STATE OF HAWAII ORIGINAL

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

For Official Use Only:

RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 APR 30 AM 8: 28

FORM SWUPA-N

☒ Application for New use
☐ Application to Modify SWUP No. _____

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.2331.6

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
KENNETH LEE (LANDOWNER) LESTER NAKAMA (LESSEE)	Lester Nakama (Aloha Poi Factory; lessee)	WAILUKU WATER CO. LLC	Avery Chumbley

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
Aloha Poi Factory, Inc. 800 Lower Main Street 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: MULTIPLE Hydrologic Unit Code: MULTIPLE

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 1

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 2 - 014 : 001 (Zone - Sec - Plat : Parcel)

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 2 - 018 : 040 (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 1

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

☒ Yes. How much water will be returned? see Attachment 1

☐ 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 1

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

9. TOTAL QUANTITY OF WATER REQUESTED: 257,800 gallons per day. See Table 1, Item14.

10. PROPOSED USE: Check all that apply. See Table 1, Item 1.

☒ Agriculture ☐ Domestic ☐ Industrial
☐ 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?

X Yes. List the file reference name(s): LEE CB ☐ 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
K. Peter Lee Signature	Signature
K. PETER LEE Print	Print
APRIL 21, 2009 Date	Date

FILE ID: SWUP. 2331.6

DOC ID: 3465 ✓

LEE NAKAMA

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 1 8 : 0 4 0 Zone Sec Plat Parcel	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.066	300,000	257,800	☐ Yes ☒ No	Total amount requested reflects reduction by existing use amount, see Attachment 1
	- - : 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 NON POTABLE USE	257,800 13	**GPD**	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	257,800 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

To the best of my knowledge, there are no limitations on the use of water described above.

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	8
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 - 2 - 0 1 8 : 0 4 0 (Zone Sec Plat Parcel)	TARO (WETLAND)	2.132	1.066	YEAR ROUND	YEAR ROUND	FLOOD (TARO)	IRRIGATE TO FIELD CAPCITY
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							
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		see Attachment 1
Wastewater reuse		see Attachment 1
Ditch system		see Attachment 1
Desalinization		see Attachment 1
Ground water		see Attachment 1
Other (specify)		N/A

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 1

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
see Attachment 1

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 1

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 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.)

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

APPLICATION FOR SURFACE WATER USE PERMIT
PROPOSED NEW USE

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 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

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.*

ATTACHMENT 1

EXHIBITS: Appended hereto as **EXHIBIT 1** is a copy of the 7.5 minute-series USGS topographic map with the North Waiehu and Waihe`e Ditch diversions labeled. **EXHIBIT 2** is a TMK map showing the location of our property as well as a close-up of the property showing the locations of our `auwai diversion and area of proposed use. **EXHIBIT 3** contains copies of photographs of our `auwai diversion and area of use. **EXHIBIT 4** is described below.

ADDITIONAL INFORMATION FOR SWUPA-N BOXES:

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.

3. Surface Water Hydrologic Unit:

Hydrologic Unit & Codes: Waihee, 6022; Waiehu, 6023

4. & 5. Instream Flow Standards:
There currently are no Instream Flow Standards for Nā Wai `Ehā, and a petition to upwardly amend the Interim Instream Flow Standards is pending. There is sufficient water upstream of all diversions to accommodate my proposed use.

7a. & b. Proposed Stream Diversion:
We are kuleana users in Waiehu that receive kuleana water from two sources (see Exhibits 2B and 3). One source is a kuleana `auwai that receives water from North Waiehu Stream. Water is diverted from North Waiehu Stream (TMK No. 3-2-014:001) (see attached USGS topo map) into the North Waiehu Ditch and a 6 inch pipe in North Waiehu Ditch brings water across Waihe`e Ditch and under a plantation road. At some point under the plantation road, the pipe is reduced to 4 inches. The pipe splits and some water comes east toward the Ciacci's land and some goes toward the Ho`opi`is land. The outflow from the Ho`opi`i's pipe eventually meets up with the portion of the water that comes toward the Ciacci's land. The water flows through the Ciacci's lo`i kalo and other neighboring land and the outflow comes onto our land in an open ditch.

The other source is a kuleana `auwai that runs along Malaihi Road. The `auwai receives water from Waihe`e Ditch, after Waihe`e Ditch receives water from Waihe`e River and North Waiehu Stream. Water is diverted from Waihe`e River at the Waihe`e diversions (see attached USGS topo map) into the Waihe`e Ditch. Water is diverted from North Waiehu Stream (TMK No. 3-2-014:001) (see attached USGS topo map) into the North Waiehu Ditch, then into Waihe`e Ditch. Water from the Waihe`e Ditch flows into a pipe and weir, then into an open ditch. The

water continues makai in the ditch and pipes down both sides of Malaihi road until it passes adjacent to TMK 3-2-018:044. The water cuts across the Ciacci property and meets up with the North Waiehu kuleana `auwai (described above). The combined `auwai continues through the neighboring land and onto our property where we access the water via an open ditch for our lo`i kalo. The outflow empties into Spreckels Ditch and/or Reservoir 25 via an open ditch. We intend to use the same system for our "new" uses.

8. Flow Measurement Information: See explanation for **Table 1 Box 11**, below.

12. Appurtenant Rights:
Our property has 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 is for ancient lo`i kalo that we have restored. Attached hereto as **EXHIBIT 4** are true and correct copies of Māhele records for Land Commission Award No. 11256, Royal Patent No. 7248 and Land Commission Award No. 2475, Royal Patent No. 6528, including testimony indicating the land was in kalo. This land has been in our family for many generations, and based on our knowledge of the history of this kuleana and our family 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. Justification for Requested Quantity:
This application is to request sufficient water for our existing lo`i kalo. No new land will be put into cultivation. We estimated the existing amount of water flowing into our lo'i kalo is 62,000 gallons per day for 1.066 acres of kalo, based on the bucket measuring method (see concurrently filed SWUPA-E). This estimated amount is not enough to produce a healthy crop of wetland kalo on the full amount of land we could cultivate. Although we try to make due with what we have, the lack of water causes problems like small corms, taro rot, and uncontrollable weeds. We request at least 300,000 gallons per acre per day for our wetland kalo, which, based on Lester Nakama's more than 45 years of experience as a kalo farmer, is necessary for a healthy crop. Accordingly, we need a total of 319,800 gallons per day (1.066 acres multiplied by 300,000 gallons per day). Because our existing use is 62,000 gallons per day, we subtracted that from the 319,800 gallons to get our estimate of 257,800 gallons per day.

