



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT
 FOR EXISTING USE IN THE NA WAI EHA, MAUI, SURFACE
 WATER MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

For Official Use Only
RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 APR 23 PM 3:39
 Event ID: SWUP:22436 SWUP NO. 42

For detailed instructions on filling out this application, refer to the attached Instructions.

APPLICANT INFORMATION: Note: In accordance with §174C-51(1)(B), HRS, in the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME HO'OULULAHUI LLC		Applicant's Contact John V. Ducey & Rose Marie H. Ducey		2. SOURCE LANDOWNER'S NAME HO'OULULAHUI LLC		Source Landowner's Contact John V. Ducey & Rose Marie H. Ducey	
Applicant's Mailing Address, or Principal Place of Business 575 A IAO VALLEY RD WAILUKU, HI 96793				Source Landowner's Mailing Address, or Principal Place of Business 575 A IAO VALLEY RD WAILUKU, HI 96793			
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail		

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: Waihee/6022 Waiehu/6023 Iao/6024 Waikapu/6001

4a. TMK OF STREAM DIVERSION LOCATION: 3 - 5 - 003 : 018
Zone Sector Plat Parcel

4b. TMK OF DITCH DIVERSION LOCATION: _____ : _____
Zone Sector Plat Parcel

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.
 Pipe Pump Ditch/auwai Other Describe: SEE ATTACHMENT
 Is the diverted water returned to the stream or ditch? Yes. No. If yes, how much water is returned? APPROXIMATELY 90%

6. FLOW MEASUREMENT INFORMATION:
 Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?
 Yes. Enter the installation date:
 Describe the device and enter measured amounts in Table 1.
 No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below
 SEE ATTACHMENT SECTION "Table 2, Box 10"

EXISTING USER INFORMATION We claim traditional & customary Native Hawaiian rights to grow kalo

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? Yes No
 If yes, has the appurtenant right been established by the courts or the Commission? Yes No

8. END USER INFORMATION: Are you an end user on an existing water system? Yes No
 If yes, who is the operator of the water system? Ducey 'ohana

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?
 Yes. List the file reference name(s): Manuel Duarte
 No

10. STREAM DIVERSION WORKS PERMIT (SDWP):
 Have you ever been issued a SDWP by the Commission?
 Yes. List the permit number(s):
 No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, further information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) the applicant is responsible for paying the required public notice fees associated with this application.

11. APPLICANT <small>Signature</small> <u>JOHN V. DUCEY</u> <small>Print</small> <u>4/19/09</u> <small>Date</small>	12. SOURCE LANDOWNER <small>Signature</small> <small>Print</small>
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**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

**TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008**

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	26,600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	319,200	GPD				
AVERAGE DAILY USE (Average of the above)	26,600	GPD				

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY					EFFICIENCY OF USE				
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE (Gallons per Day (GPD))	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require potable (drinking) water									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
TOTAL POTABLE USE						N/A	GPD		
Uses that do not require potable water									
AGRCP	3 - 5 - 003 : 018 Zone Sector Plat Parcel	RU	NO	RU 0.5	NO	21,600	NO	0.08	SEE ATTACHMENT
DOM	3 - 5 - 003 : 018 Zone Sector Plat Parcel	RU	NO	RU 0.5	NO	5,000	NO	3	SEE ATTACHMENT
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
TOTAL NON-POTABLE USE						26,600	GPD		
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						26,600	GPD		
If total use requested is not equal to the total monthly average in Table 1, please explain. N/A									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. N/A									

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 5 - 003 : 018 Zone Sector Plat Parcel	WETLAND KALO	18.146	0.08	ANNUAL	ANNUAL	FLOOD (TARO)	FIELD CAPACITY
3 - 5 - 003 : 018 Zone Sector Plat Parcel	DIVERSIFIED AGRICULTURE	18.146	3	ANNUAL	ANNUAL	OTHER HAND WATER WITH GARDEN HOSE & SPRINKLER	FIELD CAPACITY
- - - - - Zone Sector Plat Parcel							
- - - - - Zone Sector Plat Parcel							
- - - - - Zone Sector Plat Parcel							
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**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources	N/A	SEE ATTACHMENT
Wastewater reuse	N/A	SEE ATTACHMENT
Ditch system	N/A	SEE ATTACHMENT
Desalinization	N/A	SEE ATTACHMENT
Ground water	N/A	SEE ATTACHMENT
Other (specify)	N/A	SEE ATTACHMENT

PUBLIC INTEREST

§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.
SEE ATTACHMENT

SURFACE WATER USE PERMIT APPLICATION EXISTING USE (NA WAI EHA, MAUI)

INSTRUCTIONS FOR FILLING OUT FORM SWUPA-E

This application form is to be used for actual existing uses as of the effective date of designation, April 30, 2008, for the Na Wai Eha Surface Water Management Areas. Based on the State Water Code, Section 174C, Part IV Regulation of Water Use, a completed application must be filed with the Commission on Water Resource Management (CWRM) no later than April 30, 2009, to qualify as an existing use. Failure to meet the filing deadline may cause your application to be considered a new use and require you to file an Application for Surface Water Use Permit for New Use.

If you are applying for a new surface water use, which are proposed uses after the date of designation, please use the Application for Surface Water Use Permit for New Use, Form SWUPA-N.

Information about surface water management areas and the current application forms are available at our website: <http://www.hawaii.gov/dlnr/cwrm/>; by contacting the Stream Protection and Management Branch at 587-0234; or sending an email to: dlnr.cwrm@hawaii.gov.

REQUIREMENTS FOR A COMPLETE APPLICATION Information must be legible. Therefore, please type or clearly print all information in ink.

- a. Fill in the most recent application form.
- b. Fill in every line on the application.
- c. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources.
- d. Pay for the cost of publishing any required public notices related to your application.
- e. Mark the source and end use locations on the appropriate USGS quad map and TMK map and attach to your application.
- f. Attach photos showing your existing diversion, measuring device (if applicable) and end use areas.
- g. Sign the application form. Both the applicant and the landowner of the source must sign the application form.
- h. Submit one original and 15 copies of the application form; one original and 15 copies of the attachments (instructions, maps, photos and any additional attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

The applicant must establish that the existing use of water is a reasonable and beneficial use. According to §174C-3 of the State Water Code: *"Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.*

Furthermore, public interest is described in §174C-2(e) of the State Water Code which states that: *(t)he state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

LINE BY LINE INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

APPLICANT INFORMATION

1. **APPLICANT'S NAME:** Fill in the information for the applicant. This should be the entity that will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER'S NAME:** Fill in the information for the landowner of the property where the existing surface water diversion works is located. **Note:** in accordance with §174C-51(1)(B), *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

EXISTING SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Check the appropriate box for the hydrologic unit name and hydrologic code where the source is located. The "source" is the stream, ditch, or conduit from which water is diverted to the user. For information on hydrologic unit names and unit codes please refer to the *Surface-Water Hydrologic Unit: A Management Tool for Instream Flow Standards* report available on the CWRM website at: <http://www.hawaii.gov/dlnr/cwrm/>, or contact CWRM staff at (808) 587-0234. You may also contact CWRM toll-free from Maui at: 984-2400, ext. 70234.
- 4a. **TMK OF STREAM DIVERSION LOCATION:** Fill in the current Tax Map Key (TMK) number of the parcel where the stream diversion is located if applicable. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/
- 4b. **TMK OF DITCH DIVERSION LOCATION:** Fill in the current Tax Map Key (TMK) number of the parcel where the ditch diversion is located, if applicable.
5. **STREAM DIVERSION:** How is water diverted from the stream to your property? Check the appropriate box(es). Is the diverted water returned to the stream or ditch? Check "Yes" or "No." If yes, enter the amount of water returned.
6. **FLOW MEASUREMENT INFORMATION:** Check "Yes" or "No". If you have a working flowmeter with a totalizer, answer "Yes" to this question, and fill in the date that the flowmeter was installed and any other information you may have (manufacturer, serial number, etc.). A totalizer directly measures the total use for the source (similar to a car's odometer). Otherwise, answer "No" and explain how stream diversion is measured or estimated to justify amounts requested in Table I

