



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

APPLICATION FOR SURFACE WATER USE PERMIT FOR  
 PROPOSED NEW USE IN A DESIGNATED SURFACE WATER  
 MANAGEMENT AREA

FORM SWUPA-N  Application for New use  
 Application to Modify SWUP No.

For Official Use Only:

**RECEIVED**  
**COMMISSION ON WATER**  
**RESOURCE MANAGEMENT**

2009 APR 23 PM 3:41

SWUP.2244.6

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.  
 Incomplete applications will not be accepted for processing.

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 location and the quad map name.
- Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water source, diversion and end use, if applicable.

**APPLICANT INFORMATION:** NOTE: In accordance with HRS §174C-5(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 be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME HO'OUULAHUI LLC		Applicant's Contact JOHN V. & ROSE MARIE H. DLIEY		2. SOURCE LANDOWNER'S NAME HO'OUULAHUI LLC		Source Landowner's Contact JOHN V. & ROSE MARIE H. DUEY	
Applicant's Mailing Address, or Principal Place of Business 575 A IAO VALLEY RD WAILUKU, HI 96973				Source Landowner's Mailing Address, or Principal Place of Business 575 A IAO VALLEY RD WAILUKU, HI 96973			
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail		

**SOURCE INFORMATION**

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: IAO Hydrologic Unit Code: 6024

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE: N/A

5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS:  Yes  No  
 Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:  
 SEE ATTACHMENT

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 5 - 0 0 3 : 0 1 8  
Zone Sec Plat Parcel

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION:  -  -  :     
Zone Sec Plat Parcel

7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply.  
 Pipe  Pump  Ditch/auwai  Other Describe: SEE ATTACHMENT

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?  
 Yes. How much water will be returned? APPROXIMATELY 90%  
 No

8. PROPOSED FLOW MEASUREMENT INFORMATION:  
 Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts?  
 Yes. List the manufacturer and describe the device.  
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.  
 SEE ATTACHMENT SECTION "Table I, Box 11"

**PROPOSED USE INFORMATION** HRS §174C-5(4), (5), (6)

9. TOTAL QUANTITY OF WATER REQUESTED: 345,000 gallons per day. See Table 1, Item 14.

10. PROPOSED USE: Check all that apply.  Agriculture  Domestic  Industrial  
 See Table 1, item 1.  Irrigation  Military  Municipal

11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.

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

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

13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system?  
 Yes. List the name of the system operator: Duey 'ohana  No

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

15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from 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, additional 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.

16. APPLICANT   Signature JOHN V. DLIEY Print 4-19-09 Date	17. SOURCE LANDOWNER  Signature  Print  Date
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FILE ID: SWUP.2244.6  
 DOC ID: 2244.6

**APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE**

**TABLE 1: LAND USE CONSISTENCY / EFFICIENCY**  
(Attach additional copies of Table 1 if necessary.)

LAND USE CONSISTENCY					EFFICIENCY OF USE					
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	OPD/ARIT or OPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 8. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
<b>Uses that require potable (drinking) water</b>										
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>TOTAL POTABLE USE</b>									<sup>12</sup>	GPD
<b>Uses that do not require potable water</b>										
AGRCP	3 - 5 - 003 : 018	RU	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	RU 0.5	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	1.42	270,000	383,400	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SEE ATTACHMENT
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>TOTAL NON POTABLE USE</b>								383,400	<sup>13</sup>	GPD
<b>TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =</b>								383,400	<sup>14</sup>	GPD
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-5f(5) HRS N/A										

**APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE**

**TABLE 2: IRRIGATION INFORMATION**

List all crops that will be grown as separate line items and include landscape and golf course irrigation.  
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	6
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 5 - 0 0 3 : 0 1 8 <small>Zone - Sec - Plat : Parcel</small>	WETLAND KALO	18.146	1.42	ANNUAL	ANNUAL	FLOOD (TARO)	FIELD CAPACITY
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							
<small>Zone - Sec - Plat : Parcel</small>							

**9. COMMENTS:**

**APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE**

**TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS**

	<b>A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)</b>	<b>B. Analysis of Non-Potable Alternatives (Attach additional sheets if necessary.)</b>
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

**C. ADDITIONAL REQUIREMENTS:**

**PUBLIC INTEREST** Hawaii Revised Statutes §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.*

1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.  
SEE ATTACHMENT

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).  
SEE ATTACHMENT

3. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided In Section 221 of the Hawaiian Homes Commission Act.  
SEE ATTACHMENT

# APPLICATION FOR SURFACE WATER USE PERMIT PROPOSED NEW USE

## INSTRUCTIONS

This application form is for new surface water uses or for a modification of a previously approved water use permit in designated surface water management areas. New surface water uses are proposed uses after the effective date of designation of the surface water management area. Please check the appropriate box.

**Do not use this form for existing surface water use applications.** Existing surface water uses are actual uses before the effective date of designation. Please use Form SWUPA-E for existing uses.

Most questions can be addressed by visiting our website at: [www.hawaii.gov/dlnr/cwrm](http://www.hawaii.gov/dlnr/cwrm), or contacting us at 587-0234, or by email at: [dlnr.cwrm@hawaii.gov](mailto:dlnr.cwrm@hawaii.gov). The current application forms are also available at: [www.hawaii.gov/dlnr/cwrm/resources\\_permits.htm](http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm).

