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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream)
Flow Standards, Na Wai Eha Surface)
Water Management Areas of Waihee,)
Waiehu, Iao and Waikapu Streams, Maui)
_____)

2016 FEB -4

CERTIFICATE OF SERVICE

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Wailuku, Hawaii, February 2, 2016

A handwritten signature in black ink, appearing to be 'Bryan Sarasin Sr.', written above a horizontal line.

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COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream)
Flow Standards, Na Wai Eha Surface)
Water Management Areas of Waihee,)
Waiehu, Iao and Waikapu Streams, Maui)
_____)

BRYAN SARASIN SR'S EXHIBIT LIST

PARTY: BRYAN SARASIN SR.

<u>EX. NO.</u>	<u>DESCRIPTION</u>	<u>REFERENCES</u>	<u>REC'D INTO EVIDENCE</u>
2294-SARASIN-1	LCA # CORRECTION 2PP		
2294-SARASIN-2	LCA #4405o 1PP	Kipuka.com	
2294-SARASIN-3	LCA HIGHLIGHTED 1PP	Kipuka.com/OHA	

2294-SARASIN-4	FOR.. TESTIMONY HIGHLIGHTED 2PP	Papakilo/OHA	
2294-SARASIN-5	FOR. TESTIMONY TRANSCRIBED 1PP	Papakilo/OHA	
2294-SARASIN-6	NATIVE TESTIMONY 1PP	Papakilo Database	
2294-SARASIN-7	NATIVE TEST. TRANSCRIBED 2PP	Ka Huli Ao	
2294-SARASIN-8	Royal Patent 2pp	Kipuka.com	
2294-SARASIN-9	PHOTO OF KALO CULTIVATION ON	FAMILY PHOTO	
	OUR PROPERTY IN EARLY 1980'S,		
	PICTURE OF BRYAN SARASIN SR 1pp		
2294-SARASIN-10	JUSTIFICATION FOR WATER USAGE	BRYAN SARASIN JR.	
	2PP		
2294-SARASIN-11	ESTIMATED WATER USAGE AT THE	BRYAN SARASIN JR,	

	TIME OF THE MAHELE 1PP.	KA HULI AO, OHA,	
		USGS KALO WATER REPORT	

WAILUKU, MAUI, HAWAII
FEBRUARY 2, 2016

SIGANTURE  _____

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STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream) BRYAN SARASIN SR'S WITNESS LIST
Flow Standards, Na Wai Eha Surface)
Water Management Areas of Waihee,)
Waiehu, Iao and Waikapu Streams, Maui)
_____)

BRYAN SARASIN SR'S WITNESS LIST

PARTY: BRYAN SARASIN SR.

NAME/ORGANIZATION/POSITION	SUBJECT MATTER	EXHIBIT(S) TO BE
		INTRODUCED BY WITNESS

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WAILUKU, MAUI, HAWAII
FEBRUARY 2, 2016

