ORIGINAL

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 30 AM 8:46

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

SWUP. 2310.6

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-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 be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
WILLIAM FREITAS (LESSEE) ALFRED AYERS (OWNER)	WILLIAM FREITAS	WAILUKU WATER COMPANY LLC	Avery Chumbley

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
2644 Kahekili Highway Wailuku, HI 96793	255 East Waiko Road 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
[redacted]			(808) 244-7079	(808) 242-7068	abc@aloha.net

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: WAIHEE Hydrologic Unit Code: 6022

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 Addendum

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 (Zone) - 2 (Sec) - 0 1 4 (Plat) : 0 0 1 (Parcel)

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 (Zone) - 2 (Sec) - 0 0 3 (Plat) : 0 1 0 (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 Addendum

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?

☒ Yes. How much water will be returned? See Addendum

☐ 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 Addendum

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

9. TOTAL QUANTITY OF WATER REQUESTED: 524,400 gallons per day. See Table 1, Item14.

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

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: Wailuku Water Company ☐ 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): AYERS, D ☐ 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	17. SOURCE LANDOWNER
Signature: William Freitas	Signature: [signature]
Print:	Print:
Date: 4/10/09	Date: 4/20/09

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 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	GPD/UNIT or GPD/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 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	0 [12]	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 2 - 0 0 3 : 0 1 0 Zone Sec Plat Parcel	RU	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	RU 0.5	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.76	300,000	228,000	☐ Yes ☒ No	See Addendum
DOM	3 - 2 - 0 0 3 : 0 1 0 Zone Sec Plat Parcel	RU	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	RU 0.5	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.5	3,000	1,500	☐ Yes ☒ No	See Addendum
AGRCP	3 - 2 - 0 0 3 : 0 1 1 Zone Sec Plat Parcel	RU	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	RU 0.5	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.98	300,000	294,000	☐ Yes ☒ No	See Addendum
DOM	3 - 2 - 0 0 3 : 0 1 1 Zone Sec Plat Parcel	RU	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	RU 0.5	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.3	3,000	900	☐ Yes ☒ No	See Addendum
							TOTAL NON POTABLE USE	524,400 [13]	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	524,400 [14]	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(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 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to Instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 2 - 0 0 3 : 0 1 0 (Zone - Sec - Plat : Parcel)	wetland kalo	1.547	0.76	annual	annual	flood (taro)	irrigate to field capacity
3 - 2 - 0 0 3 : 0 1 0 (Zone - Sec - Plat : Parcel)	diversified agriculture	1.547	0.5	annual	annual	trickle, drip; multiple sprinklers	irrigate to field capacity
3 - 2 - 0 0 3 : 0 1 1 (Zone - Sec - Plat : Parcel)	wetland kalo	2.5	0.98	annual	annual	flood (taro)	irrigate to field capacity
3 - 2 - 0 0 3 : 0 1 1 (Zone - Sec - Plat : Parcel)	diversified agriculture	2.5	0.3	annual	annual	trickle, drip; multiple sprinklers	irrigate to field capacity
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	**B. Analysis of Non-Potable Alternatives** (Attach additional sheets if necessary.)
Municipal sources	N/A	See Addendum
Wastewater reuse	N/A	See Addendum
Ditch system	N/A	See Addendum
Desalinization	N/A	See Addendum
Ground water	N/A	See Addendum
Other (specify)	N/A	See Addendum

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 Addendum

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

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 Addendum

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, or contacting us at 587-0234, or by email at: dlnr.cwrm@hawaii.gov. The current application forms are also available at: 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: *(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.*

NOTE: Filling in the application from 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/
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 Commissioo? 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.)

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
	IRRLA	Landscape/Water Features
	IRROTH	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 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 bave 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

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

1. 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 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.*

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 Molokai 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.*

Addendum

Attachments

Appended hereto as Exhibit 1 is a copy of the 7.5 minute-series USGS topographic map with the Waihe`e River and Waihe`e and Spreckels diversions diversion labeled. Exhibit 2 is a TMK map showing my property, the `auwai, and the proposed area of use. Exhibit 3 contains copies of photographs of my area of proposed use. Exhibits 4 & 5 are described below.

Box 2: Source Landowner

Not applicable pursuant to HRS § 174C-51(1)(B), because applicant does not have a terminable interest in the land which is the source of the permitted water. According to the Water Commission's records, which have not been verified, Wailuku Water Company claims to be the source landowner.

Box 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 my proposed use.

Box 6a: Stream Diversion Location

Although the `auwai that runs through our land currently receives water diverted from TMK No. 3-2-014:001, we would like the `auwai to resume receiving water directly from Waihe`e River at TMK No. 3-2-004:001, as it historically did

Box 7(a&b): Proposed Stream Diversion

We are kuleana users along the North Waihe`e Valley kuleana `auwai. Water is diverted from Waihe`e River at the Waihe`e and Spreckels diversions (see attached USGS topo map). All the water from the Spreckels diversion enters the Spreckels Ditch, as does some water from the Waihe`e diversion. The North Waihe`e Valley kuleana `auwai receives water via a pipe in the Spreckels Ditch. The pipe empties into an open `auwai on the north side of Waihe`e River. The water travels in pipes and open ditches through Waihe`e valley and through our land. We seek to access kuleana water via an open ditch from the `auwai for our loi kalo and to water our domestic plants. After the water flows through our lo`i kalo, it returns to Waihe`e River via an open ditch.

Box 12: Appurtenant rights

Our property has appurtenant rights because it was in kalo cultivation at the time of the Māhele of 1848. In fact, we are restoring the ancient loi kalo that exist on the land. Attached hereto as Exhibits 4 & 5 are true and correct copies of Māhele records for Land Commission

Award No. 4405:Q, Royal Patent No. 5331 and Land Commission Award No. 4405:R, Royal Patent No. 6459, and testimony indicating the land was in kalo. We have no evidence, indication, or any other reason to believe that our appurtenant rights have been extinguished. This application should be granted pursuant to HRS § 174C-63.

Table 1, Box 11: Justification for Requested Quantity:

We estimated our proposed water use for wetland kalo cultivation of 522,000 gallons per day by multiplying the amount of land on which we intend to grow wetland kalo (1.74 acres) by 300,000 gallons, the average amount of water we understand is required to grow healthy wetland kalo.