EXISTING USER INFORMATION

7. **APPURTENANT RIGHT:** An appurtenant water right is a legally recognized right to a specific amount of surface freshwater – usually from a stream – on the specific property that has that right. This right traces back to the first time the land was converted to fee simple title; i.e., the Great Mahele and the issuance of either a Land Commission Award or Royal Patent. The quantity of water under the appurtenant right is the amount that was being used on the land shortly before or at the time of the Mahele. Do you claim an appurtenant right for your water use? Check "Yes" or "No."
If yes, has your appurtenant right been established by the courts or the Commission? Check "Yes" or "No."
8. **END USER INFORMATION:** Are you an end user on an existing water system? Check "Yes" or "No". If yes, please list the name of the water system operator.
9. **REGISTRATION AND DECLARATION OF WATER USE:** Do you have a Registration and Declaration of Water Use from the Commission? Check "Yes" or "No". If yes, please list the name of the registrant(s).
10. **STREAM DIVERSION WORKS PERMIT (SDWP):** Have you ever been issued a SDWP by the Commission? If yes, please list the permit number(s). Otherwise, check "No."
11. **APPLICANT:** Please sign and print your name, and date your application.
12. **LANDOWNER:** Please sign and print your name, and date your application. The landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water. §174C-51(1)(B)

SURFACE WATER USE PERMIT APPLICATION EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE - Measured or calculated use of water at the source or end use as of the effective date of designation, April 30, 2008.

Please fill out Table 1 to calculate your existing use as of the effective date of the designation, April 30, 2008, of the Na Wai Eha Surface Water Management Areas. The effective date of designation is the date of the publication of the public notice of the Commission designation action. The qualifying dates have been filled in for this application. Fill in as completely as possible.

The 12-month average is the average daily use^a of 12 months of consecutive use^b from the last month^c of the period.

- a. Average daily use. This is the average daily use for one month in gallons per day (GPD). To calculate this average, take the total use (in gallons) for the month, and divide this amount by the number of days in the month.
- b. 12 months of consecutive use. To calculate the average monthly withdrawal for 12 consecutive months of use, add the average daily use for all 12 months and divide that amount by 12.
- c. Last month. The last month of the period is the effective date of designation, April 30, 2008.

Check only one of the following boxes per row in Table 1:

- Metered – data is based on an operational meter with a totalizer.
- Estimated – data is based on some indirect measurement technique (e.g. measured flow rate multiplied by time of operation).
- Active but unknown – source is active, but there is no means to measure or estimate flow coming from source.
- Inactive – source was not pumped or diverted for the month.
- Other - describe how water use was measured or calculated in this box.

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

1. **PURPOSE / WATER USE CATEGORY:** Choose one of the following purpose or category codes listed below for each row in Table 2. There may be several purpose/categories on a single TMK, and each purpose or category must be listed in a separate row. Attach additional copies if necessary.

AGRICULTURE	
AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other
DOMESTIC	
DOM	Single & Multi Low-Rise & High-Rise Household
DOMN	Domestic (Non-residential)
DOMNCB	Commercial Businesses
DOMNRI	Religious Institutions
DOMNHOS	Hospitals
DOMNHOT	Hotels
DOMNOB	Office buildings
DOMNOTH	Domestic Non-Residential – Other
DOMNSC	Schools
INDUSTRIAL	
INDEL	Geothermal, Thermoelectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other
IRRIGATION	
IRRGC	Golf Course
IRRHM	Habitat Maintenance
IRRHOT	Hotel
IRRRLA	Landscape/Water Features
IRRROTH	Other
IRRPA	Parks
IRRSC	Schools
MILITARY	
MIL	Military
MUNICIPAL	
MUNCO	County
MUNPR	Privately owned and operated but defined as a public system by the Department of Health
MUNST	State

2. **USE TMK:** The Tax Map Key number of the parcel over which the water is applied. There should only be one parcel for each line. Also, attach a TMK map(s) for the lots showing the boundaries of irrigated acreage, etc., as well as a photograph of the area of use.
3. **STATE LAND USE DISTRICT:** To find out the current Land Use District, contact the Land Use Commission at 587-3822.
4. **CDUP REQUIRED:** If a Conservation District Use Permit (CDUP) is required, enter either: "Yes" and the date the CDUP was approved if you have a CDUP applicable to this project; or "Yes" and "not acquired" in this box. If a CDUP is not required, enter "N" for no in this box. To check if your parcel is in the Conservation District, contact the Land Use Commission at 587-3822. If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at 587-0328 to find out if a CDUP is required.
5. **COUNTY ZONING CODE:** To find out the Zoning Code for your property, call Maui County Planning Department at 270-6279, or 270-7253
6. **SMAP REQUIRED:** If a Special Management Area Permit (SMAP) is required for this project, enter either: "Y" and the date SMAP was approved; or "Y" and "not acquired" in this box. If a SMAP is not required, enter "N" for no in this box. To find out if your property is in a Special Management Area and requires an SMAP, call Maui County Planning Department at 270-8205.
7. **QUANTITY OF USE:** Enter the quantity of use in gallons per day (GPD). Justification for the quantities requested may depend on your answers to items 8 and 9, and you should describe the justification in item 10.
8. **SUBMETERED? (Y/N):** If the specific use is submetered, enter "Y" for yes here. If it is not submetered, enter "N" for no. Submetering is specific to each line item.
9. **UNITS OR ACREAGE:** This is the value and category as the basis for calculating the duty. "Duty" is the amount of water used or requested for a "unit" over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. "Unit" can mean dwelling units, or number of people, or animals. Examples to fill in for this category are: 400 dwelling units, 500 people, 3.74 acres.
10. **APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7:** Explain how you are justifying the amount you are requesting. Attach additional sheets if necessary.

SURFACE WATER USE PERMIT APPLICATION EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

If you have grown crops in the year prior to the date of designation, please list all the crops (including landscape and golf course irrigation) that you have grown. Enter a single crop and single TMK per line. If you have multiple crops, list them all as separate line items. Attach additional copies of Table 3 if necessary.

