

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 21348/45-2317 Priority May 21, 1951 Amount 3.74 cfs  
(late proof)

THIS IS TO CERTIFY, that Charles H. Coiner & Henry G. Coiner  
of Twin Falls, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit  
No. 21348/45-2317 issued pursuant to Application for Permit dated January 23, 1950,  
and has submitted proof to the Department of Water Administration on August 28, 1951,  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 3.74 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from a ground water source  
tributary of \_\_\_\_\_, is hereby confirmed in the following amounts:

Amount 3.74 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 3.74 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

(NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Lot 4, Sec. 6, Twp. 12 S, Rge. 20 E, B.M.

in the county of Cassia; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 7480 acre feet per year or \_\_\_\_\_  
4.0 acre feet per acre.

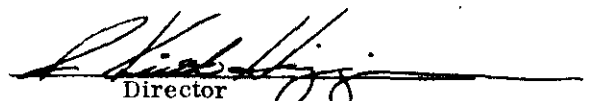
Description and location of place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 12S  | 20E   | 6    |                  |                  |                  |                  | 40               | 60               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 100    |
| 11S  | 20E   | 31   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 47               |                  |                  |                  |                  |                  | 47     |
| 11S  | 19E   | 36   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 187

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands  
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of  
November, 19 71.

  
Director  
45 2317

N<sup>o</sup> 21348  
45-2317

APPLICATION FOR PERMIT  
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29040  
PERMIT No. 21348  
DISTRICT No.

1. Name of Applicant: CHARLES H. COINER & HENRY G. COINER

Postoffice address: 1315 11th Ave., E., Twin Falls

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 3.74

cubic feet per second.

3. Source of water supply: Subterranean water from 2 wells

which is a tributary of

4. Location of point of diversion: 300 ft. N; and 40 ft. W.

feet distant from the S?E. corner of E $\frac{1}{2}$  of Lot 4

corner of Section 6, T. 12 S., R. 20 E., B.M., and is in the East Half of Lot 4 ( NW $\frac{1}{4}$  NW $\frac{1}{4}$ )

of Section 6, T. 12 S., R. 20 E., B.M., County of Cassia

5. Water is to be used for Domestic and irrigation purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the

of Section, T., R., B.M.

7. Estimated cost of works: \$ 12,000.00

8. Kind of works: Two wells, electric pump and ditches.

9. Height of dam feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

Water is diverted directly on the land irrigated through service ditches.

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is

years.

13. The time required for the complete application of the water to the proposed use is

Work completed

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Dry Creek appurtenant to above and other lands.

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:  
(b) Name of Reservoir and number of Storage Permit:  
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

CHARLES H. COINER and  
HENRY G. COINER Applicant.

By Henry G. Coiner Agent.

Date of first receipt at Department of Reclamation: 10:15 A. M. January 23, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21348  
Recorded in Book 76 Page 21348 Approved February 2, 1950  
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:  
Bond in the sum of \$ to be filed on or before  
Work to begin on or before Completed - and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.  
One-fifth of the work above specified to be completed on or before -  
The whole of said work to be completed on or before May 2, 1950  
Beneficial use of water appropriated in accordance herewith, to be made on or before May 2, 1950

WITNESS My hand this 2nd day of February, 1950

MARK R. KULP  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of February, 1950  
Countersigned: STATE OF IDAHO  
(SEAL) By J. D. "CY" PRICE, Secretary of State. By C. A. ROBINS, Governor.

REMARKS:

14.