### REQUIREMENTS FOR A COMPLETE APPLICATION

1. Fill in the most recent application form. A current form is available at our web site or by contacting us at 587-0234.
2. Print in ink or type in the information on the application.
3. Fill in every item in the application form (page 1) and Tables 1, 2, and 3 as it relates to your proposed new use or permit modification.
4. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. Government agencies are not required to pay the filing fee.
5. Pay for the cost of publishing any required public notices related to your application. The current cost for publishing public notices is approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
6. Mark the source and end use locations on the appropriate USGS quad map (scale 1:24,000) and property tax (TMK) map and attach these maps to your application.
7. Attach photos showing your existing diversion, measuring device(s) (if applicable) and end use areas.
8. Sign the application form in ink. Both the applicant and the landowner where the source is located must sign the application form.
9. Submit the original application and **15** copies of the application form and all attachments (maps, photos and any other attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

### ADDITIONAL REQUIREMENTS FOR A COMPLETED APPLICATION

Per Hawaii Revised Statutes §174C-49, the applicant must establish that the proposed new use of surface water:

1. Can be accommodated with the available water source.
2. Is a reasonable-beneficial use.\*
3. Will not interfere with any existing legal use of water.
4. Is consistent with the public interest.\*\*
5. Is consistent with state and county general plans and land use designations.
6. Is consistent with county land use plans and policies.
7. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.

\*HRS §174C-3 of the State Water Code states: "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.

\*\*HRS §174C-2(c) of the State Water Code states that: (i)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.

**NOTE:** Filing in the application form and Tables 1, 2, and 3 completely will address the requirements of HRS §174C-49.

### LINE BY LINE INSTRUCTIONS ON APPLICATION

#### APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *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:** Fill in the information for the applicant. This should be the person who 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.

#### SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Enter the appropriate island, hydrologic unit name, and hydrologic code where the proposed source is located. The "source" is the stream 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.

**APPLICATION FOR SURFACE WATER USE PERMIT  
PROPOSED NEW USE**

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT: Provide Instream Flow Standard (IFS) for hydrologic unit if available.
5. CAN YOUR PROPOSED USE BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Check "Yes" or "No". Explain how your proposed use(s) can be accommodated within the Instream Flow Standard (IFS) for the above hydrologic unit.
- 6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion will be located. Each tax parcel is issued a TMK number by the county property tax office and is defined as follows: 1st digit = (Island code), 2nd digit = Zone, 3rd digit = Section, Digits 4-6 = Plat, Digits 7-10 = Parcel, e.g. (1) 1-1-001:001. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: [www.mauipropertytax.com/](http://www.mauipropertytax.com/)
- 6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the parcel where the proposed ditch diversion will be located.
- 7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all the appropriate box(es).
- 7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH? Check "Yes" or "No." If yes, enter the amount of water to be returned.
8. PROPOSED FLOW MEASUREMENT INFORMATION: Check "Yes" or "No". If yes, please describe the measuring device. A flowmeter with a totalizer will directly measure the total use for the source (similar to a car's odometer). If no, explain how stream diversion will be measured or estimated to justify amounts requested.

**PROPOSED USE INFORMATION (HRS §174C-51(4), (5), (6))**

9. TOTAL QUANTITY OF WATER REQUESTED: Enter the amount of water requested as gallons per day (GPD). Fill out Table 1 and enter the amount in Box 14, "Total Use Requested."
10. PROPOSED USE: Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps and show the location of the proposed use.

**PROPOSED USER INFORMATION**

12. 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 proposed water use? Check "Yes" or "No." If yes, has your appurtenant right been established by the courts or the Commission? Check "Yes" or "No."
13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system? Check "Yes" or "No." If yes, please list the name of the water system operator.
14. 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, list the name of the registrant(s).
15. 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."
16. APPLICANT: Sign and print your name, and date your application.
17. SOURCE LANDOWNER: Sign and print your name, and date your application. The landowner of the source shall be a 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)

**TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE**

Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations (e.g., a contract or other legal agreement(s)) on your proposed water use(s), as required by §174C-51(5), HRS.

1. PURPOSE / WATER USE CATEGORY: For each proposed use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRRIG, etc.)

<b>AGRICULTURE</b>	
AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other
<b>DOMESTIC</b>	
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