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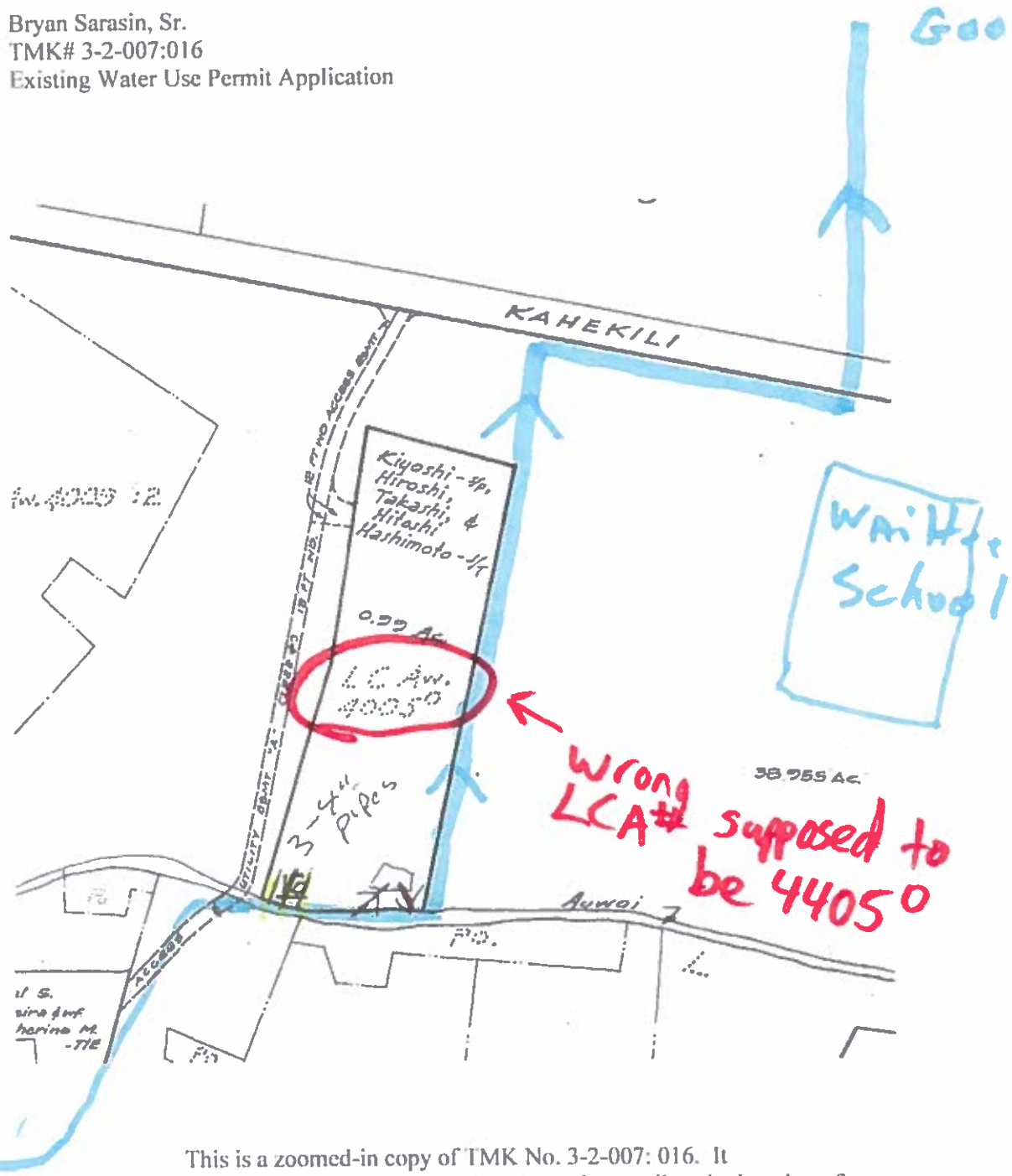
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September 28 2015

Aloha Dr. Miike, Water Commission Members and Dean Uyeno. In doing recent additional research on documents dating back to the Mahele via newer web sites, I found a discrepancy in the Land Commission Award documents that was submitted with our initial filing back in the late 2000's. I found that the discrepancy was because at the time of the 1980's permits the wrong LCA number was provided as can be seen written on page 16 of our original SWUPA application. The LCA on that document was written as 4005o. In doing additional research I found that the proper LCA for our property is 4405o and I have found the corresponding documents. I am submitting copies of the proper LCA as well as the mistake so that you can see that 4405o is indeed the correct LCA for our property and application. LCA 4405o references 42 lo'i and 5 poalima lo'i while the original incorrect submission of LCA 4005o listed 26 lo'i and 4 poalima lo'i. We will be submitting additional information as the process continues to move forward, but we felt that once this was discovered that we needed to update you on this ASAP. Mahalo for your time, Bryan

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Bryan Sarasin, Sr.
TMK# 3-2-007:016
Existing Water Use Permit Application



This is a zoomed-in copy of TMK No. 3-2-007: 016. It shows water inflow and outflow from the various 'auwai, as well as the location of our end uses. The end uses and 'auwai locations and size are approximate, and not to scale.

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This is 2. Moos

The Claimant received it from Hehanai in 1835. His title was never disputed. There are 3 proline lots in it.

It is bounded. Mauka, by the Creek. Hakakulou, by my land. Makai, by the Govt land. Wailuku, by Makai's land.

C.L. 405 A Kaaukulehuna.

The Ct. made oath to duly sending his Claim.

Malukie Sw. The Ct's land consists of 3 pieces in Waikua, Maui.

N^o 1 is 3 lots in Waipuhua.

" 2. " a Fish Pond in Makena.

