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For Official Use Only
SWUP NO. 93
Event ID: SWUP.2332.6

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

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

FORM SWUPA-E (NA WAI EHA, MAUI)

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

APPLICANT INFORMATION:

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

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
Victor & Wallette Pellegrino	Victor Pellegrino	Avery Chumbley	Avery Chumbley

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
1420 Kilohi St. Wailuku, HI 96793	363 W Waiko Rd. Wailuku, HI 96793

Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail
[redacted]					

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

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

4a. TMK OF STREAM DIVERSION LOCATION: 3 (Zone) - 5 (Sector) - 004 (Plat) : 018 (Parcel)

4b. TMK OF DITCH DIVERSION LOCATION: 3 (Zone) - 5 (Sector) - 012 (Plat) : 023 (Parcel)

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☐ Pump ☒ Ditch/auwai ☐ Other Describe: see attached

Is the diverted water returned to the stream or ditch? ☒ Yes. ☐ No. If yes, how much water is returned? see attachment

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☐ Yes. Enter the installation date:

Describe the device and enter measured amounts in Table 1.

☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

see attachment

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☒ Yes ☐ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☒ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? N/A, no "operator"

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☐ Yes. List the file reference name(s):

☒ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

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

11. APPLICANT	12. SOURCE LANDOWNER
Wallette Pellegrino Victor Pellegrino Signature	Signature
VICTOR PELLEGRINO WALLETTE PELLEGRINO Print	Print
4-27-09 Date	Date

FILE ID: SWUP. 2332.6
DOC ID: 3466V

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

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For Official Use Only:

Event ID:

APPLICANT INFORMATION:

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1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
Victor & Wallette Pellegrino	Victor Pellegrino	Avery Chumbley	Avery Chumbley

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
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4b. TMK OF DITCH DIVERSION LOCATION: 3 (Zone) - 5 (Sector) - 012 (Plat) : 023 (Parcel)

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☐ Pump ☒ Ditch/auwai ☐ Other Describe: see attached

Is the diverted water returned to the stream or ditch? ☒ Yes. ☐ No. If yes, how much water is returned? see attachment

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☐ Yes. Enter the installation date:

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☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

see attachment

EXISTING USER INFORMATION

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If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☒ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? N/A, no "operator"

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☐ Yes. List the file reference name(s):

☒ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

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

11. APPLICANT	12. SOURCE LANDOWNER
Wallette Pellegrino Victor Pellegrino Signature	Signature
VICTOR PELLEGRINO WALLETTE PELLEGRINO Print	Print
4-27-09 Date	Date

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	64,400	☐	☒	☐	☐	
June 2007	64,400	☐	☒	☐	☐	
July 2007	64,400	☐	☒	☐	☐	
August 2007	64,400	☐	☒	☐	☐	
September 2007	64,400	☐	☒	☐	☐	
October 2007	64,400	☐	☒	☐	☐	
November 2007	64,400	☐	☒	☐	☐	
December 2007	64,400	☐	☒	☐	☐	
January 2008	64,400	☐	☒	☐	☐	
February 2008	64,400	☐	☒	☐	☐	
March 2008	64,400	☐	☒	☐	☐	
April 2008	64,400	☐	☒	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	772,800	**GPD**				
AVERAGE DAILY USE (Average of the above)	64,400	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE	0	GPD		
Uses that **do not** require potable water									
AGRCP	3 - 5 - 012 : 023 Zone Sector Plat Parcel	URB & AG	NO	AG	NO	62,000	NO	0.2 acres	see attachment
DOM	3 - 5 - 012 : 023 Zone Sector Plat Parcel	URB & AG	NO	AG	NO	1,800	NO	0.6 acres	see attachment
DOM	3 - 5 - 012 : 020 Zone Sector Plat Parcel	URBAN	NO	AG	NO	600	NO	1 Unit	see attachment
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	64,400	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	64,400	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.
N/A

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
N/A

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 5 - 012 : 023 (Zone Sector Plat Parcel)	Wetland Kalo	2.146	0.2	year round	year round	flood (kalo)	field capacity
3 - 5 - 012 : 023 (Zone Sector Plat Parcel)	Diversified Agriculture	2.146	0.6	year round	year round	other: hoses	field capacity
3 - 5 - 012 : 020 (Zone Sector Plat Parcel)	Diversified Agriculture	0.175	0.09	year round	year round	other: hoses	field capacity
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

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

TABLE 4: ALTERNATIVES ANALYSIS

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

PUBLIC INTEREST

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

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

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

INSTRUCTIONS FOR FILLING OUT *FORM SWUPA-E*

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

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

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

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

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

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

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

LINE BY LINE INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

APPLICANT INFORMATION

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

EXISTING SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: Check the appropriate box for the hydrologic unit name and hydrologic code where the source is located. The "source" is the stream, ditch, or conduit from which water is diverted to the user. For information on hydrologic unit names and unit codes please refer to the *Surface-Water Hydrologic Unit: A Management Tool for Instream Flow Standards* report available on the CWRM website at: http://www.hawaii.gov/dlnr/cwrm/, or contact CWRM staff at (808) 587-0234. You may also contact CWRM toll-free from Maui at: 984-2400, ext. 70234.

4a. TMK OF STREAM DIVERSION LOCATION: Fill in the current Tax Map Key (TMK) number of the parcel where the stream diversion is located if applicable. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/

4b. TMK OF DITCH DIVERSION LOCATION: Fill in the current Tax Map Key (TMK) number of the parcel where the ditch diversion is located, if applicable.

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check the appropriate box(es). Is the diverted water returned to the stream or ditch? Check "Yes" or "No." If yes, enter the amount of water returned.
6. FLOW MEASUREMENT INFORMATION: Check "Yes" or "No". If you have a working flowmeter with a totalizer, answer "Yes" to this question, and fill in the date that the flowmeter was installed and any other information you may have (manufacturer, serial number, etc.). A totalizer directly measures the total use for the source (similar to a car's odometer). Otherwise, answer "No" and explain how stream diversion is measured or estimated to justify amounts requested in Table 1

EXISTING USER INFORMATION

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

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

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

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

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

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

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

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

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

AGRICULTURE	
AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other
DOMESTIC	
DOM	Single & Multi Low-Rise & High-Rise Household
DOMN	Domestic (Non-residential)
DOMNCB	Commercial Businesses
DOMNRI	Religious Institutions
DOMNHOS	Hospitals
DOMNHOT	Hotels
DOMNOB	Office buildings
DOMNOTH	Domestic Non-Residential – Other
DOMNSC	Schools
INDUSTRIAL	
INDEL	Geothermal, Thermoelectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other
IRRIGATION	
IRRGC	Golf Course
IRRHM	Habitat Maintenance
IRRHOT	Hotel
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 is applied. There should only be one parcel for each line. Also, attach a TMK map(s) for the lots showing the boundaries of irrigated acreage, etc., as well as a photograph of the area of use.
3. STATE LAND USE DISTRICT: To find out the current Land Use District, contact the Land Use Commission at 587-3822.
4. CDUP REQUIRED: If a Conservation District Use Permit (CDUP) is required, enter either: "Yes" and the date the CDUP was approved if you have a CDUP applicable to this project; or "Yes" and "not acquired" in this box. If a CDUP is not required, enter "N" for no in this box. To check if your parcel is in the Conservation District, contact the Land Use Commission at 587-3822. If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at 587-0328 to find out if a CDUP is required.
5. COUNTY ZONING CODE: To find out the Zoning Code for your property, call Maui County Planning Department at 270-6279, or 270-7253
6. SMAP REQUIRED: If a Special Management Area Permit (SMAP) is required for this project, enter either: "Y" and the date SMAP was approved; or "Y" and "not acquired" in this box. If a SMAP is not required, enter "N" for no in this box. To find out if your property is in a Special Management Area and requires an SMAP, call Maui County Planning Department at 270-8205.
7. QUANTITY OF USE: Enter the quantity of use in gallons per day (GPD). Justification for the quantities requested may depend on your answers to items 8 and 9, and you should describe the justification in item 10.
8. SUBMETERED? (Y/N): If the specific use is submetered, enter "Y" for yes here. If it is not submetered, enter "N" for no. Submetering is specific to each line item.
9. UNITS OR ACREAGE: This is the value and category as the basis for calculating the duty. "Duty" is the amount of water used or requested for a "unit" over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. "Unit" can mean dwelling units, or number of people, or animals. Examples to fill in for this category are: 400 dwelling units, 500 people, 3.74 acres.
10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7: Explain how you are justifying the amount you are requesting. Attach additional sheets if necessary.