We estimated our proposed domestic water use of 2,400 gallons per day, including our use of water outside two homes for watering our yards and non-commercial gardens, where we will grow foods for us to eat and use, by multiplying the 2002 State of Hawai`i Water System Standard for Maui County of 3,000 gallons per acre by 0.8 acre, or the amount of land on which we will grow our domestic plants.

Table 3, Box B: Alternatives Analysis

Because our land has an appurtenant right to stream water, which is in the nature of an easement that was conveyed with the land at the time of the Māhele, we do not need to demonstrate that we have no practicable alternative source of water. Our appurtenant right is for stream water, not to water from some other source, and our exercise of this appurtenant right enjoys maximum protection and first priority under the law. Similarly, our traditional and customary right as Native Hawaiians is to cultivate kalo on our land in the traditional manner, not in some other manner using alternative, non-traditional sources, and this traditional and customary right is constitutionally protected.

Moreover, even if we did not have protected rights to stream water, 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 want to resume growing will feed our `ohana and will be 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 use economically impossible. Our appurtenant right and traditional and customary right to grow kalo on our land would effectively be denied. As shown below, each potentially available alternative water source imposes a cost on exercising our protected rights.

Municipal Sources. We do not have access to county water. Even if the Maui County Department of Water Supply were willing to provide municipal water for kalo cultivation by installing a large water meter, the cost of using municipal water for such purposes would be prohibitive. Additionally, water from the Maui County Department of Water Supply is chlorinated, which is detrimental and unsuitable for wetland kalo.

Wastewater reuse. Reusing wastewater is impracticable because we would still be required to pay for large volumes of flowing water for our kalo. 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. We are seeking to use water from the existing `auwai that traditionally provided water to the lo`i on this land. Getting water from other ditch systems is not practicable. First, the other ditch systems in Nā Wai 'Ehā do not consistently have enough water to support 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.

Table 3, Section C: Additional Requirements

1) My proposed new use(s) will maximize beneficial use(s) and are in the public interest

Our Proposed Use is Consistent with the Public Interest

HRS § 174C-2(c) provides 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." The water we are requesting will be predominantly for kalo cultivation. We grow kalo in traditional ways and use it for subsistence purposes. We will also be growing other native and subsistence plants for our use. We are Native Hawaiians engaged in traditional agricultural practices, and our crops help maintain ecological balance and scenic beauty. As such, our proposed use of stream water is consistent with the public interest.

Our Proposed Use is a Protected Public Trust Purpose

Kalo cultivation by Native Hawaiians is a protected public trust purpose. Generally, "water use for diversified agriculture on land zoned for agriculture is consistent with the public interest." In re Waiāhole Ditch Combined Contested Case, 94 Hawai'i 97, 137, 9 P.3d 409, 449 (2000) ("Waiāhole I"); see also Haw. Const. art XII, § 7 (protecting traditional and customary Native Hawaiian rights); HRS § 174C-101(c) (specifically protecting the right to cultivate kalo

on one's own kuleana). The exercise of appurtenant rights is also a protected public trust purpose. Waiāhole I, 94 Haw. at 137 n.34, 9 P.3d at 449 n.34. Additionally, because much of the water we will use will be returned to Waihe`e River, 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 is a "Reasonable-Beneficial Use"

"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. As indicated, our proposed use of stream water is consistent with state and county land use plans and the public interest. It will also be "economic and efficient" because we will only use the amount we need. 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 to protect the soil from erosion and minimize the use of water. Therefore, the water we have requested is for a "reasonable-beneficial use."

2) Our proposed use(s) will not interfere with any existing legal use

Our proposed use will not interfere with existing legal uses. As kuleana users, we have first priority by law. We believe the flow of Waihe`e River is able to accommodate our use. Our use of water from Waihe`e River has been severely restricted, however, by the large diversions upstream of our `auwai intake, and this has restricted our use, necessitating this new use application.

3) Our proposed use(s) will not interfere with the rights of the Department of Hawaiian Home Lands

We are not aware of any DHHL lands using water from Waihe`e River. 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

Topographic map of the Waihe'e ahupua'a in central Maui, Hawai'i (Source: U.S. Geological Survey, 1996).

