



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

ORIGINAL

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

FORM SWUPA-E (NA WAI EHA, MAUI)

For Official Use Only: **RECEIVED**
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 APR 30 AM 8:35
 SWUP NO. 94
 Event ID: SWUP.2334.6

For detailed instructions on filing 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 Burt H. Sakata and Peter Fritz		Applicant's Contact Burt H. Sakata		2. SOURCE LANDOWNER'S NAME Wailuku Water Company, LLC	
Applicant's Mailing Address, or Principal Place of Business 107 Waihee Valley Rd. Wailuku, HI 96793		Source Landowner's Mailing Address, or Principal Place of Business 225 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

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 Waihehu/6023 Iao/6024 Waitapu/6001

4a. TMK OF STREAM DIVERSION LOCATION: 3 - 2 - 014 : 001
Zone Sector Plat Parcel

4b. TMK OF DITCH DIVERSION LOCATION: 3 - 2 - 005 : 017
Zone Sector Plat Parcel

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

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 A

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? Wailuku Water Company

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): Burt H. Sakata
 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 Signature Burt H. Sakata Print Date: 4/27/2009	12. SOURCE LANDOWNER Signature Date
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FILE ID: SWUP.2334.6
 DOC ID: 3468 ✓

**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	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	4,254	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	51,048	GPD				
AVERAGE DAILY USE (Average of the above)	4,254 (See Attachment A for explanation)	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									
DOM	3 - 2 - 005 : 011 Zone - Sector - Plat : Parcel	Ag	No	Ag	No	30	No	0.01	15% of 0.07-acre parcel for non-commercial gardening, see addenda for more information.
DOM	3 - 2 - 005 : 013 Zone - Sector - Plat : Parcel	Ag	No	Ag	No	600	No	1 unit	600 gals/unit/day for single family residential and non-commercial gardening, see addenda for more information.
DOM	3 - 2 - 005 : 019 Zone - Sector - Plat : Parcel	Ag	No	Ag	No	3360	No	0.12	9% of 12.341-acre parcel for non-commercial gardening, see addenda for more information.
DOM	3 - 2 - 005 : 039 Zone - Sector - Plat : Parcel	Ag	No	Ag	No	264	No	0.088	80% of 0.11-acre parcel for non-commercial gardening, see addenda for more information.
TOTAL NON-POTABLE USE						4,254		GPD	
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						4,254		GPD	
If total use requested is not equal to the total monthly average in Table 1, please explain. Not Applicable									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. To the best of our knowledge, we are not aware of any such limitations.									

**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 - 2 - 005 : 011 <small>Zone Sector Plat Parcel</small>	Diversified Agriculture	0.07	0.01	Year Round	Year Round	Hand water with hose	Irrigate to Field Capacity
3 - 2 - 005 : 013 <small>Zone Sector Plat Parcel</small>	Diversified Agriculture	0.61	0.03	Year Round	Year Round	Hand water with hose	Irrigate to Field Capacity
3 - 2 - 005 : 019 <small>Zone Sector Plat Parcel</small>	Diversified Agriculture	12.341	1.12	Year Round	Year Round	Sprinkler	Irrigate to Field Capacity
3 - 2 - 005 : 039 <small>Zone Sector Plat Parcel</small>	Diversified Agriculture	0.11	0.088	Year Round	Year Round	Hand water with hose	Irrigate to Field Capacity
- - - - : - <small>Zone Sector Plat Parcel</small>							
- - - - : - <small>Zone Sector Plat Parcel</small>							
- - - - : - <small>Zone Sector Plat Parcel</small>							
- - - - : - <small>Zone Sector Plat Parcel</small>							
- - - - : - <small>Zone Sector Plat Parcel</small>							
- - - - : - <small>Zone Sector Plat Parcel</small>							

**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	Not Applicable	See Attachment A
Wastewater reuse	Not Applicable	See Attachment A
Ditch system	Not Applicable	See Attachment A
Desalinization	Not Applicable	See Attachment A
Ground water	Not Applicable	See Attachment A
Other (specify)	Not Applicable	Not Applicable

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 A, Table 4

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/cwrnm/>; by contacting the Stream Protection and Management Branch at 587-0234; or sending an email to: dlnr.cwrnm@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: *(1)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.*

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/cwrnm/>, 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 Māhele 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 Māhele. 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	
IRRG	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.*

This Water Use Permit Application incorporates the following attachments:

Attachment A: Supplemental Answers

Attachment B: A copy of a 7.5-minute series (1:24,000) USGS Topographic Map showing Waihe`e River, with the Waihe`e Ditch Diversion and Spreckels Ditch Diversion labeled. Attachment B also includes TMK maps depicting our property in relation to established property boundaries and the Waihe`e River, as well as a close-up of our property detailing our end uses.

Attachment C: True and correct copies of photos of our intakes from the `auwai, as well as our existing end uses that accurately depict conditions on the date the photos were taken.

Attachment D: True and correct copies of documents establishing that our land was in kalo at the time of the Māhele of 1848.

Attachment A: Supplemental Answers

Supplemental Explanation for Field 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, Wailuku Water Company, LLC claims to be the source landowner.

Supplemental Explanation for Field 5: Stream Diversion

We are kuleana users along the kuleana `auwai that runs to the south of Waihe`e River. Water is diverted from Waihe`e River at the Waihe`e and Spreckels diversions (see USGS Topographical Map, Attachment B). All the water from the Spreckels diversion enters the Spreckels Ditch, as does some water from the Waihe`e diversion. The South Waihe`e kuleana `auwai receives water via a pipe in the Spreckels Ditch. The pipe empties into an open `auwai on the south side of Waihe`e River. The water continues makai in the `auwai until it passes and flows through our property where divert water from several different intakes on Parcels 17 and 39 to support our non-commercial gardening, including bananas, fruit trees (including mangos and citrus), hō`i`o, and tropical flowers. Although we formerly cultivated wetland kalo, we stopped growing kalo several years ago because there was not enough water in our `auwai to support all of the existing users. When we used water for our lo`i, there was not enough water for other kuleana users makai of us. So, we stopped growing wetland kalo, but would like to restore our lo`i (see our concurrently filed SWUPA-N). Any unused water from our non-commercial gardening is absorbed into the ground and recharges the aquifer, or flows back into another branch of the South Waihe`e Kuleana `auwai. When we restore our lo`i kalo, we plan to return water to the same branch of the South Waihe`e Kuleana `auwai so that it can go on to supply our neighbors and residents before returning to Waihe`e Stream.

Supplemental Explanation for Field 6: Flow Measurement Information

Our existing water use is not gauged. We estimated our existing water use for our non-commercial gardening by multiplying the net acreage of parcels 11, 19, and 39 (0.01, 1.12, and 0.088, respectively) that we had in bananas, fruit trees (including mangos and citrus), hō`i`o, and tropical flowers on April 30, 2008, by the 2002 State of Hawai`i Water System Standard for Maui County of 3000 gallons per acre per day for a total of 3,654 gallons (1.218 x 3000).