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK): Enter the parcel number where the crop is being grown. Attach a map outlining irrigated area(s) and photos.
2. CROP: Enter the crop type.
3. TOTAL ACREAGE: Enter the total acreage of the parcel listed.
4. NET IRRIGATED ACREAGE: Enter the acreage for the specific crop grown.
5. BEGIN GROWTH PERIOD (MONTH): This is the month of the start of the growth cycle. For perennial crops, list the 12th month prior to the date of designation.
6. END GROWTH PERIOD (MONTH): This is the month of the end of the growth cycle. For perennial crops, list the month of the date of designation.
7. IRRIGATION SYSTEM: Enter one of the following:

   - TRICKLE, DRIP
   - TRICKLE, SPRAY
   - MULTIPLE SPRINKLERS
   - SPRINKLER, CONTAINER NURSERY
   - SPRINKLER, LARGE GUNS
   - SEEPAGE, SUBIRRIGATION
   - CROWN FLOOD
   - FLOOD (TARO)
   - OTHER – Please describe.

8. IRRIGATION PRACTICE: Enter one of the following:

   - IRRIGATE TO FIELD CAPACITY
   - APPLY A FIXED DEPTH PER IRRIGATION
   - DEFICIT IRRIGATION
   - OTHER – Please describe.

TABLE 4: ALTERNATIVES ANALYSIS

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

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

PUBLIC INTEREST

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

Attachment

The following attachments provide additional information supporting our water se permit application for our existing water use. Our farm, Noho`ana Farm LLC, is a small family farm that cultivates wetland kalo and other Native Hawaiian crops and provides cultural, place-based educational programs for students and community members to learn and practice traditional Hawaiian culture in Waikapū. Since 2004, our farm has hosted more than a thousand visitors, including members of school groups, hālau hula, and community and government organizations. Because the purpose of our farm is to grow food and share Hawaiian culture, our educational programs are facilitated under a non-profit auspice. Our farm at TMK No. 3-5-012:023 is 2.146 acres (although the Maui County website claims it is 2.175 acres). We also use water from the kuleana `auwai for domestic gardening on our neighboring house lot at TMK No. 3-5-012:020.

Exhibits:

Appended hereto as Exhibit 1 is a copy of the 7.5 minute-series USGS topographic map with the Waikapū Stream and Waikō Road diversion 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 existing uses. Exhibit 3 contains true and correct copies of photographs of our `auwai diversion and existing uses that accurately depict the conditions on the date the pictures were taken. Exhibit 4 contains copies of Māhele records establishing our appurtenant rights, as described below.

Box 2: Source Landowner

Not applicable pursuant to HRS § 174C-51(1)(B), because we do 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, Avery Chumbley claims to be the source landowner.

Box 4(b): TMK of Ditch Diversion Location

We have two diversions on TMK No. 3-5-012:023: one for our end uses on Parcel 23 and another for our end uses on Parcel 20.

Box 5:

We are kuleana users along the kuleana `auwai that runs along Waikō Road. Water is diverted into the `auwai from the stream through a traditional po`owai (intake made with stones) near Ione Shimizu's house. See attached USGS topo map and Exhibit 3, Photo 1. The water continues makai in pipes and ditches until it passes our property (TMK No. 3-5-012:023) where we divert some water by pipe and ditch for our lo`i kalo and other crops, including mango, `ulu, mai`a, papaya, niu, `awa, kō, koa, citrus, mixed herbs, and other native plants. See Exhibit 3, Photos 2-5. After flowing through our lo`i,

a flume returns water directly to Waikapū Stream. See Exhibit 3, Photo 6. The amount of water returned to the stream varies, depending on a number of factors, including the amount of water in the kuleana `auwai, crop needs, weather, etc. When we measured the amount returned, however, it approximated 54,000 gallons. See Box 6, below, for more information.

We have a separate intake from the `auwai on Parcel 23 for our non-commercial gardening on our house lot (TMK No. 3-5-012:020). We divert water via a hose (See Exhibit 3, Photo 7), which is piped to our yard where we cultivate native plants. See Exhibit 3, Photos 8-9. Water that is not consumed by the plants in our garden, seeps into the ground and recharges the aquifer.

Box 6: Flow Measurement Information

We estimated our existing water use for our lo`i kalo by using the "bucket method." We used a stopwatch to measure the amount of time it took the water flowing out of our flume into Waikapū Stream to fill a five-gallon bucket. We did ten trials and the average amount of time was 8 seconds. We repeated the trial many times over the course of several weeks and it consistently took about 8 seconds to fill a five-gallon bucket, which amounts to 54,000 gallons.

We note that the location of this measurement is after water flows through our lo`i. Due to the configuration of our `auwai, this is the only location where we could get an accurate measurement. To account for any loss of water consumed by our kalo, we added another 8,000 gallons to the 54,000 figure for a total of 62,000 gallons per day (GPD). We calculated the 8,000 gallon figure by multiplying 40,000 (reasonable consumptive use of wetland kalo per acre per day, according to previous studies) by 0.2, the area we have in cultivation. Based on these calculations, we estimate that we are using approximately 62,000 GPD for our 0.2 acre lo`i. We note that our water use has been limited by low flows in our kuleana `auwai. Although we have made due with the water currently available, this has limited our ability to restore all 12 of the ancient lo`i on our property.

We estimated our existing water use for diversified agriculture on TMK No. 3-5-12-23 by multiplying the acreage we had in diversified agriculture up to the date of designation (0.6 acres) by the 2002 State of Hawai`i Water System Standard for Maui County of 3000 gallons per acre, for a total of 1,800 GPD.

We estimated our existing domestic water use on TMK No. 3-5-12-20 to water the native plants that we cultivate outside of our home by applying the 2002 State of Hawai`i Water System Standard for Maui County of 600 per house lot.

Based on this information, our best estimate of our existing water use for wetland kalo cultivation and non-commercial gardening on TMK No. 3-5-12-23, and our domestic use of water outside our home on TMK No. 3-5-12-20, is 64,400 GPD.

Box 7: Appurtenant Rights

Our property has appurtenant rights because it was in kalo cultivation at the time of the Māhele of 1848. In fact, the majority 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. 3340, Royal Patent No. 3115, and Land Commission Award No. 3110, Royal Patent No. 3152, including testimony indicating our land was in kalo. This land has been in our family continuously since the Māhele, 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.