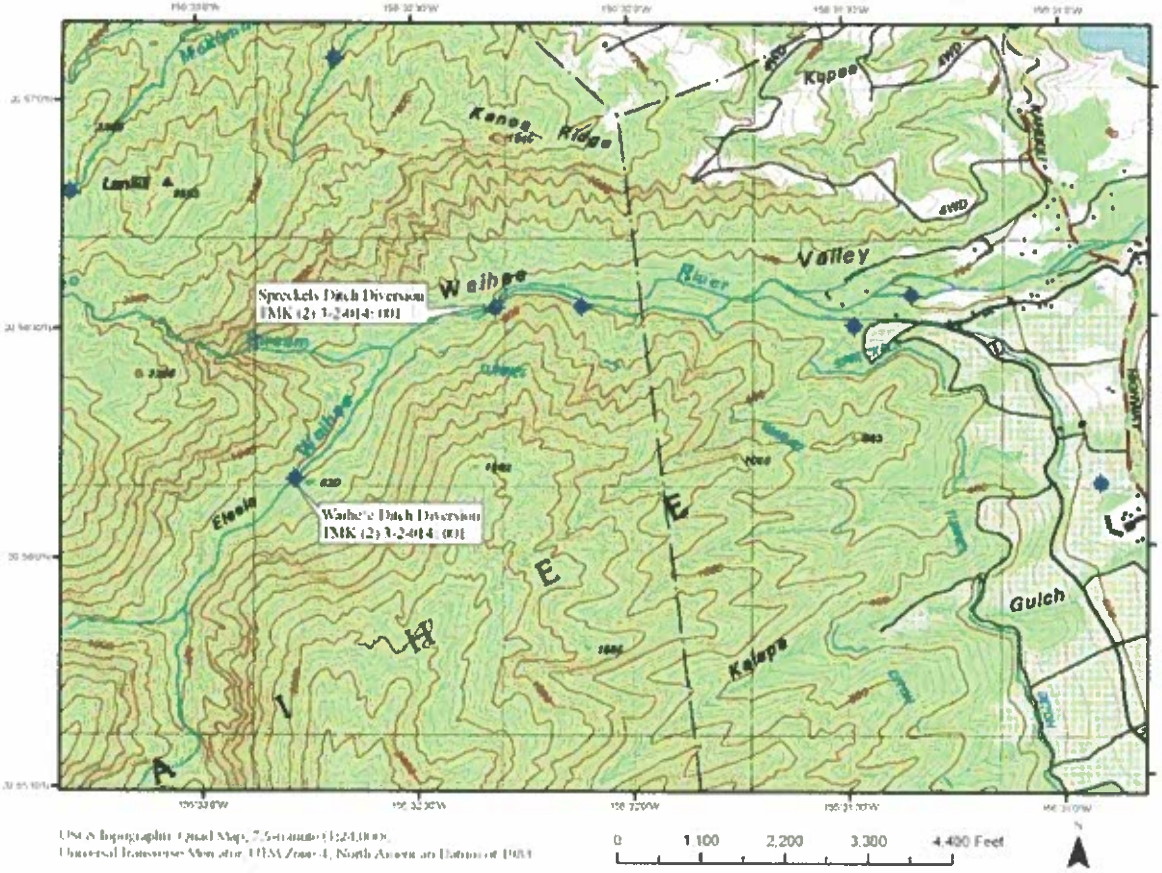


Exhibit 2: TMK map depicting the North Waihe`e Valley `auwai running through our land. The light grey portion above the `auwai marks our area of domestic use. The dark grey portion below the `auwai marks our lo`i kalo.

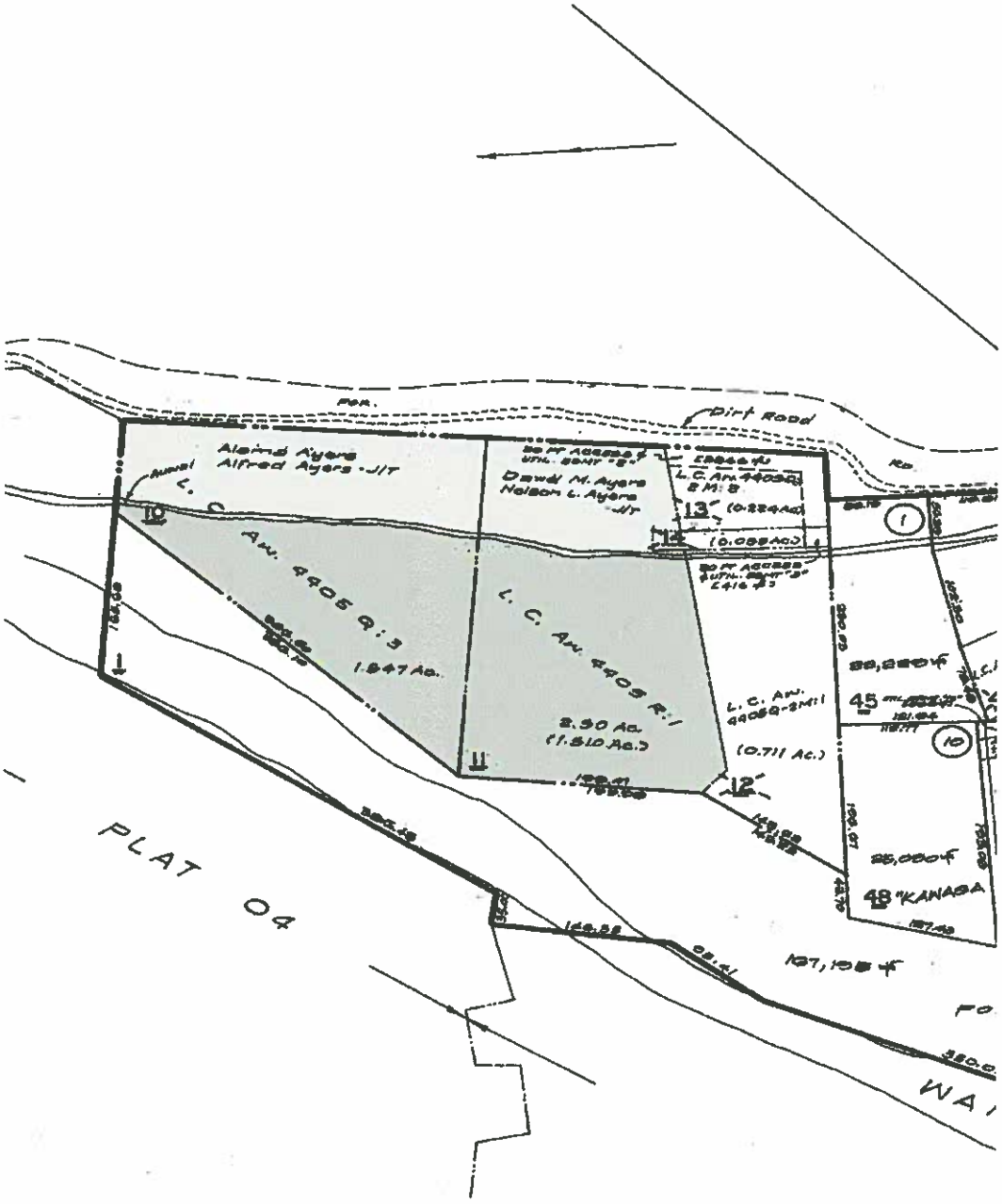
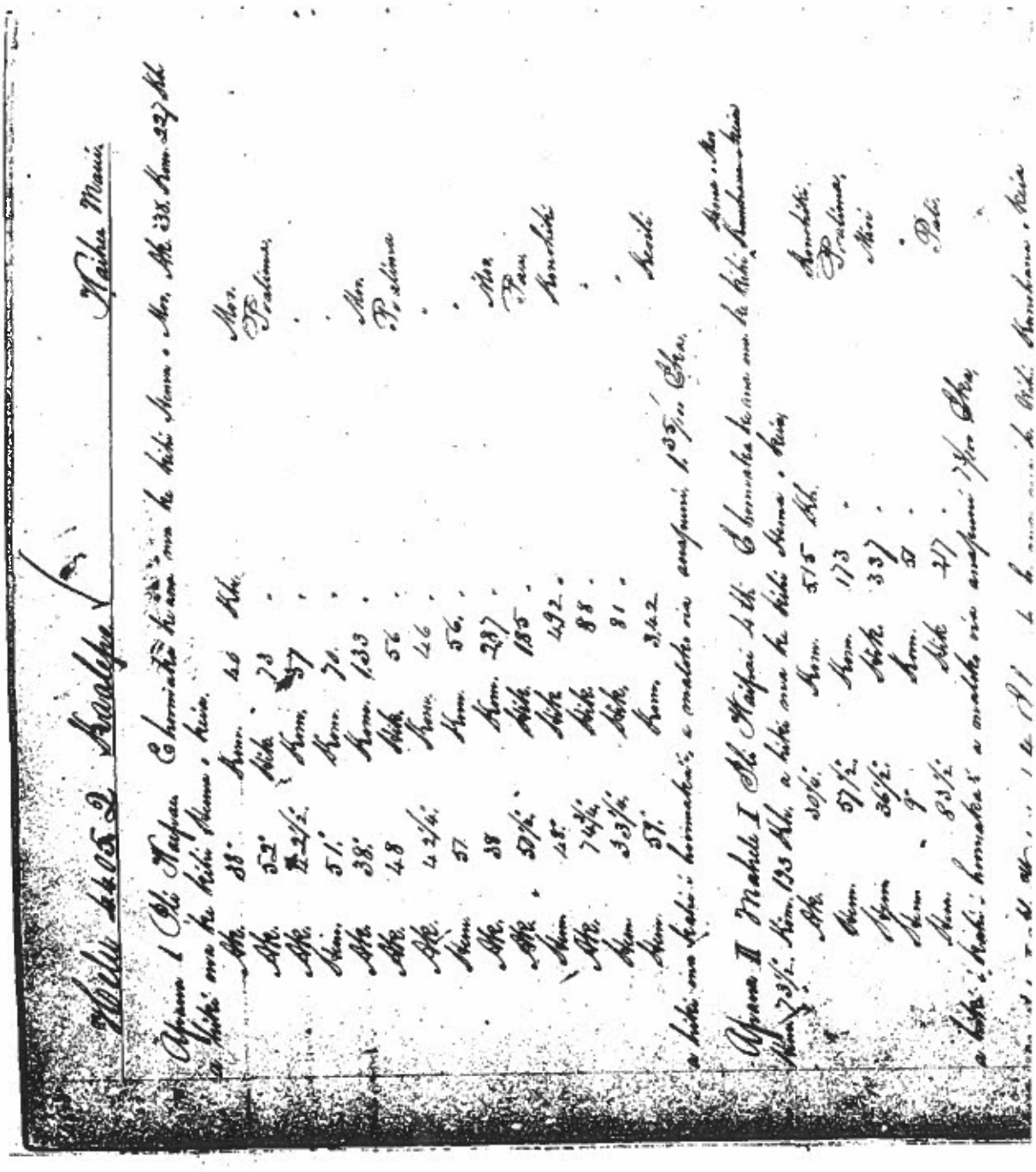


