



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
STREAM DIVERSION WORKS  
PERMIT APPLICATION

For Official Use Only:

2021 JAN 21 PM 12:37

RECEIVED  
COMMISSION ON WATER  
RESOURCE MANAGEMENT

**Instructions:** Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of **\$25.00** payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at **587-0234**. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

- ☐ Check here to allow Commission staff to communicate primarily via e-mail.  
Legally required and other key correspondence will still be transmitted via postal mail.

**PERMIT TYPE**

1. Permit Status: ☒ New ☐ After-The-Fact  
2. Type of Construction: ☐ Installation ☐ Modification ☐ Removal / Abandonment

**APPLICANT INFORMATION**

3. APPLICANT'S NAME / COMPANY <b>PATRICK &amp; NAOMI GUTH / GUTH FARMS</b>	Applicant's Contact Person <b>PATRICK OR NAOMI GUTH</b>	Applicant's Phone 
Applicant's Mailing Address <b>1154 LAHILAH PLACE LAHAINA, HI 96761</b>	Applicant's E-mail Address 	

- ☐ Check here if project will impact multiple landowners. If project impacts multiple landowners, skip Item 4 below, then complete and attach Form LND-APP to identify and verify landowner's approval of proposed stream diversion work.

4. LANDOWNER'S NAME / COMPANY <b>SAME AS ABOVE</b>	Landowner's Contact Person <b>SAME AS ABOVE</b>	Landowner's Phone <b>SAME AS ABOVE</b>
Landowner's Mailing Address <b>SAME AS ABOVE</b>	Landowner's E-mail Address <b>SAME AS ABOVE</b>	
5. CONSULTANT'S NAME / COMPANY	Consultant's Contact Person	Consultant's Phone
Consultant's Mailing Address	Consultant's E-mail Address	
6. CONTRACTOR'S NAME / COMPANY	Contractor's Contact Person	Contractor's Phone
Contractor's Mailing Address	Contractor's E-mail Address	

**STREAM INFORMATION**

7. Island: (Check only one) <input type="checkbox"/> Kauai <input type="checkbox"/> Oahu <input type="checkbox"/> Molokai <input type="checkbox"/> Lanai <input checked="" type="checkbox"/> Maui <input type="checkbox"/> Hawaii
8. Tax Map Key(s) List all affected tax map key parcels. (2) 4-5-17:5 (POR) AND (2) 4-5-16:9 (POR.) (GRANTED PARCELS) (2) 4-5-17:2 AND 5, (2) 4-5-16:9, (2) 4-5-18:11, (2) 4-5-18:888 AND (2) 4-5-17:888 (ENCUMBERED PARCELS)
9. Stream / Gulch Name(s) List all affected streams and/or gulches. <b>KAHOMA</b>

**FOR OFFICIAL USE ONLY:**

LAT: \_\_\_\_\_ LONG: \_\_\_\_\_ SFWH ID: \_\_\_\_\_ FILE ID: \_\_\_\_\_  
GWHU ID: \_\_\_\_\_ DOC ID: \_\_\_\_\_  
REACH ID: \_\_\_\_\_

GENERAL PROJECT INFORMATION				
10. Diversion No: (if already assigned)		11. Diversion Name: <b>GUTH PUMPS</b>		
12. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).				
Latitude: <b>20 ° 53 ' 26.7 " N</b>		Longitude: <b>156 ° 39 ' 60.0 " W</b>		Elevation: <b>200</b> ft. above mean sea level
13. Diversion Structure Type: (Check all that apply)				
<input type="checkbox"/> Unlined channel	<input type="checkbox"/> Hand-built rock	<input type="checkbox"/> Concrete masonry	<input type="checkbox"/> Dam/weir	<input type="checkbox"/> Pipe
<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic	<input type="checkbox"/> Wood	<input checked="" type="checkbox"/> Pump	<input type="checkbox"/> Direct use
<input type="checkbox"/> Other - Describe:				
STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonments, skip to Legal Requirements section, Item #32.)				
14. Structure Dimensions: (feet)		Width: _____		
Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.		Height: _____		
		Length: _____		
		Diameter: _____		
15. Diversion Location:		<input type="checkbox"/> Left bank (downstream view) <input type="checkbox"/> Right bank (downstream view) <input type="checkbox"/> Across entire stream channel		
Provide the general location of the diversion intake structure in relation to the streambank.				
16. Intake Dimensions: (feet)		Width: _____ Height: _____ Length: _____ Diameter: _____		
17. Average diversion amount: (cubic feet per second)		<b>0.155</b>		
18. Diversion is part of a system of diversions:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. Diverted flow can be controlled:		<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Control Dimensions: (feet)		Width: _____ Height: _____ Length: _____ Diameter: _____		
20. Water will be pumped from the stream:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, identify pump capacity: (gallons per minute)		<b>2" 152 GPM / 1" 32 GPM</b> Daily average pumping time: (hours) <b>8 HRS. - 10 HRS.</b>		
21. Water will be impounded in the stream channel:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
22. Water diversion capacity will be measured daily:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
23. Water will be returned to the stream:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, average amount of return flow: (cubic feet per second)				
24. Water will be stored off-stream:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Describe storage facility:		Storage capacity: (gallons)		
25. State Land Use Classification: (Check all that apply)		<input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Conservation <input type="checkbox"/> Rural <input type="checkbox"/> Urban		
WATER USE INFORMATION				
Check all water use categories below that are intended for the proposed diversion, then describe the proposed use in more detail.				
<input checked="" type="checkbox"/> 26. Agriculture <b>TARO FARMING &amp; DIVERSIFIED AGRICULTURE (ULU, PAPAYA, BANANA, MANGO, CITRUSES) AQUAPONICS - GREENS - SEE ATTACHED</b>				
<input checked="" type="checkbox"/> 27. Domestic				
<input type="checkbox"/> 28. Industrial				
<input type="checkbox"/> 29. Irrigation				
<input type="checkbox"/> 30. Military				
<input type="checkbox"/> 31. Municipal				
LEGAL REQUIREMENTS				
If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage ( <a href="http://dlnr.hawaii.gov/cwrm/info/forms/">http://dlnr.hawaii.gov/cwrm/info/forms/</a> ) for links to agency websites/contact information.				
32. Conservation District Use Permit (CDUP): To find out if your stream diversion works is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at <a href="http://luc.hawaii.gov/maps">http://luc.hawaii.gov/maps</a> to view Land Use District Boundary maps. If the stream diversion works will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.				
<b>PER RACHEL @ OCCL</b>				
<input type="checkbox"/> Stream diversion works is in a Conservation District. <input type="checkbox"/> Required. CDUP #: _____ Date CDUP approved: _____ <input type="checkbox"/> Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources. <input type="checkbox"/> I have not checked with the OCCL about whether or not a CDUP is required.				
<input checked="" type="checkbox"/> Stream diversion works is <u>not</u> in a Conservation District.				
<b>SEE ATTACHED</b>				