We also applied the 2002 State of Hawai`i Water System Standard for Maui County of 600 gallons per single family home or house lot to parcel 13, where we use water outside our home for some of that gardening, including our hō`i`o, tropical flowers, etc.

Based on this information, we estimate our existing water use for parcels 11, 13, 19 and 39 as 4,254 gallons per day.

Supplemental Explanation for Field 7:

Parcels 11, 13, and 39 have appurtenant rights because they were in kalo cultivation at the time of the Māhele of 1848. Appended to this application as Attachment D are true and correct copies of Land Commission Award 7686 and Royal Patent No. 6284 (Parcel 13), along with testimony indicating that the land was in kalo at the time of the Māhele. We have also included the Māhele documents for Parcel 17, where we access some of our water. We have no evidence, indication, or other reason to believe that our appurtenant rights to parcels 11, 13, 17, or 39 have been extinguished. This application should be granted pursuant to HRS § 174C-63.

Parcel 19 also had appurtenant rights. However, when we purchased Parcel 19 from Wailuku Agribusiness in 2001 the appurtenant rights were reserved. As a result, it appears our property's appurtenant rights for that parcel may be extinguished, although we reserve the right to claim appurtenant rights in the future based on further information.

Addendum to Table 1: 12-Month Average Daily Use

As noted in our supplemental explanation for Field 6, our existing water use is not gauged. To complete Table 1, relied on the method of estimation described in the supplemental explanation for Field 6, above.

Addendum to Table 2: Land Use Consistency/Efficiency

Boxes 3 & 5 – Our application is for an existing use of water on land zoned for agriculture. The cultivation of diversified agriculture 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.

Box 10 – See supplemental response for Field 6, above.

Addendum to 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 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 cultivate fruits and vegetables on our land for subsistence purposes; the produce we grow feeds our extended family and is shared with neighbors and community members. As shown below, each alternative water source imposes a cost on exercising our protected rights.

Municipal Sources – I (Burt) have lived on this land since 1980, although this land has been in our family for generations. As long as we can remember, we have always used water from Waihe`e River on this kuleana parcel. Requiring us to now pay for municipal water instead would impose an unfair and impracticable cost on our use.

Wastewater reuse – Reusing wastewater is impracticable. As a small user engaged in a 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 Waihe`e River via an existing kuleana `auwai that passes our land. Getting water from other ditch systems is not practicable, because there is no other ditch that passes near our kuleana land and we lack the property, access, permissions and funding necessary to permit and construct an additional ditch diversion. In any event, another ditch diverting water from Waihe`e River would not be an alternate water source. Constructing a ditch system to deliver water from another stream does not appear technically feasible given the topography and distance and would be cost prohibitive.

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 would be extremely burdensome. As a small user, we do not have the means to install and maintain such infrastructure.

Addendum to Table 4: Public Interest

Our Existing Use is Consistent with 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”). HRS § 174C-2(c) also declares the protection of agriculture and the maintenance of proper ecological balance and scenic beauty are “in the public interest.” Our non-commercial gardening helps to maintain ecological balance and scenic beauty. As such, our existing use of stream water is consistent with the public interest.

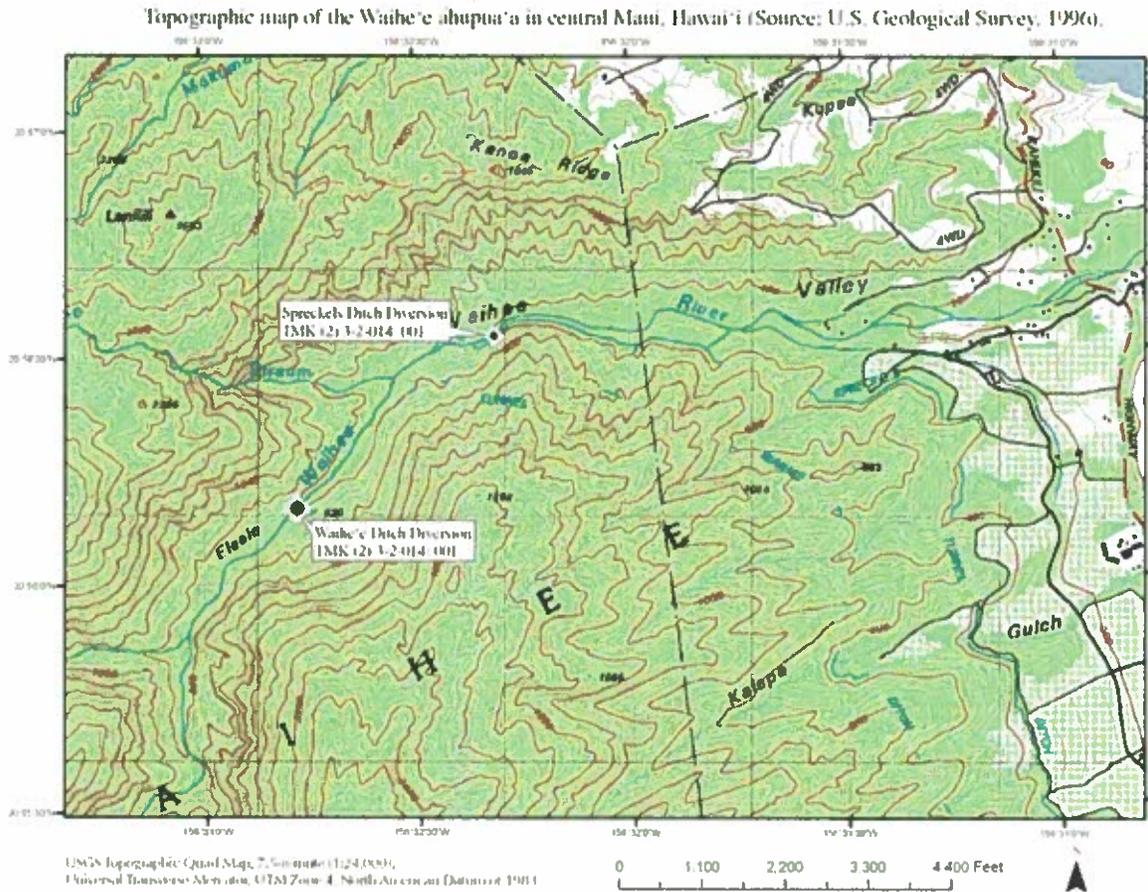
Our Existing Use is a Protected Public Trust Purpose

Because our existing water use is based on an appurtenant right, it is a protected public trust purpose. Waiāhole I, 94 Hawai‘i at 137 n. 34, 9 P.3d at 449, n. 34. Additionally, because any unused water will return to the `auwai and eventually to Waihe`e River, 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 and appurtenant rights.