Table 3B: 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.

Moreover, even if we did not have protected rights to stream water, there is no potentially available alternative source that is economically practicable. We lease our land to Aloha Poi Company to grow kalo in the traditional manner in the ancient lo`i on our land. Aloha Poi makes poi out of the kalo they grow to provide the local community with a nutritious

and culturally significant food source. An alternative water source that would require us or Aloha Poi to pay for the volumes of constantly flowing water in our lo`i necessary to keep temperatures cool and support healthy kalo would make Aloha Poi's wetland kalo cultivation using traditional methods economically impossible. We would effectively be denied our appurtenant right and the opportunity to grow kalo on our land. As shown below, each potentially available alternative water source is impracticable and imposes a cost on exercising our 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 wetland kalo cultivation by installing a larger 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. Additionally, the closest wastewater treatment plant is in Kahului. As a small user engaged in wetland kalo cultivation using traditional irrigation methods, we do not have the means to hookup to and use that water.

Ditch system. We are currently using water from an existing `auwai, although water is not available consistently and in sufficient amounts to support the existing uses on our system, including our own uses. Getting water from a different ditch system other than the existing system that already services our land is not practicable or efficient. 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 and irrigation system. As a small user engaged in wetland kalo cultivation, 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 wetland kalo cultivation using traditional methods, we do not have the means to install and maintain such infrastructure.

Table 3C: Additional Requirements

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

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, 162, 9 P.3d 409, 474 (2000) ("Waiāhole I"). Further, 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 used for kalo cultivation. We grow kalo in traditional ways and use it to make poi for sale in local stores. Our lo`i kalo help maintain ecological balance and scenic beauty and allow the perpetuation of the Native Hawaiian culture. As such, our proposed use of stream water is consistent with the public interest. Additionally, the exercise of appurtenant rights is a protected public trust purpose. Waiāhole I, 94 Haw. at 137 n.34, 9 P.3d at 449 n.34.

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 example, we use pipes whenever possible to reduce water seepage and evaporation. Therefore, the water we have requested is for a "reasonable-beneficial use."

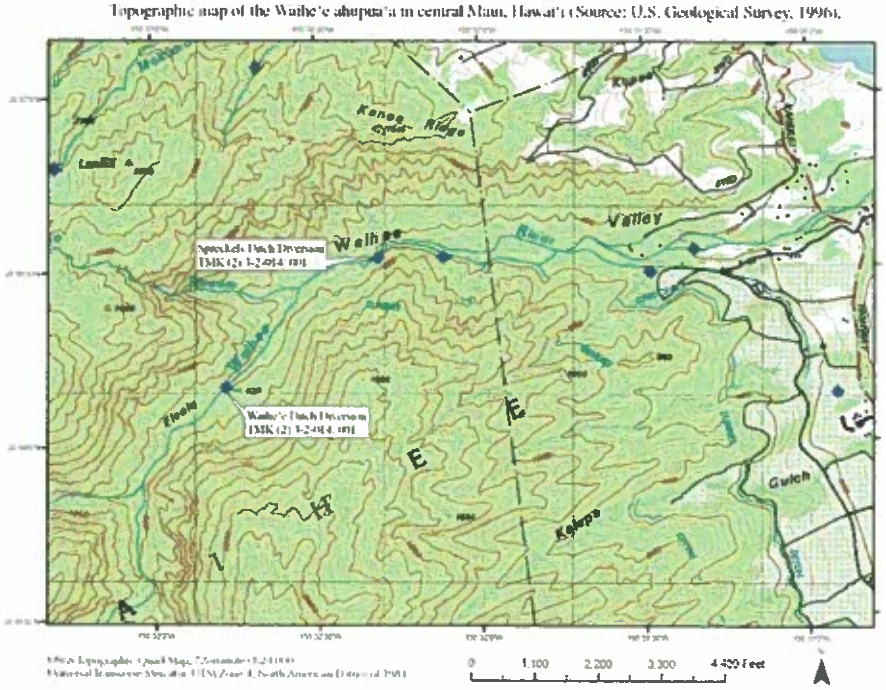
2) Our proposed use(s) will not interfere with any existing legal use

Our proposed use will not interfere with existing legal uses. The exercise of our appurtenant right has first priority by law. We believe the flows of Waihe`e River and North Waiehu Stream are able to accommodate our new use, particularly given that this use is a legally protected public trust purpose.

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 Nā Wai `Ehā streams. 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.