1. **USE TAX MAP KEY (TMK):** Enter the parcel number where the crop is being grown. Attach a map outlining irrigated area(s) and photos.
2. **CROP:** Enter the crop type.
3. **TOTAL ACREAGE:** Enter the total acreage of the parcel listed.
4. **NET IRRIGATED ACREAGE:** Enter the acreage for the specific crop grown.
5. **BEGIN GROWTH PERIOD (MONTH):** This is the month of the start of the growth cycle. For perennial crops, list the 12th month prior to the date of designation.
6. **END GROWTH PERIOD (MONTH):** This is the month of the end of the growth cycle. For perennial crops, list the month of the date of designation.
7. **IRRIGATION SYSTEM:** Enter one of the following:
 - TRICKLE, DRIP
 - TRICKLE, SPRAY
 - MULTIPLE SPRINKLERS
 - SPRINKLER, CONTAINER NURSERY
 - SPRINKLER, LARGE GUNS
 - SEEPAGE, SUBIRRIGATION
 - CROWN FLOOD
 - FLOOD (TARO)
 - OTHER – Please describe.
8. **IRRIGATION PRACTICE:** Enter one of the following:
 - IRRIGATE TO FIELD CAPACITY
 - APPLY A FIXED DEPTH PER IRRIGATION
 - DEFICIT IRRIGATION
 - OTHER – Please describe.

TABLE 4: ALTERNATIVES ANALYSIS

Please address every alternative listed in Table 4 and whether or not they are available, for both potable and non-potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc.

Surface water is defined in §174C-3 as both contained surface water - that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction - and diffused surface water - that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth's surface.

PUBLIC INTEREST

Explain how the uses in your application are consistent with the public interest as described in §174C-2(c): *(t)he state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

The following attachments provide additional information supporting our application. Our 'ohana seeks to maintain and restore the ancient lo'i on our land, which will feed us and our extended 'ohana and perpetuate our native traditions and culture. Our 'ohana has direct ancestral ties to 'Iao Valley. 'Iao Valley is the birthplace of Rose Marie Ho'oululāhui Duey's grandmother, Annie Ho'oululāhui Pelio, who is from the Ka'ulaheanui moku and Mahi lines of 'Iao.

We have discovered 17 ancient lo'i kalo on our land covering about 1.5 acres, and we intend to restore all of these lo'i to traditional wetland kalo cultivation. We currently have enough water for only two lo'i kalo, as described below. We are concurrently filing a SWUPA-N for the remaining land we intend to restore to traditional wetland kalo cultivation.

ATTACHMENT

Exhibits:

Appended hereto as Exhibit 1 is a copy of the 7.5 minute-series USGS topographic map with the 'Iao Stream and our diversion location labeled. Exhibit 2 is a TMK map showing the location of our property, diversion point, and irrigation system, and the areas of existing and proposed end use. Exhibit 3 contains copies of photographs of our 'auwai diversion, irrigation system, and return point. Exhibit 4 contains copies of photographs of our area of existing use. Exhibits 5 and 6 are described below.

Supplemental Information for Box 5: Stream Diversion

The ancient lo'i kalo on our land were historically watered by an open 'auwai that received water from an intake point upstream of our land. The ancient 'auwai is visible on our land today, however, in about 1997 or 1998, the owners of the land upstream of us destroyed the upper portion of the ancient 'auwai. Because the traditional intake to the 'auwai has been destroyed, we must access water for the 'auwai and our lo'i kalo via pipe. Our diversion point, irrigation system, and outflow back to the stream will all happen on our property, as the property is approximately 2/5 of a mile or 2200 feet long, and 'Iao Stream runs over the entire length of our property.

As depicted in the diagram attached hereto as Exhibit 2 and the photos attached hereto as Exhibit 3, we currently have a six-inch driscoll pipe with a quarter-inch screen covering it in 'Iao Stream, which we use to bring water to our land. The six-inch pipe sits in a natural pool in 'Iao Stream at a point where the stream runs on our land. The pool is approximately 31 feet long by 14 feet wide. The six-inch driscoll pipe is approximately 170 feet long, and is connected to 630 feet of 6-inch PVC pipe, which includes a 6-inch sweep that turns the pipe toward our lo'i kalo.

A pipe brings water from one lo'i kalo to the next, and a pipe empties water from the second lo'i into an open 'auwai, which leads about 90% of the water back to the stream at a point on our land.

Supplemental Information for Box 7: Appurtenant Rights

Our property had appurtenant rights because it was in kalo cultivation at the time of the Māhele of 1848. In fact, almost all of the stream water we currently use and seek to use (see our

SWUPA-N) is for ancient lo'i kalo that we have restored or will restore. There are over 1.5 acres of ancient rock walls and terraces that can only be ancient lo'i kalo. In addition, remnants of an ancient 'auwai run through our land. At the Māhele of 1848, a portion of our land was a kuleana awarded to Pehu as Land Commission Award No. 2610, Royal Patent No. 494, and true and correct copies of Māhele records for this Land Commission Award, including testimony indicating the land was in kalo, are attached hereto as Exhibit 5. Another portion of our land was a kuleana awarded to Hana as Land Commission Award No. 3529, Royal Patent No. 4059, and true and correct copies of Māhele records for this Land Commission Award, including testimony indicating the land was in kalo, are attached hereto as Exhibit 6. However, when we acquired this land via quitclaim from Wailuku Agribusiness in 2001, Wailuku Agribusiness "reserved" the water rights appurtenant to the land. As a result, it appears our property's appurtenant rights may be extinguished, although we reserve the right to claim appurtenant rights in the future based on further information.

Regardless of whether we have appurtenant rights, we are a Native Hawaiian 'ohana, and pursuant to Article XII, Section 7 of the Hawai'i Constitution, we have a right to grow kalo in a traditional manner on our land. In addition, because the stream runs across our property and we were accessing stream water on April 30, 2008, we are existing riparian users under Hawai'i law. Our existing riparian use of water from 'Āao Stream is protected under Article XI, Section 7 of the Hawai'i Constitution.

Supplemental Information for Box 9: Prior Water Use Declaration

Manuel G. Duarte formerly leased the property that we now own and used the 'auwai we seek to use for our lo'i kalo and other non-commercial agriculture; Mr. Duarte filed a water use declaration for this land.

Supplemental Information for Box 10: Stream Diversion Works Permit

In January 2005, we applied for Stream Channel Alteration and Stream Diversion Works Permits. In February 2005, we received a letter from the Water Commission Deputy Director Yvonne Izu advising us that our application would be taken up at the same time as the pending Petition to Amend the Interim Instream Flow Standards for Waihe'e, North & South Waiehu, 'Āao, and Waikapū Streams. Our application was returned to us, along with our application fee, with a note to call David Higa at the Commission. Mrs. Duey called Mr. Higa and he advised her that she did not need the permits due to her traditional and customary Native Hawaiian right to grow kalo on her land. Accordingly, we have not taken any additional action to obtain Stream Channel Alteration and/or Stream Diversion Works Permits.

Supplemental Information for Table 2, Boxes 3 & 5: State Land Use District and County Zoning Code

Our land is partially in the state land use rural district, county zoning code RU-0.5 and partially in the state land use conservation district, county zoning code interim. Our existing water use is for two agricultural purposes: to irrigate two lo'i kalo using traditional methods and to irrigate our domestic, non-commercial plants including crops such as 'awa, mango, heliconia,

ti-leaf, and `ulu (breadfruit). The cultivation of traditional Native Hawaiian crops, including kalo and other native plants for our subsistence and use is consistent with state and county general plans and land use designations. Additionally, this use is consistent with county land use plans and general policies.

Supplemental Information for Table 2, Box 10: Justification for Requested Quantity

While our existing water use is not gauged, we owned and operated an irrigation business for 35 years, and based on this experience and our use of a 1.5” valve to control irrigation flow, we estimate we use about 21,600 gallons per day for our two lo`i kalo (approximately 0.08 acres) and 5,000 gallons per day over about 3 acres for our domestic, non-commercial gardening. Thus, our best information indicates we were using, and are continuing to use, a total of about 26,600 gallons of water per day.

