ORIGINAL

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

For Official Use Only:
RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 APR 30 AM 9:00

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

FORM SWUPA-N

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

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

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion location and the quad map name.
- Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water source, diversion and end use, if applicable.

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

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
KIMBERLY PAUAHI LOZANO	KIMBERLY PAUAHI LOZANO	UNKNOWN	

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
P.O. BOX 2082 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]					

SOURCE INFORMATION

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

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

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

6a. **TMK OF PROPOSED STREAM DIVERSION LOCATION:** ___ - ___ - ___ : ___ (Zone - Sec - Plat : Parcel)

6b. **TMK OF PROPOSED DITCH DIVERSION LOCATION:** 3 - 4 - 0 3 6 : 0 1 0 (Zone - Sec - Plat : Parcel)

7a. **PROPOSED STREAM DIVERSION:** How will water be diverted from the stream to your property? Check all that apply.
☒ Pipe ☐ Pump ☒ Ditch/auwai ☐ Other Describe: See attachment page 1.

7b. **WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?**
☒ Yes. How much water will be returned? See attachment page 1.
☐ No

8. **PROPOSED FLOW MEASUREMENT INFORMATION:**
Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts?
☐ Yes. List the manufacturer and describe the device . N/A
☒ No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.
See attachment page 1.

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

9. **TOTAL QUANTITY OF WATER REQUESTED:** 57,645 gallons per day. See Table 1, Item14.

10. **PROPOSED USE:** Check all that apply. See Table 1, Item 1.
☒ Agriculture ☒ Domestic ☐ Industrial
☐ Irrigation ☐ Military ☐ Municipal

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

PROPOSED USER INFORMATION

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

13. **PROPOSED END USER INFORMATION:** Will you be an end user on an existing water system?
☐ Yes. List the name of the system operator: N/A ☒ No

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

15. **STREAM DIVERSION WORKS PERMIT (SDWP):** Do you have a SDWP from the Commission?
☐ Yes. List the permit number(s): N/A ☒ No

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

16. APPLICANT	17. SOURCE LANDOWNER
Signature: [signature]	Signature
Print: K. P. Lozano Date: 4/4/2009	Print Date

FILE ID: SWUP.23716
DOC ID: 3483J

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	0 [12]	GPD	
Uses that do not require potable water										
AGRCP	Zone 3 - Sec 4 - Plat 036 : Parcel 010	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.1836 acres	300,000	55,080	☐ Yes ☒ No	See attachment page 2.
DOM	Zone 3 - Sec 4 - Plat 036 : Parcel 001	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	AG	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.855 acres	3,000	2,565	☐ Yes ☒ No	See attachment page 2.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	57,645 [13]	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	57,645 [14]	GPD	

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

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 4 - 0 3 6 : 0 1 0 (Zone Sec Plat Parcel)	Wetalnd Kalo	0.1836 acres	0.1836 acres	Year round	Year round	Flood (taro)	Field capacity
3 - 4 - 0 3 6 : 0 0 1 (Zone Sec Plat Parcel)	Diversified Agriculture	1.14 acres	0.855 acres	Year round	Year round	Drip irrigation	Field capacity
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:
See attachment page 1-2.

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	**B. Analysis of Non-Potable Alternatives** (Attach additional sheets if necessary.)
Municipal sources	N/A	See attachment 2-3.
Wastewater reuse	N/A	See attachment 2-3.
Ditch system	N/A	See attachment 2-3.
Desalinization	N/A	See attachment 2-3.
Ground water	N/A	See attachment 2-3.
Other (specify)	N/A	See attachment 2-3.

C. ADDITIONAL REQUIREMENTS:

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

1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.
See attachment page 3-4.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
See attachment page 4.

3. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.
See attachment page 4.

APPLICATION FOR SURFACE WATER USE PERMIT
PROPOSED NEW USE

INSTRUCTIONS

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

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

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

REQUIREMENTS FOR A COMPLETE APPLICATION

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

ADDITIONAL REQUIREMENTS FOR A COMPLETED APPLICATION

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

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

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

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

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

LINE BY LINE INSTRUCTIONS ON APPLICATION

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME: Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. SOURCE LANDOWNER'S NAME: Fill in the information for the landowner of the property where the existing surface water diversion works is located.

SOURCE INFORMATION

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

APPLICATION FOR SURFACE WATER USE PERMIT
PROPOSED NEW USE

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT: Provide Instream Flow Standard (IFS) for hydrologic unit if available.
5. CAN YOUR PROPOSED USE BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Check "Yes" or "No". Explain how your proposed use(s) can be accommodated within the Instream Flow Standard (IFS) for the above hydrologic unit.

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion will be located. Each tax parcel is issued a TMK number by the county property tax office and is defined as follows: 1st digit = (Island code), 2nd digit = Zone, 3rd digit = Section, Digits 4-6 = Plat, Digits 7-10 = Parcel, e.g. (1) 1-1-001:001. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the parcel where the proposed ditch diversion will be located.

7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all the appropriate box(es).

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH? Check "Yes" or "No." If yes, enter the amount of water to be returned.

8. PROPOSED FLOW MEASUREMENT INFORMATION: Check "Yes" or "No". If yes, please describe the measuring device. A flowmeter with a totalizer will directly measure the total use for the source (similar to a car's odometer). If no, explain how stream diversion will be measured or estimated to justify amounts requested.

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

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

PROPOSED USER INFORMATION

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

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE

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

1. PURPOSE / WATER USE CATEGORY: For each proposed use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRR1G, etc.)

AGRICULTURE

AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other

DOMESTIC

DOM	Single & Multi Low-Rise & High-Rise Household
DOMN	Domestic (Non-residential)
DOMNCB	Commercial Businesses
DOMNRI	Religious Institutions
DOMNHOS	Hospitals
DOMNHOT	Hotels
DOMNOB	Office buildings
DOMNOTH	Domestic Non-Residential – Other
DOMNSC	Schools

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INDUSTRIAL

INDEL	Geothermal, Thermoelectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other

IRRIGATION

IRRGC	Golf Course
IRRHM	Habitat Maintenance
IRRHOT	Hotel
IRRLA	Landscape/Water Features
IRROTH	Other
IRRPA	Parks
IRRSC	Schools

MILITARY

MIL	Military

MUNICIPAL

MUNCO	County
MUNPR	Privately owned and operated but defined as a public system by the Department of Health
MUNST	State