| Twp.  | Range | Sec. | NE¼                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | Totals |  |     |
|-------|-------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--|-----|
|       |       |      | NE¼                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |  |     |
| 12 S. | 20 E. | 6    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |     |     | 40  | 60  |     |     |     |     |     |     |     |     |     |     |        |  | 100 |
|       |       |      | Above also described as Lot 3, the East half of Lot 4, the N½ of the W½ of Lot 4 (Being also Lots 1, 2, 3 and 4 of Suburban Tract No. 3, Artesian Townsite, all in Sec. 6, Twp. 12 S., Range 20 E., B.M., in Cassia County, Idaho Twin Falls County, Idaho                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
| 11 S. | 20 E. | 31   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |     |     |     |     |     |     | 47  |     |     |     |     |     |     |     | 47     |  |     |
| 11 S. | 19 E. | 36   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |     |     |     |     |     |     |     |     |     |     | 40  |     |     |     | 40     |  |     |
|       |       |      | The said SW¼SW¼ is also known as Lot 4, and the land therein to be irrigated is also described as Lots 41, 43 and 48 of Suburban Tract No. 1, Artesian Townsite, being 15 acres; and all of Townsite of Artesian City, excepting the lots comprising approximately 4½ acres, being 32 acres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | Permit No. 21348                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | This is to certify that CHARLES H. COINER AND HENRY G. COINER of Twin Falls, County of Twin Falls, Idaho, the holders of Permit No. 21348, issued upon Application No. 29040 bearing date of priority of January 23, 1950, authorizing the diversion of 3.74 second feet of the waters of subterranean flow from two wells, County of Cassia, State of Idaho, for domestic and irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.74 second feet of the waters of said wells; that the point of diversion of said waters is in the East half of Lot 4, Section 6, Township 12 South, Range 20 East, B.M. and the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE¼ NW¼ and NW¼ NW¼ Section 31, Twp. 12 S., Range 20 E., B.M., also described as Lot 3, E½ Lot 4, N½ W½ Lot 4; Also SW¼ SW¼ Section 31, Twp. 11 S., Range 20 E., B.M. and SE¼ SE¼ Section 36, Twp. 11 S., Range 19 E., B.M. |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | Witness my hand this 1st day of March, A. D. 1950.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | MARK R. KULP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | Proof of Completion of Works made February 21, 1950.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |
|       |       |      | Certificate of Completion of Works issued March 1, 1950.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |  |     |

LICENSE ISSUED FOR 3.74 SEC. FT.  
LICENSE PI 100

November 15, 1971

Re: Permit No. 21348/45-2317

Charles H. & Henry G. Coiner  
1315 - 11th Ave. East  
Twin Falls, Idaho 83301

Gentlemen:

Enclosed herewith is your Water License issued on the above referenced permit.

Also enclosed is departmental receipt No. 8356 in the amount of \$10.00 covering the fee.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enc: License  
Receipt

45 2317

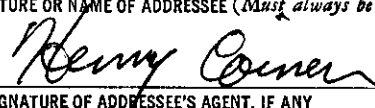
PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address  
where delivered

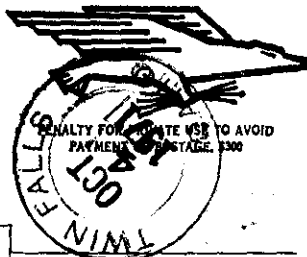
☐ Deliver ONLY  
to addressee

RECEIPT

Received the numbered article described below.

|                              |                                                 |                                                                                   |
|------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------|
| REGISTERED NO.               | <div><div>1</div><div>2</div><div>3</div></div> | SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)                         |
| CERTIFIED NO.<br>31603       |                                                 |  |
| INSURED NO.                  |                                                 | SIGNATURE OF ADDRESSEE'S AGENT, IF ANY                                            |
| DATE DELIVERED<br>OCT 4 1971 |                                                 | SHOW WHERE DELIVERED (only if requested)<br>15 2317                               |

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN  
TO

FOD Form 3811 Apr. 1969 655-16-71548-11

45 2317 DEPARTMENT OF WATER ADMINISTRATION  
STATEHOUSE - ANNEX #2  
BOISE, IDAHO 83707

September 27, 1971 CERTIFIED MAIL #31603

Re: Permit No. 21348/45-2317

Charles H. & Henry G. Coiner  
1315 - 11th Ave. East  
Twin Falls, Idaho 83301

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 21348/45-2317 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$10.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before November 6, 1971, why said permit should not be cancelled.

Permit 21348/45-2317 claims the use of 3.74 cubic feet per second of water from a ground water source, the point of diversion was to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 6, T. 12 S, R. 20 E, B.M. and the permit was approved Feb. 2, 1950.



R. KEITH HIGGINSON  
Director

45 2317

August 19, 1971

Re: Permit No. 21348/45-2317

Charles H. & Henry G. Colner  
1315 - 11th Ave. East  
Twin Falls, Idaho 83301

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 21348/45-2317 and has found the following:

Quantity of water diverted: 3.74 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 3.74 c.f.s.

The maximum quantity of water diverted shall not exceed 7480 acre feet per season.

Beneficial use: Irrigation of 187 acres within the N $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 6. T. 12S R. 20E, B.M.; SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 31 T. 11S R. 20E, B.M.; SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 36. T. 11S R. 19E B.M.