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



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

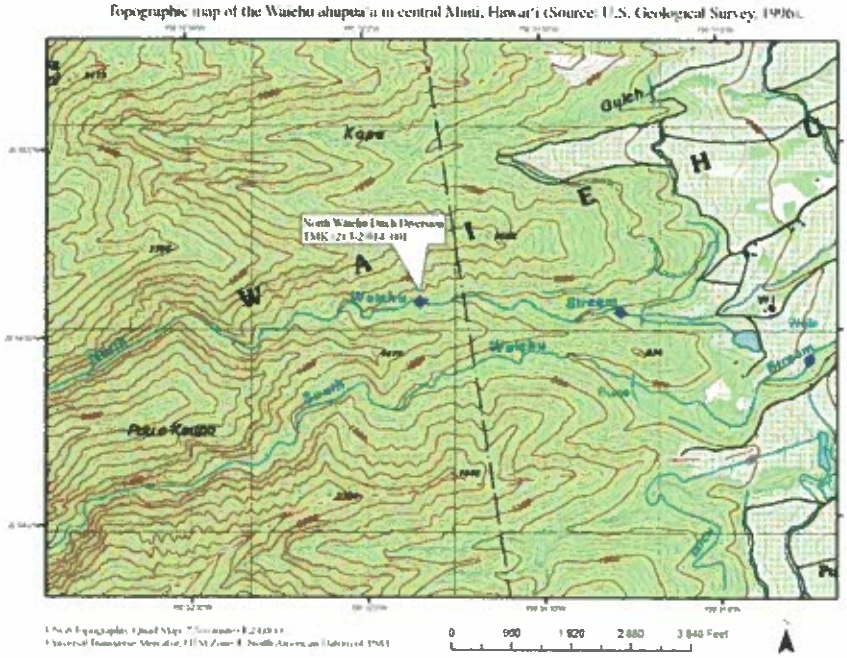


EXHIBIT 1: USGS Maps

