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Kate A. Berry, *The Ahupua’a and Water Allocation: A Study of Cultural Values and Water Law* [abstract], in *ALLOCATING AND MANAGING WATER FOR A SUSTAINABLE FUTURE: LESSONS FROM AROUND THE WORLD* (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 2002).

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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 it 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.