Exhibit 3: Photographs depicting the `auwai and area of proposed water use

Exhibit 4: Māhele records establishing our appurtenant rights for TMK No. 3-2-003:010 (Land Commission Award No. 4405Q, Royal Patent No. 5331)



457

Ukia Pau Lou $ 6.
W. Ellen
G. M. Robertson
C. K. Garrett
J. Mekaulakao

Honolulu Jan 4 1853.

Helu 4405 R. Mioi ✓ Waihu Maui

Apana 1 Ili Waepae. E hoomaka ke ana ma ke kihi Akau o kia, ke kihi Komohana o Kaalepo I

Hem.	36½	Hik.	1.32	Kh.	Kaalepo.
Hem.	56	Kom.	45.	"	Poalima.
Hem.	30	Hik.	40	"	"
Ak.	56	Hik.	45	"	"
Hem.	36.	Hik.	3,36	"	Kaalepo
Hem.	9	Kom.	51	"	"
Hem.	66.	Kom.	3,03	"	Poalima
Ak.	24¼	Kom.	535	"	Kaalepo.
Ak.	66¾	Hik.	216	"	Pupohaku.

a hiki ma kahi i hoomaka'i, a maloko ia anapuni 1.46/100 Eka.

Apana I Ili Waihalulu. E hoomaka ke ana ma ke kihi Hema o kia e pili ana me ka pali.

Ak.	70½	Hik.	92	Kh.	Pali.
Ak.	20¼	Kom.	79	"	Poalima
Ak.	56½	Hik.	66	"	"
Ak.	21¼	Kom.	33.	"	Poalima
Hem.	71	Kom.	1.66	"	Pali.
Hem.	24¼	Hik.	1.29	"	Konohiki.

HELU..... 5330

PALAPALA SILA NUI.

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

NO KA HEA, Ua hoohoio na Luna Hoona i na kumu kuleana aina i ka olelo, ka kuleana oiaio ko Kuleana Helu..... 4405
Kaaleho
noa ke **Ano Alodio** iloko o kahi i oleloia malalo.

Noiila, ma keia Palapala Sila Nui, ka hoike aku ana o Kamehameha IV, ke Alii noi a ka Aina i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la noa iho, a no kona mau hope alii, ua hoawii aku oia ma ke **Ano Alodio** ia Kaaleho
i kela — wahi a pau loa ma Waiehae
ponoi na mokuna,

ma ka mokupuni o Maui

Ap. 1. Ki Waiehae 4 Kaomaka ma ka Hik. Kem o Ano Ap. 38 ilalo 227 Pk
a Kele ma ka Hik. Kema o kela