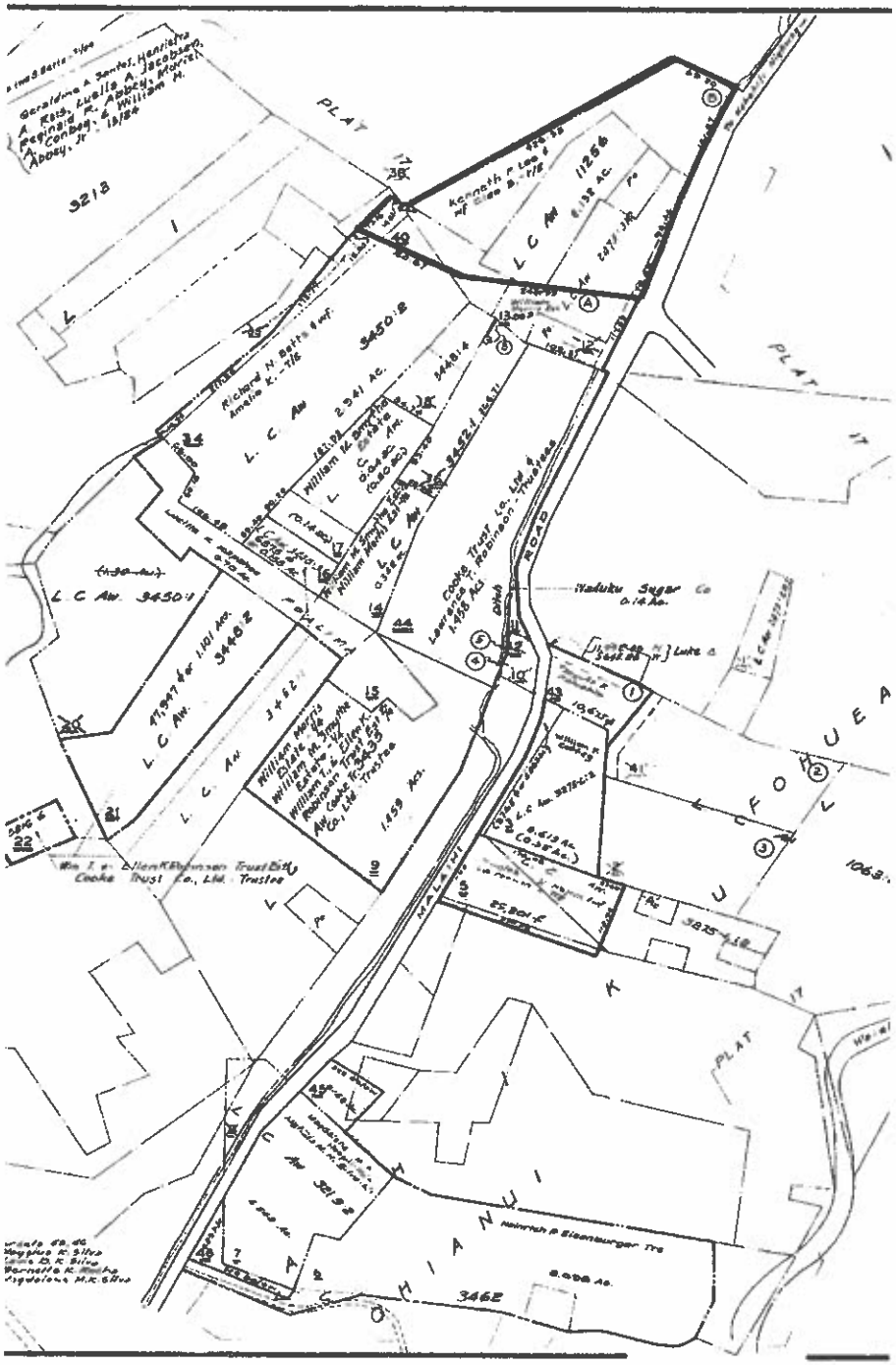


EXHIBIT 2A: TMK Map with parcel outlined

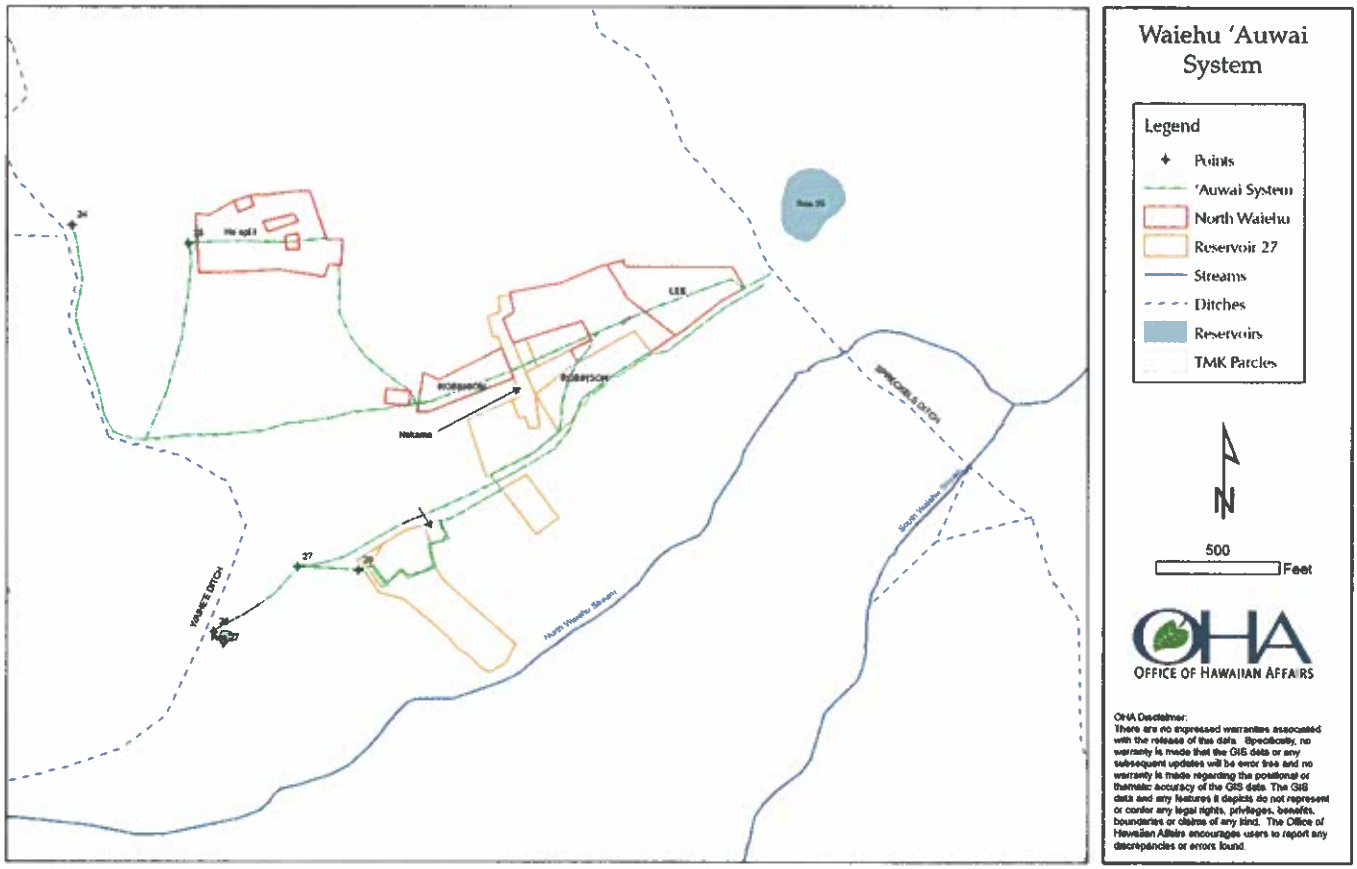
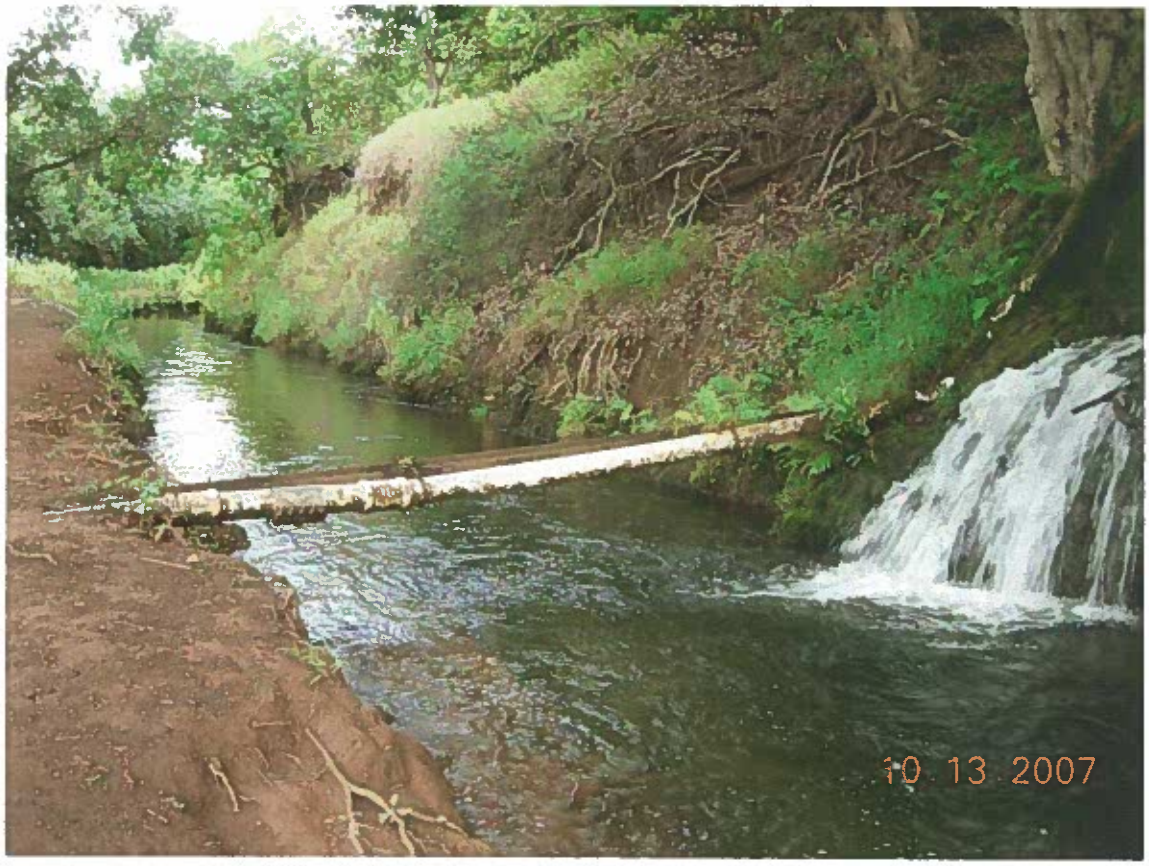