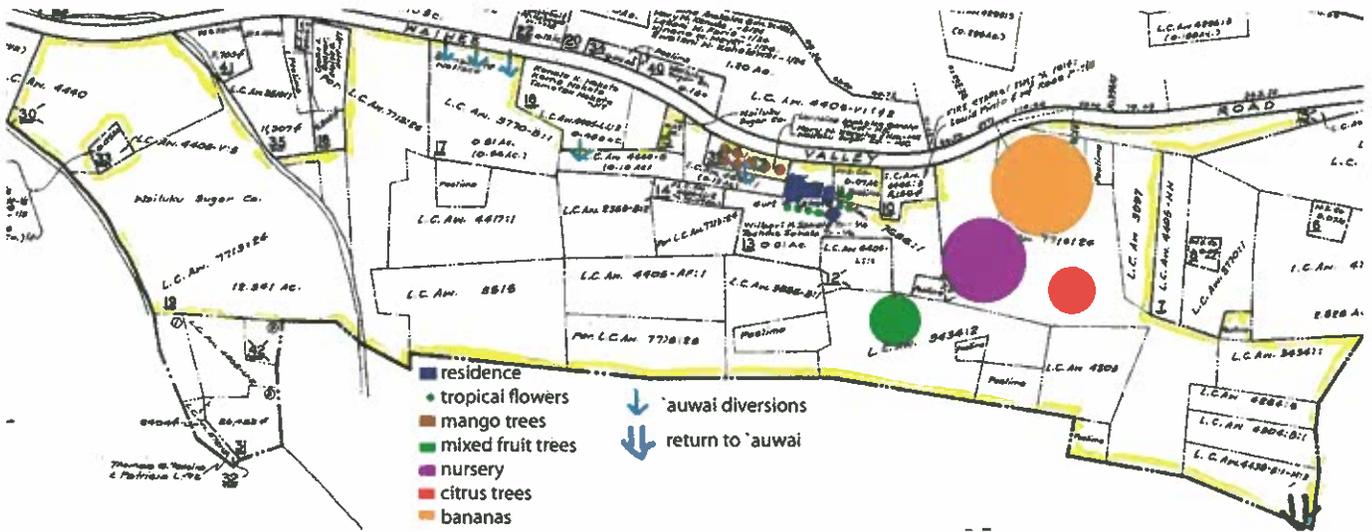
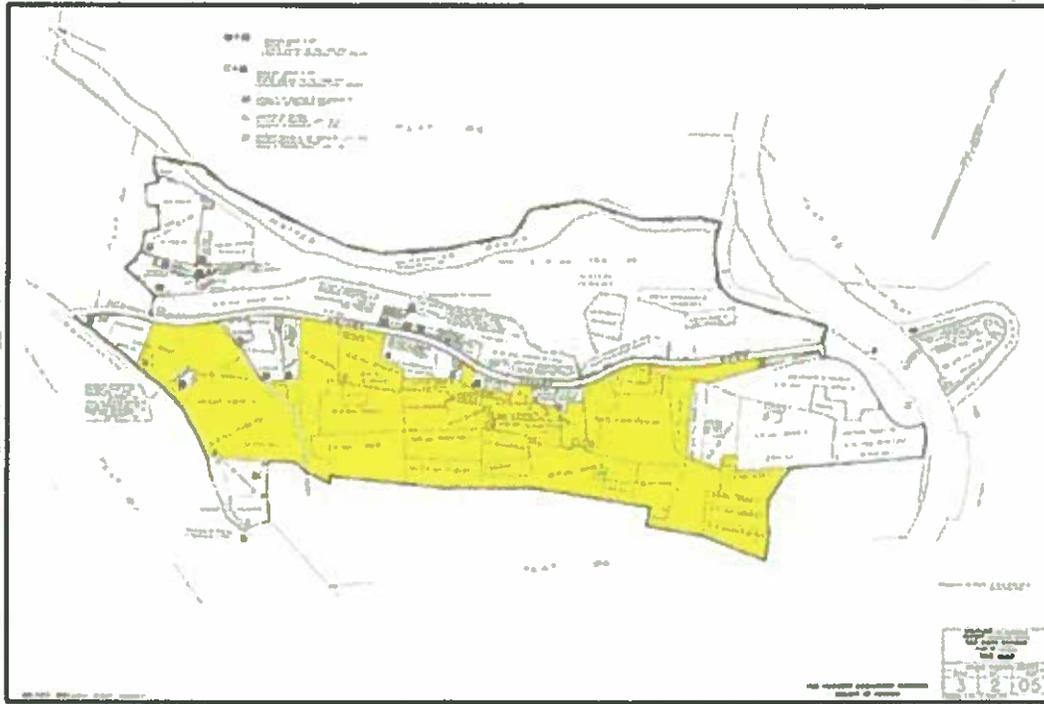
Our Existing Use is a “Reasonable-Beneficial Use”

“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, our existing 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 use the amount we need. We take steps to make our water use efficient. For instance, we use pipes where appropriate, and our farming practices include the use of mulch to protect the soil from erosion and minimize the use of water. Therefore, our use is “reasonable-beneficial.”

Attachment B: Maps



**USGS Topographical Quad Map showing
Waihe'e River and the Waihe'e and Spreckels diversions**



The first TMK map (above) shows our property in relation to Waihe'e River and established property boundaries.

The second TMK map (above) details our diversions from the 'auwai and existing water uses.

Attachment C: Pictures

Below are photos of our five intakes from the South Waihe`e Kuleana `Auwai on Parcels 17 & 39. The first three are actively utilized now, the last two will be more fully utilized when we re-open our lo`i kalo:





End uses for Parcel 11: Tropical Flowers (above)



Some End Uses for Parcel 13: Fruit Trees (above), including ulu, bananas and mango



End Uses for Parcel 19: Bananas (above)



End Uses for Parcel 19: Nursery (above)



End Uses for Parcel 19: Citrus Trees (above)



End Uses for Parcel 39: fruit trees, including Mango

No. 7686 - Kawaia Waihee, Feb. 7, 1848

Page 439

To the Land Commissioners, Greerings: I, Kawaia, hereby state my claim which is held under Z. Kaaui, for 7 lo'i and some small kulas and 4 inherited lo'i which I am re-making because they are so small.

This place of which I tell you is in Waihee in an 'ili named Papiina. I also have a house site there.

Furthermore, in the Ahupua'a of Honokohau on the island of Maui, in the 'ili named Panioi, are 33 lo'i and a section of water-course, a kula planted in sweet potatoes and my house site. This is my own, it does not belong to a konohiki.

At the time when my Haku'aina dispossessed me, I was a luna under the konohiki for his work days, but this is my own property, not his, therefore, I was dispossessed in 1844 and it was given to someone else and I was deprived. I live in sorrow and regret the burden of laboring for the food of the land which someone else

Page 440

will consume. I asked for a place to grow food but none was received. Therefore I present it to you, the commissioners, for action. The length of my occupancy was from 1834. That is the right which is stated here. Respectfully,

KAWAIA

No. 7711 - Kaiheekai, I. H.