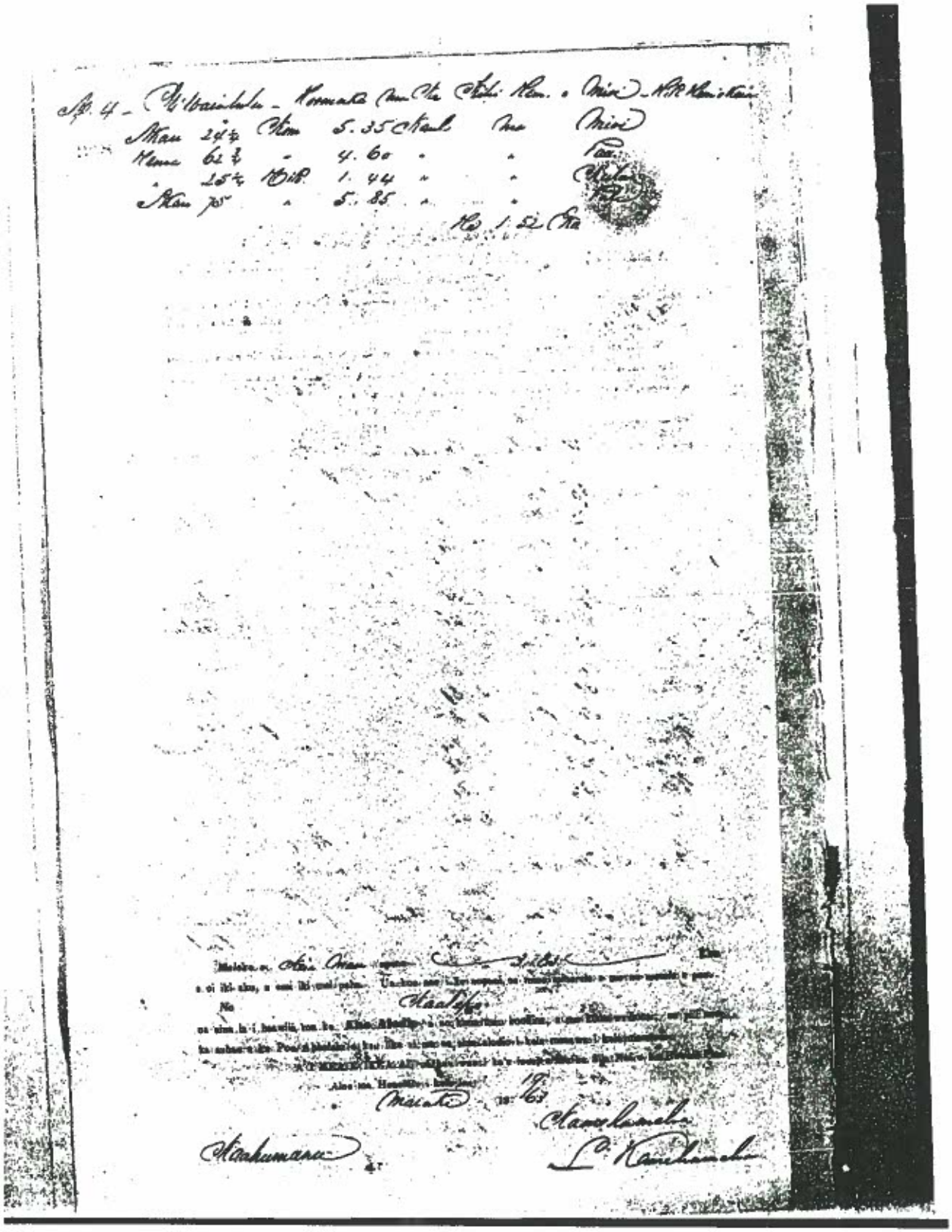
Mau	38° Kom	0. 40	Kaul	ma ka	Moo Pualaina	
"	52 Kik.	— 73	"	"	"	
"	42½ Kom	— 51	"	"	"	
Kema	51 "	— 70	"	"	Moo	
Mau	38 "	1. 33	"	"	Pualaina	
"	48 Kik.	— 56	"	"	"	
"	42½ Kom	— 46	"	"	"	
Kema	51 "	— 56	"	"	Moo	
Mau	38 "	2. 07	"	"	Pau	
"	50½ Kik.	1. 85	"	"	Kamehele	
Kema	48 "	4. 92	"	"	"	
Mau	74½ "	— 88	"	"	"	
Kema	35½ "	— 80	"	"	Keeli	
"	59 Kom	3. 42	"	Ke	1. 35 Ele	

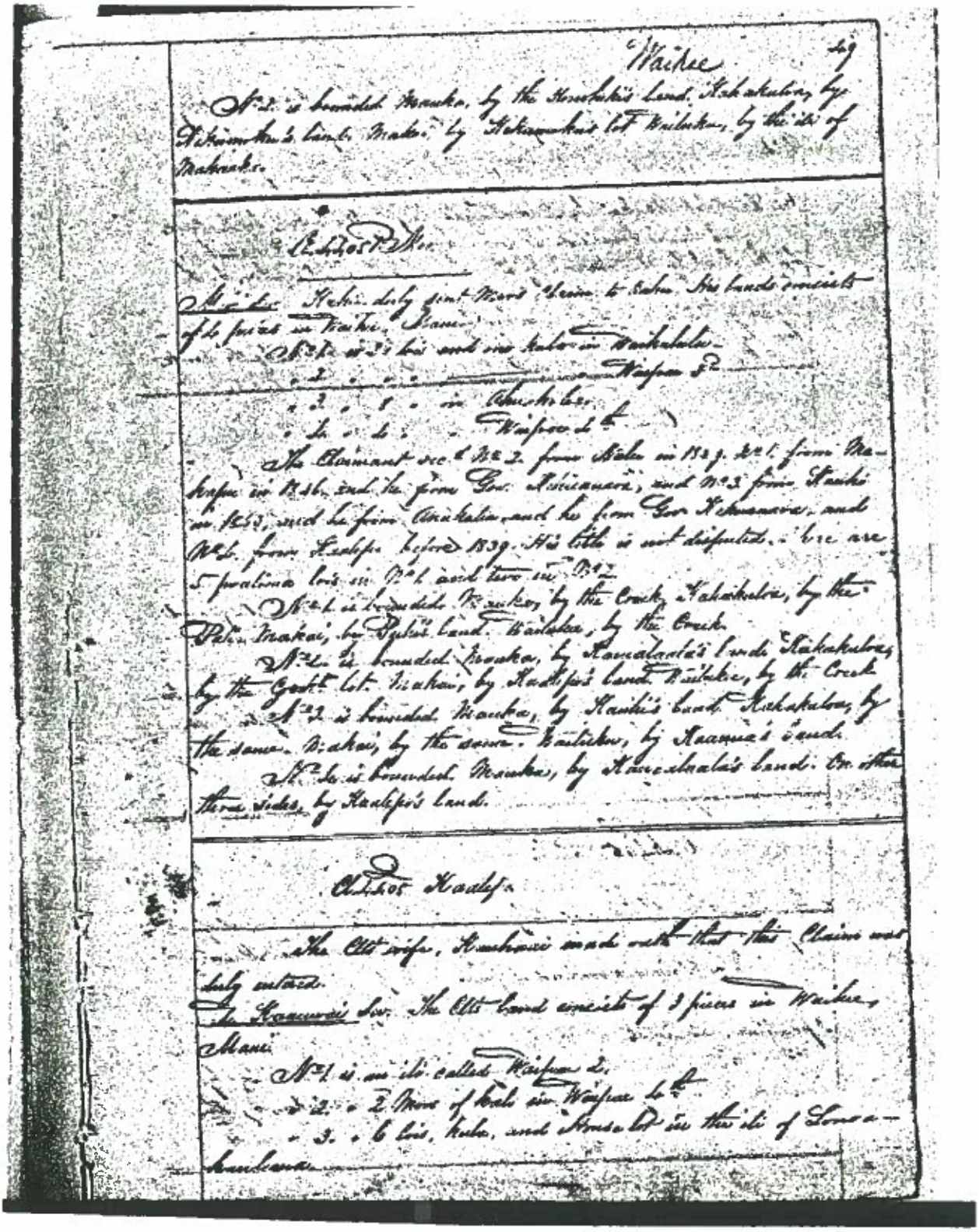
Ap. 2 Ki Waiehae 4 (Makahi) Kaomaka ma ka Hik. Kem o Moo
Kem. 73½ Kom. 1. 93 Kaul Hik. Hik. Kem o kela
ma Kamehele