2. USE TMK: The Tax Map Key number of the parcel over which the water will be applied. There should only be one parcel for each line. Also, attach a TMK map(s) for the lots showing the boundaries of irrigated acreage, etc., as well as a photograph of the area of use.
3. STATE LAND USE DISTRICT: To find out the current Land Use District, contact the Land Use Commission at 587-3822.
4. CDUP REQUIRED: If a Conservation District Use Permit (CDUP) is required, check "Yes" and enter the date CDUP was approved if you have a CDUP applicable to this project; or check "Yes, not acquired". If a CDUP is not required, check "No." To find out if your parcel is in the Conservation District, contact the Land Use Commission at 587-3822.
   If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at 587-0328 to find out if a CDUP is required.
5. COUNTY ZONING CODE: To find out the Zoning Code for Na Wai Eha, contact Maui County Department of Planning at 270-6279 or 270-7253.
6. SMAP REQUIRED: If a Special Management Area Permit (SMAP) is required, check "Yes" and enter the date SMAP was approved if you have a SMAP applicable to this project; or check "Yes, not acquired". If a SMAP is not required, check "No." To find out if your parcel is in a Special Management Area and requires an SMAP, contact Maui County at 270-8205.
7. UNITS OR NET ACREAGE: This is the value and category as the basis for calculating the duty. "Duty" means the amount of water requested for a "unit" over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. "Unit" can mean dwelling unit, or number of people, or animals. Some examples of this category include: 400 dwelling units, 500 people, and 3.74 acres.
8. GPD/UNIT or GPD/ACRE (GPD=gallons per day): Enter the gallons per day or gallons per acre for each water use category listed in Column #1.
9. REQUESTED QUANTITY OF USE (GPD): Enter the requested quantity of use in gallons per day (GPD) at build out after all phases of your project have been completed. The build out amount may differ from the four-year cumulative projected demand if your build out date extends beyond the cumulative projected four-year demand.
10. SUBMETERED? Is there a second measuring device or meter for another user? Check "Yes" or "No" if the specific use will be submetered or not. Submetering is specific to each line item.
11. APPLICANT'S JUSTIFICATION FOR QUANTITY OF REQUESTED USE FOR ITEM #9: Explain how you are justifying the amount(s) you are requesting for Item #9. Attach additional copies of Table 1 if necessary to show how this number was calculated. For irrigation uses, fill in Table 2.
12. TOTAL POTABLE USE: Add the quantities listed in the column above for potable water and enter the total potable use in gallons per day (GPD) here.
13. TOTAL NON-POTABLE USE: Add the quantities listed in the column above for uses that do not require potable water and enter the total non-potable use in gallons per day (GPD) here.
14. TOTAL QUANTITY OF WATER REQUESTED: Add the requested amounts listed on Box 13 and Box 14 and enter the total requested amount of both potable and non-potable uses here.
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. HRS §174C-51(5)

TABLE 2: IRRIGATION INFORMATION

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

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

   TRICKLE, DRIP
   TRICKLE, SPRAY
   MULTIPLE SPRINKLERS

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

8. IRRIGATION PRACTICE: Enter one of the following:

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

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

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

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

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

C. ADDITIONAL REQUIREMENTS

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

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

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

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

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

ATTACHMENT A

Attachments

Appended hereto as Attachment B is a copy of the 7.5 minute-series USGS topographic map with a TMK map superimposed, with the spring labeled in relation to our land. Attachment C is a TMK map showing the `auwai diversion point and the areas of end use on our property. Attachment D contains copies of photographs of our `auwai diversion and area of proposed use. Attachment E is described below.

Box 2: Source Landowner

Not applicable pursuant to HRS § 174C-51(1)(B), because applicant does not have a terminable interest in the land which is the source of the permitted water. According to the location of the spring on the USGS map, however, we believe that the spring is on TMK No. 3-3-002:030.

Box 4 & 5: Instream Flow Standards

I seek to use water from a spring, not a stream. In addition, there currently are no Instream Flow Standards for Nā Wai `Ehā.

Box 7(a&b): Proposed Stream Diversion

I seek to use water in an `auwai that runs adjacent to my land. The source of this water is a spring. The water flows out of the spring through an open ditch toward ʻĪao Stream. The water enters a culvert, and brings the water past my land and onto my neighbors' land. We would access water from the `auwai with pipes and culverts to transport water to both of my parcels. The outflow from my loi will return to the `auwai and eventually back into ʻĪao Stream.

Box 8: See explanation for Table 1 Box 11, below.

Box 12: Appurtenant Rights

My parcels had appurtenant rights, as documented in Land Commission Award No. 2435, Royal Patent No. 4405MM, and Land Commission Award No. 2458, Royal Patent No. 6066. However, in 2001, Wailuku Water Company sold the land to my parents and reserved the appurtenant rights formerly on the land. As a result, it appears my property's appurtenant rights may be extinguished, although I reserve the right to claim appurtenant rights in the future based on further information. Attached hereto in Attachment E are true and correct copies of Māhele records for Land Commission Award No. 2435, Royal Patent No. 4405MM, and Land Commission Award No. 2458, Royal Patent No. 6066, which indicate that the land was in kalo cultivation at the time of the Māhele.

Table 1, Box 11: Justification for Requested Quantity

I estimated my proposed water use for wetland kalo cultivation by multiplying the amount of land I intend to put into wetland kalo cultivation on TMK No. 3-4-036: 010 (0.1836 acres) by 300,000 gallons, the average amount of water I understand is required to grow healthy wetland kalo.

I estimated my proposed domestic water use, including my water use of outside my home for watering my yard and non-commercial garden, which is planned for TMK No. 3-4-036: 001 by multiplying the 2002 State of Hawai`i Water System Standard for Maui County of 3,000 gallons per acre by 0.855, or the total acreage of my property (1.14 acres) minus the approximate square footage of my house (0.285 acres).

Table 3, Box B: Alternatives Analysis

Our exercise of our traditional and customary right as Native Hawaiians to cultivate kalo on our land in the traditional manner is constitutionally protected, and therefore is not be required to use alternative, non-traditional sources. Even if such a requirement applied, there is no potentially available alternative source that is economically practicable. We plan to cultivate kalo on our land for cultural and subsistence purposes; the kalo we will grow will feeds our `ohana and will be shared with neighbors and community members. An alternative water source that would require us to pay for volumes of constantly flowing water in our lo`i necessary to keep temperatures cool and support healthy kalo, would make our practice economically impossible. We would effectively be denied our traditional and customary right to grow kalo on our land. As shown below, each potentially available alternative water source imposes a cost on exercising our protected right.

In addition to kalo, we plan to cultivate a small non-commercial garden including dry land kalo, banana, coffee, papaya, kale, and other tropical flowers, fruits, and vegetables on TMK No. 3-4-036: 001. The fruits, vegetables, and flowers we will grow will feed our `ohana and will be shared with neighbors and community members. As shown below, each potentially available alternative water source is impracticable for a small, non-commercial user like me.

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 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 seek to use the existing spring-fed `auwai crossing our land. Getting water from other ditch systems is not practicable. First, the other ditch systems in Nā Wai 'Ehā do not consistently have enough water to support additional users. Second, we lack the property, access, permissions and funding necessary to permit and construct an additional ditch diversion. As a small user engaged in 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 and for our non-commercial gardening would be unprecedented and extremely burdensome. As a small user engaged in non-commercial gardening, we do not have the means to install and maintain such infrastructure.