To the Land Commissioners: Here is my claim for land in Lahaina: Puaheo'ali Ahupua'a. That is my claim. Respectfully,

Honolulu, Feb. 8, 1848

I. H. KAIHEEKAI

No. 7719 - Haia Lahaina, Jan. 29, 1848

Hear ye, ye Land Commissioners, the Honorable persons sitting in the city of Honolulu. Here is my message to you -- kindly enter my 15 lo'i and a kula.

HAIA

No. 7724 - Faholopu Lahaina, Feb. 2, 1848

Greetings to the Land Commissioners: I have been delayed in writing because of my illness.

I have a taro land which is spread out, with 33 lo'i in it, and in it are 3

Page 441

lauhala clumps and four breadfruit -- three of which I planted with my own hands. In this taro land I have some kulas planted in sweet potatoes; they are not large.

My land is in the Ahupua'a of Kuholilea, and this is where there are the separate streams of Lahainaluna [and Kuholilea] and these streams unite towards the sea.

16

Handwritten text, likely a title or introductory sentence, partially illegible due to fading and bleed-through.

C. 4:37. Kōkūhaka.

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C. 5:15. Kōkūhaka.

See also P. Vol. 5. No. 1

Handwritten text block under the second section header, containing several lines of cursive script.

C. 7:11. Kōkūhaka.

Handwritten text block under the third section header, containing several lines of cursive script.

Caption - Hawaii State Archives

No. 2422 Kānalo (cont.)

this land from Kūihelani. Kūihelani had received this land from N. Kekuānana, no objection.

Section 1 - Taro section at Pūhānalu

Mauka	Government enclosure
Kahakūloa	Kapahuwai
Makai	Kahoe
Wailuku	Waipukua ʻili

Section 2 - Taro section and pasture in Kapoho

Mauka	Kukae
Kahakūloa	Stream
Makai	Kukae
Wailuku	Kapiu

No. 4287 Kalaikalohē

July 24, 1849

Pg. 252

Kamakūhikūiaha sworn He has seen 2 sections in the ʻilis of Waiehu as listed below. First section from Kawahinekuapuu in 1843, land from Kūihelani to Kawahinekuapuu. Section 2 from Puana in 1843. Puana's land from Kūihelani, no objection. 1 poalima in section 1

Section 1 - Taro moa in Mākaaka ʻili

Mauka	Honohiki
Kahakūloa	Kaloleikailikapu
Makai	Poalima
Wailuku	Kaahi

Section 2 - 1 patch and house lot at Pahaalele ʻili

Mauka	Pahaalele pasture
Kahakūloa	Kaalois
Makai	Malaihi
Wailuku	Kaluahine

No. 3515 Kūmoo

July 24, 1849

Kaanua sworn He has seen 1 section in Kalopelepe 2 ʻili of Waiehe - a whole section. Land had been for Kūmoo's father at the time of Kam. I, no objection Land is for Kūihelani at present, 3 poalimas are ther.

Mauka	Paalani ʻili
Kahakūloa	Papaina ʻili
Makai	Nelu ʻili
Wailuku	Hookahi ʻili

No. 7686 Kawaa

July 24, 1849

I.S. Kawaa sworn He has seen 1 section in the ʻili of Papaina in Waiehe, 7 sections are in Paniʻoi ʻili of Honokohau which totals 8 sections. Kapeahi has stirred provocation for that land in Honokohau. The section in Waiehe was from Z. Kaauwai in 1845 *. Land to Kaauwai had been from Zaoo (blind) in 1838. Pg.253 Land in Honokohau from Kaainalo in 1833. Kawaa has done Poalima work on these lands. Kapeahi stirred for the land at the time of Kaainalalo's death in 1844. Section in Waiehe.

Mauka	Laupahulu
Kahakūloa	Poalima
Wailuku	Laupahulu

The boundaries of the 7 sections in Paniʻoi of Honokohau will be established properly by the surveyor.

Ulu P. L. S. 17

M. L. Lu

G. M. Robertson

A. Schaubert

P. H. Smith

Maunulu 27 Oct 1852

Yaku 370 Piki

Waiwau e Maunulu

Apana 1. M. Sapirova. E hunaaka to ana ma to kiki. Hikiina. Hina. piki ana ma Hikiina. Mh 51% Num 116 Kaul. ma Hunaaka. Num 83 Num 65 Kaul. ma Hunaaka. Mh 25 Num 109 Kaul. ma Hunaaka. Num 74 Num 217 Kaul. ma Hunaaka. Mh 55% Mh 269 Kaul. ma Hunaaka. Mh 66% Mh 275 Kaul. ma Hunaaka. a hiki ma hiki. hunaaka. a onaliki ma onapan 27% Eka.

Apana 2. M. Kandi. E hunaaka to ana ma to kiki. Hikiina. Hina. piki ana ma to kiki. Hikiina. Mh 56% Num 130 Kaul. ma Hunaaka. Mh 55% Num 15 Kaul. ma Hunaaka. Num 58% Num 97 Kaul. ma Hunaaka. Mh 23 Hunaaka 26 Hunaaka ma Hunaaka. Mh 82 Mh 26, 287 Kaul. ma Hunaaka a hiki ma hiki. hunaaka. a onaliki ma onapan 17% Eka.

Apana 3. M. Hunaaka. E hunaaka to ana ma to kiki. Hunaaka Huna. Hina. piki ana ma to kiki. Hikiina. Mh 66% Mh 103 Kaul. ma Hunaaka. Mh 37 Num 7 Hunaaka ma Hunaaka. Num 68 Hunaaka 7 Hunaaka ma Hunaaka. Num 14% Hunaaka 23 Kaul. ma Hunaaka. Mh 67 Mh 33 Kaul. ma Hunaaka. Num 15% Hunaaka 26 Hunaaka ma Hunaaka. hiki ma hiki. hunaaka. a onaliki ma onapan 6% Eka.

Apana 10% Ua hunaaka ma to ana onapan.

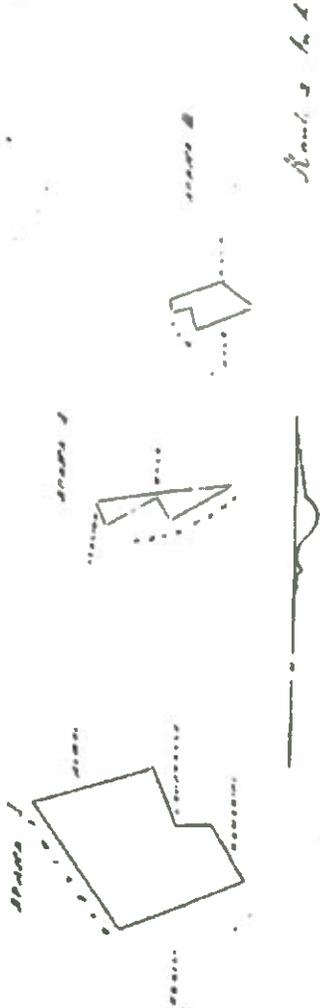
M. L. Lu 1 10% 10%

761' 33' Kaula ma Pua. Kua 1876' Akaia 16' "aukaha ma Pua" hiki ma hiki, kama
a waleke eia anapua 6/10/1880

Ahona 1875 v. Ua kaula eia e ma Ahona

Maikaha Aug 12th 1883

Ahona 1875
Pua ma eia



Kaula 1875

Ua kaula eia e ma Ahona
M. L. Lee
1912. P. P. Lee
L. M. Schick
J. M. Schick

Honolulu, 27. Oct 1882

No. 8066

~~ROYAL~~ PATENT

37

Upon Confirmation of Award by the Land Commissioners.

