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The Ahupua'a and Water Allocation: A Study of Cultural Values and Water Law [abstract]

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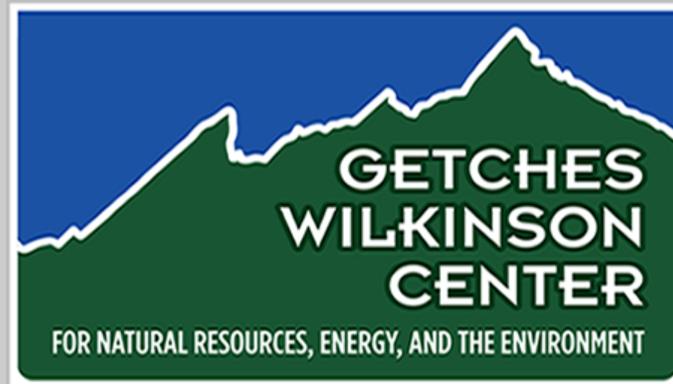
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The *Ahupua`a* and Water Allocation: A Study of Cultural Values and Water Law

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ABSTRACT

While ecosystem management and watershed management concepts and practices are increasingly popular on the mainland, in Hawai`i the *ahupua`a* is an appealing alternative for those interested in resource conservation. While there is no direct equivalent for an *ahupua`a* on the mainland, the closest concept may be the land-based concept of a watershed. *Ahupua`a* are land management units that have their origins in traditional culture of ancient Hawaiians and were given further credibility in the political and judicial decisions of the Kingdom of Hawai`i during the 19th century. Many *ahupua`a* were wedge-shaped, extending from the small end at the mountain tops to the large end along the coast or even extending out into the ocean for a short distance. The individual responsible for the *ahupua`a* was the *konohiki*, who appointed a water master to supervise the distribution of water. The *konohiki* assured that the *auwai* (irrigation ditches) were built and maintained properly so that each field of wetland taro (*lo`i*) and each farmer receive an appropriate share of water. The amount of water to which each *lo`i* was entitled from the *auwai*, in other words the amount of their water right, was proportionate to the amount of work that was contributed in the construction and upkeep of the water system. Thus, under the traditional *ahupua`a* system, water rights were tied directly to a contribution of labor in maintaining the water system and its infrastructure. Although it could be severed from the land, as a practical matter, water rights often became attached to the irrigated *lo`i*, as long as regular contributions of labor continued. These rights to water eventually ripened into a legal easement or appurtenance which was incident to the land and are called appurtenant rights.

This paper highlights the connections between the *ahupua`a* system and water allocation, examining the evolution of changes over time and the significance for contemporary water management. Comparisons will also be made with other traditional water allocation systems

used in the western states, including Hispanic traditions in northern New Mexico and the prior appropriation system still in use throughout much of the West.