Our house lot also had appurtenant rights, as detailed in Land Commission Award Apana 3108:1 and the supporting documents such as foreign and/or native testimony. However, Edmund Rogers assigned the "water rights" to Wailuku Sugar in 1967. As a result, it appears the appurtenant rights for TMK No. 3-5-12-20 may be extinguished, although we reserve the right to claim appurtenant rights in the future based on further information.

Table 1: 12-Month Average Daily Use

As explained above in our response to Box 6, our existing water use is not gauged. As detailed above, our best estimate of average daily use is 64,400 GPD.

Table 2, Boxes 3 through 5

Our application seeks to continue our existing water use on land zoned for agriculture in agriculture and urban state land use districts. The cultivation of crops for our personal consumption is consistent with state and county general plans and land use designations. Additionally, this use is consistent with county land use plans and general policies.

Table 2, Box 10:

See explanation under Box 6 above.

Table 4, 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

kuleana in a traditional manner, not in some other manner using alternative, non-traditional sources, and this traditional and customary right is constitutionally protected. Finally, we are an existing riparian use on TMK No. 3-5-12-23, which is also constitutionally protected. See Haw. Const. Art. XI § 7.

Moreover, even if we did not have protected rights to water from Waikapū Stream, there is no potentially available alternative source that is economically practicable, especially compared to the `auwai drawing directly from the stream. We cultivate kalo on our land for cultural, subsistence, and educational purposes; the kalo we grow feeds our `ohana and is shared with neighbors and community members. An alternative water source that would require us to pay for the volumes of constantly flowing water in our lo`i necessary to keep temperatures cool and support healthy kalo, would make our practice economically impossible and would effectively deny our rights.

As shown below, each potentially available alternative water source imposes a cost on exercising our protected rights.

Municipal Sources. Our domestic water service is a typical residential service and does not have the capacity to deliver the volumes of water we require. Even if the Maui County Department of Water Supply were willing to provide municipal water for kalo cultivation by installing a larger water meter, the cost of using municipal water for such purposes would be prohibitive. 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. 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 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 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 4, 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"). In addition, domestic uses, protection of traditional and customary Hawaiian rights, and the maintenance of proper ecological balance and scenic beauty are "in the public interest." HRS § 174C-2(c). Mrs. Pellegrino and our children are Native Hawaiian. We grow kalo in traditional ways for cultural, subsistence, and educational purposes. We also grow mango, `ulu, mai`a, papaya, niu, `awa, kō, koa, citrus, mixed herbs, and other native plants. We are a Native Hawaiian `ohana engaged in traditional agricultural practices on our family kuleana, and our crops help maintain ecological balance and scenic beauty. As such, our existing use of stream water is consistent with the public interest.

Our Existing Use is a Protected Public Trust Purpose

Kalo cultivation by Native Hawaiians and the exercise of appurtenant rights are protected public trust purposes. Waiāhole I, 94 Haw. at 137, 9 P.3d at 449; 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). In addition, because much of the water we use will be returned to Waikapū stream, our use supports other 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.

Our Existing Use Supports Beneficial Instream Uses

Because we return water to the stream, our existing use also supports beneficial instream uses such as: (1) the maintenance of fish and wildlife habitats; (2) outdoor recreational activities; (3) maintenance of ecosystems such as estuaries, wetlands, and stream vegetation; (4) aesthetic values such as waterfalls and scenic waterways; (5) maintenance of water quality; (6) the conveyance of irrigation and domestic water supplies to downstream points of diversion; and (7) the protection of traditional and customary Native Hawaiian rights. See HRS § 174C-3.

Our Existing 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 above, our use of stream water is consistent with state and county land use plans and the public interest. It is also "economic and efficient" because we only the amount we need.[1] If we stopped receiving stream water, our cultivation of kalo and other crops would be impossible. Moreover, we have taken steps to make our water use more efficient. Portions of our ditch are piped, and we use compost and green waste to protect the soil from erosion and minimize water use. Therefore, the amount of water we have requested is for a "reasonable-beneficial use."

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[1] We do note, however, that our level of cultivation has been severely limited by the lack of water available. We have only been able to open three of twelve ancient lo`i on our property, and we are only able to divert enough water to cultivate two lo`i at a time. We are also filing a new use application to expand our existing area of cultivation.

EXHIBIT 1

USGS topographic map labeled with
Waikapū Stream and the "Waikō Road Diversion" location

Topographic map of the Waikapū ahupua'a in central Maui, Hawai'i (Source: U.S. Geological Survey, 1990).

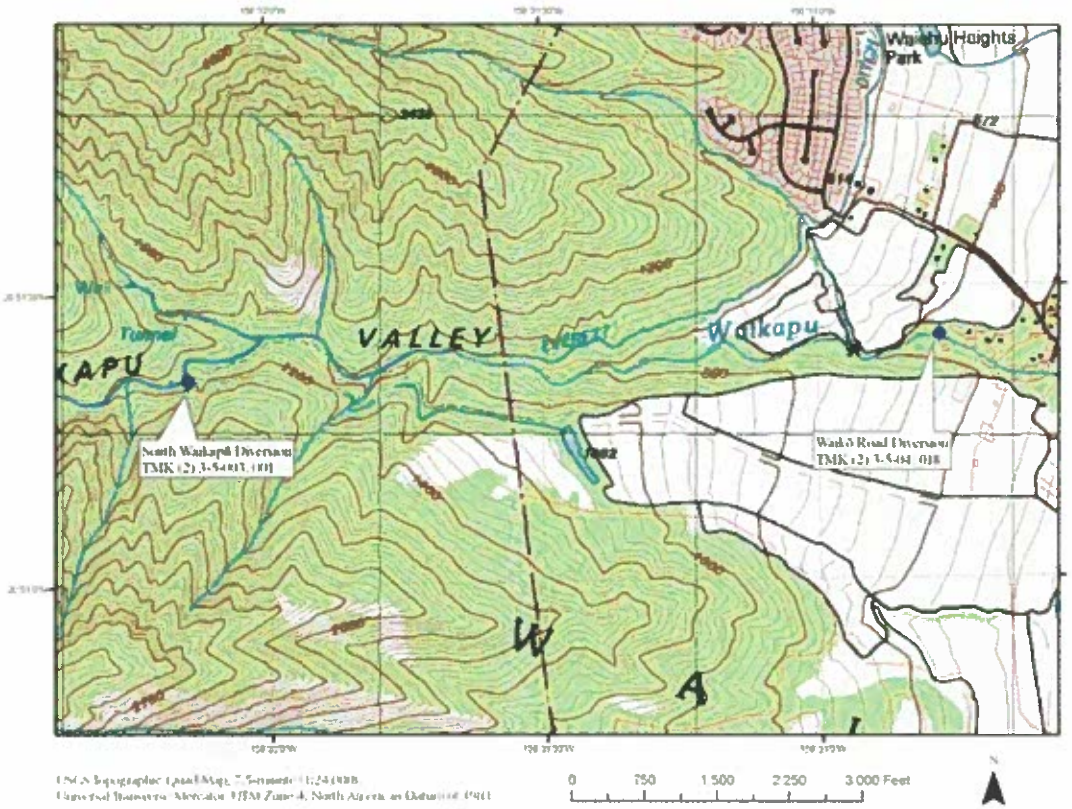


EXHIBIT 2

TMK maps showing our diversion locations and water uses. The bottom map shows water entering Parcel 23 via our `auwai (in blue) for lo`i kalo and diversified ag; water returns to Waikapū Stream via a flume (in pink). A hose/pipe intake on Parcel 23 (in pink), supports our non-commercial gardening on Parcel 20 (shown in red). The end uses, intakes, and `auwai locations are approximate and are not drawn to scale.