Whereas, the Board of Commissioners to grant Land Titles, did

by their decision award to Taiti

Claim No. 2770 in Fee Simple, the land hereafter described

Therefore, ~~inasmuch as~~ ^{The Government of the Kingdom of Hawaii} by the ~~Board of Commissioners~~ ^{Board of Commissioners} under authority to all men that she has for herself

and for her successors in fee simple and given absolutely in fee simple unto Taiti

all that certain piece of land situated at Waialeale, A. Waialeale Island of Maei and described as follows

Apana I. Ii Iapana. E hoomatika ke ana ma ke hiki
 Kihina o keia o pili ana ma ke hiki Kihina o Kooli, Ak. 30^o Horn. 106 kaul, ma
 Kooli, Horn. 10^o Horn. 86 kaul ma Kooli, Horn. 10^o Horn. 6^o
 kaul ma Kooli, Ak. 30^o Horn. 109 kaul ma Kooli, Horn.
 7^o Horn. 27 kaul ma Kooli, Horn. 30^o Hiki. 29 kaul ma
 Kooli, Ak. 66^o Hiki. 27^o kaul ma Kooli o hiki ma hiki
 i hoomatika — A Maloko oia Anapuni ¹¹/₁₀₀ o ka.

Apana II. Ii Iaihi. E hoomatika ke ana ma ke hiki
 Kihina o keia o pili ana ma ke hiki Kihina o Anakalea, Horn.
 36^o Horn. 100 kaul ma Anakalea, Ak. 36^o Horn. 45 kaul ma
 Anakalea, Horn. 36^o Horn. 97 kaul ma Anakalea, Ak. 26^o
 Kooli, 16 kaul ma Anakalea, Ak. 15^o Hiki. 27 kaul ma
 Kooli, o hiki ma hiki i hoomatika.

— A Maloko oia Anapuni ¹¹/₁₀₀ o ka. —

Apana III. Ii Ahuakaloa. E hoomatika ke ana ma ke
 hiki Kooli, Ak. 66^o Hiki. 100 kaul, ma Kooli, Ak. 30^o Horn. 71
 kaul ma Kooli, Horn. 10^o Kooli, 91 kaul ma Kooli, Horn.
 10^o Kooli, 30 kaul ma Kooli, Ak. 10^o Hiki. 30 kaul
 ma Kooli, Horn. 10^o Kooli, 10 kaul ma Kooli o hiki ma
 hiki i hoomatika.

— A Maloko oia Anapuni ¹¹/₁₀₀ o ka. —

Apana IV. Ii Kooli oia oia ma Apana

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[The following text is extremely faint and illegible due to poor scan quality. It appears to be a series of lines of text, possibly a list or a set of notes, but the characters are not discernible.]

No. 3767 - Alawa

Kaa, Jan. 18, 1848

Page 121

Greetings to the Land Commissioners: I hereby petition for my house and the land boundary wall. The land is at Keawawa and is used for cattle.

ALAWA

No. 3766 - Akaku

Greetings to you, the Land Commissioners: I hereby petition to you. There are sixteen . . . /Translator's note: See Foreign Testimony V.7, p.281 and Native Testimony V.5, p.145./

AKAKU

No. 3768 - Aio

Kaanapali, Jan. 19, 1848

Greetings to the Land Commissioners: I hereby petition for my little lot claim. It was from ancient times, however it was originally a palau. My claim in this lot is that formerly we planted coconuts in it. After 17 years, I made an adobe wall which enclosed it completely, which I paid for with my own money. The konohiki did not assist, but he now denies that the coconuts are mine. In my mind, they are for me, since I and my punalua, Aunai, planted them, and I should be compensated with the coconuts since I alone cared for them.

See the original letter, since this has not been completely copied. /Possibly a note by the scribe./

AIO

/No data./

No. 3770B - Paiki

Waihee, Jan. 1, 1848

Page 122

'Ili of Papaina, 16 lo'i, which I received from Kawao.
Kolahi, 7 lo'i which I received from Kanahelo.
Ahukolea, 6 lo'i which I received from Kaialai.
Ohia, 1 lo'i which I received from Fuka. 1 kula at Ninole II.
Stream branch which I received from Kunaolelani.

PAIKI

No. 3770 - Alauka

Waihee, Jan. 1, 1848

'Ili of Kolahi, 16 lo'i which I received from Kauakahi.

ALAUKA

'Ili of Kolahi, 12 lo'i from Kauakahi. On the north is Hule's /land/, on the south is Kalepelepe, on the west is Keula's /land/, on the east is Alauka's /land/.

ALAUKA

No. 3772 - Alapai

Greetings to the Land Commissioners: I hereby write my claim for

11/21/20

It is bounded to the north, by the Palovina land, to the south, by the same Palovina, by the Palovina land, to the west, by the Palovina land.

Lot 144. Garden

This is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

It is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

The Palovina land received these from the Palovina land, with the exception of the Palovina land, which was reserved for the Palovina land, in 1823. The Palovina land received these from the Palovina land, with the exception of the Palovina land, which was reserved for the Palovina land, in 1823.

It is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

It is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

It is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

Lot 145. Garden

This is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

It is bounded to the north, by the Palovina land, to the south, by the Palovina land, to the west, by the Palovina land.

The Palovina land received these from the Palovina land, with the exception of the Palovina land, which was reserved for the Palovina land, in 1823. The Palovina land received these from the Palovina land, with the exception of the Palovina land, which was reserved for the Palovina land, in 1823.

Hawaii State Archives

No. 4438 - Kemeki Waihee, Dec. 28, 1848 Page 171

'Ili of Waiakaonaona, 17 taro lo'i, received from Puhī. It is for you to administer this.

KEMEKI

No. 4440B - Hapailua Waihee, Dec. 29, 1847

'Ili of Puulolo, 21 lo'i, one hala clump.

HAPAILUA

No. 4440C - Kekaula Waihee

'Ili of Mookahi, 12 lo'i? received from Kuihelani. Kapoho, 1 pond, received from Kahaole.

KEKAULA

No. 4440 - Keino Waihee

'Ili of Puulani, 45 lo'i, received from Anakalea. Two kula. Three of us.