Mau	30½ Kom	5. 15	Kaul	ma	Pualaina	
Kema	57½ "	1. 73	"	"	Keeli	
"	36½ Kik.	3. 37	"	"	"	
"	9 Kom	— 51	"	"	Pali	
"	83½ Kik.	2. 17	"	"	"	

Ap. 3. Ki Waiehae 4 (Makahi) Kaomaka ma ka Hik. Kem
ma Kamehele

Mau	30½ Kom	1. 26	Kaul	ma	Pau	
Kema	60½ "	1. 87	"	"	Keeli	
"	36½ Kik.	1. 38	"	"	Pualaina	
Mau	57½ "	1. 73	"	Ke	1½ Ele	





Waihee 49

No. 2. is bounded Mauka, by the Konohiki's land. Kahakuloa, by Kekumoku's land. Makai, by Kekumoku's lot. Wailuku, by the ili of Makaaka.

Cl. 4.05 P. Moo.

Moo Sw. Kaki duly sent Moo's claim to Sahu. His lands consists of 4 pieces in Waihee, Maui.

No. 1. is 2 lois and one kula in Waikalulu.
" 2. " " " Waipae 3d.
" 3. " 8 " in Ahuokoloa.
" 4. " 4 " " Waipae 4th.

The Claimant recd No. 2. from Nalu in 1839. No. 1. from Makapu in 1846, and he from Gov. Kekuanaoa, and No. 3 from Kauhi in 1853, and he from Anakalia, and he from Gov. Kekuanaoa, and No. 4. from Kaalepo before 1839. His title is not disputed. There are 5 pualima lois in No. 1 and two in No. 2.

No. 1. is bounded Mauka, by the Creek. Kahakuloa, by the Pali. Makai, by Puhi's land. Wailuku, by the Creek.

No. 2. is bounded Mauka, by Kamalaala's land. Kahakuloa, by the Govt. lot. Makai, by Kaalepo's land. Wailuku, by the Creek.

No. 3. is bounded Mauka, by Kauhi's land. Kahakuloa, by the same. Makai, by the same. Wailuku, by Kaauua's land.

No. 4. is bounded Mauka, by Kamalaala's land. On other three sides, by Kaalepo's land.

Cl. 4.05 Kaalepo.

The Clts wife, Kauhaai made oath that this Claim was duly entered.

To Kaauwai Sw. The Clts land consists of 3 pieces in Waihee, Maui.

No. 1. is an ili called Waipae 2.
" 2. " 2 Moos of kalo in Waipae 4th.
" 3. " 6 lois, kula, and House lot in the ili of Lonoa-kaulana.

No. 4405 P Moo (cont.)

Section 4 - 4 Taro patches at Waipae 4

Mauka	Kanealaala
Kahakuloa, makai, wailuku	Kaalepo

Section 2 from Nalu in 1839. ?Section 1 from Makapuu in 1846. Section 3 from Kauhi in 1843. Kauhi's interest from Anakalea. Sections 4 from Kaalepo, before 1839, no objections. 5 Poalimas in section, 1,2, poalimas in section 2.

No. 4405 Q Kaalepo July 26, 1849

Pawaaai sworn He has known - Kekahio had written before 1848. 2. Kaauwai sworn He has seen definitely 1 section in Waipae 2 ili of Waihee, he has not seen the other two sections.

Section 1 - Ili of Waipae 2

Mauka	Moo
Kahakuloa	Land fence
Makai	Kawahalea
Wailuku	Stream

Section 2 - 2 Moo's in Waipae 4

Mauka	Mioi
Kahakuloa	Land fence
Makai	Kanealaala
Wailuku	Stream

Section 3 - 6 patches, pasture and house in Lonoakaulana

Mauka	Waihalulu ili
Kahakuloa	Land fence
Makai	Mioi
Wailuku	Stream

All sections from Kaauwai in 1829. 2 Poalimas in first section, no objection.

No. 4405 R Mioi July 26, 1849

Claimant sworn Kekahio wrote (claim) before 1848. Paweai sworn He has seen 2 sections in the ilis of Waihee.

Section 1 - Ili of Waipae

Mauka	Lonoakaulana ili	Page 287
Kahakuloa	Land fence	
Makai	Kaalepo	
Wailuku	Stream	