" 3. " a House lot " "

The Claimant received these as follows: N^o 1. from Elukio in ancient days. N^o 2. from Heahi in 1848, and N^o 3. he took up as waste land in 1848, and has possessed it in peace. His title is not disputed. There are 3 proline lots in N^o 1.

N^o 1. is bounded. Mauka, by the Govt lots Hakakulou, by Makai's land. Makai, by the Govt. Wailuku, by Mawichua's land.

N^o 3. is bounded. Mauka, by the Govt lot. Hakakulou, by Miki's land. Makai, by Polina's lot. Wailuku, by the Hono-iki's land.

C.L. 405 B Heaha.

The Claimant made oath that his claim was written by Judge Napela, and duly entered.

Kalau Sw. The Ct's land consists of 2 pieces in Waikua, Maui.

N^o 1. is a section of 12 lots in Waipuhua.

" 2. " a Fish Pond " Kapoho.

The Claimant received them from Hehai in 1843, and he from Heahi who had it from the days of Kanihahama I. His title is not disputed. There are 5 proline lots in N^o 1.

N^o 1. is bounded. Mauka, by the Creek. Hakakulou, by Hakunui's land. Makai, by the Govt lot. Wailuku, by the Govt land.

Continued



Waikae

49

N^o 2 is bounded Maunaloa, by the Honolulu's land. Kahakula, by Helemano's land. Waikae, by Helemano's lot. Waikae, by the side of Maunaloa.

Le. 4408 Mr.

The duty of Mr. 4408 is to take his lands consists of 4 pieces in Waikae, Maunaloa.

N^o 1 is 20 lots and one kula in Waikae.

2. Waikae 3rd

3. in Waikae.

4. Waikae 1st

The Claimant says N^o 2 from Maunaloa in 1837. N^o 1 from Maunaloa in 1836, and he from Gov. Kinnaman, and N^o 3 from Maunaloa in 1833, and he from Maunaloa, and he from Gov. Kinnaman, and N^o 4 from Maunaloa in 1839. His title is not disputed. There are 5 parcels of land in N^o 1 and two in N^o 2.

N^o 1 is bounded Maunaloa, by the Creek, Kahakula, by the side of Maunaloa, by the side of Maunaloa, by the side of Maunaloa.

N^o 2 is bounded Maunaloa, by Maunaloa's land. Kahakula, by the side of Maunaloa, by the side of Maunaloa, by the side of Maunaloa.

N^o 3 is bounded Maunaloa, by Maunaloa's land. Kahakula, by the side of Maunaloa, by the side of Maunaloa, by the side of Maunaloa.

N^o 4 is bounded Maunaloa, by Maunaloa's land. On the other side, by Maunaloa's land.

Ch. 4405 Maunaloa

The title of Maunaloa made oath that this claim was duly entered.

The title of Maunaloa says the title land consists of 3 pieces in Waikae, Maunaloa.

N^o 1 is an lot called Waikae 2.

2. 2 pieces of kula in Waikae 1st

3. 6 lots, kula, and some lot in the side of Maunaloa.

Foreign Testimony for Cl. 4405 O to Keaka

Cl. 4405 O Keaka

The Claimant made oath that this claim was written by Judge Napela, and duly entered.

Nalau Sw. The clts land consists of 2 pieces in Waihee, Maui.

No. 1 is a section of 42 loi in Waipukua

" 2. " " Fish Pond " Kapoho.

The Claimant received them from Kekai in 1843, and he from Kaili who had it from the days of Kamehameha 1.

His title is not disputed. There are 5 poalima lois in No. 1.

No. 1 is bounded mauka by the creek, Kahakuloa, by Kahune's land, Makai by the Govt. lot. Wailuku, by Pu's land.

[Continued on page 48]

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

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Native Testimony – Keaka – 4405 O

4405 O Keaka

Iulai 26

Ua Hoohikiia keia mea kuleana a olelo mai la. Ua ike maila no au na Napela i kakau ko'u palapala mamua o 1848.

Nalau Hoohikiia

Ua ike au elua apana ma keia mau ili ma Waihee

Ap. 1. 42 Loi ma Waipukua

Ap. 2. Loko ma Kapoho

No Kekai mai ka apana mua i ka 1843. No Kaili mai i ka wa o K-I. Pela no me ka loko ia wa no. Aole mea keakea. 5 Poalima maloko.

