

From: [Roslyn Cummings](#)
To: [DLNR.CWRM.TESTIMONY](#)
Subject: [EXTERNAL] Agenda C-1 April 21, 2026
Date: Thursday, April 16, 2026 4:15:28 PM

DECLARATION OF ROSLYN CUMMINGS

Affidavit of Fact of Law, Law of Evidence, and Rule of Law
IN THE MATTER OF: Vested Rights
— Waiwai(Wealth/Resources), Wai (Water), ‘Āina (Land), and Living System
Impairment.

LOCATION: Waimea Ahupua‘a, Kaua‘i Mokupuni, Ko Hawaii Pae ‘Aina

REFERENCE: Implementation of the Mediation Agreement (April 18, 2017);
CWRM Stipulation (October 31, 2024); Kōke‘e Ditch Diversion Modifications
(TMK: (4) 1-4-001:003 and 013).

I. STANDING AND SPECIAL APPEARANCE

I, Roslyn Cummings, wahine maoli, kanaka maoli, nā kānaka,
ho‘oilina, and hoa‘āina, submit this declaration under penalty of perjury.
Jurisdictional Notice: I appear by special appearance for the express purpose of
challenging jurisdiction. This appearance does not constitute consent to the
jurisdiction of the presiding body. This declaration is submitted to protect the
following interests:

Lewa / Makani (Air)
‘Āina / Lepo (Land & Soil)
Wai (Fresh Water)
Kai (Ocean)
Kanaka / Kuleana (People & Practice)

II. CHRONOLOGY OF VESTED RIGHTS (FACT OF LAW)

The following legal instruments establish a continuous, unextinguished chain of
sovereignty and property rights:

A. International Recognition & Treaty Law

1826 Articles of Arrangement: A bilateral treaty recognizing the "Sandwich
Islands" as a sovereign nation.

A. Rule of Law: Established the Kingdom's judicial sovereignty; U.S. citizens
were required to "not infringe the laws of the land.

Law of Evidence: Confirms the United States recognized the Kingdom’s
territorial jurisdiction and judicial system.

1849 Treaty of Friendship, Commerce, and Navigation: Formalized relations between the U.S. and "His Majesty the King of the Hawaiian Islands."

Legal Effect: This treaty remains binding only upon the named sovereigns and does not extend to successor entities like the State of Hawai‘i or private corporations.

B. Foundational Domestic Law

1839 Declaration of Rights: Established the principle that the persons, lands, and property (waiwai) of the people shall be protected and cannot be divested without due process.

1840 Constitution (Kanawai): Affirmed that the government exists solely to secure the rights of the people.

1859 Civil Code & 1872 Laws: Codified the continuity of personal and property rights, regardless of changes in governance.

C. Land and Water Protections

1848 Great Māhele: Confirmed that the division of land did not extinguish the inherent rights of the nā kānaka (the people).

1850 Kuleana Act: Established vested appurtenant rights for access, cultivation, and water use.

1860 Law of Sepulture: Specifically protected burial sites as a matter of "protected limb and lineage."

III. THE RULE OF LAW & EVIDENCE

The Rule of Law mandates that:

Jurisdiction must be proven on the record before any action is taken.

Vested rights must be protected from impairment.

No taking of property or water can occur without lawful authority.

The Law of Evidence establishes that:

Current actions—including the diversion of water systems, modification of stream flow, and reduction of mauka-to-makai continuity—constitute a prima facie impairment of vested rights.

There is a lack of evidence showing full restoration of these systems or the lawful authority to divert them.

IV. CONCLUSION: UNLAWFUL DIVESTITURE

Divestiture is the unauthorized removal of a vested right. Based on the facts of law presented, the diversion of water from the Waimea Watershed and the reduction of downstream access constitute an unlawful divestiture of the rights of the hoā‘āina.

Until jurisdiction is proven and vested rights are restored, the current modifications to the Waiakoali, Kawaikoi, Kauaikinana, and Koke'e Streams

stand in violation of the established Laws of the Land.

I Roslyn Cummings ho’oilina to William Nuiola Waikaka Kualu he was the kanaka who guided Queen Emma into Alaka’i and the caretaker of ‘I’O Heiau

Pule No Ka Ho’okō ‘Ana I Ka Pono

(Prayer for the Application and Fulfillment of Justice)

E ke Akua Mana Loa, ka mea nāna i hana ka lani a me ka honua,

(O Almighty Creator, who made the heavens and the earth,)

Ke pi’i aku nei kēia leo pule i mua Ou, e noi ana i ka pono a me ke kaulike.

(This voice of prayer rises before You, asking for righteousness and equity.)

E ho’opuka ‘ia mai ka ‘oia’i’o o ke kānāwai i pa’a ai nā kūpuna.

(Let the truth of the law, established by the ancestors, be brought forth.)

E hō’ike mai i ka mana o ka waiwai i waiho ‘ia no mākou, ka po’e ho’oilina o kēia ‘āina.

(Reveal the power of the legacy left for us, the heirs of this land.)

E wehe i nā maka o ka po’e i ho’omāunauna i ka wai, i ‘ike lākou i ka hewa o kā lākou hana.

(Open the eyes of those who have diverted the water, that they may see the error of their ways.)

E ho’iho’i mai i ke kahe ‘ana o ka wai mai ka mauna a i ke kai, i ola ka ‘āina, i ola ke kanaka.

(Restore the flow of water from mountain to sea, so the land may live and the people may thrive.)

E ho’okūpa’a i ko mākou kuleana ma ke kānāwai pa’a o ka honua a me ka lani.

(Strengthen our rights under the firm law of both earth and heaven.)

Ma lalo o Kou malu, e ho’opololei i nā mea kapakahi.


(Under Your protection, make straight all that is crooked.)

‘Āmama. Ua noa.

(It is finished. The prayer is released.)



Declared this day, April 15, 2026, under the Laws of the Hawaiian Kingdom,
Within the Territory of Ko Hawaii Pae Aina
Made in Pule Prayer

Signature: 

Roslyn Cummings

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