The priority date established is: May 21, 1951

A fee totaling \$10.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

45 2317

BDF:DR

Henry G. Coiner, 1315 11th Ave., East, Twin Falls, has acted as agent  
STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

Permit No. 21348

This proof is for Beneficial use In Water District No. \_\_\_\_\_

1. Name of applicant Charles H. Coiner, Kimberly, Idaho; Henry G. Coiner, Twin Falls, Idaho

2. Source of water supply: Subterranean flow from two wells

3. Location of point of diversion: Is in the E $\frac{1}{2}$  Lot 4 of Section 6

T. 12 S. R. 20 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Water is used for: Irrigation and domestic use

6. State whether or not water has been turned into works of diversion: \_\_\_\_\_  
\_\_\_\_\_

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$  NW $\frac{1}{4}$  (Lot 3); NW $\frac{1}{4}$  NW $\frac{1}{4}$  (E $\frac{1}{2}$  Lot 4); N $\frac{1}{2}$  W $\frac{1}{2}$  Lot 4; Section 6, Twp. 12 S., Rge. 20 E., B.M.

SW $\frac{1}{4}$  SW $\frac{1}{4}$  (Lot 4), Section 31, Twp. 11 S., Range 20 E., B.M.

SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 36, Twp. 11 S., Range 19 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: Henry Coiner states that the use of the water from this well has been established by decree and that a filing on it was made by mistake.

This examination was made on the 18<sup>th</sup> day of June, 1952

(Signed) E. N. Humphrey Examiner.

21348

15 2317

### INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Charles H. Coiner, Kimberly, Idaho  
Henry G. Coiner, Twin Falls, Idaho

Permit No. 21348

Examination for Beneficial use

County T. Cassia

6 - 125 - 208

$Q = 3.74$  cfs.

$S = 2$  wells.

Irrig & dom.

P.D. =  $E\frac{1}{2}$  Lot 4, S 6.