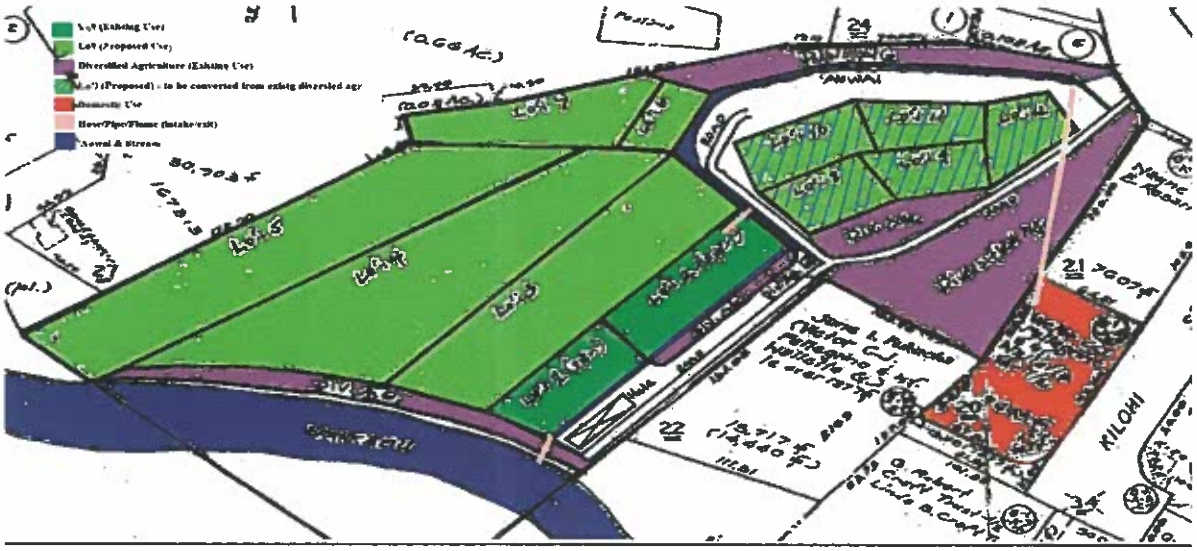


EXHIBIT 3

Photographs of surface water diversion and end uses

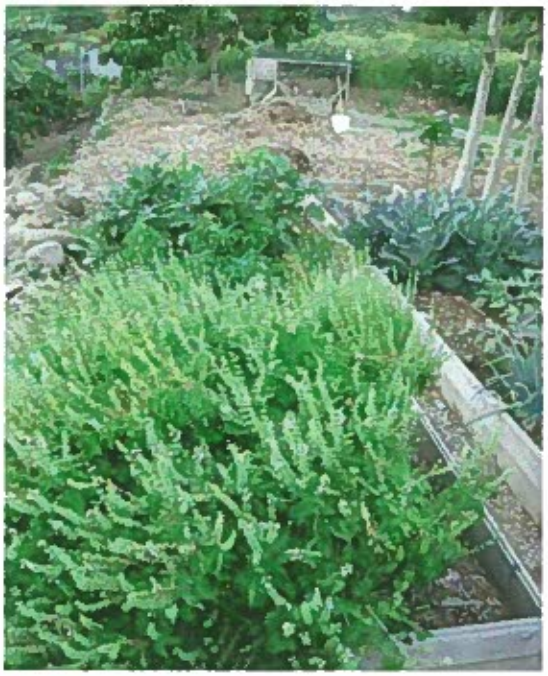
1. Waikapū stream diversion (po`owai on right of picture)

2. Diversion from kuleana `auwai for Parcel 23

3. Branch `auwai on Parcel 23, bringing water from main `auwai to existing lo`i

4. End use: lo`i kalo and assorted native plants on Parcel 23

5. End Use: Diversified Ag on Parcel 23; note our compost near the top of the photo



6. Flume returning water to Waikapū stream from Parcel 23

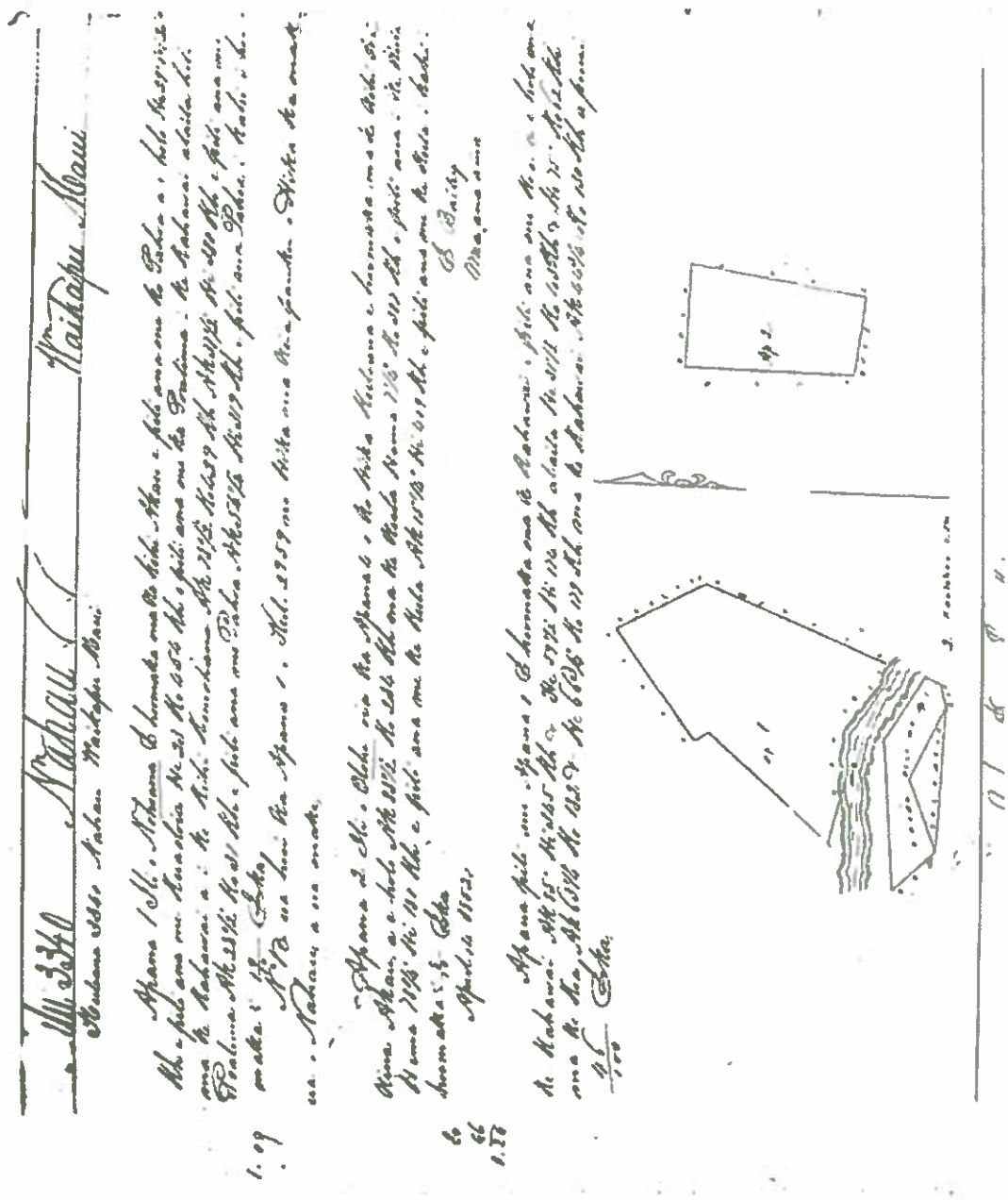
7. Intake from North Waikapū Kuleana `auwai for Parcel 20