EXHIBIT 2B: TMK Map depicting the water system in relation to land



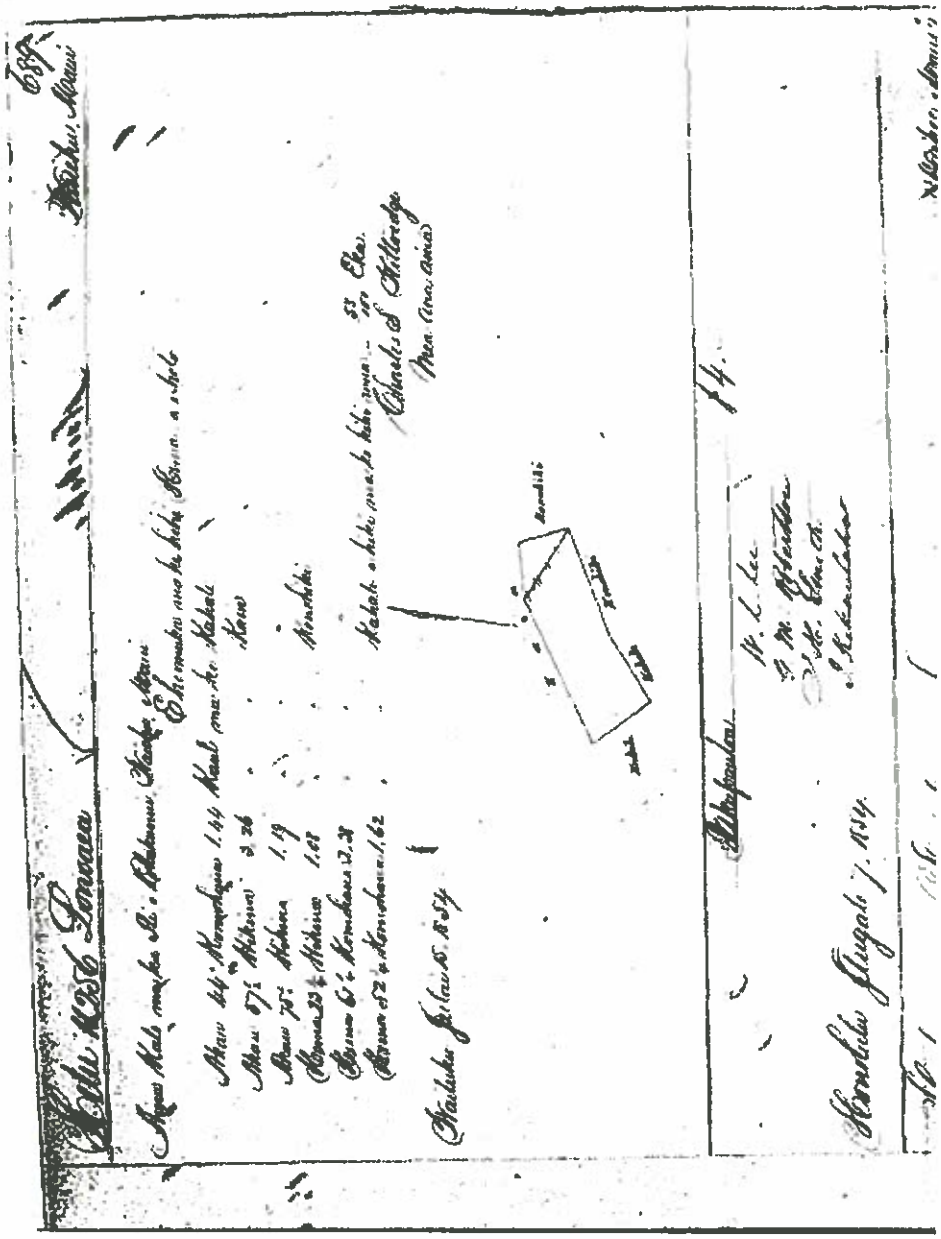
The above photograph depicts the 6-inch pipe that crosses Waihe`e Ditch and goes underground before delivering kuleana water to our land. The North Waiehu Ditch is emptying into the Waihe`e Ditch to the right.

These photographs depict the `auwai as it runs down Malaihi Road on a rainy day.

The above photo depicts the inflow onto our land (on a rainy day) after the North Waiehu and Malaihi Road `auwai have combined.

The above photo depicts a portion of our lo`i kalo.

EXHIBIT 4: Māhele Documents



Helu 7448

15

Palapala Sila Nui

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

No na Mea.—Ua hoohoio ua Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana ainu ko

Lonoaea — Kuleana Helu 11256

ma ke **Ano Aiolo** iloko o kahi i olelo malalo.

NOLAILA, ua hoia **Palapala Sila Nui,** ko hoike ana mai o KALAKAUA, ke Alii Kui a ke Akua i hana koleamaikai i hoonohi a malama o ke Hawaii Pae Aina, i na kanaka a pau, i hoia ia oona iho, a no kona inoa hope Alii, a ua hawai aku oia, ma ke **Ano Aiolo** ia Lonoaea

i hoia e wahi a pau loa ma Koolii o Pohakuloa Waiehu

ma ka Mokupuni o Maui penei na ekolu:

Luna Kalo

Ohumaka ona ka kihi o Kapa a ekolu

Aki 1½ Ko 1111 Kihi ana ka i Kahak

Aki 8½ Ko 326 " " Kaua

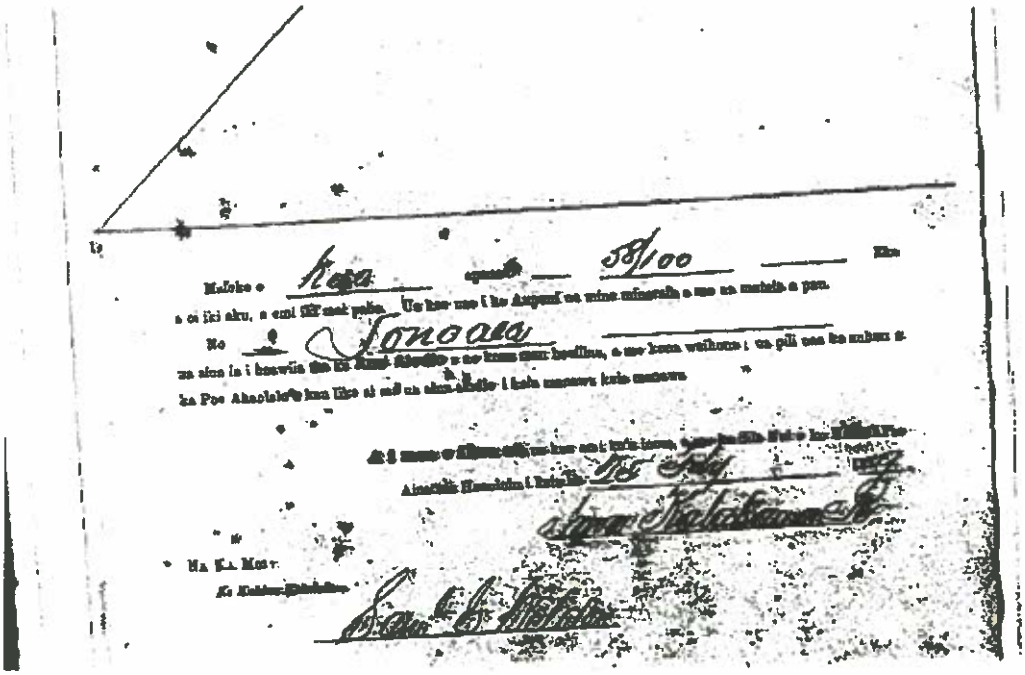
Aki 7½ " 119 " "

Ko 23½ " 108 " " Kaukoko

Ko Ostwicka 288 " "

Ko 5½ " 168 " " Kahale a kiki ana ka

Kula ana



It
me, and so his son shall hold it under
my son hereafter.

A. Moku, sworn, says he knows this lot
in dispute between Kaumuna and a Kaa.
Knows that Manoma was in possession of
this place as far back as 1835, or '36, and
up to the time he went to Kauai. He is
one who enclosed the lot, - erected houses on
it, and planted it with trees.

Nawahi, sworn, says she lives on the lot in
dispute. She has planted one tree about
six years ago. The house I live in was built
by Manoma. When I went there to live, the
family of Manoma were living there.
It was partially enclosed before Manoma lived
on it, by the fence of the Ahupuaa built
by Kaaimakale, & then Manoma enclosed
it properly. When Manoma left for Kauai
the lot reverted to Kaaimakale. Kaumuna
was then at school at Lahainaluna, and
did not live on this lot.

Wailuku Nov. 11. 1858

No. 11,256. Lonoaea.

Kapela, sworn. - I wrote out this claim in
1854, and filed this with many others on hand a
court at Kahului found for Baba. Some other
on the same hands was issued at the Hale
Hana. Witness exhibited a note book he had kept
in which the claims were recorded among others
he had written.

Kauwa, sworn. Knows the claimant's land
in the ili of Ohakamuni, Wailuku, Maui. It is one

piece of Kali land, and is bounded
Mauka by Kahale's land.
Makai " Kaua "
Kakai " Konohiki "
Kaihuka " Kahale " & the Makai
Claimant received this land from his
father who received it from Kamehameha. The
Konohiki in 1836, and he has occupied it
without dispute till the present time.
There are five lots of the Konohiki connected
with this land.
Kaiana, known, confirms in full the tes-
timony of Naude.

Waikiki Augt 5 1854

G M Robertson Esqr
Dear Sir

Herewith I send you the follow-
ing surveys

6655 Ulana — Aikea
6417 Kau
6503 Apiko
6521 Kamau — Kaimuela

The new piece surveyed was to be added to the other by consent
of the Konohiki — B F Griffin.

7992 Kaua Waiakea probably identical with the award
5750 — but Klt. relinquished the balance of his claim to which
he had a good right and wished that might be enlarged
rather than have his Kuleana in different places.
The old award ought to be dispensed with the cost of
both charged in the new award.

Ahupuaa — 46.00

W. C. Lee
G. M. Robertson
J. Kekauonohi
K. Emoto

Honolulu. Dekemaba 27. 1853.

Hiki 2475 Kahalekuki I — Palekaluaiha Wailuku. Maui.

Apana I. Mahele I. Ili Kalualena. Ehomaka ke ana ma ke kihi Hikina o kua. 0.C 5 7 4 50

A 46' Ku 5.35 Kk ma Kahawai
Ku 40½ Ku 2.11 . . .
Ku 87' Ku 12 . . ka Auwai
Ku 68½ Ku 5.56 . . Pali. a hiki ma kahi i homaka'i. a malaki ia Anapuni
ma Mahele II. 82/100 Eka.

Mahele II. Ehomaka ke ana ma ke kihi kimokuna o kua i pili ana ka Mahele I kihi
Hikina Ku 87' Ku 2.88 Kk ma ka Pali
A 77½ Ku 1.76 . . .
A 55' Ku 1.52 . . Kahawai
Ku 72' Ku 3.45 . . . a hiki ma kahi i homaka'i. a malaki ia
Anapuni. —

Apana II. Ili Poohina. Ehomaka ke ana ma ke kihi Hikina o kua.
Ku 35' Ku 2.37 Kk ma ke Kanae
A 57½ Ku 18 . . ka Poohina
A 60½ Ku 2.37 . . ka Kanae
Ku 57½ Ku 36 . . . a hiki ma kahi i homaka'i. a malaki ia
Anapuni 77/100 Eka.