Supplemental Information for Table 4: Alternatives Analysis

The exercise of our traditional and customary right as a Native Hawaiian `ohana to cultivate kalo on our land in the traditional manner is constitutionally protected and by definition is not required to use alternative, non-traditional sources. Our continued use of water from `Iao Stream is also constitutionally protected as an existing riparian use. Additionally, there is no potentially available alternative source that is economically practicable. We cultivate kalo on our land for cultural and subsistence purposes; the kalo we grow feeds our `ohana and is shared with neighbors and community members. An alternative water source that would require us to pay for the volumes of constantly flowing water in our lo`i necessary to keep temperatures cool and support healthy kalo would make our practice economically impossible. We would effectively be denied our traditional and customary right and existing riparian use. As shown below, each potentially available alternative water source imposes a cost on exercising our constitutionally protected rights and uses.

Municipal sources. Our domestic water service is a typical residential service and does not have the capacity to deliver the volumes of water we require. Even if the Maui County Department of Water Supply were willing to provide municipal water for kalo cultivation by installing a larger water meter, the cost of using municipal water for such purposes would be prohibitive. Moreover, water from the Maui County Department of Water Supply is chlorinated, which is detrimental to and unsuitable for wetland kalo. Thus, municipal water is not a practicable alternative for our existing water use.

Wastewater reuse. Reusing wastewater is impracticable because we would still be required to pay for large volumes of flowing water. As a small user engaged in traditional uses and non-commercial gardening, we do not have the means to hookup to and use that water. The closest wastewater treatment plant is in Kahului.

Ditch system. Using an alternative ditch system is not practicable. First, the other ditch systems in Nā Wai `Ehā do not consistently have enough water to support existing or additional users. Second, we lack the property, access, permissions and funding necessary to permit and construct an additional ditch diversion. As a small user engaged in traditional uses and non-

commercial gardening, the cost of taking water from or constructing another ditch is not practicable.

Desalinization. Desalinization of brackish water is not a practicable alternative because we are not aware of any such plant having been built on Maui. According to the County's estimates, a plant is expected to be built in 2013 at the earliest.

Ground Water. Even if we were able to secure the permits necessary to drill a well and pump ground water for our uses, installing and operating such a well to provide flowing water for kalo cultivation would be unprecedented and extremely burdensome. As a small user engaged in traditional uses and non-commercial gardening, we do not have the means to install and maintain such infrastructure.

Supplemental Information for Table 4: Public Interest

Our Existing Use is Consistent with the Public Interest

Our water use is consistent with the public interest because the majority of the water that we have requested is for kalo, which we cultivate in a traditional manner. Haw. Rev. Stat. § 174C-2(c) declares that the protection of traditional and customary Hawaiian rights, agriculture, and the maintenance of proper ecological balance and scenic beauty are "in the public interest." Our kalo cultivation satisfies all three objectives: we are a Native Hawaiian 'ohana and grow kalo in a traditional manner; our existing use is for agriculture; and our kalo helps to maintain ecological balance and scenic beauty. Thus, our existing use of stream water to grow kalo in a traditional manner is in the public interest.

Our Existing Use is a Protected Public Trust Purpose

Kalo cultivation by Native Hawaiians is a protected public trust purpose. In re Waiāhole Ditch Combined Contested Case, 94 Hawai'i 97, 137, 9 P.3d 409, 449 (2000) ("Waiāhole I"); see also Haw. Rev. Stat. § 174C-101(c) (2008) (protecting traditional and customary Native Hawaiian rights, which include "the cultivation or propagation of taro on one's own kuleana"). Additionally, because the most of the water we use is returned to 'Īao Stream, our use supports other existing public trust purposes such as: (1) the maintenance of waters in their natural state; (2) resource protection; (3) water for domestic purposes; and (4) the protection of traditional and customary Native Hawaiian rights and appurtenant rights.

Our Existing Use Supports Beneficial Instream Uses

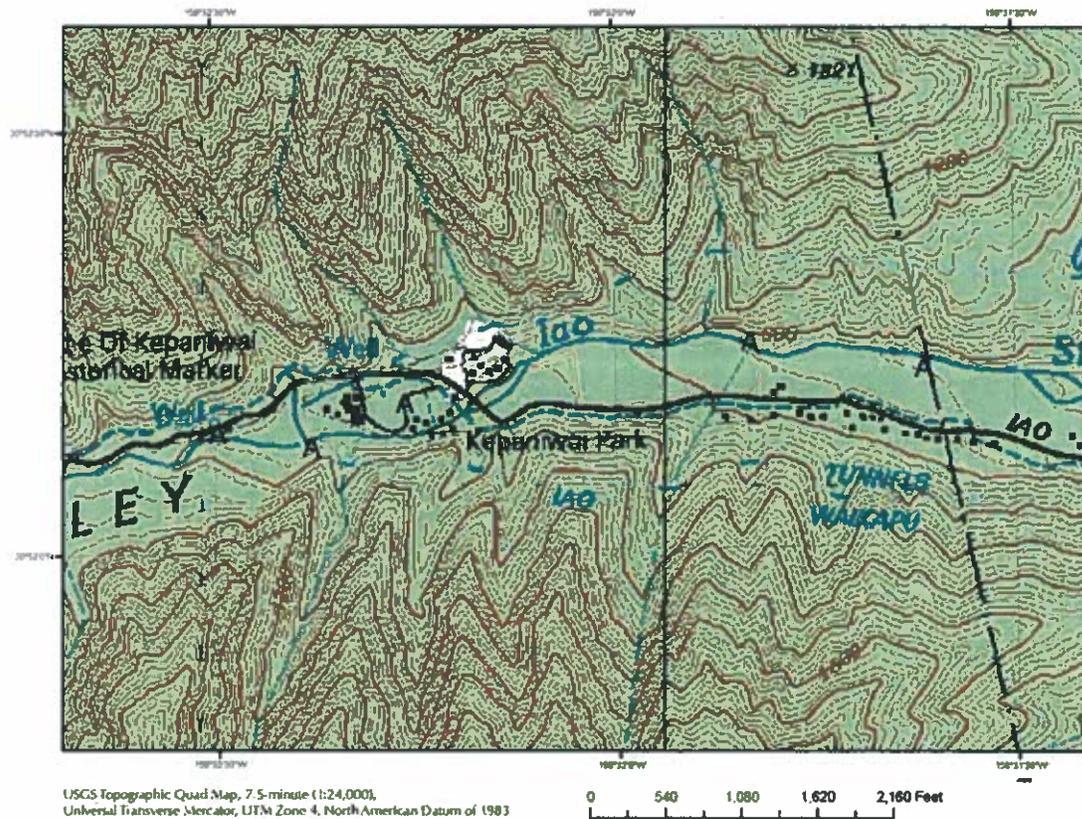
Our existing use of water to grow kalo also supports beneficial instream uses because much of the water we use to cultivate our wetland kalo in a traditional manner is returned to 'Īao Stream. By putting water back into the stream, our water use helps to support other instream uses such as: (1) the maintenance of fish and wildlife habitats; (2) outdoor recreational activities; (3) maintenance of ecosystems such as estuaries, wetlands, and stream vegetation; (4) aesthetic values such as waterfalls and scenic waterways; (5) maintenance of water quality; (6)

the conveyance of irrigation and domestic water supplies to downstream points of diversion; and (7) the protection of traditional and customary Native Hawaiian rights.