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<b>INDUSTRIAL</b>	
INDEL	Geothermal, Thermoelectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other
<b>IRRIGATION</b>	
IRRG	Golf Course
IRRH	Habitat Maintenance
IRRHOT	Hotel
IRRLA	Landscape/Water Features
IRROTH	Other
IRRPCA	Parks
IRRS	Schools
<b>MILITARY</b>	
MIL	Military
<b>MUNICIPAL</b>	
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 will be 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, check "Yes" and enter the date CDUP was approved if you have a CDUP applicable to this project; or check "Yes, not acquired". If a CDUP is not required, check "No." To find out 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 Na Wai Eha, contact Maui County Department of Planning at 270-6279 or 270-7253.
6. SMAP REQUIRED: If a Special Management Area Permit (SMAP) is required, check "Yes" and enter the date SMAP was approved if you have a SMAP applicable to this project; or check "Yes, not acquired". If a SMAP is not required, check "No." To find out if your parcel is in a Special Management Area and requires an SMAP, contact Maui County at 270-8205.
7. UNITS OR NET ACREAGE: This is the value and category as the basis for calculating the duty. "Duty" means the amount of water requested for a "unit" over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. "Unit" can mean dwelling unit, or number of people, or animals. Some examples of this category include: 400 dwelling units, 500 people, and 3.74 acres.
8. GPD/UNIT or GPD/ACRE (GPD=gallons per day): Enter the gallons per day or gallons per acre for each water use category listed in Column #1.
9. REQUESTED QUANTITY OF USE (GPD): Enter the requested quantity of use in gallons per day (GPD) at build out after all phases of your project have been completed. The build out amount may differ from the four-year cumulative projected demand if your build out date extends beyond the cumulative projected four-year demand.
10. SUBMETERED? Is there a second measuring device or meter for another user? Check "Yes" or "No" if the specific use will be submetered or not. Submetering is specific to each line item.
11. APPLICANT'S JUSTIFICATION FOR QUANTITY OF REQUESTED USE FOR ITEM #9: Explain how you are justifying the amount(s) you are requesting for Item #9. Attach additional copies of Table 1 if necessary to show how this number was calculated. For irrigation uses, fill in Table 2.
12. TOTAL POTABLE USE: Add the quantities listed in the column above for potable water and enter the total potable use in gallons per day (GPD) here.
13. TOTAL NON-POTABLE USE: Add the quantities listed in the column above for uses that do not require potable water and enter the total non-potable use in gallons per day (GPD) here.
14. TOTAL QUANTITY OF WATER REQUESTED: Add the requested amounts listed on Box 13 and Box 14 and enter the total requested amount of both potable and non-potable uses here.
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. HRS §174C-51(5)

**TABLE 2: IRRIGATION INFORMATION**

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscape and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

1. USE TAX MAP KEY (TMK): Enter the parcel number where the crop will be grown. Also attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of the proposed use.
2. CROP: Enter the crop type.
3. TOTAL ACREAGE: Enter the total acreage of the parcel listed.
4. NET IRRIGATED ACREAGE: Enter the acreage that the specific crop will be grown.
5. BEGIN GROWTH PERIOD (MONTH): This is the month of the start of the growth cycle.
6. END GROWTH PERIOD (MONTH): This is the month of the end of the growth cycle.
7. IRRIGATION SYSTEM: Enter one of the following:

TRICKLE, DRIP  
TRICKLE, SPRAY  
MULTIPLE SPRINKLERS

**APPLICATION FOR SURFACE WATER USE PERMIT  
PROPOSED NEW USE**

SPRINKLER, CONTAINER NURSERY  
SPRINKLER, LARGE GUNS  
SEEPAGE, SUBIRRIGATION  
CROWN FLOOD  
FLOOD (TARO)  
OTHER – Please describe in the space provided for Comments.

8. IRRIGATION PRACTICE: Enter one of the following:

IRRIGATE TO FIELD CAPACITY  
APPLY A FIXED DEPTH PER IRRIGATION  
DEFICIT IRRIGATION  
OTHER - Please describe in the space provided for COMMENTS below.

**TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS**

- A. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

- B. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for non-potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

Surface water is defined in §174C-3, HRS 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.*

C. **ADDITIONAL REQUIREMENTS**

- I. Explain how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code below.

Hawaii Revised Statutes §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 agriculturoul 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.*

2. Explain how your proposed new use(s) will not interfere with any existing legal use(s).
3. Explain how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act. See below. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands Planning Office at 586-3836.

The State Water Code in §174C-101(a), HRS [Native Hawaiian water rights], states: *Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molakai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.*

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 (see concurrently filed SWUPA-E), and we are filing this SUWPA-N so that we can access water 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 proposed use. Exhibits 5 and 6 are described below.

#### **Supplemental Information for Boxes 4 & 5: Instream Flow Standards**

There currently are no Instream Flow Standards for Nā Wai 'Ehā, and a petition to amend upwards the Interim Instream Flow Standards is pending. There is sufficient water upstream of all diversions to accommodate our proposed use.

#### **Supplemental Information for Box 7a&b: Proposed 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 or adjacent to 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.

The water will flow from lo'i to lo'i via pipes and eventually about 90% of it will be returned to 'Īao Stream via an open ditch at a point on our land (see Exhibit 3).

**Supplemental Information for Box 12: 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 'Īao Stream is protected under Article XI, Section 7 of the Hawai'i Constitution.

**Supplemental Information for Box 14: 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 15: 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, 'Īao, 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 1, 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 proposed water use is for lo'i kalo cultivation using traditional methods. The cultivation of traditional Native Hawaiian crops, including wetland kalo, 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 1, Box 11: Justification for Requested Quantity**

We estimate that we currently use about 21,600 gallons per day for our two lo'i kalo (approximately 0.08 acres) (see our SWUPA-E). Based on this estimate of our existing use, we estimate that we will need approximately 270,000 gallons per day for the remaining lo'i kalo we intend to restore on approximately 1.42 acres, or a total of 383,400 gallons per day.