KEINO

No. 4441 - Kapahi

Greetings to the Land Commissioners: I, Kapahi, hereby state my claim for 15 lo'i, and also a kula which is there, at Lamalii. I received my right to them from Pupuka and Moanalua. The bounds are as follows: on the north, a stream, on the east, Lemukee and the 7 lo'i, on the south, the land boundary wall, on the west, the lo'is of Pupuka. At Kalua are 4 lo'i. No opposition.

KAPAHĪ

No. 4442 - Kapu Waihee, December 30, 1847

/At/ Pahihī, 34 taro lo'i, one kula, which I have had from ancient times. My occupancy was in the time of Kaauwai. The witnesses are Nakahaa and Naoho.

KAPU

No. 4444B - Keapu Waihee, Dec. 20, 1847 Page 172

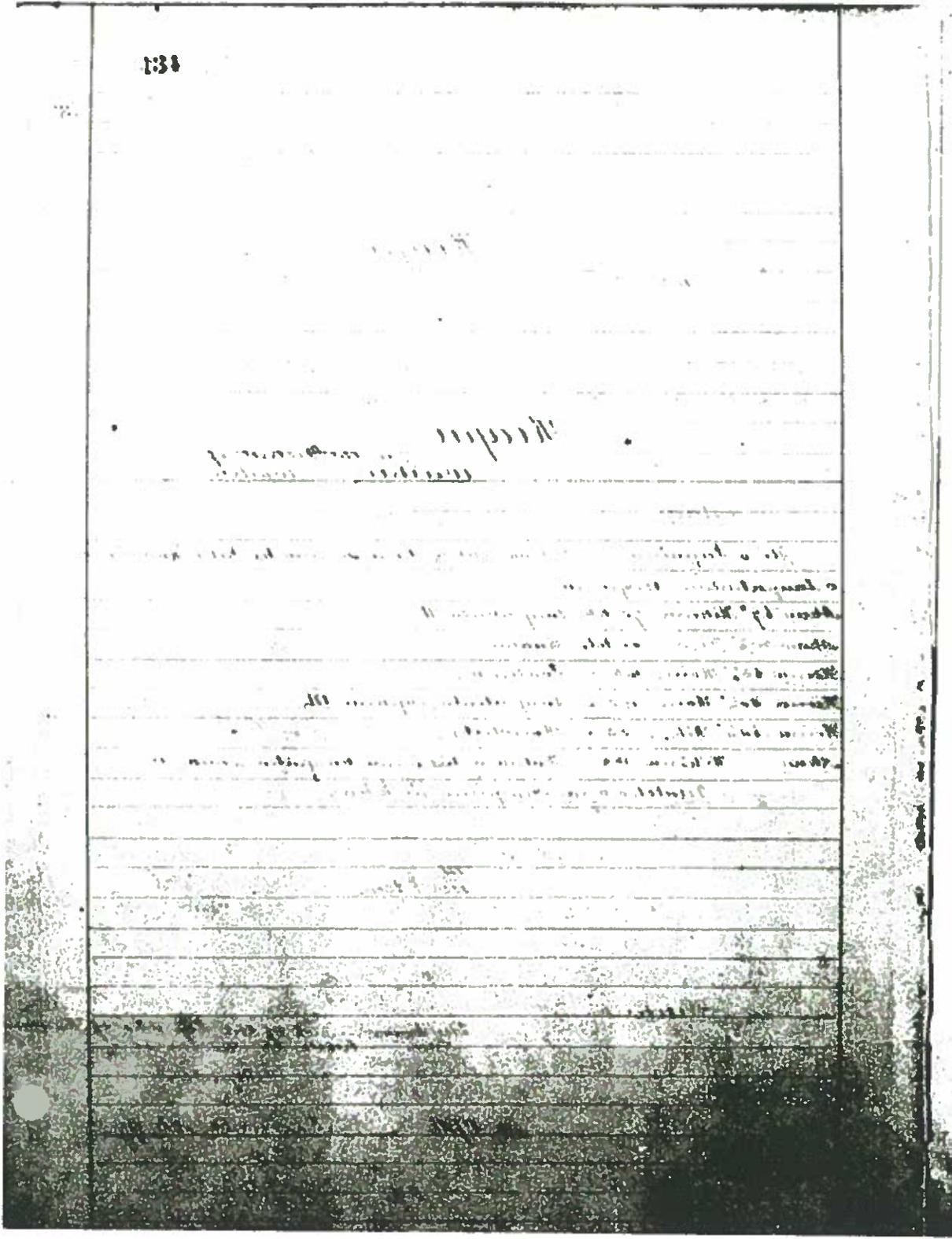
'Ili of Papaina, 4 lo'i, received from Kaahu. At Nelu, 8 lo'i, received from Ku. At Wallua, a stream branch received from Fuana. Wailuku Ahupua'a, 'Ili of Papohaku, 4 lo'i, received from Kauwai. At Nehe, 3 lo'i received from Kahulu. 1 lo'i was received from Kua. That is my claim.

KEAPU

No. 4444 - Kaahu Waihee, Dec. 27, 1847

'Ili of Papaina, 10 lo'i received from Kaawa.

KAAHU



No. 5065

ROYAL PATENT

433

Upon Confirmation of Award by the Land Commissioners.

Whereas, the Board of Commissioners to quiet Land Titles, did,

by their decision, award to Keapu
(Claim No. 11111 B) in Fee Simple the land hereafter described:

Therefore, ~~LILUOKALANI~~ by the ~~Grant~~ ~~of the~~ ~~Commission~~
~~Shander~~ by this Royal Patent makes known to all men that ~~she~~ ~~has~~ ~~for~~ ~~herself~~
and for her assigns in ~~offer~~ this day granted and given absolutely in fee simple
unto Keapu

in the District of
all that certain piece of land situate at Waikae, Waikae - Island
of Maua and described as follows:

- Ili o Tapauna. 6 hoonohou ke ana ma ke hiki Konohane
- o Laupahulu. 11 Apana
- Ahau 67 Kikina 75 ke Laupahulu II
- Ahau 20 1/2 Kona. 55 ke Laahu
- Kona 68 1/2 Kona. 100 ke Koalima.
- Kona 56 1/2 Kona. 125 ke Laupahulu, Apana III
- Kona 64 1/2 Kona. 55 ke Konohiki.
- Ahau. Kikina 160. Kalua o hiki ma ka paahu ma o
- Maloko o in Apana 100 ke o

Maunaloa 27 Feb 1852

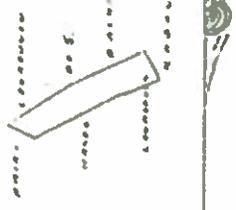
B
Hawaiian Republic

Walter Meunier

Hi. Papaina Chumata ke ana ma ke hiki Kauhana. Lapaehala & Apama
Ahaun 67° 45' N. 15' W. Lapaehala &
Ahaun 20 1/2' N. 55' W. Lapaehala &
Ahaun 63 1/2' N. 145' W. Lapaehala &
Ahaun 56 1/2' N. 125' W. Lapaehala & Apama III
Ahaun 64 1/2' N. 155' W. Kauhana
Ahaun 60° 45' N. 162' W. Kauhana ma ke pahi mauna a maaloa ma
anapuni: 14/100 C. 100.