Area: NE NW, & NWNW. S 5

also described as: Lot 3:  $E\frac{1}{2}$  S 4

$N\frac{1}{2}$  W  $\frac{1}{2}$  Lot 4; also SW SW S 31

11 S. - 208.

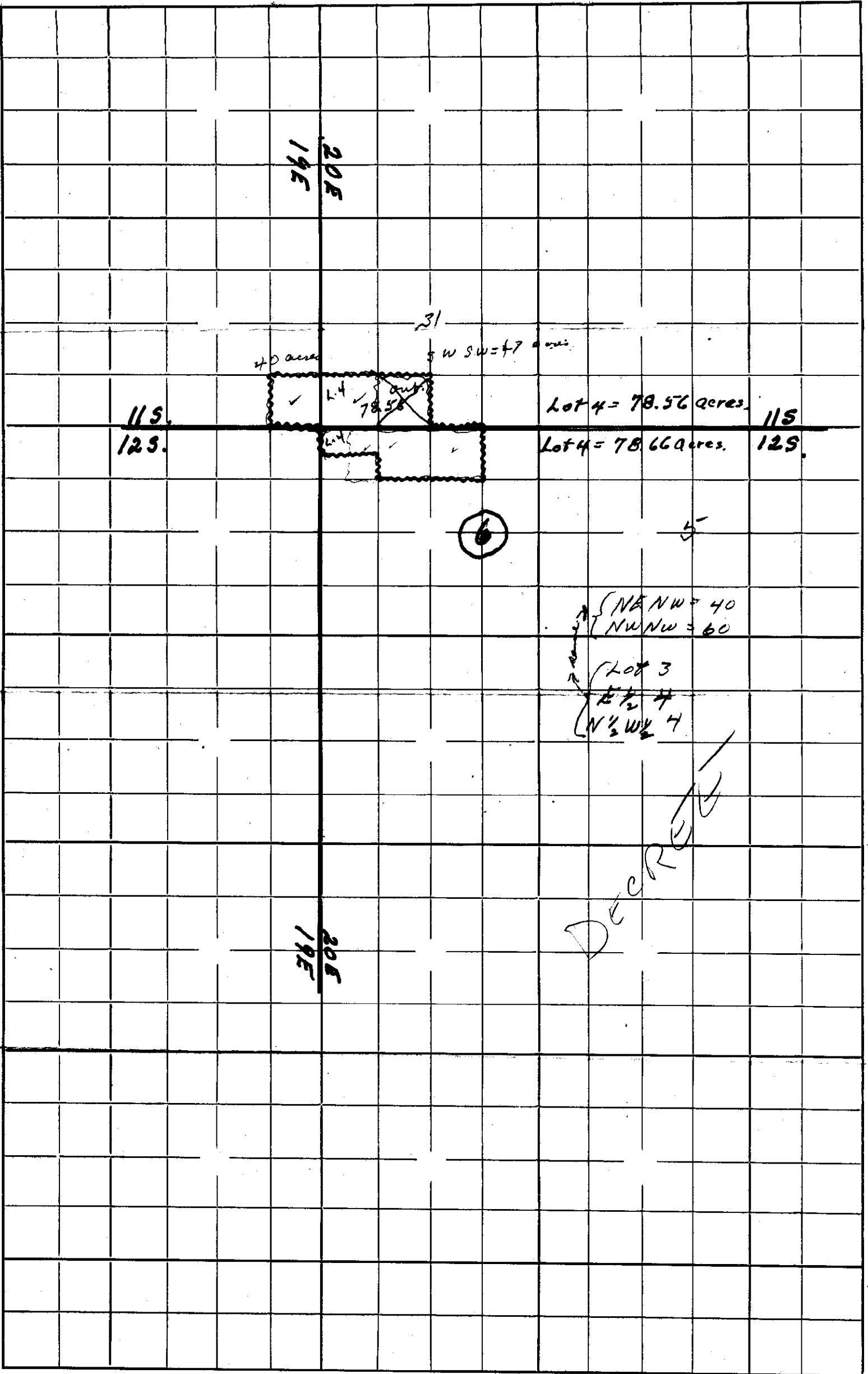
Compl of Wks due May 2-50

Ry. due May 2-50.

Priority = Feb 23-50

Area: 187 acres

out - did not intend to file.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

2134845 2317

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 21348

REPORT ON PROOF OF Beneficial use

CHARLES H. COINER, Kimberly, Idaho

HENRY G. COINER, Twin Falls, Idaho

April 28, 1971

Re: Permit No. 21348 (New No. 45-2317)

Mr. Charles H. & Henry G. Coiner  
1315 11th Avenue, East  
Twin Falls, Idaho 83301

Gentlemen:

We have not yet received your reply to our letter of January 28, 1971, a copy of which is enclosed for your reference.

If the water right from this well has been established by a decree, then this permit would be of no value to you. We are up-dating our records and would like to remove from our files all of the applications that are unnecessary. Therefore, we feel that you should complete the enclosed relinquishment form.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Bobby D. Fleenor  
Assistant Director

BDF:cm

Enc: copy of January 28, 1971 letter  
relinquishment form

45 2317

January 28, 1971

Re: Permit No. 21348 (New No. 45-2317)

C  
Charles H. & Henry G. Coiner  
1315 - 11th Ave. East  
Twin Falls, Idaho 83301

Gentlemen:

O  
In checking our file in connection with the above referenced permit, we find that the field exam dated June 18, 1952, states: "Henry Coiner states that the use of the water from this well has been established by decree and that a filing on it was made by mistake".

P  
Therefore, we are enclosing the Department's relinquishment form and request that you relinquish the above referenced permit. By relinquishing the permit, the Department will be able to clear its records and not bother you with future correspondence due under the permit.

We appreciate your cooperation in this matter.

Very truly yours,

Y  
Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enclosure

45 2317

✓  
August 31, 1951

21348-

Re: Permit Nos. 21349 and 21350

Messrs. Benoit & Benoit  
Twin Falls Bank & Trust Building  
Twin Falls, Idaho

ATTN: HARRY BENOIT

Dear Mr. Benoit:

We acknowledge receipt of your letter of August 29, 1951, enclosing depositions of Henry J. Coiner and two witnesses, also affidavits of publication, all submitted in proof of beneficial use under the above numbered permits.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We cannot say just when this examination will be made as this Department has but one field engineer who makes examinations all over the State.

However, he will try to contact Mr. Coiner at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg

21348

LAW OFFICES  
**BENOIT & BENOIT**  
TWIN FALLS BANK & TRUST BLDG.  
TWIN FALLS, IDAHO

HARRY BENOIT  
EDWARD L. BENOIT

August 28, 1951

RECEIVED  
AUG 29 1951  
Department of Reclamation

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Re: Permits No. 21348,  
21349 and 21350 - COINER

Dear Sir:

Enclosed herewith you will find  
deposition of holder, depositions of  
witnesses, and affidavit of publication in  
each of the above entitled permits.

Very truly yours,

BENOIT & BENOIT

by

*Harry Benoit.*

HB-v

21348

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
COUNTY OF CASSIA } ss.

Glenn Gilchrest

Glenn Gilchrest, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 31, 1951, and ending with the issue dated Aug. 21, 1951.

*Glenn Gilchrest*

Subscribed and sworn to before me this 21st day of August, 1951.

*Hazel G. Woodruff*  
Notary Public in and for the State of Idaho,  
Residing at Burley, Idaho.