Our Existing Use is Reasonable and Beneficial

“Reasonable-beneficial use” is defined as “the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and public interest.” HRS § 174C-3. Our existing use fulfills state policies in favor of reasonable-beneficial uses of water, diversified agriculture, and conservation of agricultural lands. As indicated, our existing use of stream water is also consistent with state and county land use plans. It is also “economic and efficient” because we only use the amount we need, most of which returns to the stream once it flows through our lo‘i to maintain necessary temperatures. We take steps to make our water use efficient. For instance, we use pipes where appropriate to minimize water loss, and our farming practices include the use of mulch, volunteer cover crops, and green manure to protect the soil from erosion and minimize the use of water. If we stopped receiving water, our wetland kalo and diversified agriculture cultivation would be impossible.

EXHIBIT 1: USGS Map of Area of Diversion Location with TMK overlay



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EXHIBIT 2: TMK map indicating diversion point, water system, and area of end use

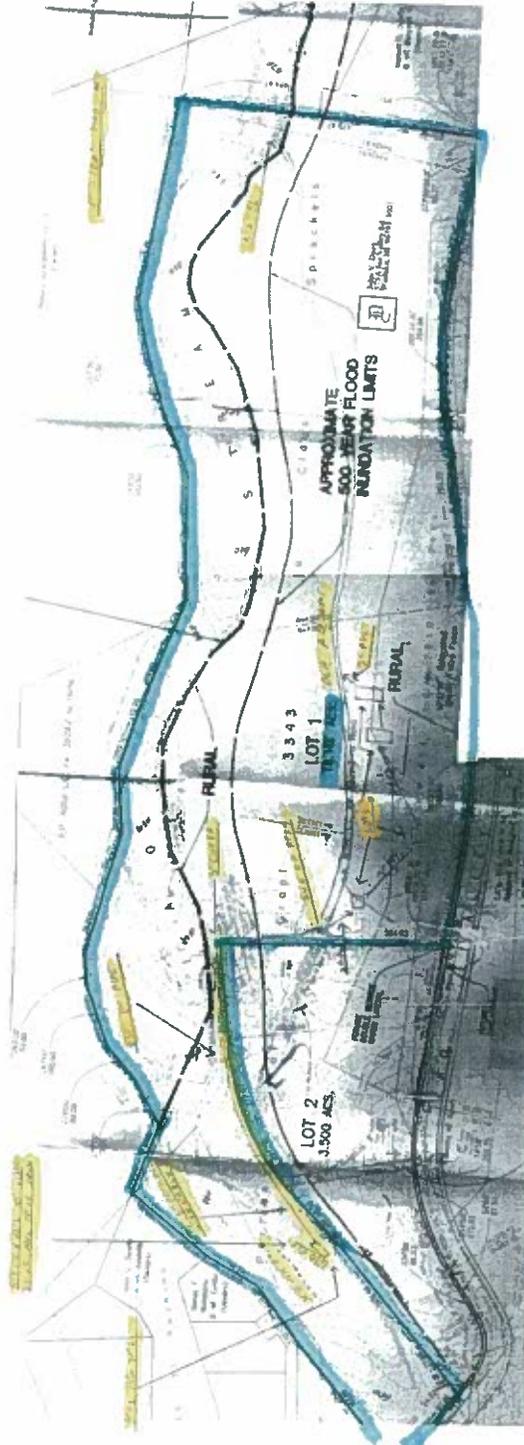


EXHIBIT 3: Photographs of Diversion Point and Irrigation System



Above is a true and correct copy of a photograph accurately depicting the pool in 'Īao Stream that our intake pipe sits in.



Above is a true and correct copy of a photograph accurately depicting a close up of our intake pipe lying in 'Īao Stream, which runs through our property.

EXHIBIT 3 CONTINUED: Photographs of Irrigation System



Above is a true and correct copy of a photograph accurately depicting a portion of our driscoll pipe.



Above is a true and correct copy of a photograph accurately depicting a portion of our PVC pipe.

EXHIBIT 3 CONTINUED: Photographs of Irrigation System



Above is a true and correct copy of a photograph accurately depicting the PVC pipe sweep bringing water to our lo'i kalo.



Above is a true and correct copy of a photograph accurately depicting the pipe that transfers water between our lo'i kalo.

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EXHIBIT 3 CONTINUED: Photographs of Irrigation System

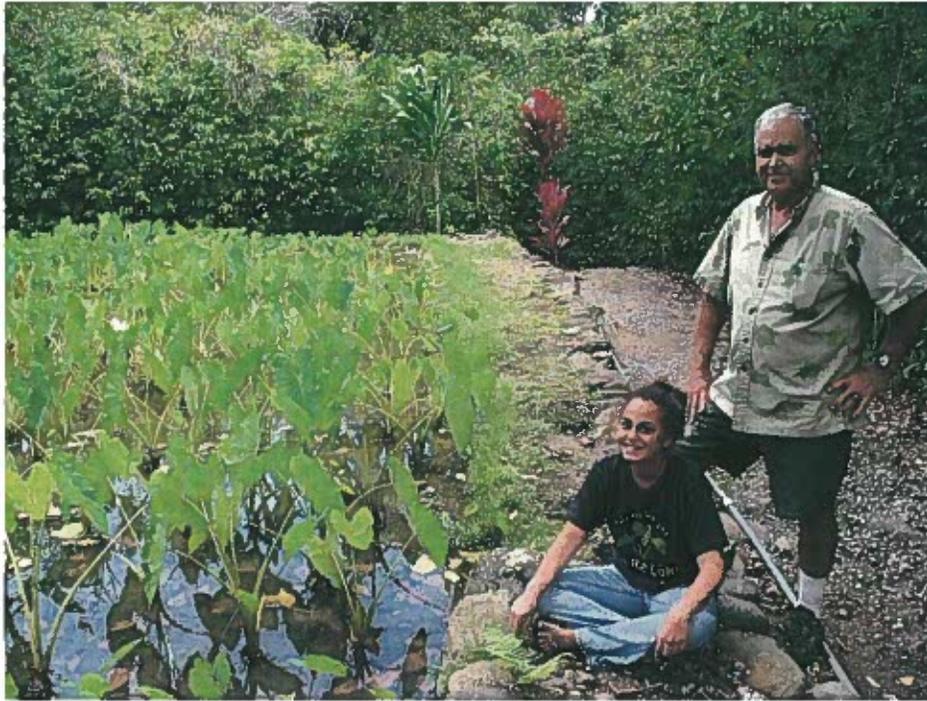


Above is a true and correct copy of a photograph accurately depicting the `auwai as it brings water back to `Iao Stream after flowing through our land.

EXHIBIT 4: Photographs of End Uses



True and correct copies of photographs of a portion of our lo'i kalo and John Duey with Rose Marie Duey (above) and our granddaughter Malia Santos (below).



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EXHIBIT 4 CONTINUED: Photographs of End Uses



True and correct copies of photographs of Rose Marie Duey and of a portion of our diversified agriculture, including bananas and native plants.