**33. Special Management Area Permit (SMAP):** To determine if an SMAP is necessary, contact your County Planning Department.

- ☐ Required. SMAP #: \_\_\_\_\_ Date SMAP approved: \_\_\_\_\_
- ☒ Not Required. Attach documentation from applicable County agency.
- ☐ I have not checked with the County about whether or not an SMA Permit is required. **SEE ATTACHED**

**34. State Historic Preservation Division (SHPD), Department of Land and Natural Resources:** If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHPD. If the affected parcel(s) has not undergone SHDP review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

\*Please note: You are **strongly advised** to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.

- ☒ I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD. **I MADE CONTACT WITH ANDREW MCCALISTER**
- ☐ I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites. **SEE ATTACHED**

**35. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:**

- ☐ An Environmental Assessment was completed, and
- ☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).
- Publication date in The Environmental Notice: \_\_\_\_\_
- ☐ A Finding of No Significant Impact has been determined (attach letter).
- Publication date in The Environmental Notice: \_\_\_\_\_

This project proposes:

- |   |  |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds      | <input type="checkbox"/> A wastewater treatment unit           |
| <input type="checkbox"/> Use within a state conservation district                           | <input type="checkbox"/> Waste-to-energy facility              |
| <input type="checkbox"/> Use within a shoreline setback area                                | <input type="checkbox"/> Landfill                              |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site           | <input type="checkbox"/> Oil refinery                          |
| <input type="checkbox"/> Use within the Waikiki Special District                            | <input type="checkbox"/> Power-generating facility             |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input checked="" type="checkbox"/> None of the above 11 items |

**OTHER REGULATORY REQUIREMENTS**

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	Attached	N/A
36. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act) <b>WE CALLED</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan) <b>LEFT 4 MSG - NO RETURN CALL</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Soil and Water Conservation District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. County Certification of "No-Rise"	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. County Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. County Discretionary Permit(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**CULTURAL IMPACTS**

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

44. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

**SEE ATTACHED**

**I AM NATVE HAWAIIAN, MY HUSBAND AND I HAVE BEEN RAISING TARD SINCE 1984, IN HONOKOHAU VALLEY AND NOW IN KAHOMA. MY MOTHER WAS THE YOUNGEST OF NINE CHILDREN AND BORN IN HONOKOHAU, HER PARENTS WERE KALO FARMERS. MY FATHERS GRANDMOTHER IS FROM KAHOMA AND HER PARENTS WERE KULEANA AWARDDEES OF KAHOMA. MY FATHER HAS A SIBLING BURIED THERE AND HIS FATHER HAS SIBLINGS ALSO BURIED THERE (KEOHUHU) KAHOMA. WE ARE CULTIVATING VARIOUS VARIETIES OF KALO USING SUSTAINABLE PRACTICES TO PRODUCE QUALITY ORGANIC POI FOR OUR FAMILY AND FOR OUR LOCAL RESIDENTS, DESPITE ECONOMIC STATUS.**

45. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

WE ARE PLANTING KALO IN THE EXISTING LO'I AND MAKE POI AND KULOLO TO FEED OUR FAMILY AND COMMUNITY. MY FAMILY GOES BACK MANY GENERATIONS AS KALO FARMERS AND FISHERMEN, MY UNCL<sup>COOKED &</sup>ES ~~POUNDED~~ 200 lbs. PLUS OF KALO WEEKLY TO FEED THE FAMILY (HONOHA/HONOKOHAI). WITH THE STREAM FLOWING AGAIN WE CAN BE ABLE TO CONTINUE OUR TRADITIONS AND CUSTOMS OF GROWING KALO WHICH HAS SUSTAINED ~~AS~~ OUR WAY OF LIFE FOR MANY GENERATIONS. MY HUSBAND HAS A DEGREE IN AGRICULTURE FROM U.H. MANA, AND WE HAVE BEEN GROWING KALO ON OUR LAND IN HONOKOHAI VALLEY, WHICH WAS PASSED DOWN TO US FROM MY UNCLE, SINCE 1984. WE EMBRACE THE TRADITIONAL HAWAIIAN AINA BASED LIFESTYLE.

46. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protection Native Hawaiian rights?

CONTINUE TO ALLOW THE WATER TO FLOW FROM MAUKA TO MAKAI SO THAT THE STREAM LIFE CAN CONTINUE TO FLOURISH AND THE SURROUNDING LANDS WILL BE ABLE TO BE CULTIVATED AND ABLE TO SUSTAIN US FOR THE LONG TERM WITH KALO AND OTHER DIVERSIFIED AGRICULTURE PRODUCE.