Table 3, Section C: Additional Requirements

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

Generally, "water use for diversified agriculture on land zoned for agriculture is consistent with the public interest." In re Waiāhole Ditch Combined Contested Case, 94 Hawai'i 97, 162, 9 P.3d 409, 474 (2000) ("Waiāhole I"). Further, HRS § 174C-2(c) provides that the protection of traditional and customary Hawaiian rights, agriculture, and the maintenance of proper ecological balance and scenic beauty are "in the public interest." The water we are requesting will be predominantly for kalo cultivation. We will grow kalo in traditional ways and use it for subsistence purposes. We will also be growing other crops for our subsistence. We are Native Hawaiians engaged in traditional agricultural practices, and our crops help maintain ecological balance and scenic beauty. As such, our proposed use of stream water is consistent with the public interest.

Our Proposed Use is a Protected Public Trust Purpose

Kalo cultivation by Native Hawaiians is also a protected public trust purpose. 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). Additionally, because much of the water we will use will be returned to 'Īao Stream, our use supports other existing public trust purposes such as: (1) the maintenance of waters in their natural state; (2) resource protection; (3) water for domestic purposes; and (4) the protection of traditional and customary Native Hawaiian rights and appurtenant rights.

Our Proposed Use Supports Beneficial Instream Uses

Because we will return much of the water we use for kalo cultivation to 'Īao Stream, our proposed use will also support 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 Proposed Use is a "Reasonable-Beneficial Use"

"Reasonable-beneficial use" is defined as "the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and public interest." HRS § 174C-3. As indicated, our proposed use of stream water is consistent with state and county land use plans and the public interest. It will also be "economic and efficient" because we will only use the amount we need. We will take steps to make our water use efficient. For instance, we will use pipes and mulch where appropriate to minimize water loss. Therefore, the water we have requested is for a "reasonable-beneficial use."

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

Our proposed use will not interfere with existing legal uses. We believe the flow of the spring is able to accommodate our use. Also, as mentioned above, most of the water we will use will go back to 'Īao Stream. Thus, our use will not interfere with other existing legal uses because it will not result in a large net loss of water from the stream and larger ecosystem.

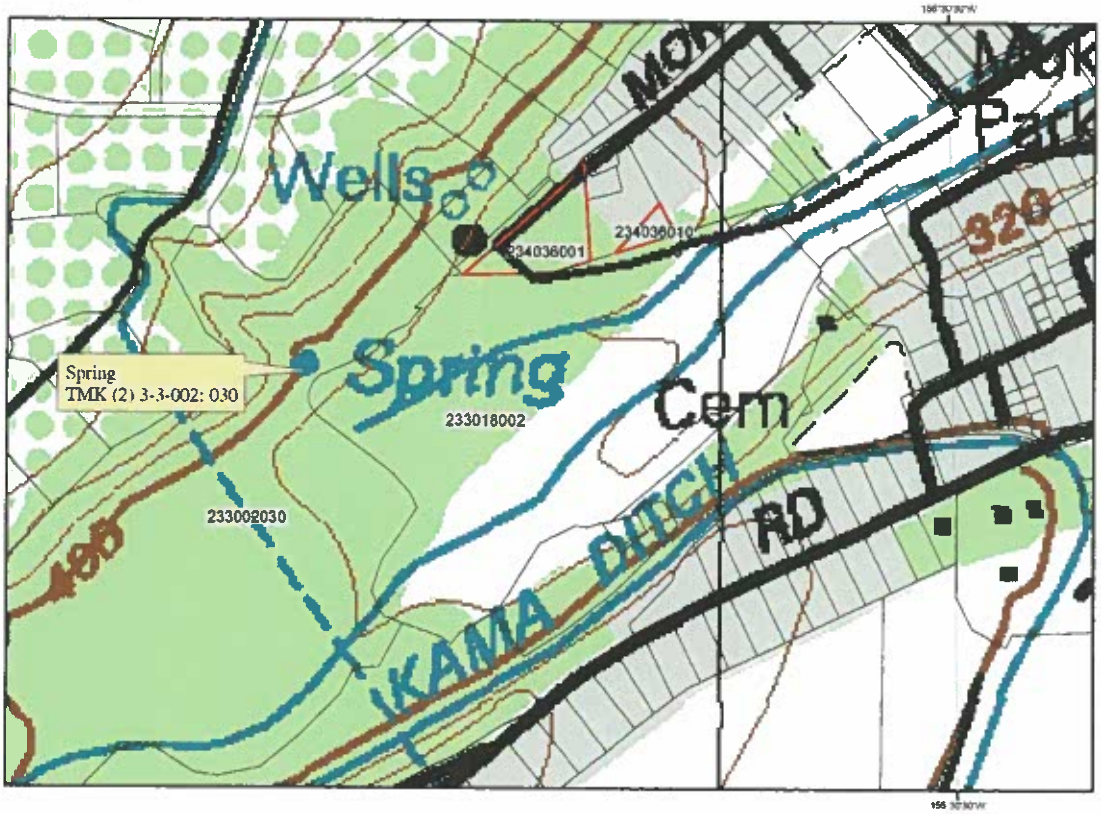
3) Our proposed use(s) will not interfere with the rights of the Department of Hawaiian Home Lands

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

ATTACHMENT B:

USGS Map with TMK superimposed, indicating our TMK parcels in red. The spring location is noted on the USGS map, and the TMK of the spring is indicated.