1. Mauka Auwai nui, Ma Kahakuloa, Kahune Makai Pa Aina, Ma Wailuku Pu.
2. Mauka Konohiki, Ma Kahakuloa a Makai o Kekumoku, Ma Wailulu Ili o Makaaka.

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Page 1/2

NATIVE TESTIMONY

We were told by the member of Ka Huli Ao who did the transcription that the translation basically mirrored that of the foreign testimony.

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HELUG 34/



PALAPALA SILA NUI

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

NO KA MEA. Ua hooholo na Lina Hoona i na kumu kuleana aia i ka olelo, he kuleana oono ko Kuleana Helu 4465⁰ ma ke *Heath* Ano Alodio i loko o kahi i oleloia malalo.

Nolaila, ma keia Palapala Sila Nui, ke hooke aku nei o Kamehameha V, ke Ali Nui a ke Akua i Kona lokomakao i hooholo ai maluna o ka Hawan Pae Aia i na *Heath* kaha a pau, i keia lani nana iho a no kona mau hope ahi, na hawai aku oia, ma ke Ano Alodio i *Heath* i kela wahi a pau loa ma *Waiau* ma ka Moku o *Maui* penei na mokuna

Ap. 1. Eli Waitapu. E hoemaka ma ke kahi kahi sila ma ka Palapala.
Maui 80. He 5.35. Hele ma Heleiki
Ukua 22. . 1.91 Auwai & Palapala
. 82. He 3.48 Heleiki
. 72. . 2.25 Palapala
Maui 11. . 1.96 Heleiki
a. kahi ma ka Palapala. Auapuni Heleiki.

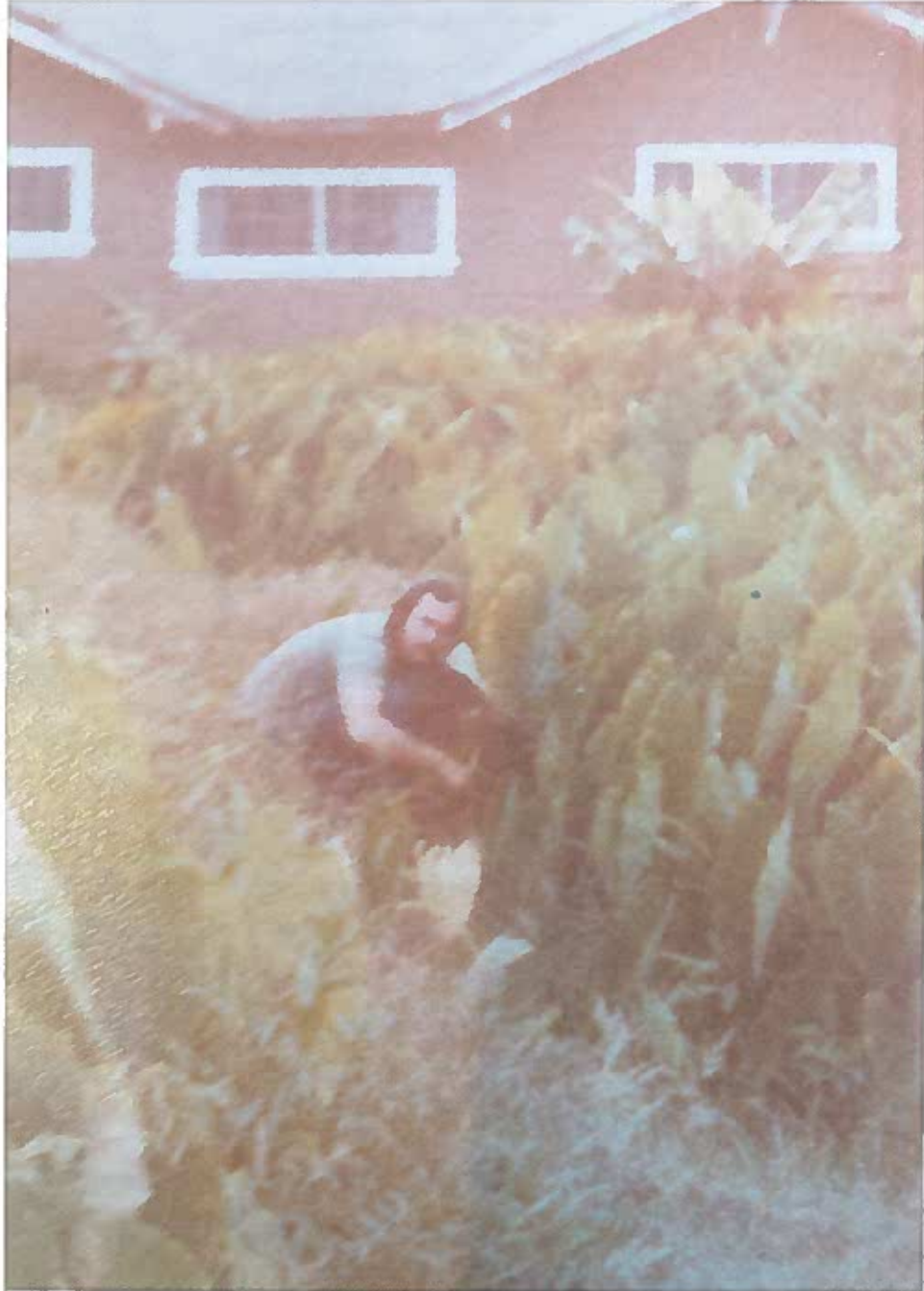
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Maloko o *Keia* Apana *Keia* Eka
a ou ike aku a emi ike mai paha. Ua koo nae i ke Aupuni na mine minereka a me na metela a pau
No