My Commission Expires June 4, 1955

NOTICE FOR PUBLICATION  
NOTICE OF PROOF APPLICATION  
OF WATER TO BENEFICIAL USE  
Notice is hereby given that at  
2:30 P. M., on the 28th day of  
August, 1951, at the office of Benoit  
& Benoit, Twin Falls Bank & Trust  
Bldg., in Twin Falls, County of  
Twin Falls, State of Idaho, before  
Edward L. Benoit, a Notary Public  
in and for the State of Idaho, proof  
will be submitted of the application  
to beneficial use of 1.74 cubic feet  
per second of the waters of subter-  
ranean wells in accordance with the  
terms and conditions of Permit No.  
31215, heretofore issued by the  
State Reclamation Engineer.  
The names and post office address-  
ses of the persons holding said per-  
mit are: Charles H. Coines, Kimber-  
ly, Idaho; and Henry G. Coines,  
Twin Falls, Idaho.  
The use to which said water has  
been applied is irrigation and dom-  
estic.  
The amount applied to beneficial  
use is 1.74 cu. ft. per second.  
The place where said water is  
used is for the irrigation of the fol-  
lowing described property, to-wit:  
40 acres in NW 1/4, also known  
as Lot 1, and 60 acres in NW 1/4  
SW 1/4, also known as E 1/2 of Lot 1  
and the NW 1/4 of the W 1/2 of Lot 1,  
all in Sec. 8, Tp. 14 S. R. 20 E. B.M.  
Cassia County, Idaho, and 47 acres  
in NW 1/4 SW 1/4, also known as Lot  
1, in Sec. 31, Tp. 11 S. R. 20 E. B.M.,  
and 60 acres in SW 1/4 SE 1/4, Sec.  
16, Tp. 14 S. R. 18 E. B.M., in Twin  
Falls County, Idaho.  
The means by the canal or ditch or  
other works by which said water is  
conducted to such place of use is:  
ditched running to the above de-  
scribed tract, carrying water from  
two subterranean wells and pumped  
by electric motors.  
The right to use water from such  
wells is based upon Permit No.  
11725.

NOTICE FOR PUBLICATION  
NOTICE OF PROOF APPLICATION  
OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:30 P. M., on the 28th day of August, 1951, at the office of Benoit & Benoit, Twin Falls Bank & Trust Bldg., in Twin Falls, County of Twin Falls, State of Idaho, before Edward L. Benoit, a Notary Public in and for the State of Idaho, proof will be submitted of the application to beneficial use of 3.74 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 21348, heretofore issued by the State Reclamation Engineer.

The names and post office addresses of the persons holding said permit are: Charles H. Colner, Kimberly, Idaho; and Henry G. Colner, Twin Falls, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is: 3.74 cu. ft. per second.

The place where said water is used is for the irrigation of the following described property, to-wit:

40 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as Lot 3, and 60 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as E $\frac{1}{2}$  of Lot 4 and the N $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 4, all in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho, and 47 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , also known as Lot 4, in Sec. 31, Tp. 11 S. R. 20 E.B.M., and 40 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 36, Tp. 11 S. R. 19 E.B.M., in Twin Falls County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is: ditches running to the above described land, carrying water from two subterranean wells and pumped by electric motors.

The right to take water from such works is based upon Permit No. 21348.

The source of supply from which such water is diverted is: two wells located in the E $\frac{1}{2}$  of Lot 4, in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho.

The date of priority which said user is prepared to establish is: January 23, 1950.

MARK R. KULP

State Reclamation Engineer

Published in the Burley Bulletin, July 31, August 7, 14, 21, 1951.

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
COUNTY OF CASSIA } ss.

Glenn Hilgert, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for FOUR consecutive weeks, commencing with the issue dated July 31, 1951, and ending with the issue dated AUG. 21, 1951.

Subscribed and sworn to before me this 28th day of August, 1951.

Notary Public in and for the State of Idaho,  
Residing at Burley, Idaho.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. 21348

**Proof of Application of Water to Beneficial Use**

**Deposition of Holder**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. HENRY G. COINER, Twin Falls, Idaho, farmer, 1315 11th Avenue East, Twin Falls, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. \_\_\_\_\_

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 21348 dated Jan. 23, 1950; date of priority, Jan. 23, 1950.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wells in E $\frac{1}{2}$  of Lot 4, Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Two wells, one 473 ft. deep; 150 ft. 14 inch casing; 10 inch casing from 150 ft. to 473 ft.; depth to water, 50 ft.; discharge of pump, 120 inches; and one well 490 ft. deep; 155 ft. 12 inch casing, and balance to bottom 9 $\frac{1}{2}$  inch casing; depth to water, 50 ft.; discharge of pump, 50 inches. Water measured from both wells going through 600 ft. of 12 inch pipe with weir at end thereof.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation of 40 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as Lot 3, and 60 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as E $\frac{1}{2}$  of Lot 4 and the N $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 4, all in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho, and 47 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , also known as Lot 4, in Sec. 31, Tp. 11 S. R. 20 E.B.M., and 40 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, Tp. 11 S. R. 19 E.B.M., in Twin Falls County, Idaho. Land cultivated and crops grown as result of use of said water upon all of the above described land.