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

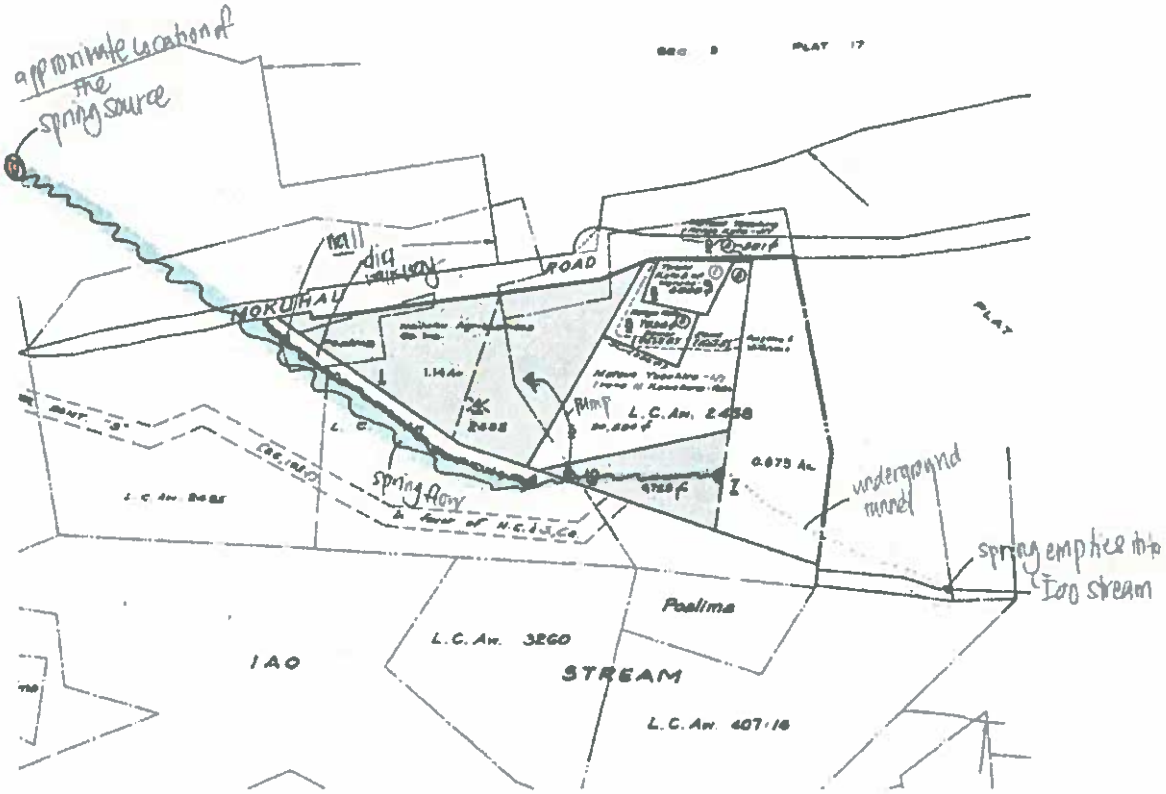


USGS Topographic Quad Map, 7.5-minute 1:24,000.
Universal Transverse Mercator, UTM Zone 4, North American Datum of 1983

0 200 400 600 800 Feet

ATTACHMENT C:

TMK Map for 3-4-036: 001, 010 indicating the flow of the `auwai, our diversion points, and the areas of proposed end uses.



ATTACHMENT D: PHOTOGRAPHS

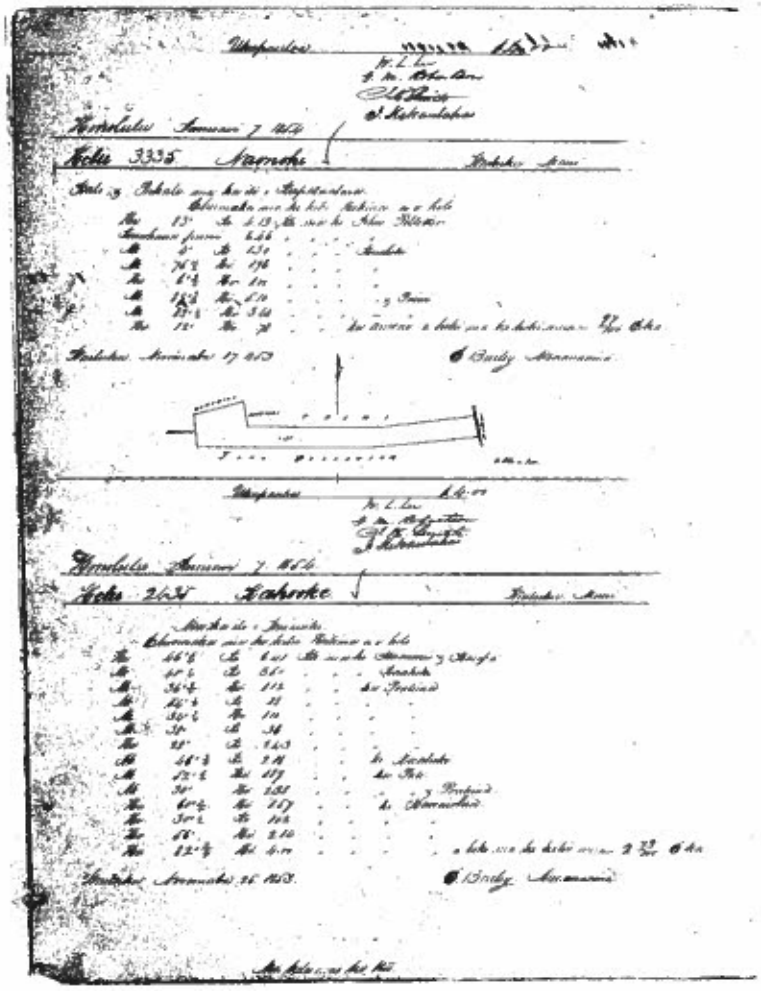
This is a photo of the spring that feeds the `auwai running on our land. The water bubbles up just under the root across the bottom of the photo.

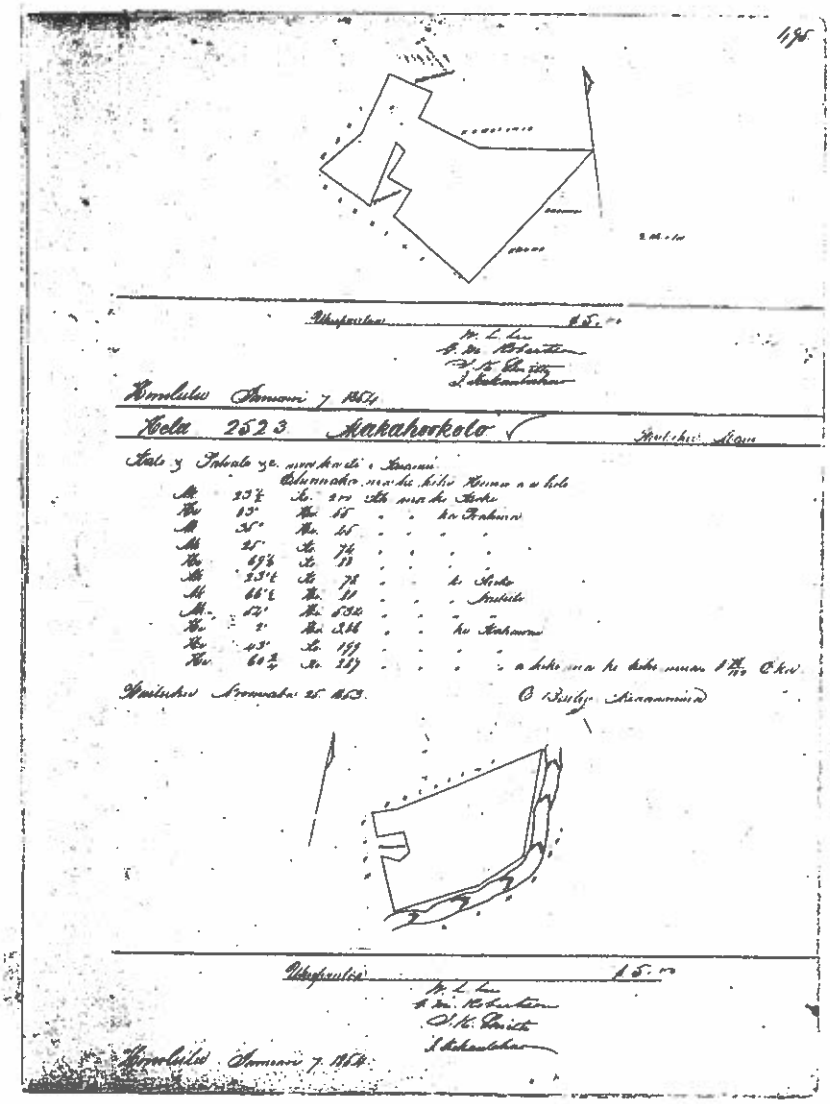
This is a photo of the culvert that brings water to the kuleana users.

These are photos of the area of end use.