## PROJECT DESCRIPTION

Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

### 47. Describe the overall project scope and objectives.

TO RESTORE THE LAND AND GROW PRIMARILY KALO AND OTHER DIVERSIFIED AGRICULTURE PRODUCE SUCH AS BREADFRUIT, COCONUTS, BANANAS, PAPAYAS, OLENA, MANGO, CITRUSES, ETC., TO FEED OUR COMMUNITY. WITH QUALITY LOCAL FOOD, KAHOMA IS LOCATED ABOVE LAHAINA WHERE WE CURRENTLY PARTICIPATE IN OUR LOCAL FARMERS MARKET. WE HAVE SIX GROWN CHILDREN AND THEIR FAMILY WHO ALL LIVE ON MAUI, WHO WILL BE HELPING US ALONG WITH OUR EIGHT GRANDCHILDREN BY OUR SIDE, TEACHING ~~THEIR~~ OUR GRANDCHILDREN TRADITIONAL AND CULTURAL HAWAIIAN PRACTICES IS VITAL IN PERPETUATING OUR VALUES. OUR OLDEST GRANDCHILD IS 5, AND ATTENDS KAMEHAWIEHA SCHOOLS MAUI AND OUR SECOND OLDEST GRANDCHILD IS 4 AND ATTENDS PUNANA LEO O LAHAINA. WE WOULD LIKE TO HOST FIELD TRIPS IN THE FUTURE TO TEACH AND SHARE OUR LOVE FOR THE AINA WITH THE KEIKI.

### 48. Describe existing stream channel dimensions and median streamflow conditions at the site of the proposed stream diversion works.

THE EXISTING STREAM CHANNEL IS 30' - 40' WIDE AND THE MEDIAN STREAMFLOW CONDITIONS AT THE SITE WHERE WE WILL PLACE OUR WATER PUMP IS ABOUT A 20' WIDE AND 3' DEEP POOL WITH A STEADY FLOW OF WATER IN AND OUT. WE ARE THE END USER OF THE WATER AND AFTER US IT FLOWS DOWN TO THE OCEAN. THE STREAM CONTINUOUSLY FLOWS MAUKA TO MAKAI EVEN DURING THESE SEVERE DROUGHT PERIODS OF TIME.

ACCORDING TO USGS SEEPAGE STUDY - AUG 22, 2012  
SITE C5 LOCATED IN KAHOMA STREAM NEAREST OUR PROPERTIES AT ELEVATION 280 FT. SITE C1 WAS USED IN UPPER KAHOMA NEAR THE DEVELOPMENT TUNNEL. WHEN SITE C1 WAS FLOWING 6.00 FT<sup>3</sup>/S, C5 NEAR OUR PROPERTY WAS FLOWING AT 2.52 FT<sup>3</sup>/S.

50. Describe the project's consistency with county zoning and development plans.

WE WILL BE PRESERVING HAWAIIAN CULTURAL PRACTICES AND HELPING OUR COMMUNITY TO MOVE IN A SUSTAINABLE DIRECTION AND TO SUCCESSFULLY PROMOTE DIVERSIFIED AGRICULTURE.

51. Identify potential alternatives (sources of water) to the project and describe the relative costs and benefits of each alternative.

THERE IS NO OTHER WATER SOURCE - ONLY KAHOMA STREAM, THERE IS VERY LITTLE RAIN FALL HERE IN LAHAINA SO THE WATER FLOWING FROM MAUKA IS CRUCIAL IN OUR ABILITY TO RETURN THIS AINA BACK TO THE SUSTAINABLE LAND IT ONCE WAS, BEFORE THE PLANTATION TOOK THE WATER TO IRRIGATE THEIR SUGAR. NOW IT'S GONE FULL CIRCLE BACK TO THE STREAM AND THE LAND IS READY FOR HAWAII'S AGRICULTURALIST TO GROW FOOD THAT IS HEALTHY AND CULTURALLY VIABLE.

#### SUBMITTALS

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

52. **Location Map:** Provide a location map of the proposed project relative to major roadways.

53. **Plans / Elevations / Sections:** Provide a plan view of the proposed stream diversion works structure in relation to the stream channel and property boundaries. Elevation and section views of the diversion structure in relation to the stream channel should also be provided if available.

#### SIGNATURES

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

- 1) The proposed work is to be completed within two (2) years from the date of permit approval.
- 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
- 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
- 4) The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months.
- 5) If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

#### 54. APPLICANT

Print Name: PATRICK GUTH

Signature: Patrick Guth

Date:

NAOMI GUTH

Naomi Guth

11-19-20

#### 55. CONSULTANT

Print Name:

Signature:

Date:

#### 56. CONTRACTOR

Print Name:

Signature:

Date:

57. **LANDOWNER** (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)

Print Name: PATRICK GUTH

Signature: Patrick Guth

Date:

NAOMI GUTH

Naomi Guth

11-19-20

# 26. 2 ACRES TARD FARMING

1 ACRE DIVERSIFIED FARMING

- BREADFRUIT TREES
- BANANA
- PAPAYA
- MANGO
- CITRUSES
- AQUAPONICS (GREENS)

.3 ACRE - ROAD EASEMENT PROVIDING ACCESS TO THE VALLEY

- FUTURE SINGLE FAMILY DWELLING

TOTAL VOLUME OF WATER DIVERTED 100,000 GALLONS PER DAY

- #32. WE CALLED (OCCL) (808) 587-0377 TO DETERMINE IF A CDUP IS REQUIRED. WE SPOKE TO RACHEL AT OCCL, SHE LOOKED AT THE MAPS AND WAS TOLD BY RACHEL THAT THIS STREAM DIVERSION WORKS IS NOT IN A CONSERVATION DISTRICT.
- #33. I ALSO ASKED RACHEL IF A SMAD IS NECESSARY, SHE RESPONDED, ACCORDING TO THE MAPS WE ARE NOT IN A SPECIAL MANAGEMENT AREA.
- #34. I SPOKE WITH ANDREW McCALLISTER OF SHPD AND HE INFORMED ME THAT THEY ARE NOT DOING SITE VISITS DUE TO CORONA / COVID-19 AND THAT THIS AREA HAS NOT BEEN UPDATED SINCE 1992 - (LUD CODE A).
- #36. I CALLED U.S. ARMY CORPS OF ENGINEERS - NOT ABLE TO LEAVE MESSAGE THE RECORDING DOES NOT ALLOW FOR MESSAGES. THE RECORDING STATES THAT THEY WILL NOT BE DOING SITE VISITS UNTIL APRIL 2021 DUE TO COVID-19, AND IF YOU WANT THEM TO REVIEW APPLICATION THEN SEND IT IN TO THEM AND THEY WILL REVIEW IT.
- #37. I CALLED SDH CLEAN WATER BRANCH, LEFT 4 MESSAGES, THEY NEVER RETURNED MY CALLS. OFFICES ARE CLOSED DUE TO COVID-19. AGAIN I REITERATE, WE DO NOT PUT WATER BACK INTO THE STREAM.

