka

Wahinealii sworn by the Bible:

I have seen the place that Mahuka is claiming which is in Waikapu. Kaloapelu is the name of the ili. There are 6 patches at Kaopala. He had received those patches in the year 1840 and in 1844 he received Kaloapelu.

There were servants there previously and they lived under Mahuka and the patches were taken away at this time in the year 1846. Haa had received it from Kaai leaving 10 remaining patches for Mahuka. Mahuka's problem probably did not end with those patches. He has four children; therefore, Mahuka requested the return of those lands to him just as he had them initially.

A testimony for Mahuka has been postponed until Monday when work will be resumed. See pg. 187

No. 473 - Kanekoa page 186

Peahi sworn by the Word of God:

Kanekoa's interests are at Kauluhala and Nehe. There is a house site at Nehe and he had received his right from Kekumaewa which was an old place for

NT 453 (cont)

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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

S46½° W 2.87 chains along the Poalima

→ ali'i taro patch.

N 60½° E 68 chains along the Poalima

→ ali'i taro patch

Taro patch in the ili of Puhiawaawa.

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LLA 453:1,2
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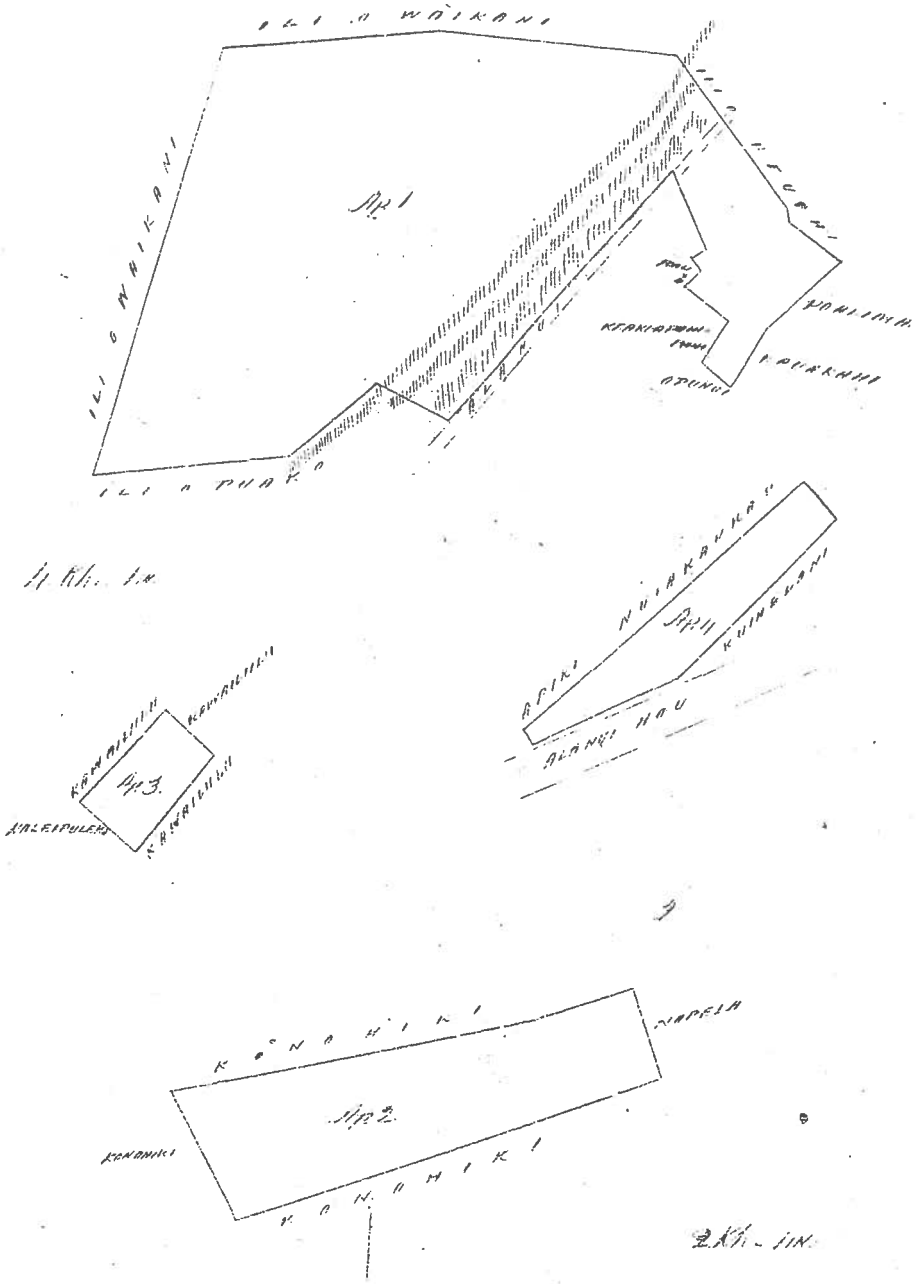
Ch. 2854 Hui 5.45 Kh. ma Apiki, Niuakaukau
a kuku ma ke kihi mua. - 38/100 Ekre.

C. Bailey Measured

Waikiki January 7. 1854.



Ukupanipo $8.00

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

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Ap 1 & 2
7/21/

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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.