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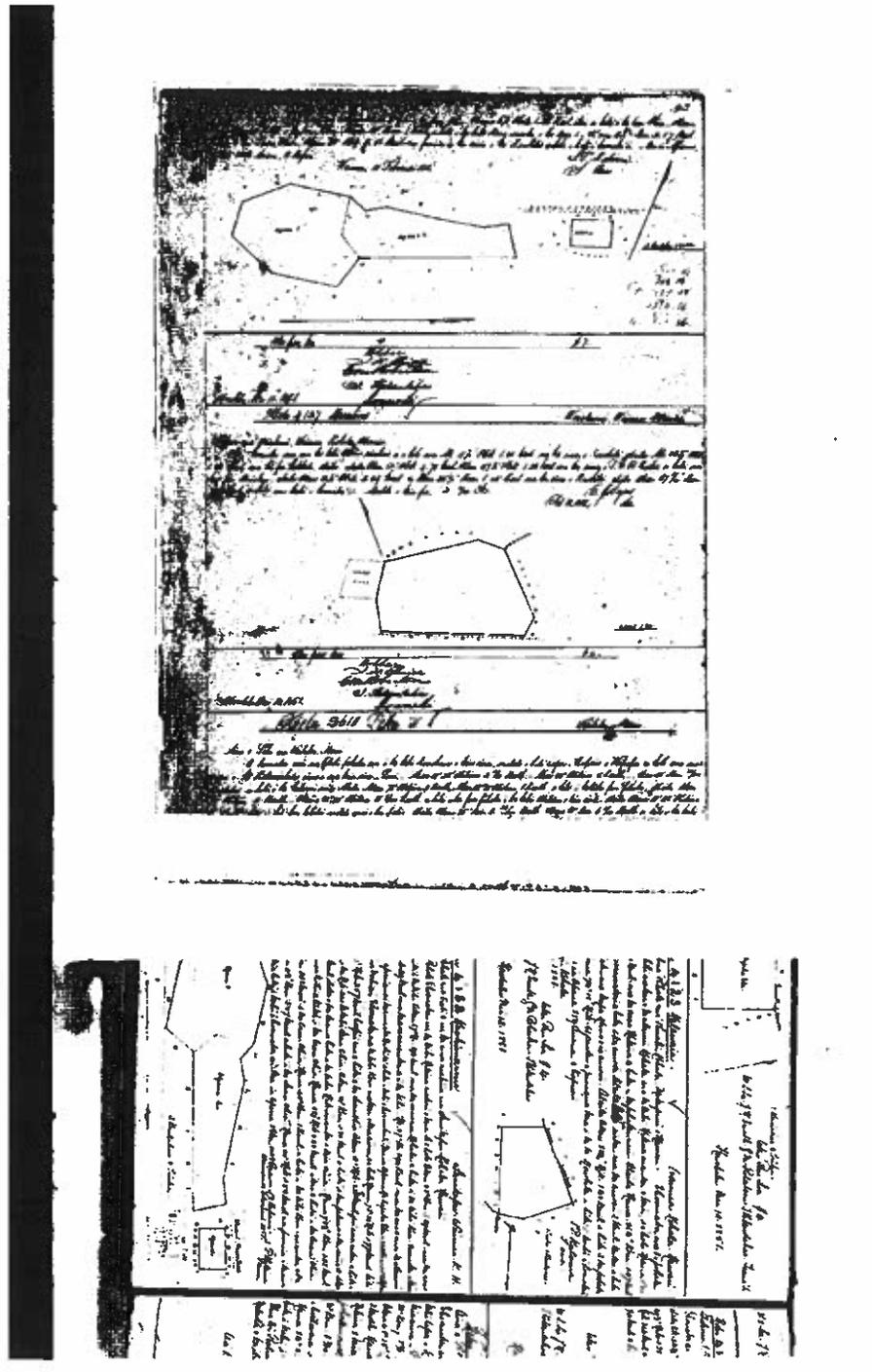
EXHIBIT 4 CONTINUED: Photographs of End Uses



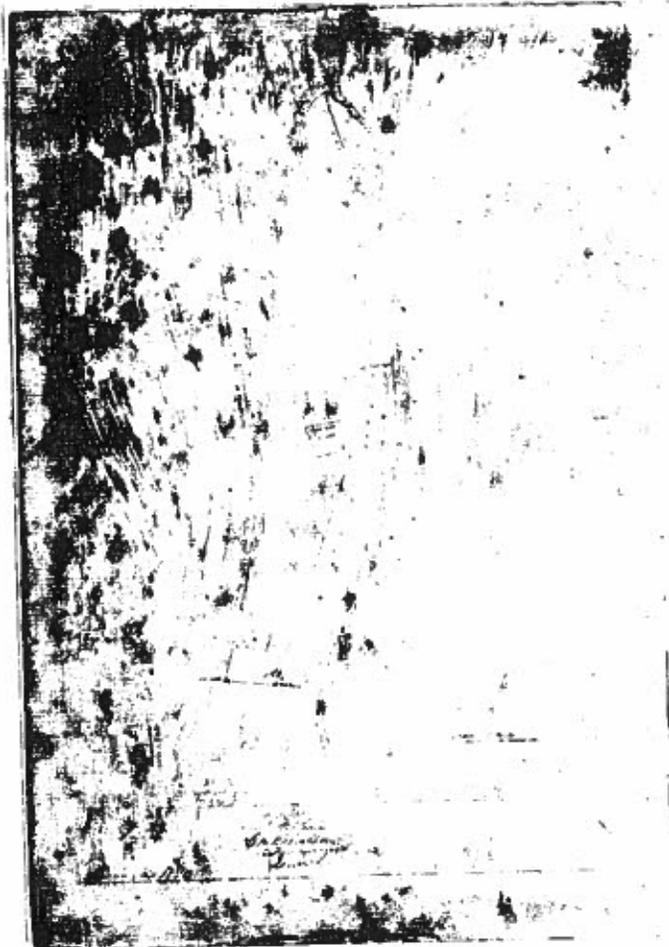
True and correct copies of photographs of a portion of our diversified agriculture, including `awa (above) and bird of paradise (below).

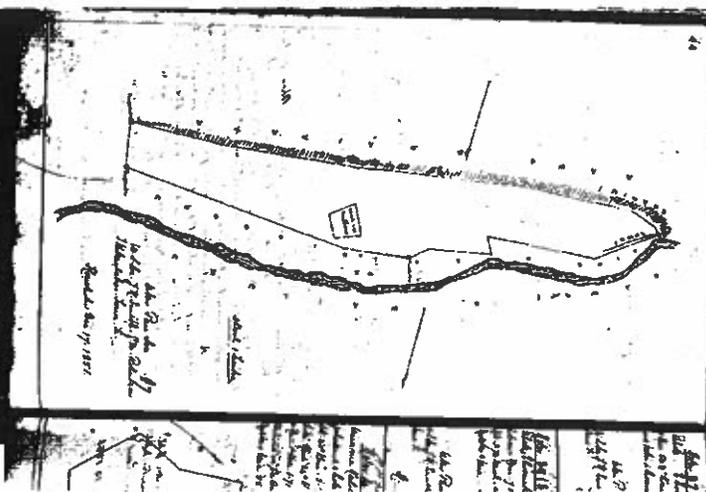
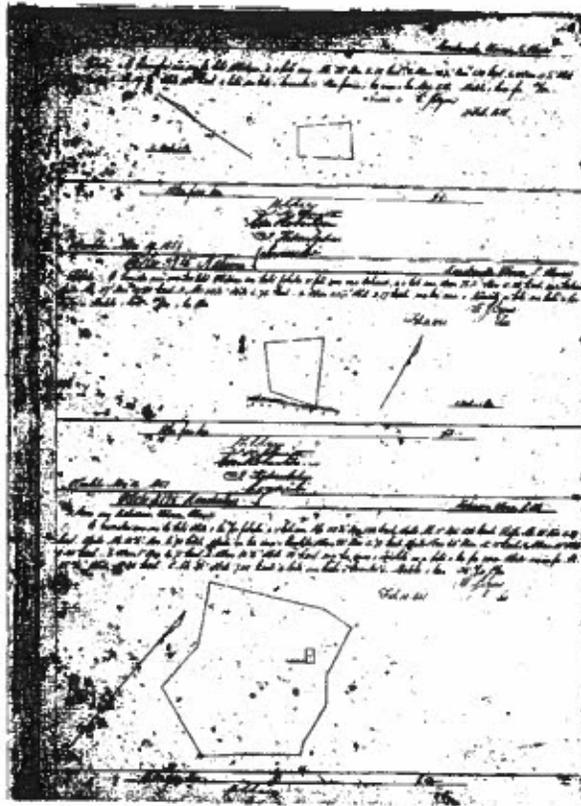