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED June 12, 2020 8:01 AM  
Doc No A74680232  
CONVEYANCE TAX: \$110.00

/s/ LESLIE T. KOBATA, Registrar  
TAW 9

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:

Patrick & Naomi Guth  
1154 Lahilahi Place  
Lahaina HI 96761



It is understood that the Company may affix its "Accommodation Only" stamp or a similar stamp to the front of the Document or the following records may be affixed to the Document(s) which is to be recorded pursuant to this request prior to its recording:

This instrument is delivered to the Recorder's Office as an accommodation by Old Republic Title & Escrow of Hawaii, Ltd. for actual recording only. It has not been examined as to its validity, execution or its effect upon title.

6820013886-14

Total No. of Pages: 9

Tax Keys: (2) 4-5-17:5 (por.) and (2) 4-5-18:9 (por.) (Granted Parcels)  
Tax Keys: (2) 4-5-17:2 and 5, (2) 4-5-18:9, (2) 4-5-18:11, (2) 4-5-18:888  
and (2) 4-5-17:888 (Embroned Parcels)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That KAHOMA LAND LLC, a Hawaii limited liability company, whose address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawaii 96732, hereinafter called the "Grantor," in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid by PATRICK JOSEPH GUTH and NAOMI MUI LANG KEALA GUTH, husband and wife, whose address is 1154 Lahilahi Place, Lahaina, Hawaii 96761,

hereinafter called the "Grantee," the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantee as tenants by the entirety with full rights of survivorship, all of Grantor's right, title and interest in and to the real property described in Exhibit "A" attached hereto and by this reference incorporated herein (the "property"); subject, however, to all encumbrances noted on said Exhibit "A".

TO HAVE AND TO HOLD the same, together with any improvements thereon and the rights, easements, privileges, and appurtenances thereunto belonging or appertaining unto the Grantee, the heirs, representatives, administrators, successors and assigns of the Grantee, forever.

AND the Grantor covenants with the Grantee that the former is now seised in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the title to the property is free from all encumbrances made by persons claiming by, through or under the Grantor, except the liens and encumbrances hereinbefore mentioned, and except also the liens and encumbrances created or permitted by the Grantee after the date hereof; and that the Grantor will WARRANT and DEFEND the Grantee against the lawful claims and demands of all persons claiming by, through or under the Grantor, except as aforesaid.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, or neuter, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives, and permitted assigns, according to the context hereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor has executed these presents on this 4th day of June, 2020.

KAHOMA LAND LLC

By

  
PETER K. MARTIN  
Its Manager, duly authorized

STATE OF HAWAII

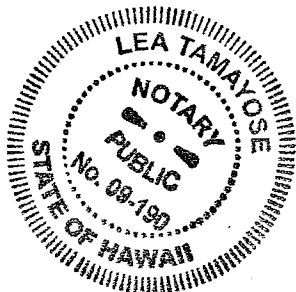
)

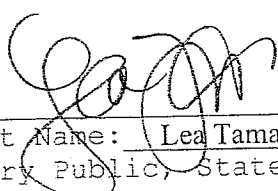
) SS.

)

COUNTY OF MAUI

On 4 June 2020, before me personally appeared  
PETER K. MARTIN, to me personally known, who, being by me duly  
sworn or affirmed, did say that such person(s) executed this  
9-page Limited Warranty Deed dated June 4, 2020,  
in the Second Circuit of the State of Hawaii, as the free act  
and deed of such person(s), and if applicable, in the  
capacity(ies) shown, having been duly authorized to execute such  
instrument in such capacity(ies).



  
Print Name: Lea Tamayose  
Notary Public, State of Hawaii.

My commission expires: 17 May 2021

EXHIBIT "A"

Those certain parcels of land situated in Lahaina, Maui, Hawaii, as follows:

Land Commission Award 8559 B 26-2 to William C. Lunalilo;  
Land Commission Award 3421 B-3 to Kaaa;  
Land Commission Award 6620, Apana 2 to Naphi;  
Lunalilo Lot 1 to Pioneer Mill Co. Ltd.; and  
Land Commission Award 6620, Apana 1 to Naphi;

the approximate boundaries of which are shown on the map attached hereto as Exhibit "1" and made a part hereof.

Said lands are conveyed together with a nonexclusive perpetual easement over an existing, unimproved roadway (the "Roadway") shown on Exhibit "2" attached hereto and made a part hereof which traverses portions of lands of Grantor and also lands of others, for the use and improvement of said Roadway for pedestrian and vehicular ingress and egress and for the construction, operation, repair and replacement of utility services of the Grantee (and Grantee's utility providers). if and to the extent Grantor has the legal power and authority to grant said rights. Grantor makes no representation or warranty that the Roadway is physically passable or that Grantor's grant of this easement is valid and binding on the land purportedly encumbered. Any person exercising the rights granted hereby and their invitees shall enter and use the easement area at their own risk. Grantor and its employees, agents, members and principals shall have no liability or responsibility for any personal injury or property damage that shall arise out of any such use or exercise.

END OF EXHIBIT "A"

11-12-1951

EXHIBIT 'I'

KAHOMA

L.C. AW. 6620  
AP. 2 to Naphi  
18,706 SQ. FT.

Lunalilo Lot 1  
Pioneer Mill Co. Ltd  
18,706 SQ. FT.

L.C. AW. 6620 AP. 1  
to Naphi  
41,993 SQ. FT.

THE 101 1/2 AC. 100 AC.  
STATE OF HAWAII  
100 AC.