Keia
na aia la i haawia ma ke **Ano Alodio** a no kona mau hooulu, a me kona waihoua : ua pii nae ka auhan
a ka Poo Ahiaole a hui Eke ni na na aia ahele i kela manawa i kela manawa

A I MEA I IKEA AI, ua kau au i ko'u 1003, a me ka Sila Nui ko Hawaii, Pae
Aia ma Honolulu i kela la 16 o *August* 1871

By the King
The Minister of the Interior
Frederick C. Heleluani
W. K. Kamehameha



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Justification of Water Usage

Our biggest usage of water by far is for aquaculture. When we dug our ponds we dug most of them deep so that in the event the auwai would go dry due to the cleaning of the tunnels, a natural disaster, or just from a poor flow in the ditch we wouldn't have a massive die off particularly in the warmer months. At that time we did not have a well and municipal water would be insufficient for our operation.

Having deeper ponds stocked heavily you need a good flow of water to oxygenate, cool and cleanse the pond. Without a significant flow of water you run the risk of having an algae bloom which initially isn't that big of a deal but it can effect the taste of the fish. The problem besides a poorer tasting fish is that if there is a water shortage there could be a situation where the algae dies off which turns the water anaerobic and kills the entire pond of fish.

We provide good tasting fish to the people of Maui and while we have been doing this for years I know that a very significant part of this is due to the Kuleana water that flows by and through our property. We know what kinds of stocking densities work for us in our system with our current supply of water to maximize efficiency. We also know what it's like not to have the quantity of water that we are hoping to continue to use. Less feeding including times with no feeding at all which means less saleable weight, less growth and sometimes stunting depending on the length of time and how old the fish are. It also includes a higher mortality rate and more susceptibility to health issues. People love our fish because they are meaty and have fat on them and their taste due to our feed and more importantly our wonderful sweet water here in Waihee.

Some of the water that comes through our ponds evaporates and even more goes back into the ground to recharge the ground water. We also use the water for kalo, watercress, gardening, fruit trees and a nursery. The remaining water that isn't used for the fish or plants goes downstream to the next group of users.

We are the only freshwater aquaculturists on Maui that have been able to consistently supply food fish to markets over a number of years. People have become accustomed to having our fish available to them and it would negatively impact these people if we couldn't continue our operation.

There was a considerable amount of money spent developing our operation and it would be an extreme financial hardship if the water that we have been using for many years would be reduced. I was born on this property and it would be devastating to myself, my family and the aina if the water doesn't flow as it does now. This water helps me to provide for my young family and to bring good food to the tables of the people of Maui and allows three generations of my family to use Kuleana land as it was intended, for farming.

Mahalo, Bryan Sarasin Jr.

Estimated Water Usage at the Time of the Mahele

With the help of Ka Huli Ao, OHA and the USGS kalo water report, it was determined that at the time of the Mahele the entirety of the 0.99 acres of our property was in lo'i with 42 lo'i including 5 poalima lo'i. Based on this and using the 300,000 gallons/acre per day for kalo I came up with an estimate of 297,000 gallons per day was used on our property at the time of the Mahele.