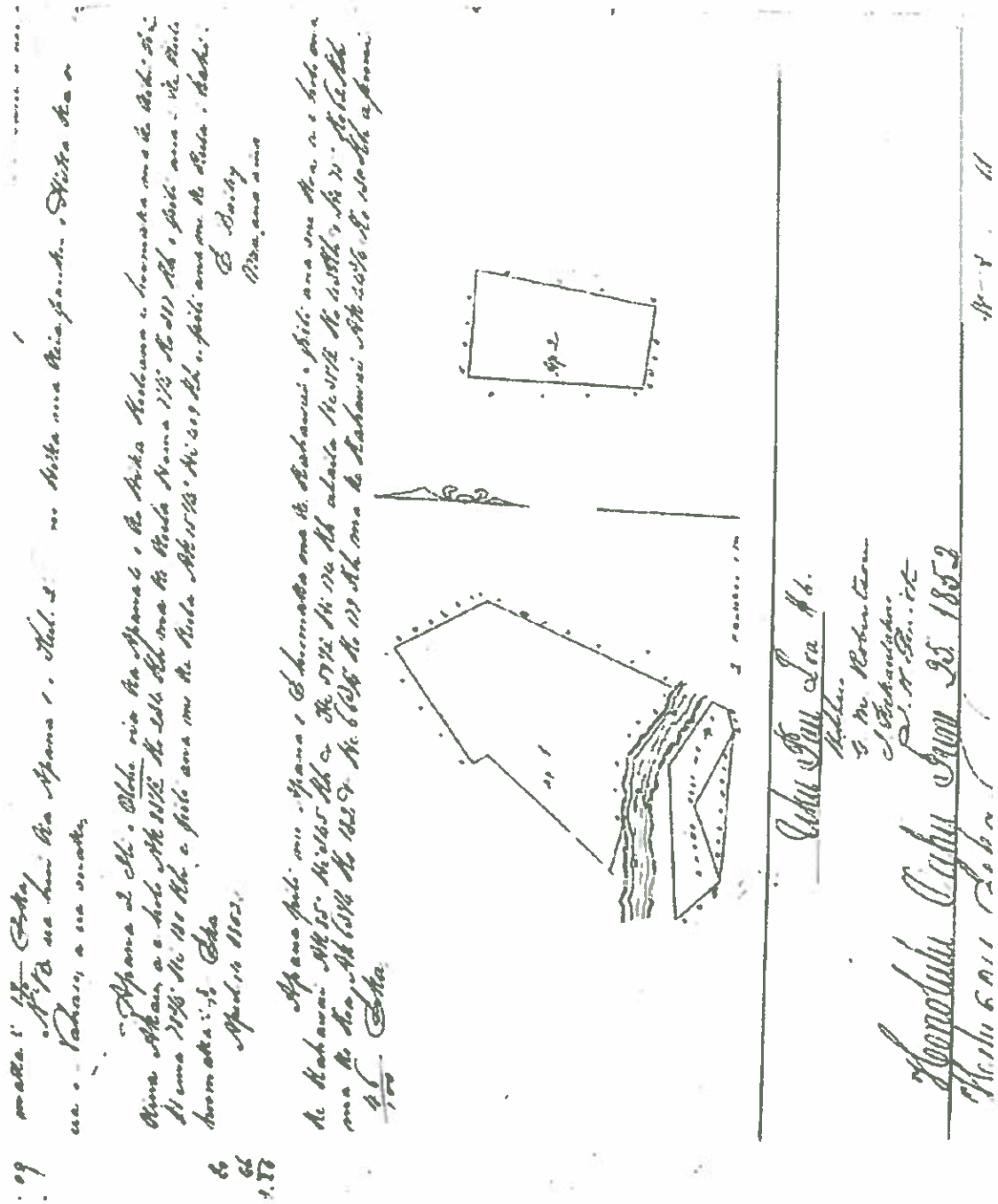
8. Pipe transporting water from `auwai to Parcel 20

9. <u>End uses: non-commercial gardening on Parcel 20</u>

EXHIBIT 4

Copies of Original Māhele Documents





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HILI 116

PALAPALA SILA NUI.

Ano Alodia

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five mo'o, in the 'Ili called Kealakapohu at Wailuku, Maui. They were from my makuas, and are

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bounded on the north by Pohakuokauhi, on the east by the land boundary wall, on the south by the 'Ili of Makole, on the west by the land boundary wall.
Waikapu, 19 January 1848 NAKAILCU

No. 3339 - Napue

Greetings to the Land Commissioners: I hereby petition for my claim. I have 24 lo'i, in the 'Ili called Kalua in Wailuku, Maui, which I have occupied for 20 years. The boundaries are: on the north are the lo'is of Akalo, on the east is a land boundary wall, on the south are the lo'is of Makahanohano, on the west is a watercourse. Respectfully,
Wailuku, 17 Dec. 1847 NAPUE

No. 3340 - Nahauna Waikapu, Maui, Jan. 13, 1848

Hear ye, ye Land Commissioners: I hereby petition you for my lo'i claims. They are in the 'Ili of Nohoana and are bounded on the east by Mokahelahela, on the west by mountain, on the northeast by the watercourse, on the south by the stream. I have a total of 8 lo'i and 2 clumps of lauhala.

I received the right to these lo'is from the time my makuahine was alive, and on her death I continued to possess these lo'is, from the time of Kamehameha II until the present.

Furthermore, I have a mala of wauke in the 'Ili of Aweoweo luna, which is bounded on the east by Puuhele, on the west by Ukumehame II, on the north by Waikapu, on the south by Honuaula.

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We have had the right of occupancy from the time of Pikanele until this very time, therefore I make this petition to you. It is finished.