ATTACHMENT E: DOCUMENTATION SUPPORTING APPURTENANT RIGHTS

LCA 2435:





37

Cl. 6705 Uhai - not surveyed - is in the land bought by Mrs Judd & Hoa. it has a well nearly around it - and food growing - when foreigners employed by Mr Dixon went & ploughed it for themselves - against Claimants protest - who has received no Equivalent.

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from N. T. V. 7. P. 39 Claims in "Pacahie" Maui

Lahaina 19th Novr 1853

K. P. Kawale Sw. states in reference to certain claims in "Pacahie" the land of Mr Gordale, that he never gave land to any of these, while he was Konohiki of said land, but they were allowed to plant Potatoes on some parts of the land under the Konohiki - Those referred to are Aimu 5369, Kuhilani 5281 - Naale 5363, Kanechokani 5365 - Ohula 10580 - Wahia 10964 - Konhaewa 5200 - Kaakole 3435 - Pepuadonui 7975.

Witness says these people have no real Kuleanas in the Mauka part of the land, but he thinks they have claims to some of the Makai part - where they have occupied and cultivated - going to the labor of the Konohiki.

Note 5329 Pahu is a claimant but not mentioned above. 5369 Aimu has had his Award dated 5370 Aunahi Nov in Oahu. See 179 P. Transactions in Kamaola statement

R. 152 V 7 Cl. 1815 Keaweahenlu from Cl. Pacahie to C Kanaina See 25 ch

Kailua W. Sw. says she knows the land in lot in dispute between these parties, in the Ili of Kahau, in Paunau Lahaina - my husband Haipuli & my self lived on this lot in time of Hoapili, when Kamawawa was Konohiki of "Paunau". After Kamawawa was displaced from Konohikiship Paulinui was Konohiki - Kamawawa went with Kuakiini to Kawaii the returned & lived on the lot in question with my husband & myself. Then I & my husband went to live farther mauka & Kamawawa remained on this lot - Hoapili was then alive. The house now standing there and occupied by Cl. was built by Kamawawa. The middle farm was built by Hoaai the Luna of Kekauhiohi to separate the part of the lot occupied by Keaweahenlu from the Makai part occupied by himself & prevent the hogs from straying.

Cl. 1897 10

2435 Kaakole Honuaula Dec 26 1847

Auhea oukou e na Luna Hoona kuleana. Owau o Kaakole ke hai aku nei au i kou kuleana wa ma Kapunakea o Kualapa ka ina, Hoike o Pahu, Ma ka Akau o Kualapa elua, ma ka hikina he ku ahuwe, ma ka hema o Kapunakea. Ma ke komohana kawawae. Eia keia he Moku maine, aia ma Kapunakea elua, Aia ma Popoha ia moku maine o Kiahuas. Ikemaka Ohula, Eia o au mala Ubala, aia ma Kuhala ekolu. Eia o kuu hale, ma ka Akau o Kamaha ma ka hikina o Kalapa, ma ka hema he pali, komohana he mau weliweli

Maui

Ikemaka Kuhoohanohano

Nau na Kaakole

2436 Kahaiki Wailuku Dec. 23 1847

E ike oukou e na Luna Hoona i kou aina kahuahale, kula, ma ka ili aina o Holu a me Pohakukupukupu. Eia na palena Akau o Puuohala, hikina he eka, hema ka aina o Napaina, komohana ka eka. Mai na makua mai ka noho ana malalo o na haku ili aina a hiki e keia wa, 6 loi ma ka ili aina o Waikaninui na Kapau i haawi ka haku ili aina, 9 loi ma ka ili aina o Waikaniiki na Kuihelani i haawi mai iau

Maui

Eia keia kuleana aina ou ma ka ili aina o Kulukulupueo i Waihee, palena, Akau he pali, hikina o Upeo, hema he pali, komohana o Wailua na Kuihelani i haawi mai iau i ka makahiki 1841 Oia kou kuleana aina

Na Kahaiki Wailuku

Maui

139

2435 Kaakoh ✓ Aug 9. 1849

Kalama Hoohikiia

Ua ike au i kona aina Ehiku mau Apana Aina

Ap. 1 Kula ili o Kualapa Paeahu Ahupuaa
" 2 " " Kaohai " "
" 3 " " Haleolono " "
" 4 " " Kahuaao " "
" 5 " " Kihulu " "
" 6 " " Haleolono " "
" 7 Kahuahale " Kualapa " "

Na Pikanele i haawi mai i ka 1836. Aole he mea keakea mai ia ia.

1 Mauka Pali o Paeahu, Kula Papiaomai Makai Konohiki, Kahikinui Pahu.

2 Mauka me Kula Pali o Paeahu, Makai Ala Aupuni, Kahikinui Naale.

3 Mauka Naale, Kula me Makai Ala pii, Kahikinui Kinkaina

4 Mauka Aina Aupuni, Kula Kanakaokai Makai Konohiki, Kahikinui Papiaomai

5 Mauka Konohiki, Kula Kaai, Makai Mahi, Kahikinui Wahie

6 Mauka Kaneiholani, Kula Puhena, Makai Spuhwa, Kahikinui Ainua,

7 Mauka Konohiki, Kula Halama, Makai a me Kahikinui Konohiki,

---

5200 B Kinkaina ✓ Aug 9.

Kaneiholani Hoohikiia

Ua ike au i kona aina Eha mau apana aina,

Ap. 1. Kula ili o Kumukahi Paeahu Ahupuaa
" 2. Kala " " " "
" 3. Kula " Punakeaka Palauea "
" 4. " " Kumukahi Paeahu "

Hela 7731

PALAPALA SILA NUI

21

A he Alii, Mamuli o ka Olelo a ka Joe Hoona Kuleana.