21348

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. ....

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. .... 3.74 cu. ft. per second. ....

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder. This affiant and Charles H. Coiner are the parties to whom permit was issued.

Ans. ....

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. .... During the irrigation season 1951, 3.74 cu. ft. per second was pumped from said wells and used to irrigate the lands above described. ....

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. ....

(Sign) Henry S. Coiner

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 28th day of August, A. D. 1951,

Edward L. Benish  
Notary Public for Idaho, residing at  
Twin Falls, Idaho

My commission expires June 1, 1955.

21348

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. 21348

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Frank V. Nebeker. I am 42 years old. Reside at Murtaugh, Idaho.  
My occupation is farmer.

Ques. 2. Are you acquainted with Charles H. Coiner and Henry G. Coiner, the holders of Permit No. 21348? How long have you known ~~him~~<sup>them</sup> and where do ~~ex~~<sup>they</sup> reside? I have known them for one year. Charles H. Coiner resides at Hansen, Idaho and Henry G. Coiner resides at Twin Falls, Idaho.

Ans. Yes.  
Charles H. Coiner, Hansen, Idaho; Henry G. Coiner, Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21348, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wells in E $\frac{1}{2}$  of Lot 4, Sec. 6, Tp. 12 S. R. 20 E. B. M., Cassia County, Idaho; electric motor pumps pumping water from wells, conveyed by irrigation ditches to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3.74 cu. ft. per second.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. One well pumped 120 inches and one well pumped 50 inches, estimated by water going through 600 ft. 12 inch pipe with weir at end for measurement.

21348

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation of 40 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as Lot 3, and 60 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as E $\frac{1}{2}$  of Lot 4 and the N $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 4, all in Sec. 6, Twp. 12 S. R. 20 E.B.M., Cassia County, Idaho, and 47 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , also known as Lot 4, in Sec. 31, Tp. 11 S. R. 20 E.B.M., and 40 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, Tp. 11 S. R. 19 E.B.M., in Twin Falls County, Idaho; land cultivated and crops grown as result of use of said water upon all of the above described land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Arid lands reclaimed by irrigating with said water. 3.74 cu. ft. per sec. of water required to profitably cultivate said lands.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No. \_\_\_\_\_  
\_\_\_\_\_

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During irrigation season 1951, witnessed approximately 3.74 cu. ft. of water pumped from said wells and used to irrigate the lands above described.

(Signed) Frank V. Nebeker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this 28th day of August, A. D. 1951.

Edward L. Benoit

Notary Public.  
for Idaho, residing at  
Twin Falls, Idaho

My commission expires June 1, 1955.

21348

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. 21348

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wesley Snow. I am 33 years old. Reside at Murtaugh, Idaho.  
My occupation is farmer

Ques. 2. Are you acquainted with Charles H. Coiner and Henry G. Coiner, <sup>them</sup> the holders of Permit No. 21348? How long have you known ~~him~~ and where does ~~they~~ reside? I have known them for five years. Charles H. Coiner resides at Hansen, Idaho, and Henry G. Coiner resides at Twin Falls, Idaho.

Ans. Yes.  
Charles H. Coiner, Hansen, Idaho; Henry G. Coiner, Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21348, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wells in E $\frac{1}{2}$  of Lot 4, Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho;  
electric motor pumps pumping water from wells, conveyed by irrigation ditches  
to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3.74 cu. ft. per second.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. One well pumped 120 inches and one well pumped 50 inches, estimated by water  
going through 600 ft. 12 inch pipe with weir at end for measurement.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation of 40 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as Lot 3, and 60 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as E $\frac{1}{2}$  of Lot 4 and the N $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 4, all in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho, and 47 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , also known as Lot 4, in Sec. 31, Tp. 11 S. R. 20 E.B.M., and 40 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, Tp. 11 S. R. 19 E.B.M., in Twin Falls County, Idaho; land cultivated and crops grown as result of use of said water upon all of the above described land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Arid lands reclaimed by irrigating with said water. 3.74 cu. ft. per sec. of water required to profitably cultivate said lands.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No. \_\_\_\_\_  
\_\_\_\_\_

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During irrigation season 1951, witnessed approximately 3.74 cu. ft. of water pumped from said wells and used to irrigate the lands above described.