Apana III. Ili Pohakuniu. Ehomaka ke ana ma ke kihi Hikina o kua i pili ana
ka Auwai

HELU 6528.

PALAPALA SILA NUI

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

NO KA MEA, Ua hoobelo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko Kuleana Helu 2 u/o
ma ke **Ano Alodio** loko o kahi i ololoia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha V, ke Alii Nui a ke Akua i Kona lokomaikai i hooneho ai malunu 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
i kela wahi a pau loa ma
ma ka Mokupuni o penei na mokuna:

Ap 1. Mahele I. Eli Kuhelani. O Kumatta Kl ame ona Ki Kihi Kuk, Kiia
Ap 46' Kl 5.35 Kaul ma Kahanui
Ae 40½' " 2.10 " "
" 8½' Kl .12 " " Auwai
" 6½' " 5.12 " " Pali a me Kihi i komoki
Anapuni oia me Mahele I Kl O Ka.

Mahele II O Kumatta Kl ame ona Ki Kihi Kum, Kiia, Pili ame Ka Mahele
Kihi Kuk.
Ae 5½' Ae 2.00 Kaul ma Ka Pali
Ae 77½' " 1.75 " "
" 65' Kl 1.52 " " Kahanui
Ae 76' " 0.49 " " " a hiki ma Kihi i komoki.

Ap 2. Eli 1. Poehua. O Kumatta Kl ame ona Ki Kihi Kuk, Kiia
Ae 35 Ae 2.37 Kaul ma Ka Hanai
Ae 5½' Ae .51 " " Poehua
" 44½' Ae 2.07 " " Hanai
Ae 57½' Ae .16 " " " a hiki i Kihi i komoki.

Ap III. Eli Pohakuni. O Kumatta Kl ame ona Ki Kihi Kuk, Kiia
pili ma Ka Auwai
Ae 43' Kl 2.21 Kaul ma Ka Poehua
Ae [illegible]
Ae 84' " .17 " " E
Ae 53½' " 2.42 " "
Ae 45½' " .61 " "
Ae [illegible]
Ae 45½' Ae [illegible]
Ae 44½' " [illegible]
Ae 47½' " [illegible]
" 47½' " 2.[illegible] " "
a hiki ma Kihi i komoki. O [illegible]

Maioko o

a oi iki aku, a emi iki mai paha.

No

ua aina la i hawiia ma ke **Ano Aiodio** a o kona mau hobilina, a me kona [illegible]

a ka Poe Ahaolelo e kau like ai me ke [illegible]

A i mea e mea ai, ua kau au i ko'u inoa, a me ke Ku'i o Hawaii Pae

ma Honolulu i keia la [illegible] 1857

By the King
The Minister of the Interior

Page 515

who administer the land claims of the people from Hawaii to Kauai: The person living at Wahikuli, Island of Maui hereby tells of his places cultivated at Waiehu and at Ahikuli.

At Poohuea, an 'ili at Ahikuli, I have 49 lo'i, 1 hala tree and also a kula in this 'ili. This is a separate 'ili which I have -- it is Kaulu nui, an 'ili at Waiehu. It is bounded on the east by the land of Kaohe, on the west by the land of Kaulu iki, a stream is on the south, a pali is on the north. It is ended.
Ahikuli

KAHOLOMOANA

No. 2474 Kuhi Dec. 29, 1847

Greetings to the Land Commissioners sitting at Halekauila to administer the claims for land from Hawaii to Kauai: At Kaohe in the 'ili of Kaneiakala I have 1 Alani tree /orange?/. I have an independent 'ili named Kauila iki. It is bounded on the east by the land of Kauila nui, on the west by Kaohe, on the north by a stream, on the south by a pali. It is finished.
Ahikuli, Maui

KUHI

No. 2475 Kahalehuki Dec. 23, 1847, Waiehu

To the Land Commissioners: I hereby tell of my lo'is, at Ahi-

Page 516

kuli in Kaluaolena, 10 lo'i. At Pohakunui are 13 lo'i. At Poohuea 1. are 3 lo'i. From Lonoaea are these lo'is which jump in various places. From Kaai are some lo'i at Poohuea, 5 lo'i. From Kekawai is 1 also at Poohuea /and/ 2 other lo'i.

KAHALEHUKI

No. 2476 Kalauao

To the Land Commissioners, Greetings: I hereby state my claim for land inthe 'ili of Punaluu, Ahupua'a of Kaneohe on Oahu. 5 lo'i are in one place, one lo'i is in the 'ili of Puuiki, in Kaneohe. My kula is at my mo'o in Punaluu also. My house is a claim at Punaluu also.

KALAUAO X his mark

No. 2477 Kahau

To the Land Commissioners, Greetings: I hereby state my claim in the 'ili in Waikalua in Kaneohe, Island of Oahu. There are 3 taro lo'i and also a kula in one place with my lo'is. There are also two seaside sand hill /ponds/, and three sweet potato fields. My house is another claim, it is in my mo'o.

KAHAU X his mark

Pali of Waiehu. Makai, by Iokea's & Pokuli's lands. Mauka, by Iokea's lands.

No. 3. is bounded. Mauka, by Kaoha's land. Waiehu & Makai sides, by the Pali. Kai. Mauka, by the Creek of Waiehu.

C. 2475. Kahalikuli.

Hence &c. the Ctt land consist of 4 pieces, 3 of which in the Ahupuaa of Ahikuli, and one in Honokowai, Maui.