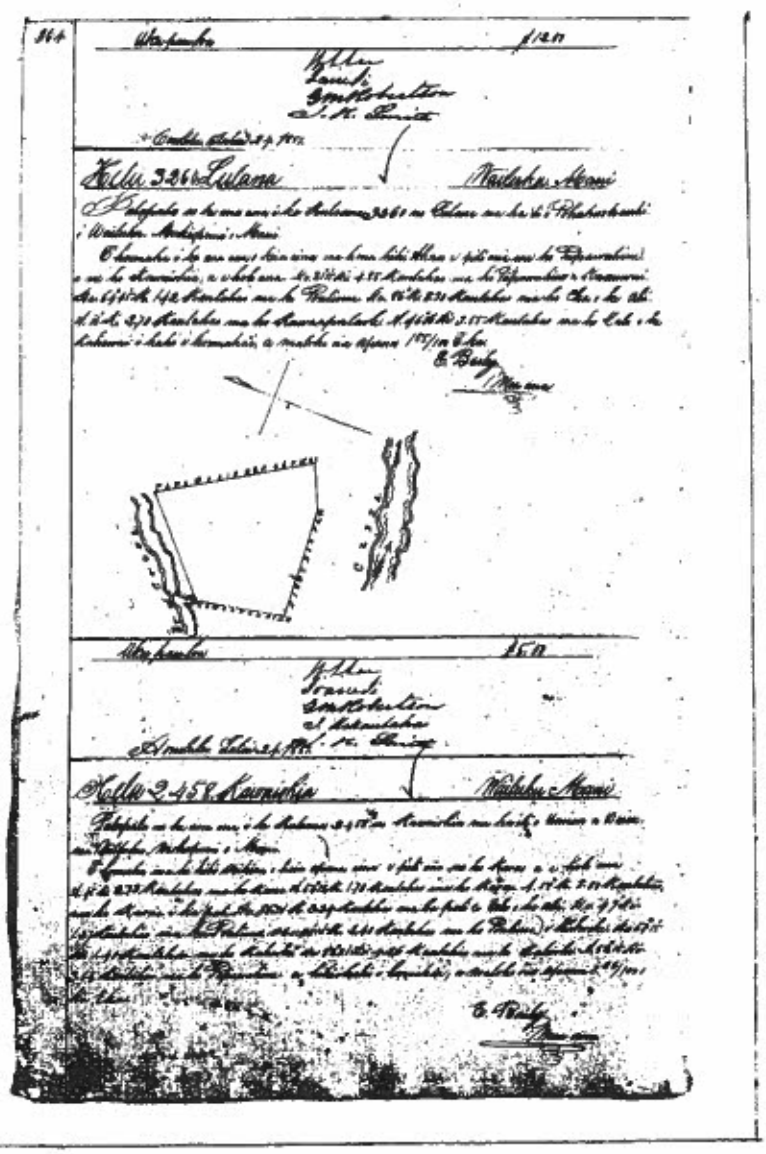
NO KA MEA Ua hoohoio nu Luna Hoona i no kuma kuleana aina i ka olelo, he kuleana otaio ko Kaakole Kuleana Hela 2435 ma ke **ANO ALODIO** iloko o kahi i olelo ia malaio.

NOLAILA, ma keia **PALAPALA SILA NUI,** ke hoike aku nei o **Kalakana,** ke Alii Nui a ke Akua i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i na kanaka a pau, i keia la nona iho, a no kona mau hope Alii, a ua haawi aku ola, ma ke **ANO ALODIO** ia Kaakole i kela wahi a pau loa ma Paeahu Honuaula ma ka Mokupuni o Maui penei na mokuna:

Afrana 1 Ili o Keahuaao. E hoomaka ana ma ke kihi Akau, a e holo ana
Hema 68° Ko 790 pauku ma ko Konohiki
Hema 4° Hi 180 " " "
Hema 77° " 710 " " "
Akau 2° " 658 " " " i ke kihi mua
3 Eka

Afrana 2. Pahale, E hoomaka ana ma ke kihi Akau a e holo ana
Hema 6° Ko 170 pauku Ohule
Hema 86° Hi 160 " "
Hema 3° " 160 " "
Akau 79° Ko 160 " " i ke kihi mua
1/4 Eka

LCA 2458:



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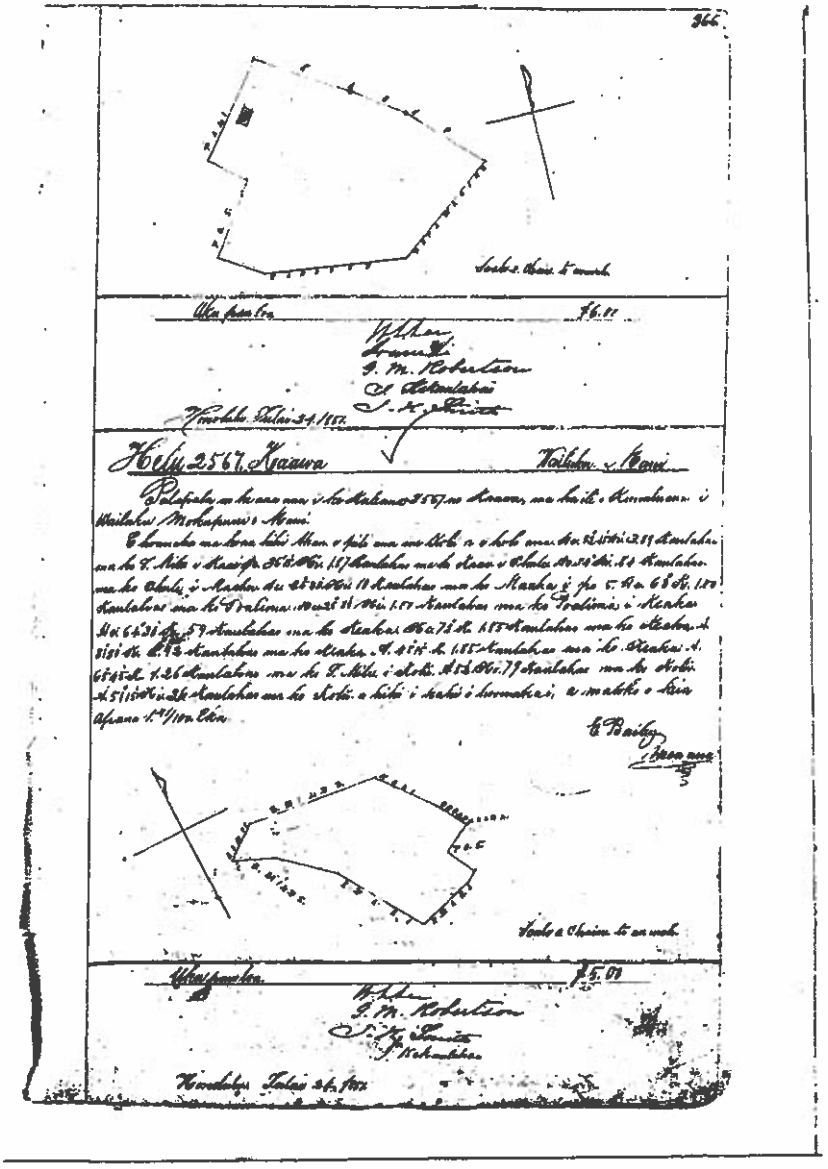


499

2437 Kukui Konuaula Dek. 26 1847

Auhea ouhou e na Luna hoona
Ke hai aku nei au ia ouhou. Owau o Kukui
aia i Maluaka olua ili aina o kou mau
ili aina no nae ia. Ua paa i ka pa ia kekahi
wahi o ua aina nei ou. Ke kalo malokoo o ka
Maui pa e ku nei. Akau o Kaco. Kikina ka Wolau-
okapuu, Kuna Moiiki, Komohana ke Alaloa
Koike o Kalama.