(Signed) \_\_\_\_\_

*Wesley Snow*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in \_\_\_\_\_ Twin Falls \_\_\_\_\_, County of \_\_\_\_\_ Twin Falls \_\_\_\_\_, State of Idaho, on this 28th day of August \_\_\_\_\_, A. D. 1951.

*Edward L. Benoit*

Notary Public.  
for Idaho, residing at  
Twin Falls, Idaho

My commission expires June 1, 1955.

21348

✓  
July 23, 1951

Re: Permit No. 21348

Messrs. Benoit & Benoit  
Bank & Trust Bldg.  
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

We have sent to the Burley Bulletin, copy of Notice of Beneficial Use Proof to be made on Permit No. 21348 of Charles H. and Henry G. Coiner on August 28, 1951, with instructions to publish it once a week for four consecutive weeks prior to that date and to send the Affidavit of Publication, together with statement of costs, to Mr. Henry G. Coiner.

We enclose the necessary forms of deposition to be used in making this proof, consisting of one for the Permit Holders and one for each of two witnesses.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

21348

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Re: Permit No. 21348

Date: July 23, 1951

**Burley Bulletin**

**Burley, Idaho**

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 28, 1951**, the date set for proof, the expense of the publication to be paid by the applicant, **Henry G. Coiner** of **1315 11th Ave., East Twin Falls, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

**MARK R. KULP**  
State Reclamation Engineer

By

**Chief Clerk**

21348

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 2:30 P.M., on the 28th day of August, 1951, at the office of Benoit & Benoit, Twin Falls Bank & Trust Bldg., in Twin Falls, County of Twin Falls, State of Idaho, before Edward L. Benoit, a Notary Public in and for the State of Idaho, proof will be submitted of the application to beneficial use of 3.74 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 21348, heretofore issued by the State Reclamation Engineer.

The names and post office addresses of the persons holding said permit are: Charles H. Coiner, Kimberly, Idaho; and Henry G. Coiner, Twin Falls, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is: 3.74 cu. ft. per second.

The place where said water is used is for the irrigation of the following described property, to-wit:

40 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as Lot 3, and 60 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , also known as E $\frac{1}{2}$  of Lot 4 and the N $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 4, all in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho, and 47 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , also known as Lot 4, in Sec. 31, Tp. 11 S. R. 20 E.B.M., and 40 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 36, Tp. 11 S. R. 19 E.B.M., in Twin Falls County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is: ditches running to the above described land, carrying water from two subterranean wells and pumped by electric motors.

The right to take water from such works is based upon Permit No. 21348.

The source of supply from which such water is diverted is: two wells located in the E $\frac{1}{2}$  of Lot 4, in Sec. 6, Tp. 12 S. R. 20 E.B.M., Cassia County, Idaho.

The date of priority which said user is prepared to establish is:

~~January 23, 1950.~~

MARK R. KULP

STATE RECLAMATION ENGINEER

21348

LAW OFFICES  
**BENOIT & BENOIT**  
TWIN FALLS BANK & TRUST BLDG.  
TWIN FALLS, IDAHO

HARRY BENOIT  
EDWARD L. BENOIT

RECEIVED  
JUL 23 1951  
Department of Reclamation

July 21, 1951

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Dear Sir:

Re: Permit No. 21348

Pursuant to suggestion contained in your letter of the 20th, I am enclosing herewith authority to publish notice and two copies of notice to be published in the Burley Bulletin.

I have always been of the opinion that the priority date established in the license issued by your office does not preclude one from proving an earlier priority date.

I have left in blank the date of priority which the user is prepared to establish. Will you be good enough to fill in this date before sending the notice to the newspaper for publication.

Very truly yours,

Benoit & Benoit

by

*Harry Benoit*

21348

**NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE**

(Date).....July 21, 1951.....Permit No. 21348.....

(P. O.).....Box 536, Twin Falls, Idaho.....

**TO THE STATE RECLAMATION ENGINEER:**

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the  
.....Burley Bulletin..... of .....Burley, Idaho..... published in  
the county in which the works are situated.

.....*Henry L. Coiner*.....

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....  
Engineer.

21348

✓  
July 20, 1951

Re: Permit No. 21348  
Coiner

Mr. Harry Benoit  
Bank & Trust Bldg.  
Twin Falls, Idaho

Dear Mr. Benoit:

I have your letter of July 19, on the question of priority of rights on water from wells which were in use before application for permit was filed.