Wailuku July 7 1852

John S. Lewis
Puna ana aine



Maunaloa

Walter Meunier

P. L. Lee
S. M. Robinson
J. Kauhana
P. H. Smith

Maunaloa 31 Oct 1852

No. 3517 Kaniheana (con't.)

from Kuihelani. This is old land from Kaniheana's father at the time of Kam. II, section 2 from Nailima in 1837. Section 3 from Kaniheana's older brother Panihu. No objections. Two poalimas in the first section.

Section 1 - Taro pauku and pasture at Kalaimuiahehe.

Mauka, Road/poalima; Kahakuloa, Prisoners' patch; makai, Pahukauila ili; Wailuku, Stream.

Section 2 - Taro pauku and houselet at Pahukauila.

Mauka, Kahinu; Kahakuloa, Prisoners' patch; makai Kaulahiwa; Wailuku, Waihee stream

Section 3 - 1 taro patch in Kanaele 2 ili.

Mauka and Kahakuloa, Kamakaheana; makai, Huhi, Wailuku, Stream.

No. 4289 Kanihou

25 July 1849

Kapahuwai sworn he has seen 2 sections in Wailua ili of Waihee.

Section 1 - Taro pauku and pasture.

Section 2 - Taro pauku and pasture.

Land from Kuihelani in 1843. Kuihelani's interest from M, Kekuaanao, *Pg. 266 no objections. 4 poalima patches, 1 wauke patch, 1 coffee grove, total 6 poalimas.

Section 1

Mauka and Kahakuloa, pali; makai, Kumuhonua; Wailuku, stream

Section 2

Mauka, pali; Kahakuloa, stream; makai, Kumuhonua, Wailuku, pali.

No. 4377 Keawe

25 July 1849

Kahinu sworn he has seen 4 sections in the ilis of Waihee. First section from Kahinu in 1839. Section 2 from Halevaa in 1839, section 3 from Kaniheana in 1842. This is and old land for Kaniheana. Section 4 from Kamaka at the time of Z. Kaniwai, no objections.

Section 1 - Pauku patch at Halepahu.

Makai and Wailuku

Kahina's land

Mauka

Lauhue ili

Kahakuloa

Kahilinamais

Section 2 - 4 patches at Kalaimuiahehe.

Mauka

Kaniheana's land

Kahakuloa and makai

Poalima

Wailuku

Stream

Section 3 - 5 patches in Pahukauila.

T This section has been joined with section 2, but Nailima has the makai and of section 3.

Section 4 - 3 patches at Kahilinamais.

Mauka, Poalima; Kahakuloa and makai, Kamaka; Wailuku, section 1.

No. 4444B Keapu

25 July 1849

Kawaa sworn he has seen 1 section of 4 patches in the ili of Papaina in Waihee. This was from Kaahu in 1846, Kaahu's land from Walawala in 1833, no objections.

Mauka and Kahakuloa, poalima*; Makai Kaahu's land; *Pg. 267 Wailuku, Kalua.

No. 4444 Kaahu

25 July 1849

This interest has been included in grant no. 4444 B Keapu. Kawaa sworn he has seen 3 sections in the ili of Papaina in Waihee. All of these sections to Kaahu from Walawala in 1833, no objections.

11/20/20
39

It is bounded to the north by the Palaniia land, to the south by the
 same Palaniia land, to the east by the Palaniia land, and to the west by the Palaniia land.

(A. 11/20/20)

Successor to the Palaniia land of the Palaniia land in the State of Hawaii.

It is bounded to the north by the Palaniia land, to the south by the Palaniia land, to the east by the Palaniia land, and to the west by the Palaniia land.

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No. 4444 Kaahu (cont.)

<u>Section 1</u> - 5 Taro patches		
Mauka		Koapu's land
Kahakuloa		Poalima
Makai and Wailuku		Kawan's land
<u>Section 2</u> - 2 Taro patch		
Mauka		Kaakina
Kahakuloa		Papaina 2 ili
akai		Poalima
Wailuku		Kaakina
<u>Section 3</u> - 4 Taro patch		
Mauka		Poalima
Kahakuloa		Papaina 2 ili
Makai		Koishi ili
Wailuku		Kawan's land

No. 3299 Wahalohe and Ana July 25, 1849

Kaakauehema sworn He has seen 2 sections in the ili of Pahihī in Waihee. Land from Palulu in 1843 and it is an old land. No one has objected. 1 Poalima in section 2.

<u>Section 1</u> - Taro moo		
Mauka		Palulu's land/ditch
Kahakuloa		Kaakauehema's land
Makai		Palulu's land
Wailuku		I.S. Kaawa's land
<u>Section 2</u> - Taro moo		
Mauka		Pehaalele
Kahakuloa		Makaaka ili
Makai		Pu
Wailuku		Kaakauehema's land

No. 3299 B Nahalau July 25, 1849 Page 268

This claim has been included in grant number 3299 Wahalohe.
Z. Kaauwai sworn He has seen 1 taro section and pasture in Waialohe ili of Waihee. This is Nahalau's old land, no objection. 3 Poalimas are in there. Z. Kaauwai's boundaries surrounded this section.

No. 4278 Kauhowa July 25, 1849

Kahinu sworn He has seen 4 sections in the ilie of Waihee. The first section was from Makaale prior to 1839. The section (2) was from Puhi prior to 1839. The third section was from Hehena prior to 1839. The fourth was from Kaale prior to 1839. No objection to Nahalau.

<u>Section 1</u> - Taro moo and pasture at Waiahaonaona		
Mauka		Stone wall
Kahakuloa		Kuanea
Makai		Poalima
Wailuku		Stream
<u>Section 2</u> - Taro moo and pasture at Waiahaonaona		
Mauka		Aupuni
Kahakuloa		Kuanea
Makai		Poalima
Wailuku		Stone wall
<u>Section 3</u> - 2 Taro patches and pasture at Waiahaonaona		
Mauka, Kahakuloa and makai		(Kanehekili
Wailuku		Stone wall

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No. 4438 - Kemekei Waihee, Dec. 28, 1848 Page 171

'Ili of Waiakaonaona, 17 taro lo'i, received from Puhī. It is for you to administer this.

KEMEKEI

No. 4440B - Hapailua Waihee, Dec. 29, 1847

'Ili of Puulolo, 21 lo'i, one hala clump.

HAPAILUA

No. 4440C - Kekaula Waihee

'Ili of Mookahi, 12 /lo'i received from Kuihelani. Kapoho, 1 pond, received from Kahaole.

KEKAULA

No. 4440 - Keino Waihee

'Ili of Puulani, 45 lo'i, received from Anakalea. Two kula. Three of us.