L.C. AW. 8559 B 26-2  
to Lunalilo William C.  
38,142 SQ. FT.

L.C. AW. 3121 B 3  
to Naphi  
14,706 SQ. FT.

STEAM

BOUNDARY EXHIBIT  
SHOWING  
LAND COMMISSION AWARD 6620 APANA 2 TO NAPHI, LAND  
COMMISSION AWARD 6620 APANA 1 TO NAPHI, LUNALILLO  
LOT 1 OF PIONEER CO. LTD, LAND COMMISSION AWARD 3421  
B-3 TO KANA, AND LAND COMMISSION AWARD 8559 B 26-2  
TO WILLIAM C. LUNALILLO

PREPARED AT LANAI, MAUI, HAWAII

CLARKE LAND SURVEYOR, PO BOX 63242 KULE, HAWAII, 96753

Map No. 511-10000 200 ft. at 100 ft.

EXHIBIT "2"

L.C. Aw. 8559 B 26-2 to Lunaililo

L.C. Aw. 7724 Ap. 1 to Pohalapu

L.C. Aw. 8550 B 26-4 to Lunaililo

L.C. Aw. 8021 Ap. 2 to Aha

L.C. Aw. 11149 Ap. 2 to Kuhua

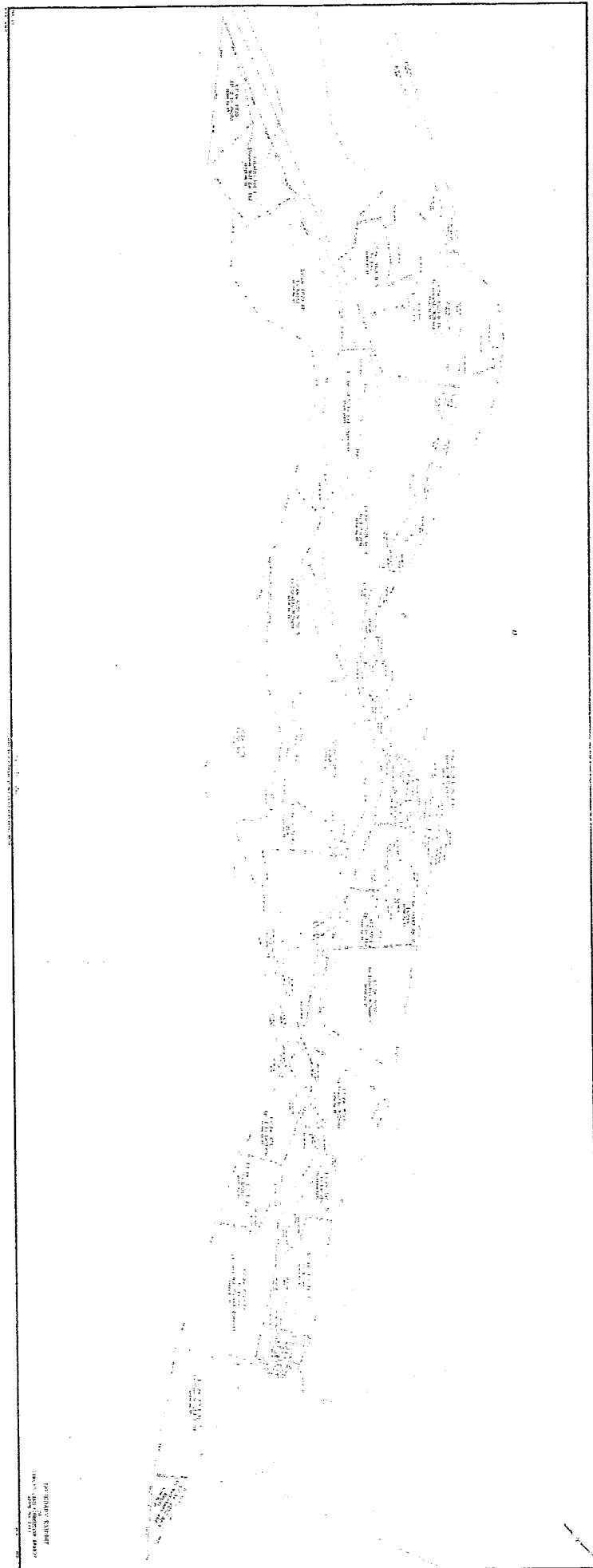
L.C. Aw. 8021 Ap. 3 to Aha

L.C. Aw. 6621 to Nalehu

L.C. Aw. 8515 Ap. 1 to Lahilahi

L.C. Aw. 8397 to Lunaililo

L.C. Aw. 456 to Keone



Patrick & Naomi Guth  
Total sq. ft. 145,147 sq. ft.

= 3.33 Acres

LCAW. 8559 B-26-2  
53,145 sq. ft.