**Supplemental Information for Table 3, Box B: 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. 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. As shown below, each potentially available alternative water source imposes a cost on exercising our constitutionally protected right.

**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 proposed 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 3, Section C: Additional Requirements**

#### **1) Our proposed new use will maximize beneficial use and is in the public interest**

##### ***Our Proposed Use is Consistent with the Public Interest***

Our proposed water use is consistent with the public interest because the majority of the water that we have requested is for wetland kalo, which we will 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 will satisfy all three objectives: we are a Native Hawaiian ‘ohana growing kalo in a traditional manner; our proposed use is for agriculture; and our kalo will help to maintain ecological balance and scenic beauty. Thus, our proposed use of stream water to grow kalo in a traditional manner is in the public interest.

##### ***Our Proposed 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 Proposed Use Supports Beneficial Instream Uses***

Our proposed use of water to grow kalo will also support beneficial instream uses because much of the water we will use to cultivate our wetland kalo in a traditional manner will

be returned to 'Īao Stream. By putting water back into the stream, our water use will help 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 Proposed 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 proposed use fulfills state policies in favor of reasonable-beneficial uses of water, diversified agriculture, and conservation of agricultural lands. As indicated, our proposed use of stream water is also consistent with state and county land use plans. It is also “economic and efficient” because we will only use the amount we need, most of which will return to the stream once it flows through our lo‘i to maintain necessary temperatures. We will take steps to make our water use efficient. For instance, we will use pipes where appropriate to minimize water loss, and our farming practices will include the use of mulch, volunteer cover crops, and green manure to protect the soil from erosion and minimize the use of water.

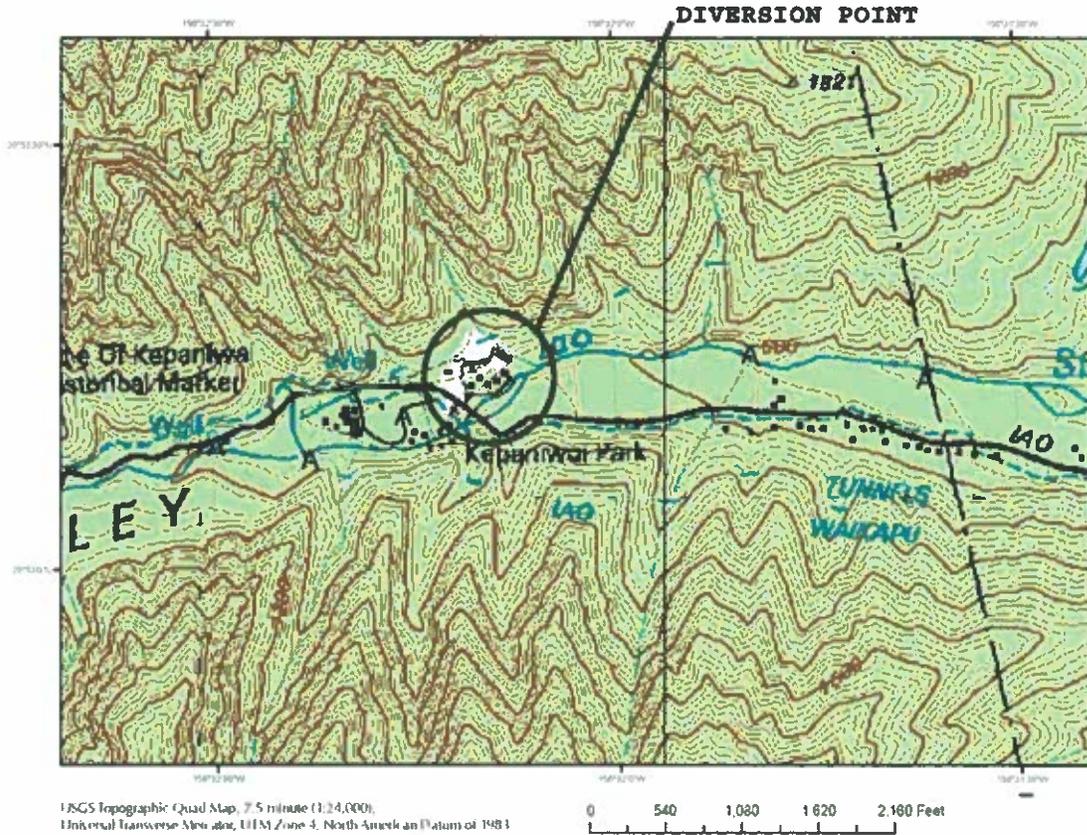
**2) Our proposed uses will not interfere with any existing legal uses**

Our proposed use will not interfere with existing legal uses. By law, instream flow standards for 'Īao Stream should allow mauka to makai flow to support protected public trust uses, which include our uses. Currently, instream flows have been severely restricted by large diversions upstream, necessitating this new use application. Also, as mentioned above, most of the water we will use will go back to 'Īao Stream. Thus, our use will not interfere with other existing legal uses because it will not result in a large net loss of water from the stream and larger ecosystem.