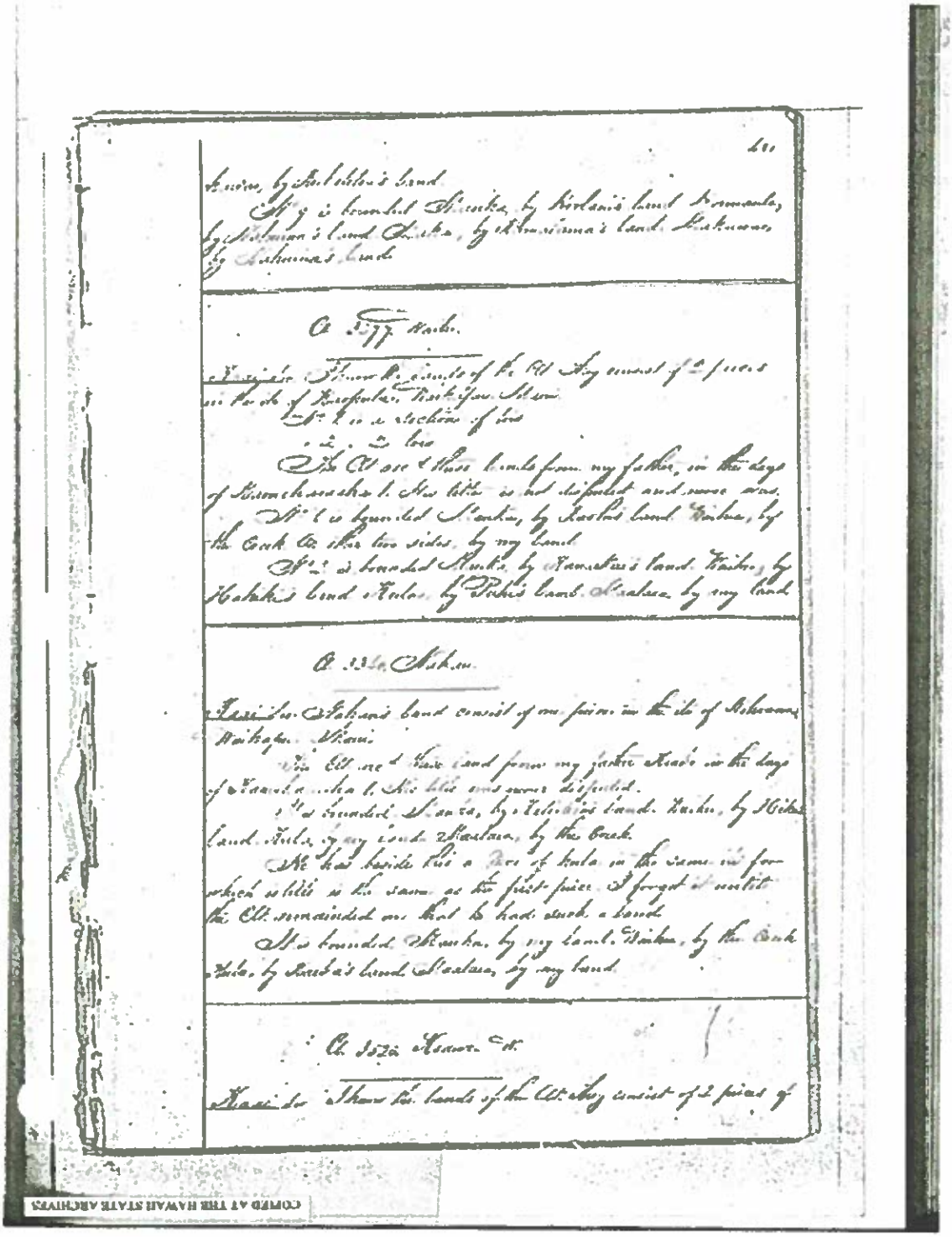
NAHAUNA

No. 3341 - Niauhoe

To the Land Commissioners, Greetings: I hereby state my claim for my 15 lo'i and a house lot at Auwaiolimu, adjoining Kaaa. It is bounded on the north by the lo'is of Naai, on the east by the land boundary wall, on the south by the kula, on the west by the 'Ili called Pilipili. It was from W. Show /Shaw/ in the time of Kamehameha II.
Waikapu, Dec. 22, 1847 NIAUHOE

No. 3342 - Nauahi

To the Land Commissioners, Greetings: I hereby state my claim to



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Kuiwa, by Kaleikiki's land

No 3 is bounded Makai, by Kiolani's land Koomoku, by Kalimu's land Mauka, by Kaumuma's land Makawao, by Kalimu's land

C. 3377 Kaeli.

Kuiwa Ilaw the lands of the Ell they consist of 2 pieces in the ili of Kaeli, Koolau District, Island of Maui

No 1 is a section of land

No 2 is a lo'i

The Ell received these lands from my father, in the days of Kamehameha I. His title is not disputed and never was.

No 1 is bounded Makai, by Kaeli's land Waiakea, by the Creek on other two sides, by my land

No 2 is bounded Makai, by Kamakau's land Waiakea, by Kalaki's land Kulei, by Pohki's land Makaua, by my land

C. 3378 Nihau

Kuiwa Ilaw Nihau's land consist of one piece in the ili of Nihau, Waikapu, Maui

The Ell received this land from my father Kaeli in the days of Kamehameha I. His title was never disputed.

It is bounded Makai, by Kalaiki's land Kaeli, by Hikui land Kulei, by my land Makaua, by the Creek

He has beside this a piece of kula in the same ili formerly called ili is the same as the first piece. I forgot to mention the Ell remainded me that he had such a land

It is bounded Makai, by my land, Waiakea, by the Creek Kulei, by Kaeli's land Makaua, by my land

C. 3379 Kaua

Kuiwa Ilaw the lands of the Ell they consist of 2 pieces of

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7. is bounded mauka by Puupahoehoe, Waihoe by Pepelaopili, Kula by Kepaa, Maalaea by Manu.
8. is bounded mauka by Kaaihue, Honuaula by Kanakao-

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kai, makai by Naanaa, Maalaea by Kuheleloa.
9. is bounded mauka by Holani, Honuaula by Nahuina, makai by Kamalama, Maalaea by Nahuina.

Kuihewa sworn: My knowledge of the boundaries of the Parcels 8 and 9 at Kamaole, Kula is the same as described above.

No. 3277 - Waiho July 13, 1849

Kaai sworn: I know of his two parcels of taro in Kaopala 'Ili in Waikapu
Parcel 1. Taro pauku
" 2. 2 taro lo'i
He got them from my makuakane in the time of Kamehameha I. No opposition.
1. is bounded mauka by Kaohi, Waihee by stream, Kula and Maalaea by my land.
2. is bounded mauka by Kamakai, Waihee by Hakiki, Kula by Puhi, Maalaea by my land.

No. 3340 - Nahau

Kaai sworn: I know of two parcels in Nohoana 'Ili in Waikapu. The first parcel is for taro, and the second parcel is a mo'o kula. They are from me, who had them from my makuakane in the time of Kamehameha I. No opposition.
1. is bounded mauka by Keliolelo, Waihee by Hika, Kula by myself, Maalaea by stream.
2. is bounded mauka by myself, Waihee by stream, Kula by Kaeha, Maalaea by myself.

No. 3520 - Keawe (w)