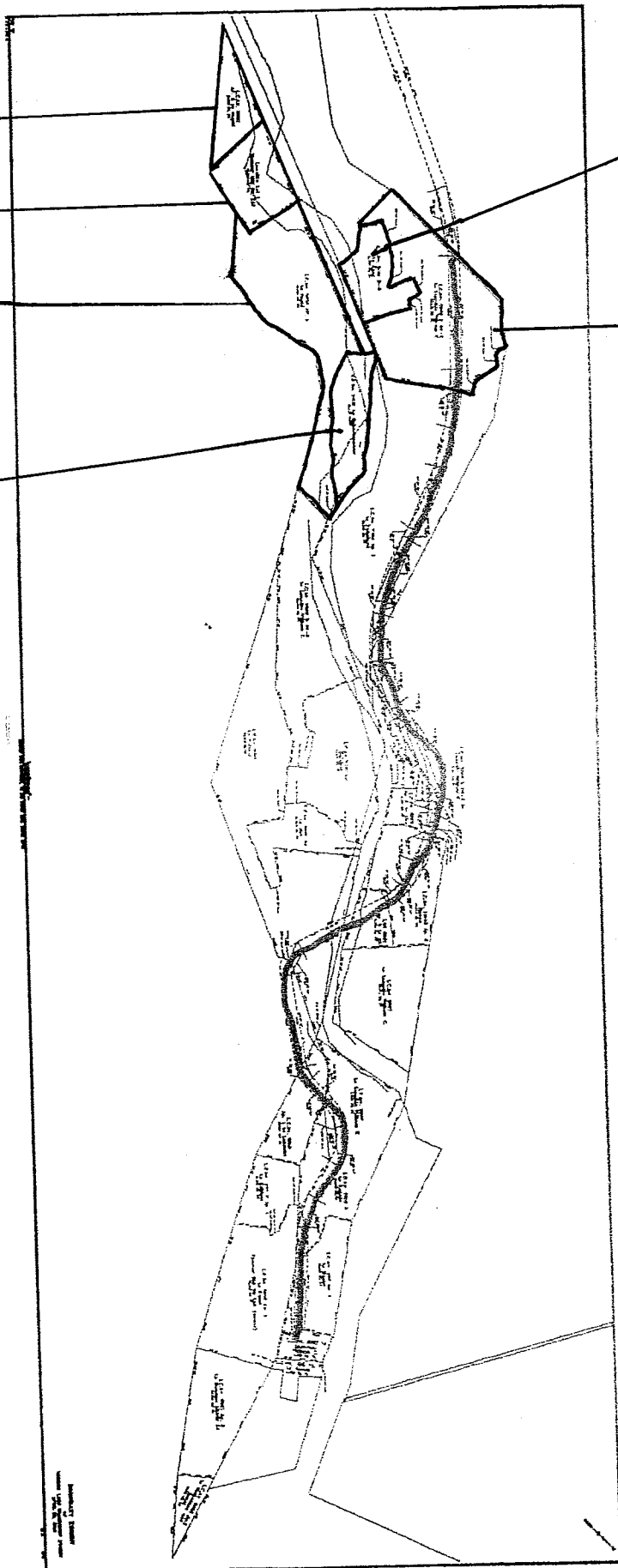
LCAW. 3421 B-3  
14,327 sq. ft.

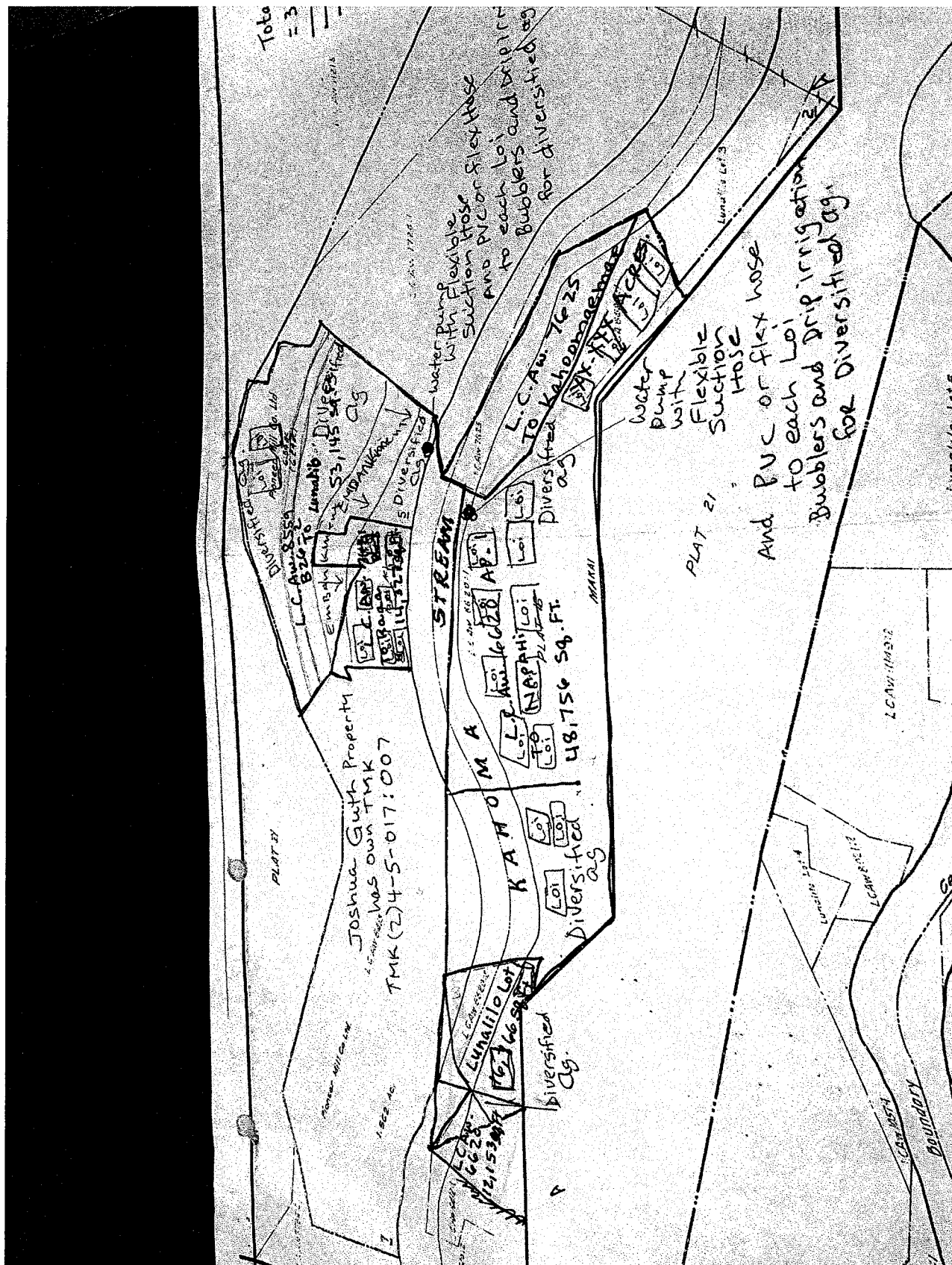
LCAW. 6620  
12,153 sq. ft.