Section 2 - 8 patches at Waihalulu

Mauka, Kahakuloa	Moo
Makai	Puhi
Wailuku	Moo

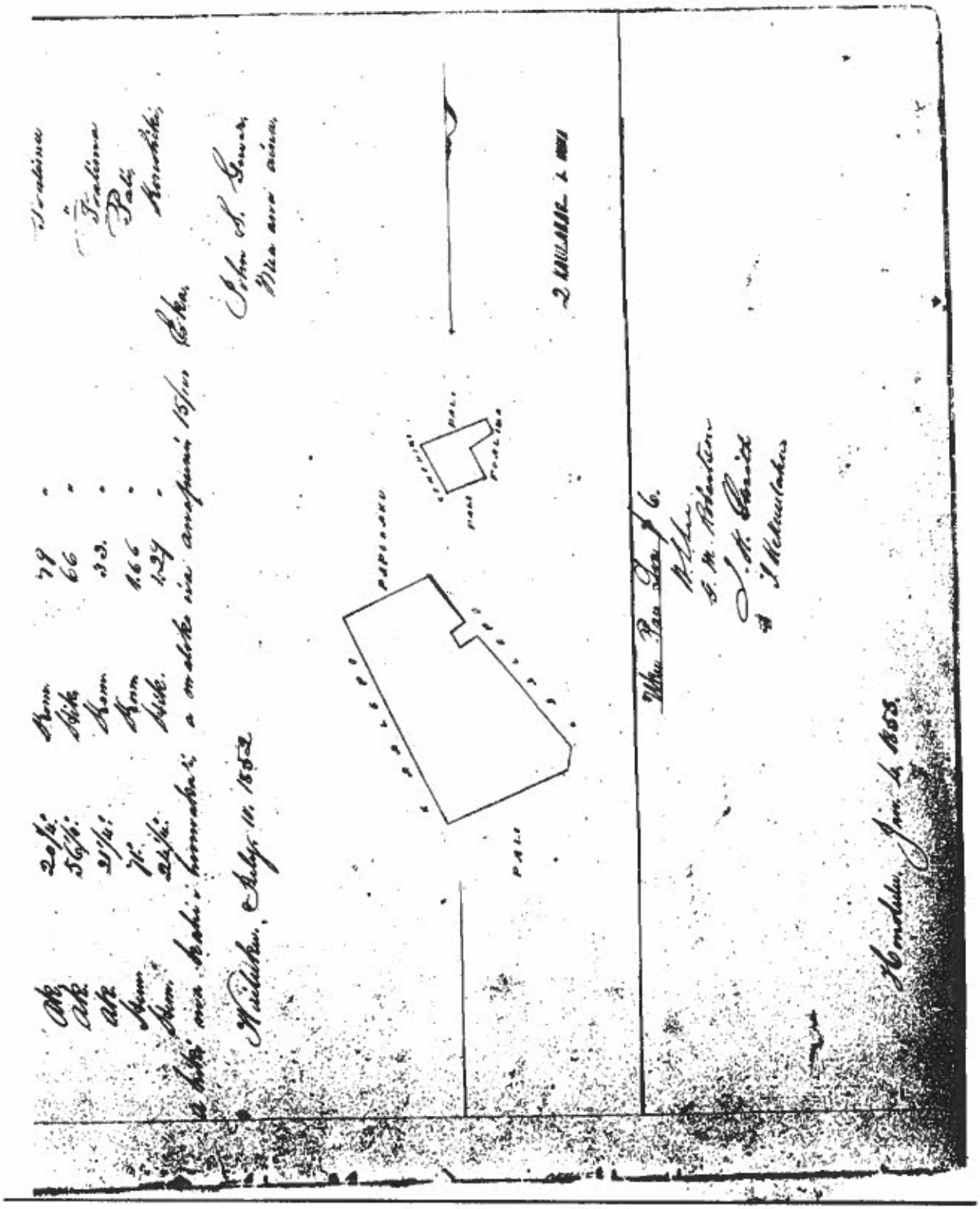
First section from Z, Kaauwai in 1829. Section 2 from Makapuu in 1846. Makapuu's land from M Kekuanaoa. No objections. 2 Poalimas in first section, none in section 2.

No. 4405 S Puhi July 26, 1849

Moo sworn He has known - Kekahio had written (claim) before 1848. He has seen 1 taro section and pasture in Waihalulu ili of Waihee. Puhi's land from Makapuu in 1846. Makapuu's interest from (M.K.). No objection, 3 poalimas in there.

Mauka	Mioi
Kahakuloa	Stream/Pa
Makai	Lonoakaulana ili
Wailuku	Stream

Exhibit 5: Māhele records establishing our appurtenant rights for TMK No. 3-2-003:011 (Land Commission Award No. 4405-R, Royal Patent No. 6459)



HELU 6459.

PALAPALA SILA NUI

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

NO KA MEA. Ua hooholo na Luna Hoona i na komu kuleana aioa i ka olelo, he kuleana oiaio ko Miri Kuleana Helu 4405 B.

ma ke **Ano Alodio** iloko o kahi i oleloia malalo.

Nolaila, ma keia Palapala Sila Nui, ko hoike aku noi o Lunalilo, ke Alii Nui a ke Akua i Kooa lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona mau hope alii, ua haawi aku oia, ma ke **Ano Alodio** ia Miri

i kela wahi a pau loa ma Waihee Waipae

ma ka Mokupuni o Maui penei na mokuoa:

Ap. 1. E hoomaka ma ke kihi Ak. ke kihi Kom. o Haalepo 2.