Kaai sworn: I know of two taro parcels and

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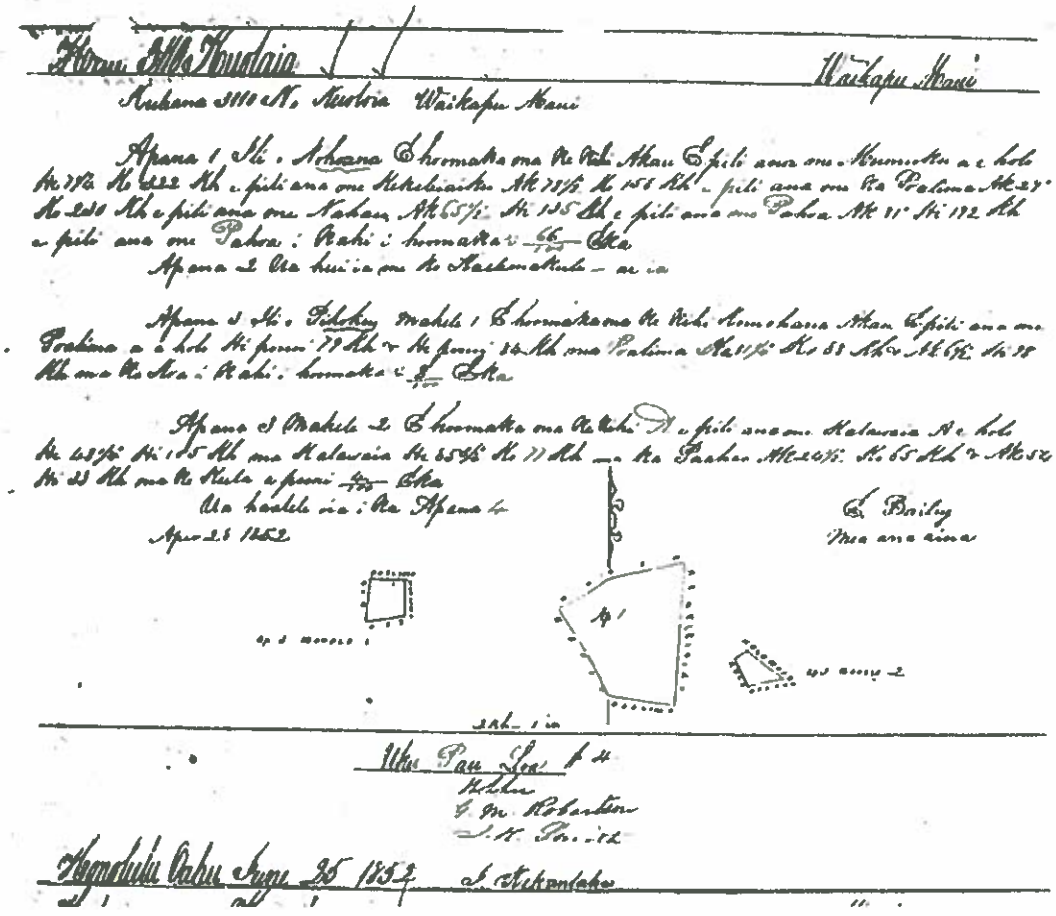
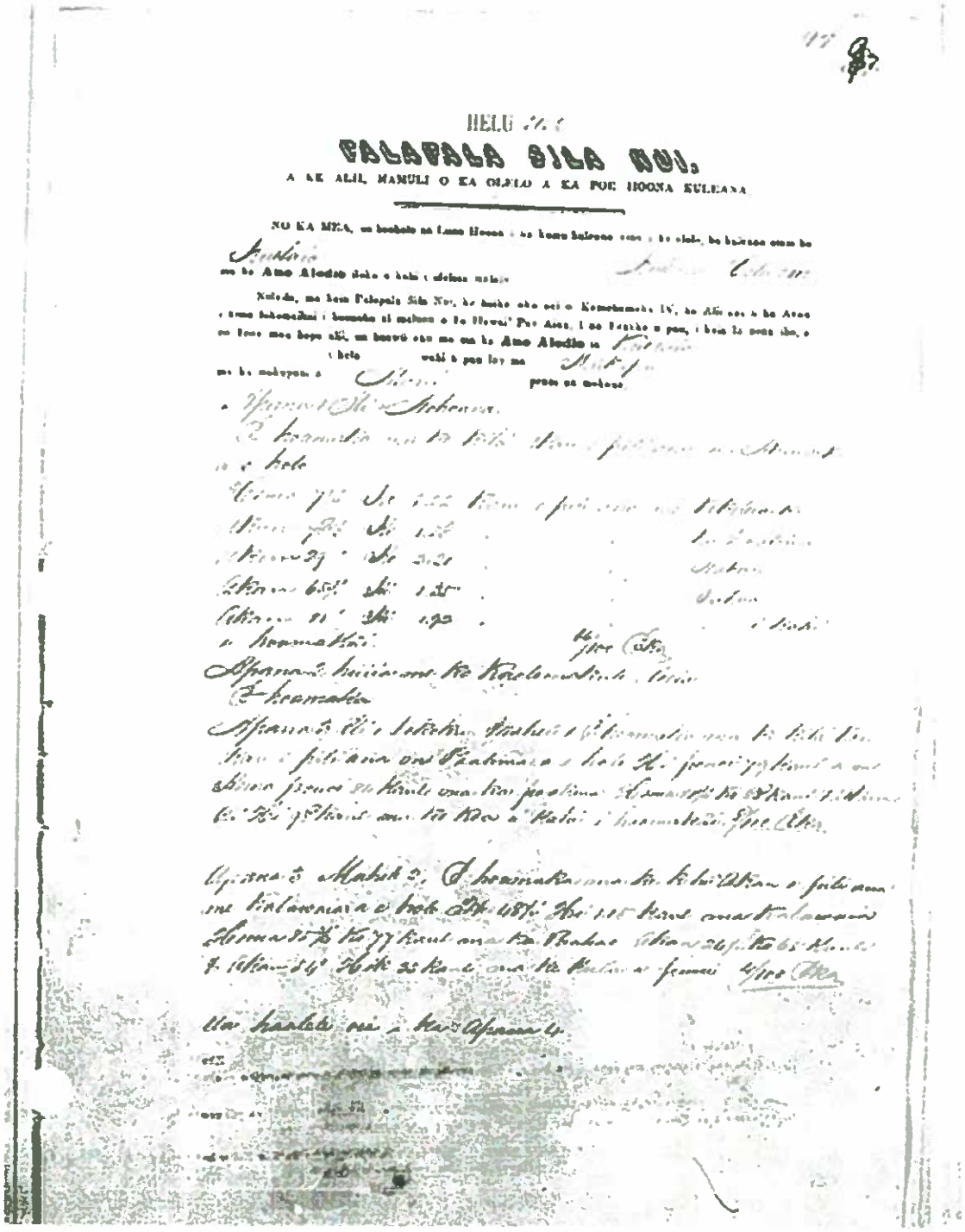
a kula parcel in Punia 'Ili in Waikapu. She had it from my makuakane in the time of Kamehameha I. There are no po'alima, and no opposition to her.
1. is bounded mauka by the 'Ili of Pikoku, Waihee by the po'alima and pa'ahao, Kula by the 'Ili of Kaopala, Maalaea by po'alima.
2. is bounded mauka by Kawawa, Waihee by myself, Kula by the 'Ili of Kaopala, Maalaea by Ihuole (w).
3. is bounded Maalaea side by Government Lot and the other sides by myself.





HELU

PALAPALA SILA NUI.