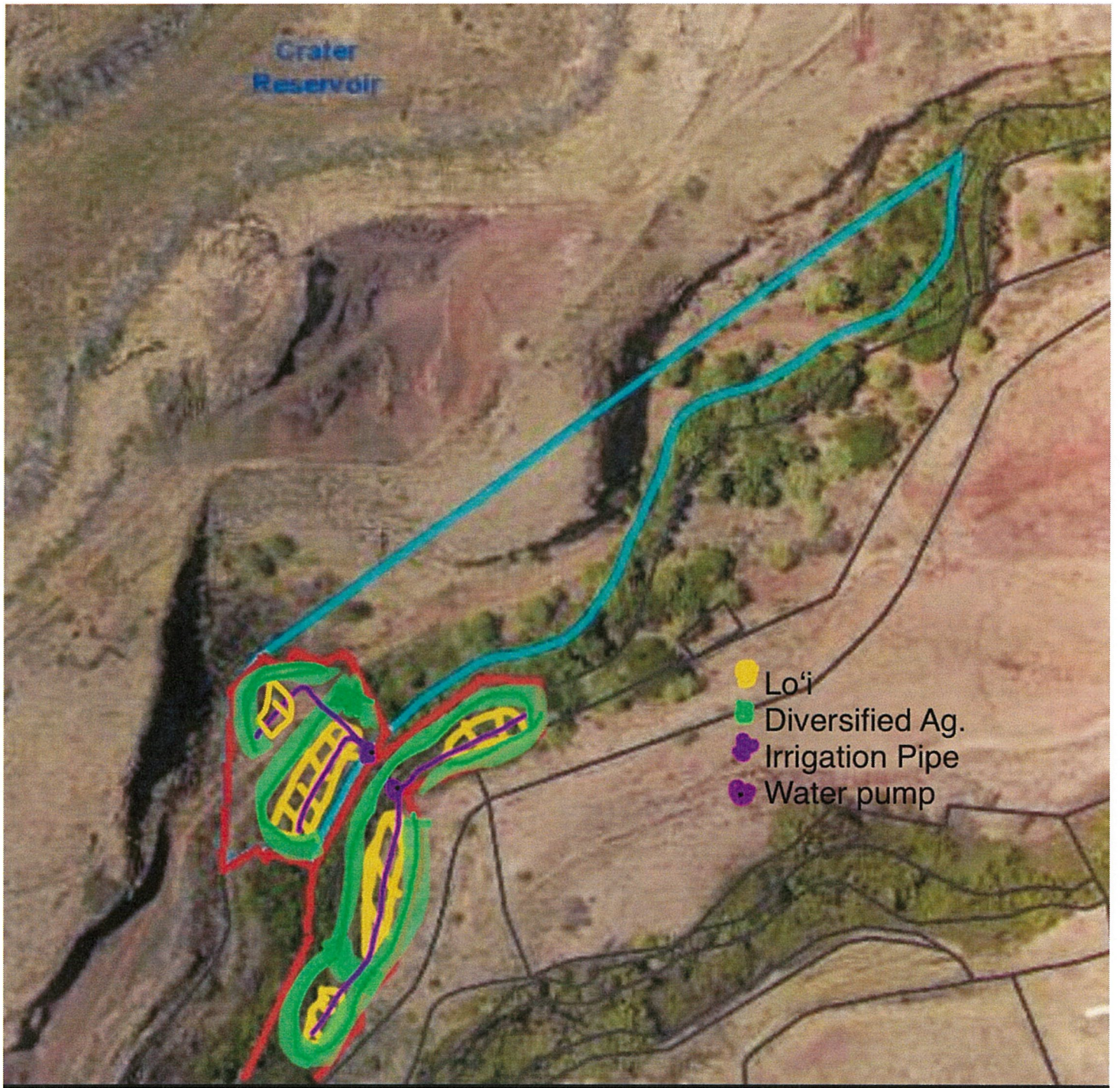
LCAW. 6620 Ap.1  
48,756 sq. ft.

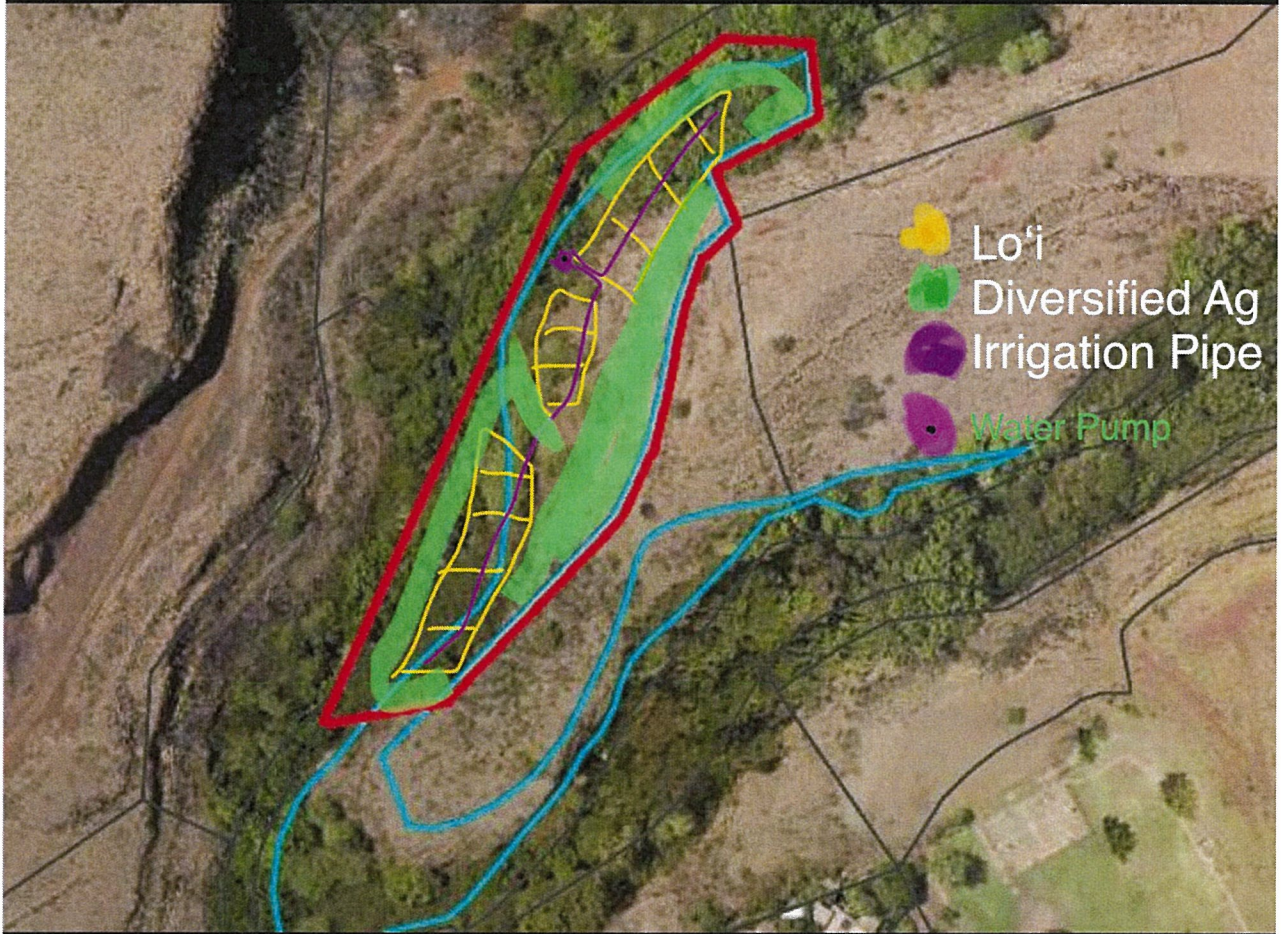
LCAW. 8559 Lot 1  
16,766 sq. ft.