**3) Our proposed uses will not interfere with the rights of the Department of Hawaiian Home Lands**

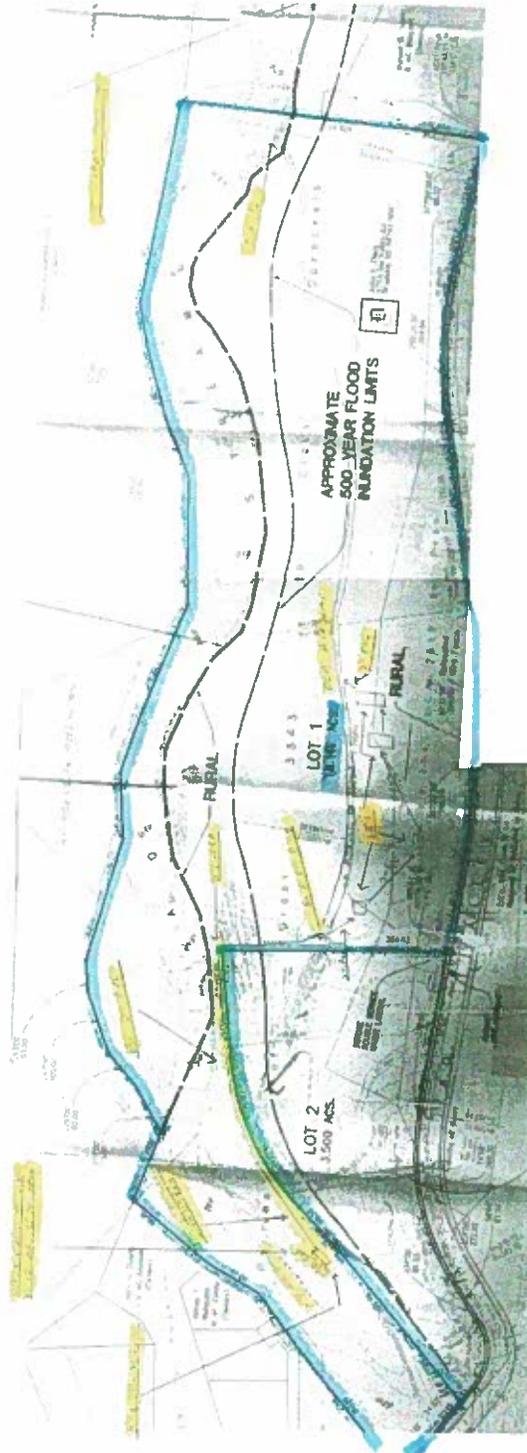
We are not aware of any DHHL lands using water from 'Īao Stream. To the best of our knowledge, DHHL has not filed an application to use water from this source. While we are aware that DHHL has outstanding reservations for municipal water meters in Central Maui, our use will not interfere with those reservations, which are largely served by ground water sources. Instead, our proposed use will actually help to protect DHHL's rights because the vast majority of the water that we have requested will be returned to the stream, and if it remains in the stream, it will recharge the aquifer, protecting the health of the aquifer system for DHHL's present and future ground water uses.

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

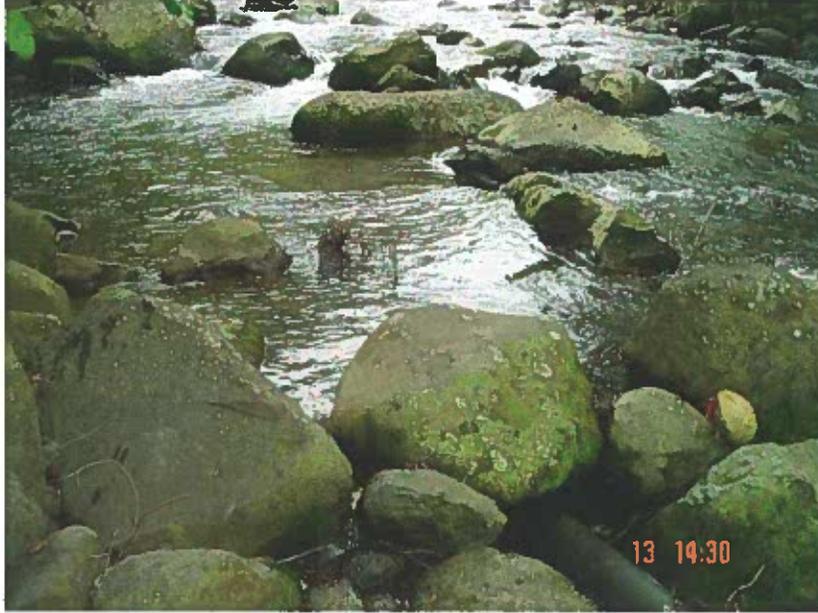


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**EXHIBIT 2:** TMK map indicating diversion point, water system, and area of proposed use



**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.**

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**EXHIBIT 4: Photographs of End Uses**



**These are true and correct copies of photographs accurately depicting a portion of our land with visible rock walls, where we intend to restore lo'i kalo to wetland kalo cultivation.**