**EXHIBIT 5: True and correct copies of Māhele records for
Land Commission Award No. 2610, Royal Patent No. 494**



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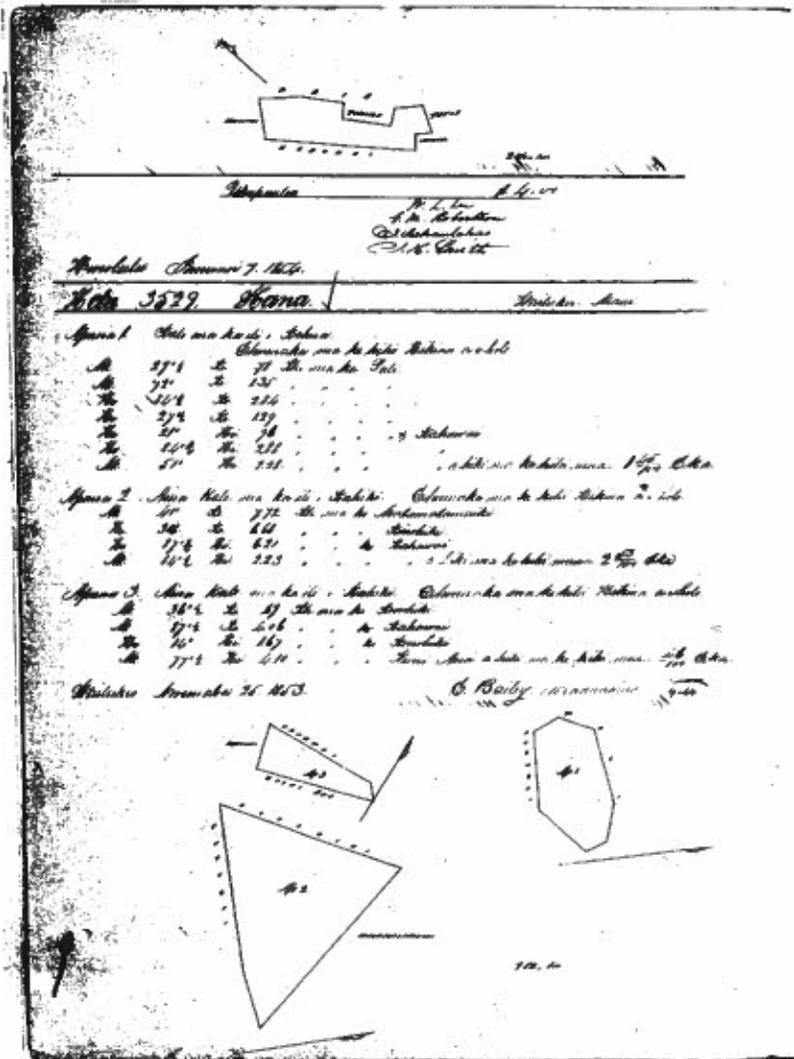
	<p style="text-align: right;">218</p> <p><i>Case, by the State</i></p> <p style="text-align: center;"><u>C. 617 Kapa'oa</u></p> <p><i>Kapa'oa. To show the land of the Olo. This is a piece of land owned by the State in the County of Kauai.</i> <i>The Olo are of this land from Kapa'oa in the year 1835, and has held the same without dispute ever since then as are previous to within the year.</i> <i>It is bounded Shauka, by my land, Kapa'oa, by Govt. Land, Shauka, by Govt. Land, Shauka, by my land.</i></p> <p style="text-align: center;"><u>C. 368 Kapa'oa</u></p> <p><i>The Court of Appeals and held that this Case had been included in that of his son's Shauka, in volume 7229a heard July 6th 1899.</i></p> <p style="text-align: center;"><u>C. 389 Kapa'oa</u></p> <p><i>Kapa'oa. To show the land of the Olo. This is a piece of land owned by the State in the County of Kauai.</i> <i>The Olo are of this land from Kapa'oa in the year 1835, and has held the same without dispute ever since then as are previous to within the year.</i> <i>It is bounded Shauka, by my land, Kapa'oa, by Govt. Land, Shauka, by Govt. Land, Shauka, by my land.</i></p>
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3

2607 Papeete. Waikapu (Maui, Tahiti) 1877
 Ateha rukuru e ma'amaa hōma. Ke kua
 U. Keu mei au i ho'i kuleana aima. Aima wa
 kimo ia, ke aima fuaakai, aia ma hōalia, oia
 ho'i kuleana o ka hōia ma i ka fuaakai.
 Aia aima iu, o ho'i wahi aima wale iho la
 ma ia
 Ika ma'amaa o kōmōkata iho mei, i ho'i
 ma'amaa ma, Lauve ahu mei, Maui i ho'i
 kuleana ma kua hōia oia i Maui kuleana
 oia ma hōia. Nōma i Lauve ahu ho'i kuleana
 ma. Ke kōpūi keu mei au ma rukuru ia e
 mana ma'amaa
 He fuaakai kōkahi iu, aia ma'amaa o Ma-
 alaea, oia ma hōia ma'amaa ia ma. Oia ma iu
 kua ma e wahi mei, e pili ahu ma ia ma
 ma ka aia hōia ma, o ka ma o Ma'akole
 Ma Papeete x

2610 Peha Waikapu (Maui, Tahiti) 1877
 U. Ateha rukuru e ma'amaa hōma. Ke kua keu
 mei au i ho'i kuleana aima o kōkahi kōkahi
 o ia aima, aia ma Waikapu mei. Aia ho'i ma-
 uka o Maui ke 15 ma hōia iu maui, aia ma
 ma mei i ma hōia aima, aia ma ho'i iu ma
 kōkahi oia o kua aima
 He maui Ma'amaa ma'amaa kōkahi iu Maui
 o kua aima. Oia ma maui o kōkahi o hōia
 ma Ma'amaa iu. Oia kua kōkahi wahi ma
 ma maui, ke pili ma ika ma'amaa i kōkahi
 ia o hōia. He wahi ma'amaa kōkahi iu
 e pili ma ma i kua maui hōia Maui
 o kua aima
 Maui ma Peha.

**EXHIBIT 6: True and correct copies of Māhele records for
 Land Commission Award No. 3529, Royal Patent No.
 4059**



HELU *1819*
VALAPALA OIA OUI.
 A KE ALII, MAMULI O KA OLELO A KA POB HOONA KULEANA.