No. 1 is a hill to the ili of Kahaalua.
" 2. " 10 lois in the ili of Pohuna.
" 3. " one lo. " " " " 2
" 4. " 13 lois " " " " Pohakuinui

The Ctt rec.d No. 1. 2. 4. from Luwaia in 1836, and No. 3. from Kekaua in the year 1837. His title was not disputed until after his death in February 1849. Hon. Lee claimed it as the Luna of Ahikuli. The Ctt called his land to Kahale his daughter who is the wife of Makaiki. The Konohiki wished to drive him from the land, and he appealed to the Luna Auhau. Said claim was decided against Lee. It was then taken up to Judge Richardson who confirmed the land to Makaiki. There is Pralima lois in No. 4.

No. 1. is bounded. Mauka, by Kaomakaio's land. Waiehu, by the Creek of Ahikuli. Makai, by Kaiwaiki's land. Maalaea, by the Pali.

No. 2. is bounded Mauka, by my land. Waiehu & Maalaea sides, by the same. Maalaea, by the Creek of Ahikuli.

No. 3. is bounded. Mauka, by Kahalomoana's land. Waiehu, by Pohaku's land. Makai, by Kaiwaiki's land. Maalaea, by Kaomakaio's land.

No. 4. is bounded. Mauka, by the Pralima lois. Waiehu, by Kaai's land. Makai, by the Pralima lois. Maalaea, by Mr Bisk's land.

Ctt 1.99 v 15

C. 2476. Kuhi.

Pokuli &c. The Ctt land consist of two pieces in Ahikuli Maui.

Page 318

No. 2451 Kaelepulu — July 18, 1849

Kula sworn He has seen 2 sections in Wailuku and Waiehu. First section from Keahi in 1844. Keahi's interest from Naea, Naea's interest from Namakaeha. Namakaeha's land from Kaunuohua. Kaunuohua's land from Moi in 1837. Section 2 from Makanui in 1845. Makanui's land from Eleele at the time of Kam II, no objections. 1 Poalima in the first section.

Section1 - 42 patches at Pilipili	
Mauka	Naheana's land
Waihee	Z. Nakookoo's land
Makai	Naheana's land
Maalaea	Government enclosure
Section 2 - 8 patches, pastures at Kumuuiliuili	
Mauka, Waihee, makai	Makanui's land
Maalaea	Z. Nakookoo's land

No. 3443 Kamai — July 18, 1849

Nuuhiwa sworn He has seen 3 sections in these ilis at Waiehu. All sections fro m Polea in 1838. 2 Poalimas in first section, 1 poalima in section 2. No one has objected.

Section 1 - 11 Taro patches at Kalaino	
Mauka	Mokupanee
Waihee	Kaneiki
Makai	Kalaikaukeha
Maalaea	Polea's land
Section 2 - 6 taro patches at Kalaino	
Mauka	Polea's land
Waihee	Waiehu pali
Makai	Polea's land/Kapohuli
Maalaea	Kilauakea
Section 3 - 8 taro patches at Kapoino	
Mauka	Kaahu
Waihee and makai	Prisoners' patch
Maalaea	Stream

Page 319

No. 2475 Kahalehuki — July 18, 1849

Hanae sworn He has seen 4section in these ilis at Ahikuli and Pohakunui. Sections 1,2,4 from Lonoaea in 1836. Section 3 from Kekawa in 1837. Kahalehuki died in feb. 1849, Kahale, his daughter and wife of Malaihi is his heir. Lii had objected to the first section and Malaihi complained to Kiuhelani the tax assessor and the decision was in Malaihi's farm. Lii' did not submit to this decision and Malaihi, this time complained to John Richardson. Again he won and Lii agreed. No objection and no poalima.

Section 1 - Whole ili of Kaluaolena	
Mauka	Kamahaloa
Waihee	Ahikuli stream
Makai	Waiwaiole
Maalaea	Ahikuli pali
Section 2 - 10 Patches at Poohuea1	
Mauka, Waihee, amaki	Hanae
Maalaea	Ahikuli stream
Section 3 - 1 patch at Poohuea 2	
Mauka	Kaholomoana
Waihee	Pahanui
Makai	Waiwaiole
Maalaea	Kamanele

No. 2475 Kahalehuki (cont.)

Section 4 - 13 patches at Pohakunui

Mauka	Poalima
	Kaiuipoepoe's land
Waihee	Kaai
Makai	Poalima
Maalaea	Kamana Baisa's land

No. 2474 Kuhi July 18, 1849

Kapohuli sworn Hohas seen 2 sections in these ilis of Ahikuli. Land from Kaaimalani at the time of Kam. II. Their house site is old. 2 Fridays in the first section, no one has obje cted.

Section 1 - Whole ili of Kauuili and a pasture

Mauka	Kaneiakala
Waihee	Stream
Makai	Kamaholoa
Maalaea	Pali

Page 320

Section 2 - Eouse site and pasture in the ili of Kaohe

Mauka,Waihee,makai	Kaneiakala
Maalaea	Ahikuli pali

No. 3456 Keliinui July 18, 1849

Nuuhiwa sworn He has seen 3 sections in the ilis of Waiehu. Sections 1 and 2 from Keliihui's parents at the time of Kam. II. Section 3 from Pepe before 1834. 1 Friday in Kaohe, no one has objected.

Section 1 - Taro pauku at Kaohe

Mauka	Kaholomoana
Waihee	Polea's land
Makai	Kaleo
Maalaea	Strean

Section 2 - 25 taro patches at Ohia 1

Mauka	Z. Nakookoo's land
Weihee	Stream
Makai	Kaleo
Maalaea	Keau

Section 3 - 3 taro patches at Ohia 2

Mauka	Kaniolo
Waihee and makai	Pepeiao
Maalaea	Stream/ Pepeiao

NO. 3457 Kamaka July 18, 1849

Ehu sworn He has seen 1 section in the ili of Kepalaoa in Polipoli consisting of a taro moo and pasture. Land from Kenalo in 1846, an old land for Kanaka's grandmother since Kam I, to the time of Kam, III, she is deceased, no one has objected.

Auwae has stopped preseing for that one patch, it has been returned to Kamaka.

Mauka	Auwae's poalima
Waihee	Pea
Makai	Ehu's land
Maalaea	Auwae's land