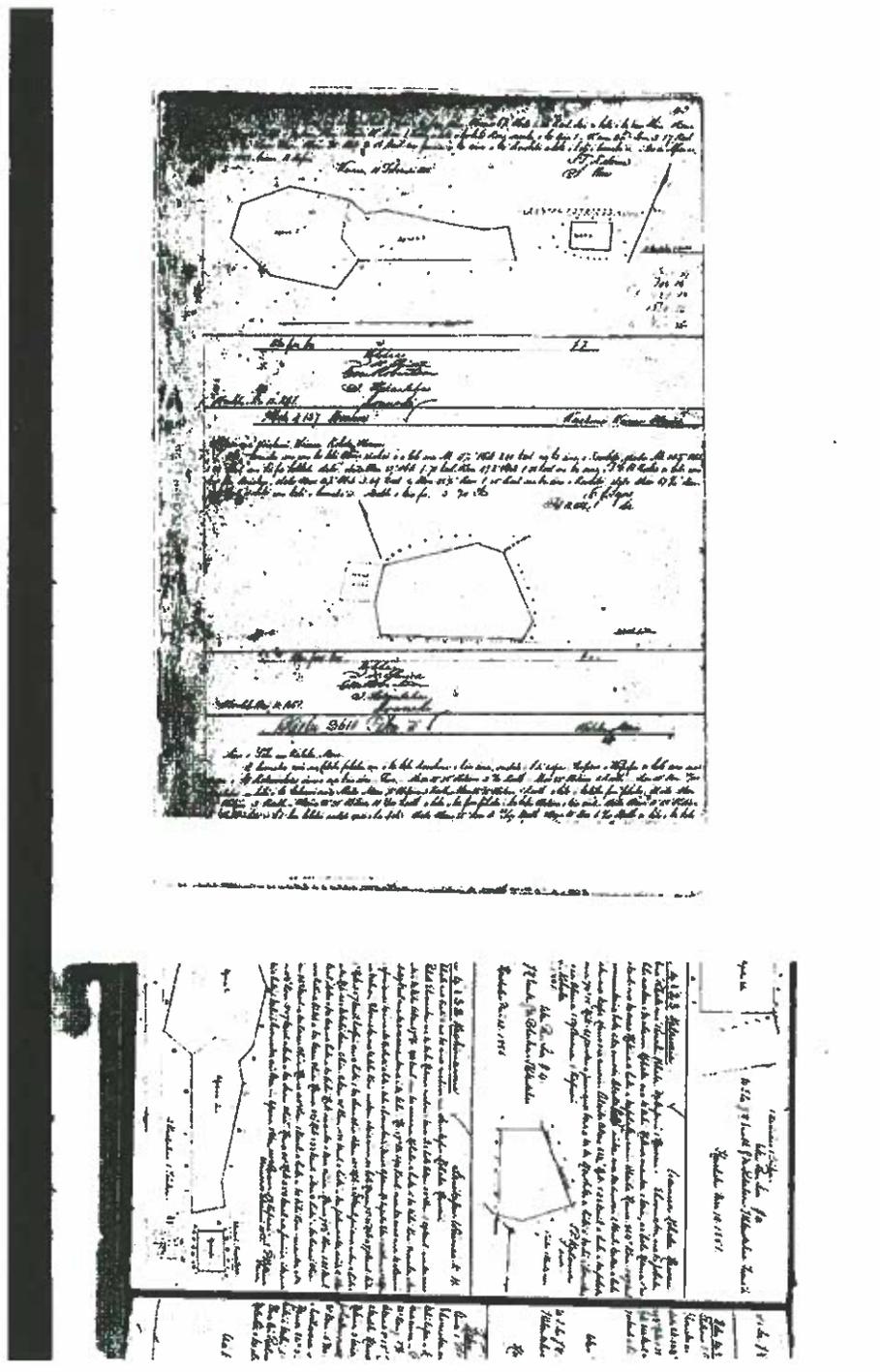
DUEY, JOHN V. AND ROSE MARIE H.  
TMK #: 3-5-003-018  
WATER USE PERMIT APPLICATION – NEW USE  
PAGE 13 of 27



**These are true and correct copies of photographs accurately depicting a portion of our land with visible rock walls, where we intend to restore lo'i kalo to wetland kalo cultivation.**