NO KA HIA, Ua hoolalo au Leon Hoana i au kama kuleana oia i ka olelo, he kuleana olelo he
Hana *Kuleana He 3529*
 ma he AHO AHOHE i ka olelo i olelo mahe.

Kahala, au hehe Palapala Oia Oui, he hoolalo olelo i ka Kuleana IV, he AHO ma a he Aho
 i hooa kuleana i kuleana o ka Hehe Palapala Oia Oui, i au kuleana o poa, i hehe la mahe ma,
 a au kama ma hehe ma, au hoolalo olelo ma he AHO AHOHE i *Hana*
 i hehe *Maui* *Maui*
 ma he kuleana o *Maui* *Maui*

C. Chomata ma he Kuleana Hehe a e hoolalo ma i ka
Ukua 28 He 38 Kuleana ma he Hehe
Ukua 72 He 135
Hana 148 He 234
Hana 178 He 239
Hana 21 He 31
Hana 238 He 233
Ukua 21 He 233
 a hehe i Kuleana Chomata i *Maui* *Maui*

Ap. 2. Chomata ma he Kuleana Hehe a e hoolalo ma i ka
Ukua 41 He 338 Kuleana ma he Hehe
Hana 30 He 163
Hana 278 He 163
Ukua 148 He 163
 a hehe i Kuleana Chomata i *Maui* *Maui*

Ap. 3. Chomata ma he Kuleana Hehe a e hoolalo ma i ka
Ukua 28 He 19 Kuleana ma he Hehe
Ukua 278 He 163
Hana 12 He 163
Ukua 278 He 163
 a hehe i Kuleana Chomata i *Maui* *Maui*

457

Sub's side, by the same. Kūmāno, by Kūmāno's land.
 N. side, by Kūmāno's land. S. side, by the Kings etc. dividing
 by the side of Kūmāno's land, by the Kings and Kūmāno, by
 J. Marshall's land.

N. side, is bounded. Kūmāno, by the side of Pihaikekekeke
 Kūmāno, by Kūmāno's land. S. side, by Kūmāno's land. E. side, by
 the side of Pihaikekeke. Kūmāno, by Kūmāno's land.

C. 2261. Leitch.

Leitch's side. I know the bounds of the Ct. They consist of 2
 pieces of land in Kūmāno's land.

N. side is a hole land in Kūmāno's land.

The Ct. no. 2 these lands from Kūmāno's in 1857 and
 his title is not disputed.

N. side is bounded. Kūmāno, by Kūmāno's land. S. side, by
 Kūmāno's land. E. side, by Kūmāno's land. W. side, by
 Kūmāno's land.

N. side is bounded. Kūmāno, by Kūmāno's land. S. side, by
 Kūmāno's land. E. side, by Kūmāno's land. W. side, by
 Kūmāno's land.

C. 2262. Kūmāno.

Kūmāno's side. I know the bounds of the Ct. They consist of 2 pieces
 of land in Kūmāno's land.

N. side is a hole land in Kūmāno's land.

The Ct. no. 2 these lands from Kūmāno's in 1857
 and his title was never disputed.

N. side is bounded. Kūmāno, by the side of Kūmāno's land,
 Kūmāno, by the side of Kūmāno's land. S. side, by the side of
 Kūmāno's land. E. side, by the side of Kūmāno's land.

N. side is bounded. Kūmāno, by the side of Kūmāno's land,
 Kūmāno, by the side of Kūmāno's land. S. side, by the side of
 Kūmāno's land. E. side, by the side of Kūmāno's land.

	<p style="text-align: right;">252</p> <p>It is bounded by the Pali on the two sides, by the Coast</p> <p style="text-align: center;"><u>C. 3511. Halaikoum.</u></p> <p><u>Halaikoum</u> is a piece of the land of the Pali. It consists of a piece of land in the Pali, Halaikoum.</p> <p>It is a house lot in Halaikoum.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p> <p style="text-align: center;"><u>C. 3512. Halaikoum.</u></p> <p><u>Halaikoum</u> is a piece of the land of the Pali. It is one piece of land in the Pali, Halaikoum.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p> <p style="text-align: right;">Waikanae July 12, 1849</p> <p style="text-align: center;"><u>C. 3513. Halaikoum.</u></p> <p><u>Halaikoum</u> is a piece of the land of the Pali. It is one piece of land in the Pali, Halaikoum.</p> <p>It is bounded by the Pali, by the Coast, by the Pali, by the Coast, by the Pali, by the Coast.</p>
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103
 paakai ma Keolu, a o na palena,
 ma ka Akaun Mouni Kulu, Pitina
 mo paakai o Kaila, Hona, kuhini
 Komohana mo paakai, Kaniupia
 Healia 23 Oke. 1847 Na Koloheua

3527 Hamohai
 Ia outou ua luna hona
 14 Aloha outou. He hui aku nei i kua
 Kuleana, he mau lei o ma ka ili aima
 o Hamohai, a o ma lei ma Healia, 1
 Mo paakai ma Healia. Ua loa mai
 ia nei nei, he mau wale mo ma ka
 ae pono ia mai e ma Komohai
 Healia 23 Oke. 1847. Ima Hamohai

3528 Hea
 14 Ia outou ma luna hona
 mo ke aloha. He hui aku nei au i
 Kua Kuleana, he ili aima o Pitina
 ka imo, aia ma Healia. He mau
 moa a i kua ma ka, a mo na palena,
 Ma ka Akaun he kuhani, ma ka
 Pitina, Puna, ma ka hona he ili
 aima o Hea, ma he komohana ili
 aima o Heiahalulu
 Healia 23 Oke. 1847 Na Hea

3529 Hona o Hea
 14 Na ma luna hona
 Kuleana aima, Eite outou ma kua
 palapala i ke mauna Kuleana aima
 ma ka ili aima o Hea, a mo ka
 ili aima o Hea a mo ma ka uka
 o Hea a mo ka imo, he mau ili aima

103

maua malalo, ma komohiki, mai
 ma makua a hiki i keia wa malalo
 i Kalawaiakonu, via ke mana kuleana
 aina ma Waialeale nui
 Januari 11, 1868. Na Hana o Hana

3530 Keapauununu ou Keala
 Eia huna hooa kuleana
 14 aina o ke Hawaii paai Aina. Eia koi kule-
 ana aina ma ka ili aina o Maniamaia i
 Waialeale nui, he haku ili aina au ma
 keia uia malalo o ma komohiki. Mai ou
 makua mai a hiki i keia wa ia Kalawai-
 akonu. Eia ma paalua, ma ka Akaui he pal
 Hikiina ka ili aina o Halekon. Heima he
 paali, Komohana o Lohia. He uka Olona o
 Keanehe ka inoa, via ke maua kuleana,
 Waialeale, Napaununu Keala a ou
 11 Januari 1868. Keapauununu

3531 Keamaka
 Eia huna hooa aina. Eia
 14 koi kuleana uia ma ka ili aina o Hale-
 koni i Waialeale. Eia ma paalua. Ma ka
 Akaui he paalua, ma ka Hikiina he Akaui he
 ka, ma ka huna he loi ou Kealehikou,
 ma ke komohana ma hale o Keapau-
 ununu ma, via koi kuleana aina. Ma
 Puhalaia i kaawi iai, he kahi eka
 Olona o Popeni ka inoa, he kahi loi ma
 Waialeale nui, ma ka haku ouo aina i
 ka awi mai iai. Eia koi kuleana
 aina ma Waialeale nui
 Na Keamaka
 Waialeale 31 Dek. 1867.