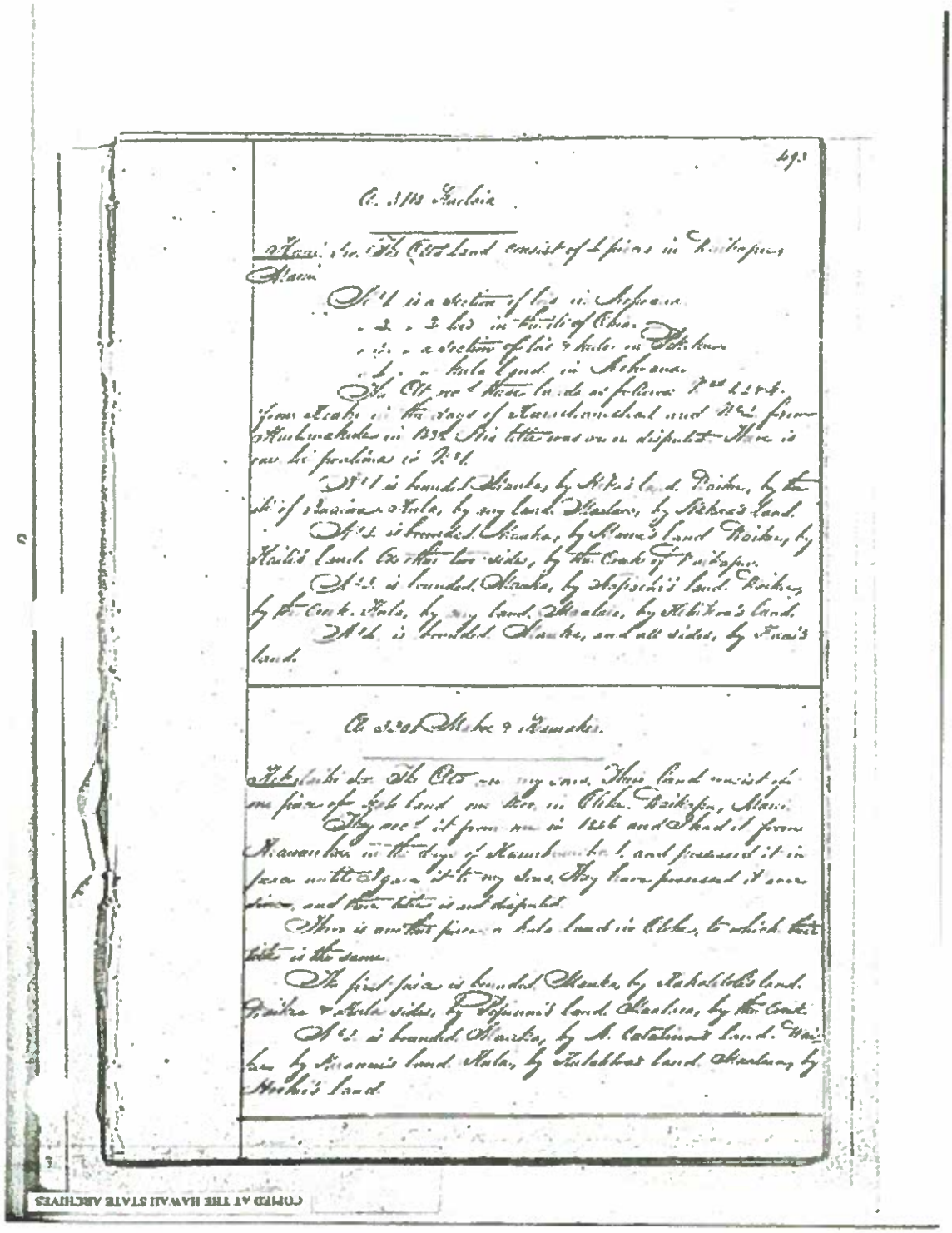
A KE ALII, MANULI O KA OLELO A KA POE HOONA KULEANA

NO KA MEA, ua hoohalo au i ka Hoona Hoonaa a ke hoona kuleana ana i ke alale, ke hoonaa aina ke

[illegible]

[illegible] ALOOIO [illegible]

[illegible]



49.

C. 3148 Kaelaia.

Kaai, the Ohia Land consist of 4 pieces in Waikapu, Maui.

No 1 is a section of lot in Mokuaia.
" 2 " 3 lots in the ili of Ohia.
" 3 " a section of lot & kuleana in Waikapu
" 4 " kula land in Mokuaia.

The Ohia and Kuleana lands are follows No 1 & 2 & 4 from Kaahu in the days of Kamehameha and No 3 from Kuhumakuka in 1854. His title was not in dispute. Here is our his proclaims in No 1.

No 1 is bounded Makaha, by Nikoi's land. Waikapu, by the ili of Kaaiaua & Kale, by my land. Makaiao, by Nikoi's land.

No 2 is bounded Makaha, by Alana's land. Waikapu, by Hailii's land. On other two sides, by the Creek of Waikapu.

No 3 is bounded Makaha, by Hopoaki's land. Waikapu by the Creek. Kale, by my land. Makaiao, by Nikoi's land.

No 4 is bounded Makaha, and all sides, by Kaai's land.

C. 3201 Mahe & Kamaka.

Kekahi der. The Ohia are my own. This land consist of one piece of kula land on Ohia, Waikapu, Maui.

They are I got from me in 1856 and I had it from Kaauwaa in the days of Kamehameha I. and possessed it in peace until I gave it to my sons. They have possessed it some time, and their title is not disputed.

There is another piece a kula land in Olowalu, to which their title is the same.

The first piece is bounded Makaha, by Kahalehoi's land. Waikapu & Kale sides, by Papanui's land. Makaiao, by the Creek.

No 2 is bounded Makaha, by K. Catalina's land. Waikapu by Kaanui's land. Kale, by Kahalehoi's land. Makaiao, by Nikoi's land.

No. 8806 - Kalapuna

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Manu sworn: I know of four parcels in Waikapu:
Parcel 1. Taro mo'o and house lot at Kapalaalaea
" 2. " " " Haanui
" 3. 1 taro lo'i " Haliipalala
" 4. Kula wauke " Palailaiha

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Parcel 1 was from Puupahoehoe in the days of Kamehameha II. Parcel 2 was from Pupuhi in 1842; Puhipuhi had received it from Puupahoehoe in 1839. Parcel 3 was from Atoni C. /Antonio Catalina/ before 1830. Parcel 4 was from Kuamu in 1840; Kuami had received it from David Malo. One po'alima is in Parcel 2. No opposition.
1. is bounded mauka by Kuihone, Waihee by Kapehana, Kula by Ioane R. /John Richardson/, Maalaea by Kepaa.
2. Is bounded mauka by pa'ahao, Waihee by the 'Ili of Pohakuloa, Kula by Kapule, Maalaea by po'alima.
3. is surrounded by the land of Atoni C. /Antonio Catalina/
4. is surrounded by the land of Kuamu.

No. 3546 - Kupalii

Kaai sworn: I know of three parcels in Waikapu:
Parcel 1. Taro land and kula at Makaelelu in Waikapu
" 2. " " " " " Keana " "
" 3. House lot " " " Makaelelu " "
All his four /sic/ parcels were received from Keaho in the days of Kamehameha I. No opposition.
1. is bounded mauka by myself, Waihee by stream, Kula and Maalaea by myself.
2. is bounded mauka by myself, Waihee by stream, Kula and Maalaea by myself.
3. is surrounded by my land.

No. 3110 - Kuolaia

Kaai sworn: I know of four parcels in Waikapu:
Parcel 1. Taro pauku at Nohoana 'Ili of Waikapu
" 2. Two taro lo'i, Ohia " " "
" 3. Taro pauku and kula at Pikooku 'Ili of Waikapu
" 4. Cultivated kula in Nohoana 'Ili of Waikapu
Parcels 1, 3 and 4 were from Keaho and Hika in the days of Kamehameha I. Parcel 2 was from Kaelemakule in 1838. In Parcel 1 is one po'alima. No opposition.
1. is bounded mauka by Hika, Waihee by 'Ili of Kuaiwa, Kula by Kaai, Maalaea by Nahau.
2. is bounded mauka by Manu, Waihee by Kaili, Kule by stream, Maalaea by stream.

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3. is bounded mauka by Napaeloi, Waihee by stream, Kula by Kaai, Maalaea by Keliikoa.
4. is surrounded by the lands of Kaai.