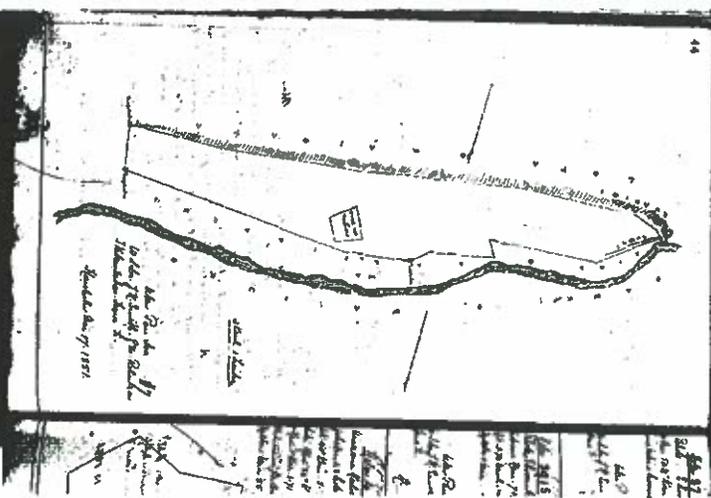
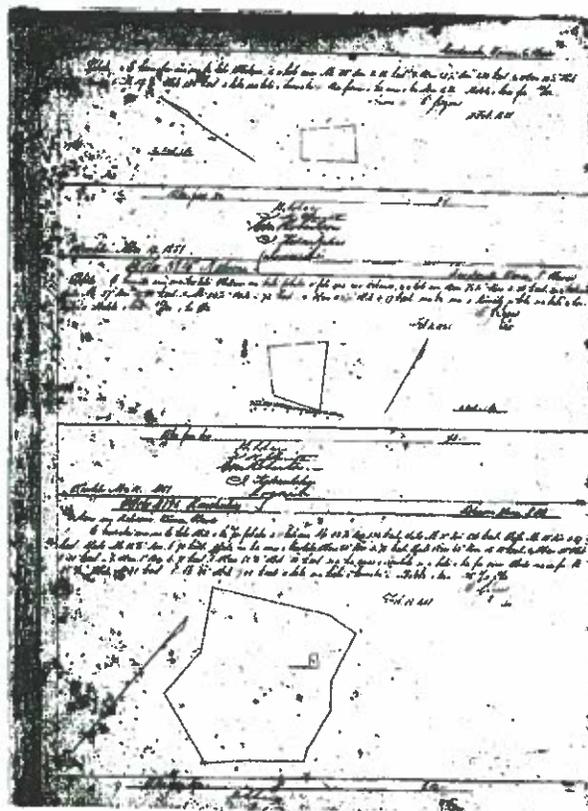


**EXHIBIT 5: True and correct copies of Māhele records for  
Land Commission Award No. 2610, Royal Patent No. 494**



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	<p style="text-align: right;">445</p> <p>It is bounded Shroka, by my land Shroka, by the Kauhaha's land. The same by the land of Ely.      It is bounded Shroka, by the land of Kauhaha, by my land Shroka, by Kauhaha's land and Shroka, by the land of Kauhaha and my land.</p>
	<p style="text-align: center;">C. L. S. Shroka.</p> <p>Kauhaha is the land of the C. L. S. in 1830, in the land of Kauhaha.      It is a half land in Kauhaha.      It is a half land in Kauhaha.      The C. L. S. land from Kauhaha is in 1830. It is a half land from Kauhaha in 1830. The last piece was of King's land, set over the C. L. S. to raise sugar cane on for the King's land. This title is a separate.      It is bounded Shroka, by Kauhaha's land, by my land, by the land of Kauhaha, by the land of Kauhaha.      It is bounded Shroka, by Kauhaha's land, by Kauhaha's land, by Kauhaha's land, by the land of Kauhaha.      It is bounded Shroka, by Kauhaha's land, by Kauhaha's land, by Kauhaha's land, by the land of Kauhaha.</p>
	<p style="text-align: center;">C. L. S. Shroka.</p> <p>Kauhaha is the land of the C. L. S. in 1830, in the land of Kauhaha.      The C. L. S. land from Kauhaha is in 1830, in the land of Kauhaha, and has passed it in force until this time. There is a piece in this piece.      It is bounded Shroka, by Kauhaha's land, by Kauhaha's land, by the same land, by the part of Kauhaha's land, by Kauhaha's land.</p>







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Mapa  
 P. L. Lee  
 4, de Helelani  
 al Helelani  
 P. K. Christ

Helelani Amami 7, 1164

Kota 3502 Amami Helelani Amami

Apun 1 Kota ma ke ke, Helelani  
 Helelani ma ke ke Helelani Amami Helelani  
 He 66' E 39' He ma ke Helelani  
 He 84' He 17' . . . . .  
 He 15' He 111' . . . . .  
 He 66' He 157' . . . . .  
 He 31' E 152' . . . . . a Helelani ma ke ke Helelani Amami - 39' Helelani

Apun 2 Kota ma ke ke, Helelani Helelani ma ke ke Helelani Amami Helelani  
 Helelani ma ke ke Helelani Amami Helelani  
 He 65' E 17' He ma ke Helelani  
 He 22' E 33' . . . . .  
 He 74' E 21' . . . . .  
 He 82' E 26' . . . . .  
 He 15' E 41' . . . . .  
 He 82' E 41' . . . . .  
 He 74' He 11' . . . . . a Helelani ma ke ke Helelani Amami - 39' Helelani

Apun 3 Kota ma ke ke, Helelani Helelani ma ke ke Helelani Amami Helelani  
 Helelani ma ke ke Helelani Amami Helelani  
 He 77' E 39' He ma ke Helelani  
 He 5' E 158' He Amami  
 He 67' He 156' He Helelani  
 He 74' E 153' . . . . . a Helelani ma ke ke Helelani Amami - 39' Helelani

Helelani Amami 17, 1163 C. Darby Amami

Mapa  
 P. L. Lee  
 4, de Helelani  
 al Helelani  
 P. K. Christ

Helelani Amami 7, 1164

Kota 3538 Amami Helelani Amami

Kota ma ke ke, Helelani  
 Helelani ma ke ke Helelani Amami Helelani  
 He 5' He 66' He ma ke Helelani  
 He 18' He 179' . . . . .  
 He 12' He 131' . . . . .  
 He 12' He 31' . . . . .  
 He 12' E 111' . . . . .  
 He 12' E 37' . . . . . a Helelani ma ke ke Helelani Amami - 39' Helelani