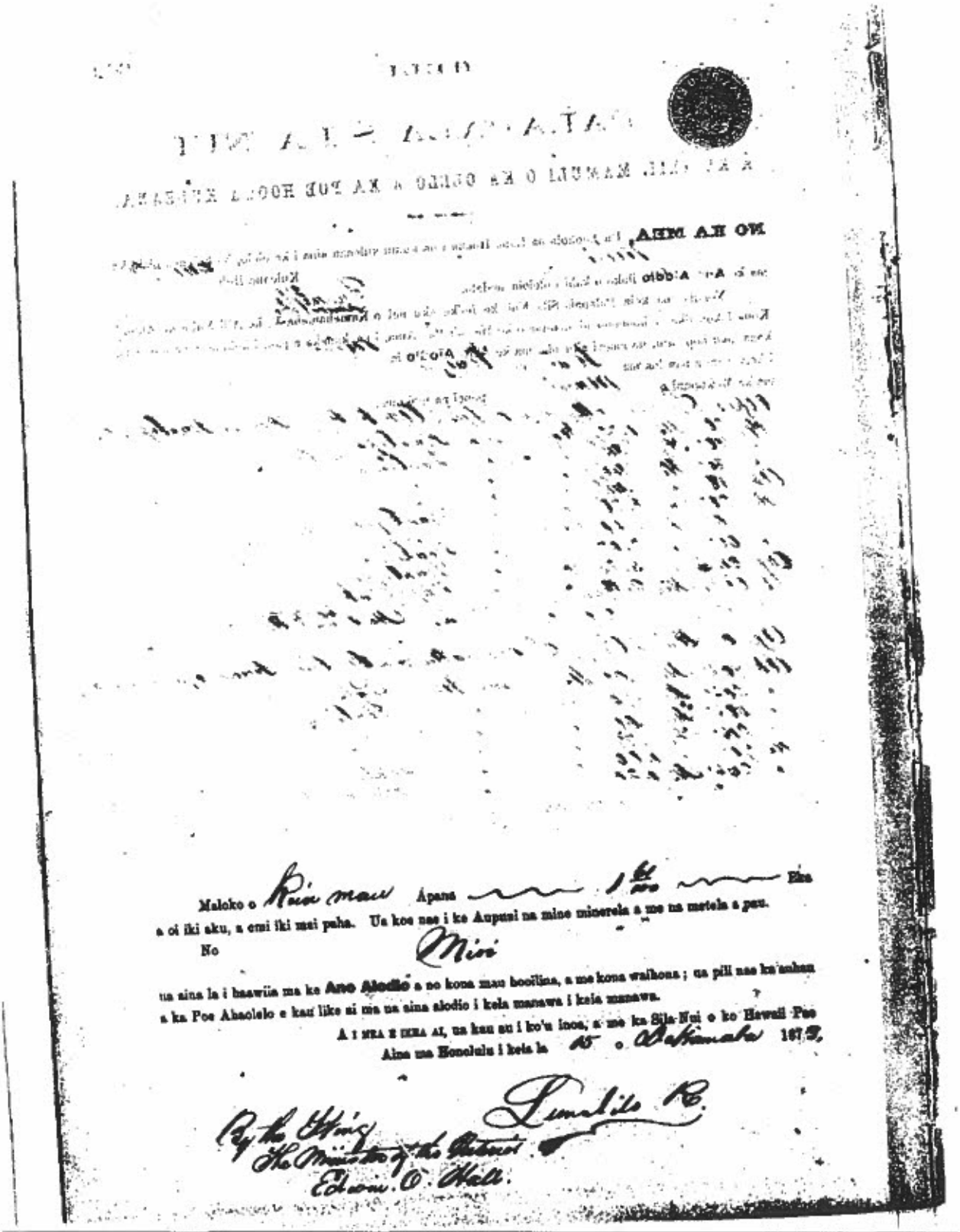
He	36½°	Hi	1.32	Kaul ma	Haalepo
"	56°	Ko	.45	" "	Poalima
"	30°	Hi	.40	" "	"
Ak	56°	"	.45	" "	"
He	36°	"	3.36	" "	Haalepo
"	9°	Ko	.57	" "	"
"	66°	"	3.03	" "	Poalima
Ak	24½°	"	5.35	" "	Haalepo
"	66½°	Hi	2.16	" "	Papohaku.

i ke kihi mua Ha 1 [illegible] Eka.

Ap. 2. Waihalula. E hoomaka ma ke kihi Hana. e pili ma ke pali.

Ak	70½°	Hi	.92	Kaul ma ka	Pali
"	20½°	Ko	.79	" "	Poalima
"	56½°	Hi	.66	" "	"
"	21½°	Ko	.33	" "	"
He	71°	"	1.68	" "	Pali
"	24½°	Hi	1.29	" "	Honohiki

i ke kihi mua [illegible] Eka.



Maloko o Kiia mau Apana 1 61/100 Eka
a oi iki aku, a emi iki mai paha. Ua koe nae i ke Aupuni na mine minerela a me na metela a pau.

No Mioi

ua aina la i haawiia ma ke Ano Alodio a no kona mau hooilina, a me kona waihona; ua pili nae ka auhau
a ka Poe Ahaolelo e kau like ai ma ua aina alodio i kela manawa i keia manawa.

A I MEA E IKEA AI, ua kau au i ko'u inoa, a me ka Sila-Nui o ko Hawaii Pae
Aina ma Honolulu i keia la 15 o Dekemaba 1873.

Lunalilo R.

By the King
The Minister of the Interior
Edwin O. Hall.

No. 4405 P Moo (cont.)

Section 4 - 4 Taro patches at Waipae 4

Mauka	Kanealaala
Kahekuloa, makai, wailuku	Kaalepo

Section 2 from Nalu in 1839. ?Section 1 from Makapuu in 1846. Section 3 from Kauhi in 1843. Kauhi's interest from Anakalea. Sections 4 from Kaalepo, before 1839, no objections. 5 Poalimas in section, 1,2, poalimas in section 2.

No. 4405 Q Kaalepo July 26, 1849

Pawaaai sworn He has known - Kekahio had written before 1848. Z. Kaauwai sworn He has seen definitely 1 section in Waipae 2 ili of Waihee, he has not seen the other two sections.

Section 1 - Ili of Waipae 2

Mauka	Moo
Kahakuloa	Land fence
Makai	Kawahalea
Wailuku	Stream

Section 2 - 2 Moo's in Waipae 4

Mauka	Mioi
Kahakuloa	Land fence
Makai	Kanealaala
Wailuku	Stream

Section 3 - 6 patches, pasture and house in Lonoakaulana

Mauka	Waihalulu ili
Kahakuloa	Land fence
Makai	Mioi
Wailuku	Stream

All sections from Kaauwai in 1829. 2 Poalimas in first section, no objection.

No. 4405 R Mioi July 26, 1849

Claimant sworn Kekahio wrote (claim) before 1848. Pawaai sworn He has seen 2 sections in the ilis of Waihee.

Section 1 - Ili of Waipae

Mauka	Lonoakaulana ili
Kahakuloa	Land fence
Makai	Kaalepo
Wailuku	Stream

Section 2 - 8 patches at Waihalulu

Mauka, Kahakuloa	Moo
Makai	Puhi
Wailuku	Moo

First section from Z, Kaauwai in 1829. Section 2 from Makapuu in 1846. Makapuu's land from M Kekuanaoa. No objections. 2 Poalimas in first section, none in section 2.

No. 4405 S Puhi July 26, 1849

Moo sworn He has known - Kekahio had written (claim) before 1848. He has seen 1 taro section and pasture in Waihalulu ili of Waihee. Puhi's land from Makapuu in 1846. Makapuu's interest from (M.K.). No objection, 3 poalimas in there.

Mauka	Mioi
Kahakuloa	Stream/Pa
Makai	Lonoakaulana ili
Wailuku	Stream