KEINO

No. 4441 - Kapahi

Greetings to the Land Commissioners: I, Kapahi, hereby state my claim for 15 lo'i, and also a kula which is there, at Lamalii. I received my right to them from Pupuka and Moanalua. The bounds are as follows: on the north, a stream, on the east, Lemukee and the 7 lo'i, on the south, the land boundary wall, on the west, the lo'is of Pupuka. At Kalua are 4 lo'i. No opposition.

KAPAHĪ

No. 4442 - Kapu Waihee, December 30, 1847

/At/ Pahihī, 34 taro lo'i, one kula, which I have had from ancient times. My occupancy was in the time of Kaauwai. The witnesses are Nakahaa and Naoho.

KAPU

No. 4444B - Keapu Waihee, Dec. 20, 1847 Page 172

'Ili of Papaina, 4 lo'i, received from Kaahu. At Nelu, 8 lo'i, received from Ku. At Wailua, a stream branch received from Puana.

Wailuku Ahupua'a, 'Ili of Papohaku, 4 lo'i, received from Kauwai. At Nehe, 3 lo'i received from Kahulu. 1 lo'i was received from Kua. That is my claim.

KEAPU

No. 4444 - Kaahu Waihee, Dec. 27, 1847

'Ili of Papaina, 10 lo'i received from Kaava.

KAAHU

Maloko o *Pio* Apana *32* Eke
e oi iki aku, a emi iki mai paha. Ua koo nae i ke Aupuni na mine ¹⁰⁰ minerela a me na metela a pan.
No *Kaahu*
ua aiaa ia i haawia ma ke **Ano Alodie** a no kona mau booilaa, a ma kona waahona; ua pii nae ke kuhua
a ka Poe Ahaolelo e kuu like ai ma na aiaa alodie i kela manawa i kua manawa.
A I MEA E IKA AI, ua kuu au i ko'u inoa, ma ka Sila Mui o Ka Hawaii Pae
Aiaa ma Honolulu i keia la 2. p Feb 1882.

*By the Honorable
The Judges of the Supreme Court
J. B. Hutchins.* *Wardlaw & Mack*

H E L U 6380



PALAPALA SILA NUI

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

NO KA MEA, Ua hooiho na Luna Hoona i na kumu kuleana aia i ka olelo, he kuleana oiaio ho
 ma ke Ano Alodio iho o kahi i oleloa malalo. Kuleana Hele 1911

Nolala, ma keia Palapala Sila Nui, ke hooi aku nei o Kamehameha V, ke Alii Nui a ke Akua i
 Kona Iohannakai i hooiho ai maluna o ka Hawaii Pae Aina, i na kuleana a pau, i kua ia mea iho, a ma
 kua ma hope alii, ua haawi aha iho, ma ke Ano Alodio i *Hawaii*
 i kua wahi a pau loa ma *Hawaii*
 ma ka Mokupuni o *Mau* penei na mokuna:

Ap. I. He. Papeina. E hoomaka ana ke kahi. He. Lapahele II.
He. 67. He. 2.20 Pae ana Lapahele II.
Ok. 281. . 1.34 Heape a Hono kiki
. 76: He. 60 Ouwai
He. 22. . . 80 Palima
Ok. 49: . . 1.80
He. 16. . . 34 Hawaii
a kiki i kahi i hoomaka. He. Eke.

Ap. II. He. Papeina. E hoomaka ana ke kahi. He. Heakima (Aha)
He. 211. He. .99 Pae ana Heakima
Ok. 541. . . 62
He. 33. He. .90 Palima
He. 624. . . 64 Heakima
a kiki i kahi i hoomaka. He. Eke.

Ap. III. He. Papeina. E hoomaka ana ke kahi. He. Hawaii
Hama 611. He. .76 Pae ana Hawaii
. 211. He. 42
. 60. He. .38
Ok. 421. . . .22
. 30. . . 1.06 Palima
He. 631. He. .90 Ouwai
He. 43. . . .90 He
a kiki i kahi i hoomaka. He. Eke.

No. 3517 Kanuiheana (con't.)

from Kuihelani. This is old land from Kanuiheana's father at the time of Kan. II, section 2 from Nailima in 1837. Section 3 from Kanuiheana's older brother Panihu. No objections. Two poalimas in the first section.

Section 1 - Taro pauku and pasture at Kalaiminaehehe.

Mauka, Road/poalima; Kahakuloa, Prisoners' patch; makai, Pahukauila ili; Wailuku, Stream.

Section 2 - Taro pauku and houselot at Pahukauila.

Mauka, Kahinu; Kahakuloa, Prisoners' patch; makai Kaulahiwa; Wailuku, Waihee stream

Section 3 - 1 taro patch in Kanaele 2 ili.

Mauka and Kahakuloa, Kamakaheana; makai, Nuihi, Wailuku, Stream.

No. 4289 Kanihou

25 July 1849

Kapahuwai sworn he has seen 2 sections in Wailua ili of Waihee.

Section 1 - Taro pauku and pasture.

Section 2 - Taro pauku and pasture.

Land from Kuihelani in 1843. Kuihelani's interest from M, Kekuanana, Pg. 266 no objections. 4 poalima patches, 1 wauke patch, 1 coffee grove, total 6 poalimas.

Section 1 Mauka and Kahakuloa, pali; makai, Kumuhoua; Wailuku, stream

Section 2 Mauka, pali; Kahakuloa, stream; makai, Kumuhoua, Wailuku, pali.

No. 4377 Keave

25 July 1849

Kahinu sworn he has seen 4 sections in the ilis of Waihee. First section from Kahinu in 1839. Section 2 from Halevaa in 1839, section 3 from Kanuiheana in 1842. This is and old land for Kanuiheana. Section 4 from Kamaka at the time of Z. Kaawai, no objections.

Section 1 - Pauku patch at Halepahu.

Makai and Wailuku	Kahina's land
Mauka	Lauhue ili
Kahakuloa	Kahilinamaia

Section 2 - 4 patches at Kalaiminaehehe.

Mauka	Kanuiheana's land
Kahakuloa and makai	Poalima
Wailuku	Stream

Section 3 - 5 patches in Pahukauila.

T This section has been joined with section 2, but Nailima has the makai and of section 3.

Section 4 - 3 patches at Kahilinamaia.

Mauka, Poalima; Kahakuloa and makai, Kamaka; Wailuku, section 1.

No. 4444B Keapu

25 July 1849

Kauaa sworn he has seen 1 section of 4 patches in the ili of Papaina in Waihee. This was from Kaahu in 1846, Kaahu's land from Walawala in 1833, no objections. Mauka and Kahakuloa, poalima; Makai Kaahu's land; Pg. 267 Wailuku, Kalua.

No. 4444 Kaahu

25 July 1849

This interest has been included in grant no. 4444 B Keapu. Kauaa sworn he has seen 3 sections in the ili of Papaina in Waihee. All of these sections to Kaahu from Walawala in 1833, no objections.