Helelani Amami 17, 1163 C. Darby Amami





	<p style="text-align: right;">215</p> <p>Shank's side, by the same. Kaniwa, by the same as land.      It is bounded on the side by the King's side, running      up to the side of the King's side, by the King's side &amp; water, by      the same as land.</p> <p>It is bounded on the side by the side of the King's side, by      the side of the King's side &amp; water, by the same as land, by      the side of the King's side, by the same as land.</p>
	<p style="text-align: center;">C. 2061. Leiki.</p> <p>Shank's side. Shank's side of the C. They consist of 2      pieces of land in Leiki, Hawaii.</p> <p>It is a hill land in Leiki.</p> <p style="text-align: center;">Leiki</p> <p>The C. rec'd these lands from Leiki in 1857 and      his title is not disputed.</p> <p>It is bounded on the side by the side of the King's side, by      the side of the King's side, and the side of the King's side, by the      side of the King's side.</p> <p>It is bounded on the side by the side of the King's side, by      the side of the King's side, by the side of the King's side, by      the side of the King's side.</p>
	<p style="text-align: center;">C. 2062. Kaniwa.</p> <p>Shank's side. Shank's side of the C. They consist of 2 pieces      in Kaniwa, Hawaii.</p> <p>It is a hill land in Kaniwa.</p> <p style="text-align: center;">Kaniwa</p> <p>The C. rec'd these lands from Leiki in 1857      and his title is not disputed.</p> <p>It is bounded on the side by the side of the King's side, by      the side of the King's side, by the side of the King's side, by      the side of the King's side.</p> <p>It is bounded on the side by the side of the King's side, by      the side of the King's side, by the side of the King's side, by      the side of the King's side.</p>



<p>103</p> <p>3521</p> <p>14</p>	<p><u>Maunohai</u></p> <p>Ia ikehu ma luna hona        Alaha ikehu. He hui aku nei au i        Kuleana, he mauka i ma ka ili aina        o Maunohai, a hua i ma Maunohai, i        Maunohai ma Maunohai. He hui nei        i ma Maunohai, he mauka i ma Maunohai        a hua i ma Maunohai. He mauka i ma        Maunohai. He mauka i ma Maunohai        Maunohai 22 Oke. 1947 Na Maunohai</p>
<p>3522</p> <p>14</p>	<p><u>Maunohai</u></p> <p>Ia ikehu ma luna hona        me ka Maunohai. He hui aku nei au i        Kuleana, he ili aina o Maunohai        he maunohai, a hua ma Maunohai. He mauka        maunohai a i Maunohai, a ma ma Maunohai.        Maunohai Maunohai he Maunohai, ma ka        Maunohai o Maunohai, ma ka Maunohai he ili        Maunohai o Maunohai, ma he Maunohai ili        Maunohai o Maunohai. Maunohai        Maunohai 22 Oke. 1947 Na Maunohai</p>
<p>3523</p> <p>14</p>	<p><u>Maunohai</u></p> <p>Ia ma Maunohai        Kuleana Maunohai, ikehu maunohai ma hua        Maunohai i Maunohai Kuleana. Maunohai        maunohai he ili Maunohai, Maunohai, a ma ka        Maunohai Maunohai i Maunohai maunohai        Maunohai Maunohai he Maunohai ili Maunohai</p>

maua ovalalo, na komohiki, mai  
 ma matua a hiki i keia wa ovalalo  
 i Kālawaiakonu, ia ke mana kulanā  
 aina ma Wāilikū oī  
 Januāri 11, 1868. Na Hana o Hana

3530 Keapawemoku oī Keala  
 Eia luma hōna kulanā  
 14 aina o ke Hawai'i pua'aina. Eia kōi hūi-  
 ana aina ma ka ili'aina i Anianiāniā i  
 Wāilikū oī, he hūi'ili'aina au ma  
 keia wa ovalalo, na komohiki, oī oī  
 matua māi a hiki i keia wa ia Kālawai-  
 akonu. Eia ma pūlana, ma ka Akau hepal  
 Hōkima ka ili'aina o Kālawaiakonu. He  
 pūlana, Komohiki o Lōloa. He uka Oloa o  
 Kālawaiakonu ka inoa, ia ke mana kulanā  
 Wāilikū oī, Na pūlana Keala a oī  
 11 Januāri 1868. Keapawemoku

3531 Keamāka  
 Eia luma hōna aina Eia  
 14 kōi kulanā ma ka ili'aina o Kā-  
 lawaiakonu i Wāilikū oī ma pūlana. Ma ka  
 Akau he pūlana, ma ka Hōkima he pūlana  
 ka, ma ka hōna he lōi o Kālawaiakonu,  
 ma ke komohiki ma hale o Keapawem-  
 oku ma, ia kōi kulanā aina. Ma  
 Pūlana i Kālawaiakonu, he uka Oloa  
 Oloa o Pūlana ka inoa, he uka lōi ma  
 Wāilikū oī, ma ka hōna oī'aina i  
 ka wa māi iāi. Eia kōi kulanā  
 aina ma Wāilikū oī  
 Na Keamāka  
 Wāilikū 31 Deke 1867