Nare na Kukui

2438 Kawaishia

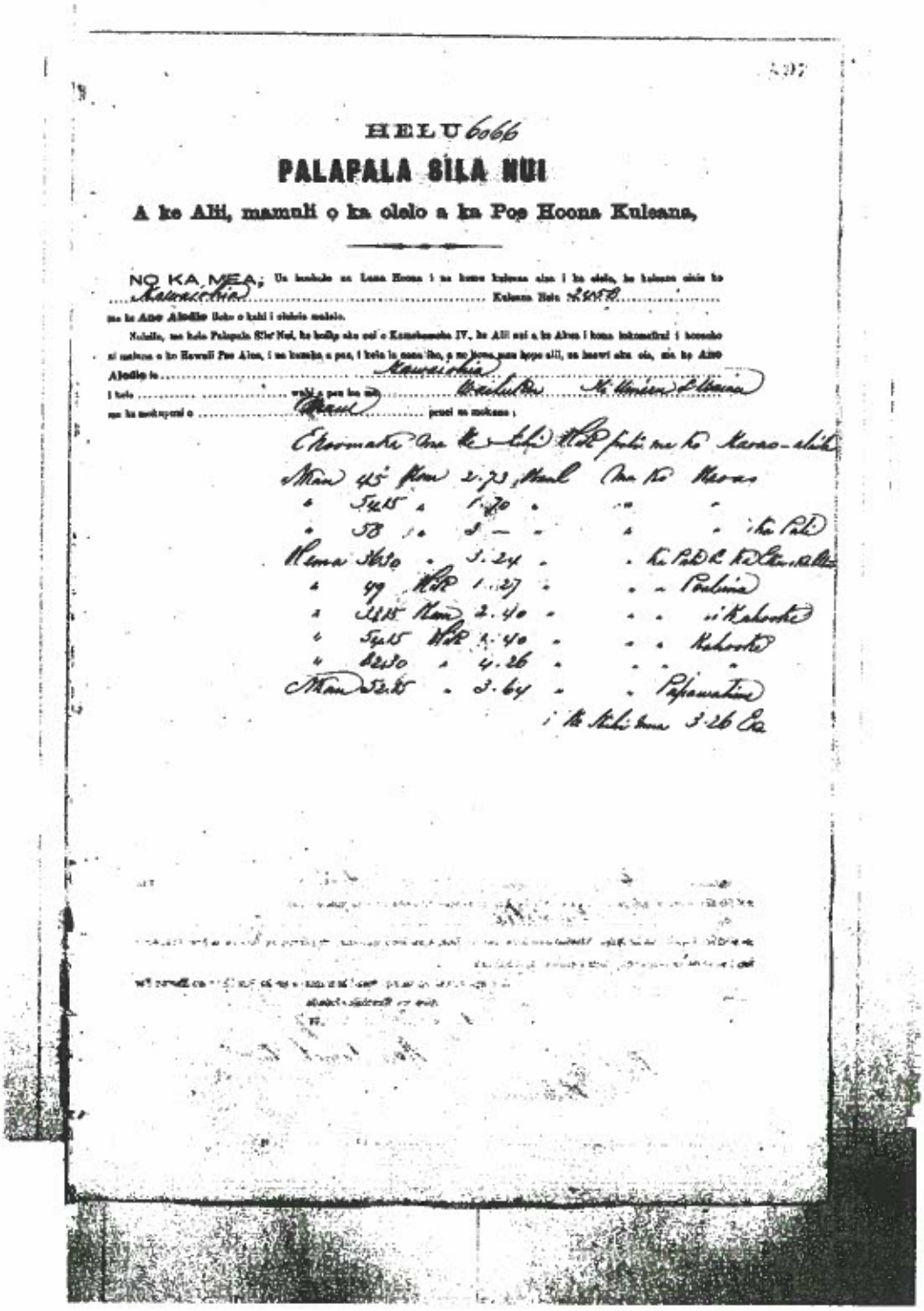
Na na Luna hoona. Oia kou
kuleana aina kahuahale ma ka ili aina o
Umiuu a me Waiaunui. 4 loi ma Waiaunui
6 loi i Umiuu. Oia kou kuleana

Na Kawaishia Wailuku
Maui Dek. 22 1847

Maui Na na Haku ili aina i haawi i na makua
o kau wahine, na na makua i haawi i
kau wahine, na kau wahine i haawi
iaiu. Oia wau malalo o ka haku ili aina

Kalapa Dek. 30 M. 1847

Auhea oe o Z. Kuuuwai, eia ka-
hi mea hai aku no kahi kuleana ka-
hiko mai ka manawa no o kakou i
Waikiu mailaila no ka loaa ana o kela
mau wahi loi aia ma Kalaula o Kelo-
lou, eia ke kumu no Kahilikaula mai
Maui olua wahi loi, oia kahi kuleana o ka
noho ana i Wailuku, a mahope loaa
mai ia olua kahi noho a me kahi ma-
hi, oia ka mea hai aku, ina he pono
nau no o hana iho ka pono a me ka
ole Pau. Aloha olua me ka malu i ke
Akua a me na Keiki Na Mi Kalapa
Wailuku Maui



HELU 6066

PALAPALA SILA NUI

A ke Alii, mamuli o ka olelo a ka Poe Hoona Kuleana,

NO KA MEA; Ua hanhalo na Luna Hoona i na kumu kuleana alua i ka olelo, ke kuleana oiaio ko Kawaiohia Kuleana Helu 2458 ma ke Ano Aledio iloko o kahi i olelo malelo.

Nolaila, ma kela Palapala Sila Nui, ke hoike aku oui o Kamehameha IV., ke Alii nui a ke Akua i kona lokomaikai i hoaeho ai maluna o ko Hawaii Poe Alua, i na kanaka a pau, i kela la oana iho, a no kona mau hope alii, na haawi aku oia, ma ke Ano Aledio ia Kawaiohia i kela wahi a pau ma ka Wailuku Ki Uniuen Ilaina ma ke mokupuni o Maui pauai na mokana:

Choomaka ma ke Aihi Hilo pili ma ko Kawao-aliiki

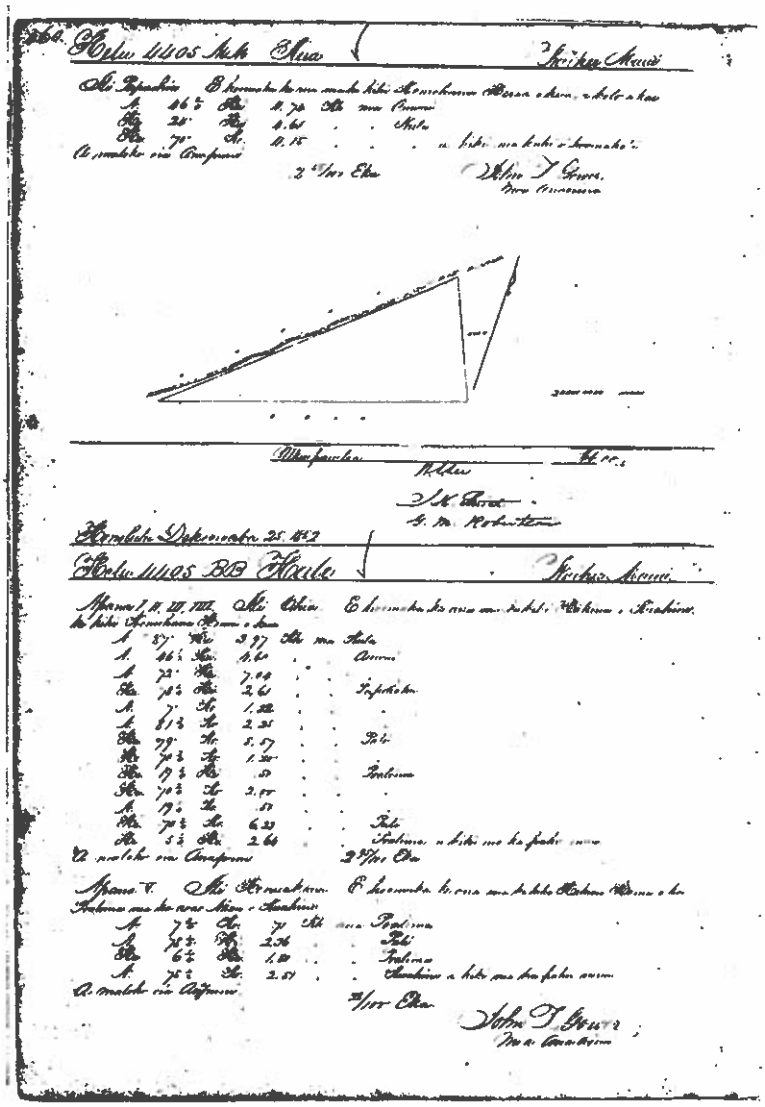
Nkan	45	Hom	2.73	Hanl	ma ko Kawao
"	54.15	"	1.70	"	"
"	58	"	3 —	"	" i ka Pali
Hema	36.30	"	3.24	"	" ka Pali ke ka Ekuaka Alii
"	49	Hilo	1.27	"	" " Poalima
"	33.15	Hom	2.40	"	" " i Kahooke
"	54.15	Hilo	1.40	"	" " Kahooke
"	82.30	"	4.26	"	" " "
Nkan	52.15	"	3.64	"	" Papawatine

i ke Aihi mua 3.26 Ea

208

February

LCA 4405 MM:



Waikee 57

hala.

A. L.L. 1468 Paupahulu.

The Claimant made the necessary oath.

Kawaa Sw. The Elts land consists of 5 pieces in Waikee. Maui.

No. 1. is a section of lots in Papaine
" 2. " 5 lots in the ili of "
" 3. " 5 " " " " "
" 4. " 1 lot " " " " Kiahio
" 5. " a House lot " " "

The Claimant had these lands under Kaauwai in 1829, and long before. His title was never disputed.

No. 1. is bounded Mauka, by my land Kahakuloa, by the same Makai, by the same Wailuku, by Kaaamakua's land.

No. 2. is bounded Mauka, by Kalua's land Kahakuloa, by Kaalui's land Makai, by my land Wailuku, by Poalima land.

No. 3. is bounded Mauka, by Poalima lots Kahakuloa, by Anakalea's land. On other two sides, by the Poalima land.

No. 4. is bounded Mauka, by the ili of Koiaki Kahakuloa, by the Pali. On other two sides, by Anakalea's land.

No. 5. is bounded Mauka, by the yard of School House Kahakuloa, by the Pali Makai, by Kauakahi's land Wailuku, by the Road.

A. M.M. 1465 Kawelohea or Kua.

Kua is the Claimant and Kawelohea is his heir.

Kahima Sw. The Elts land is one ili of land called Papaohia 2d in Waikee Maui.

The Claimant received it in olden times from Kamehameha 1, and held it in peace up to his death in April 1868. Kawelohea his Grandchild is his heir. His title is beyond dispute. There is one lot poalima in it.

It is bounded Mauka, by the ili of Kamahua Kahakuloa, by the creek Makai, by the ili of Kalepilepe 2. Wailuku, by the ili of Paulani.

N N
C. 4405 Kuhekaumoku.

Kaawa Sw. The Cts land is 9 lots, in the ili of Koiahi, Waihee, Maui.
The Claimant received it from, Kerki in 1847, and he from Kaakahi in 1842, and he from Hoapili wahine. His title was never disputed up to his death in February last. His heir is Herkii his widow.
It is bounded Mauka, by Heula's land, Kahakuloa, by Kaalai's land, Makai, by Kunoku's land, Wailuku, by Kalepelepe'an ili.

O O
C. 4405 Kaunui.

The Claimant made the requisite oath
Kaokaa Sw. The Cts land consists of 2 pieces in Waihee, Maui
No 1 is kalo and kula land in Naele 1.
" 3. " " " " " Koha
The Claimant these lands from Kuihelani in 1863, and he from Govr Kekuanaoa. His title was never disputed. There are 2 pratima in No 1 and 4 in No 2.
No 1 is bounded Mauka, by Nahi's land, Kahakuloa, by the Pali, Makai, by Mahi's land, Wailuku, by the Creek.
No 2 is bounded Mauka, by the Konohiki's kula, Kahakuloa, by the Govt lot, Makai, by the sea shore, Wailuku, by the ili of Kapunaiki.

C. 4286. Kekumoku

J. F. Kaawa Sw. I know but one of the Cts lands. It is 10 lots in the ili of Paukauila, Waihee, Maui.
The Claimant received it from Laahili in 1846, and he from Govr Kekuanaoa. His title was not disputed up to his death in June last. His heir is his widow Kohelani.
It is bounded Mauka, by the Paahao lots Kahakuloa, by Kaokaa's land, Makai, by the same, Wailuku, by Kaunihiana's land.
Lanpahulu Sw. The Claimant has one piece of 9 lots in the ili of Kalepelepe 2nd. He received it from L. Kaanuai in 1837. His title

HELU.....5350

PALAPALA SILA NUI.

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

NO KA HEA, Ua hoohoio ae Luna Hoona i ee homu kuleana aina i ka olelo, ke kuleana oiaio ko Aina ke **Ano Aiodio** iloko o keki i olelolo maiala.

Kuleana Helu.....4405 am

Nolaila, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha IV, ke Alii nui o ka Aina i kona lokomaikai i hoonoho ai maluna o ko Hawaii Pae Aina, i ee kuaiko a pae, i keia la nona iho, a ee hana nana lopa alii, ua hawaii aku oia ma ke **Ano Aiodio** ia Aina i keia uuki a pae loa ma "Kapuahi" – Waikee ma ka makapani o Maui panai ae makana,

Ehoomaka ma ka Kihi Aina Nam. a hol
Aina 46 ¾ Hol 11.74 Kaul ma ka Puuai
Hema 24 " 4.61 " " " Kuh
" 70 Aina 11.15 " " "
No 2.55 (Ea

Maloko o Hari apaa 2.55 Eke
a ci iki ako, a mai iki mai paha. Ua koo nae i ke aupuni ne mine minerele a me ne metela a pau.
No Ana
ua aina la i hawiia ma ke **Ana Aledio** a no koua mau honikea, a me koua waihona; ua pili nae
ka eolmo a ka Poe Aheolelo e keu like ai ma ne aina aledio i keia manawa i keia manawa.
A I MEA E IKEA AI, ua kau wau i ke'a inoa, a me ka Sila Nui o ke Hawaii Pae
Aina ma Heeolelo i keia la
o June 1863

Hamehameha
L. Kamehameha

Haahumanu