LCAW. 7625  
XX.XXX Acres









- Lo'i
- Diversified Ag
- Irrigation Pipe
- Water Pump

\$800.00 convey a portion of Land Commission Award Number 8559 B Parcel 26 with the following metes and bounds:

Beginning at the Southwest corner by Kaaikai:

North 0° 48' East	283 feet
North 33° 14' East	84 feet along the ditch of Wahikuli
South 63° 35' East	23 8/10 feet
North 39° 20' East	42 9/10 feet
North 47° 18' East	25 1/10 feet
South 35° 55' East	163 feet along parcel 1 of Poholopu
South 24° 30' West	114 feet along the stream
North 63° 8' West	79 2/10 feet
South 29° 24' West	21 1/10 feet
North 63° 43' West	33 feet
South 25° 5' West	35 feet
South 69° 23' East	54 1/10 feet
South 53° 45' West	34 3/10 feet
South 33° 38' West	85 8/10 along the taro patch of Kaa
South 62° 12' West	62 feet along Kaaikai and back to the beginning.
	1.22 Acres

1. **LCA 3421B to KAAA (k)** issued on September 24, 1853 for three pieces of land in Nakalepo, Kelaweā and Kuholilea, Lahaina, Island of Maui.

Parcel 3: Beginning at the westerly side of the River of Kuholilea and a rock, from thence:

North 76° West      1.30 chains bounded by Kaaukai's Loi

North 11° East      0.20 chains bounded by Kaaukai's Loi

North 65° West      0.32 chains bounded by the Konohiki's Loi

North 24° East      0.55 chains bounded by the Konohiki's Loi

North 31° East      0.75 chains bounded by the Konohiki's Loi

North 49° East      0.52 chains bounded by the Konohiki's Loi

North 75° West      0.82 chains bounded by the Konohiki's Loi

North 21° East      0.53 chains bounded by the Konohiki's Loi

South 67° East      0.50 chains bounded by the Konohiki's Loi

North 23° East      0.32 chains bounded by the Konohiki's Loi

South 67° East      1.20 chains bounded by the Konohiki's Loi to river from  
thence following the river to the beginning.

Area 0.30 acre

# TITLE ANALYSIS

LCA 6620, RP 1736 to NAPAHI (k)

Kuholilea, Lahaina, Maui

to October 17, 1929

1. **LCA 6620 to NAPAHI (k)** issued on October 21, 1852 for two pieces of land in Kuhol  
Lahaina, Island of Maui.

Parcel 1: Beginning at the Northeast corner

South 6 1/2° East	1.11 chains along Kanaina
South 52 3/4° West	2.65 chains along the cliff
South 28 3/4° West	1.33 chains along the cliff
South 23 3/4° East	1.65 chains along the cliff
South 1 1/2° West	1.40 chains along the cliff
South 40 1/2° West	1.78 chains along the cliff until the ulu
North 2° West	0.55 chains along Opunui and Kaha
North 13 1/2° East	1.96 chains along the stream
North 18 1/4° East	2.68 chains along the stream
South 66 1/4° East	0.38 chains along Hoomaemae
North 63 3/4° East	1.20 chains along Hoomaemae
North 33 1/4° East	3.03 chains along Hoomaemae
North 71 1/2° East	0.49 chains along the stream to the beginning
Area 1 Acres 30 (side of the mountain) Rods	

Parcel 2: Beginning at the Northeast corner

South 83 1/2° West	1.95 chains along Kaha
South 16° West	2.98 chains along the stream
North 42 1/2° East	4.18 chains along the cliff to the beginning
Area 1 Rood	

2. **RP 1736 to NAPAHI (k)** issued on October 18, 1854, confirming LCA 6620 for  
1.43 acres.

convey a portion of Land Commission Award Number 8559 B Parcel 26 with the following metes and bounds:

Beginning at the Southwest corner of the stream and Napahi, parcel 2:

North 19° 38' East	173 feet along the stream
South 83° 3' East	162 feet
South 13° 18' West	158 feet along Napahi, parcel 1 and the cliff
North 87° 48' West	127 7/10 feet along Napahi, parcel 2 and back to the beginning.

0.45 acre