I would suggest the completion of the permit to License, in which case there would be an examination made by the Department and a measurement of the discharge from the wells.

This would probably be a more acceptable method for the Court to arrive at the amount of the right than lay testimony on the amount of water pumped.

Testimony as to the time of application to beneficial use should be simple.

As you have noted, you can probably prove an early priority and not waive any rights by carrying the permit through to License with a later priority date.

May I call to your attention Court Citation under Section 42-220, Idaho Code:

Waiver of Rights

"By obtaining issuance of license, licensee does not waive any rights he may previously have had through actual diversion and application to a beneficial use. Joyce v. Rubin, 23 Idaho 296, 130 Pac. 793; Newport Water Co. v. Kellogg, 31 Idaho 574, 174 Pac. 602".

Very truly yours,

MARK R. KULP  
State Reclamation Engineer

MRK:bh

21348

LAW OFFICES  
**BENOIT & BENOIT**  
TWIN FALLS BANK & TRUST BLDG.  
TWIN FALLS, IDAHO

HARRY BENOIT  
EDWARD L. BENOIT

July 19, 1951

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Re: Permit No. 21348 -  
COINER

Dear Sir:

Referring to my letter of July 16th, wherein I stated that we could make proof of beneficial use, I am not doing that at this time for the reason that the two wells referred to in the permit have been there for many years and, I believe, have priority. The thought occurs to me that if we sought priority under this permit we might lose our date of priority of long standing.

I have always been of the opinion that if we could prove that the water from those two wells had been used continuously for irrigation during all of those years that we would have a date of priority from the time that they were used.

I would appreciate any suggestion from you relative to this permit.

Very truly yours,

BENOIT & BENOIT

*Harry Benoit*

HB-v

21348

✓  
July 17, 1951

Re: Permit No. 21348

Messrs. Benoit & Benoit  
Bank & Trust Building  
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

In reply to your letter of July 16, 1951, in regard to Beneficial Use Proof on Permit No. 21348 in the name of Charles and Henry G. Coiner:

This proof can be made at any time, but the priority will be as much later than the original priority as this proof is past due.

We enclose the necessary forms in connection with this proof, two copies of Form 10 to be returned to this Department together with Form 11 which is authorization for us to have the notice published at applicant's expense in the designated county newspaper.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

21348

LAW OFFICES  
**BENOIT & BENOIT**  
TWIN FALLS BANK & TRUST BLDG.  
TWIN FALLS, IDAHO

HARRY BENOIT  
EDWARD L. BENOIT

RECEIVED  
JUL 17 1951  
Department of Reclamation

July 16, 1951

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Re: Permit No. 21348 - COINER

Dear Sir:

Certificate of Completion of Works was  
issued March 1, 1950, under Permit No. 21348.

I observe that the approval of the State  
Reclamation Engineer on the Permit provides that  
Beneficial Use of Water was to be made on or  
before May 2, 1950. 102

Will you please advise me as to whether  
we can make Proof of Beneficial Use any time now?  
And if so, kindly send me the necessary forms  
therefor.

Very truly yours,

BENOIT & BENOIT

by

*Harry Benoit*

HB-v

21348

21348

September 14, 1950

Mr. Harry Benoit  
Bank & Trust Co. Bldg.  
Twin Falls, Idaho

Dear Mr. Benoit:

In reply to your letter of September 13, 1950,  
we enclose the necessary forms in connection with Bene-  
ficial Use Proof under Permits Nos. 21348, 21349 and  
21350.

Notice should be made in duplicate on Form 10  
for each Permit, setting the time and place and naming the  
Notary Public before whom the proof is to be made. You  
understand, of course, that the date must be set sufficiently  
far ahead to allow for the statutory four weeks publication.

Both copies of Form 10, together with Form 11 for  
each Permit to be returned to this Department, and we shall  
then send a copy of the notices to the designated newspaper  
with instructions in regard to publishing.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

21348

HARRY BENOIT  
LAWYER  
TWIN FALLS BANK & TRUST CO. BLDG.  
TWIN FALLS, IDAHO

September 13, 1950

RECEIVED  
SEP 14 1950

Department of Reclamation

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

RE: Permits No. 21348, 21349, 21350

Dear Sir:

I desire to make proof <sup>*of beneficial use*</sup> on the above three  
permits. Will you please send me the necessary  
blanks.

Very truly yours,

*Harry Benoit*

HARRY BENOIT

HB:rm

21348

✓  
September 12, 1950

Re: Permit No. 21348

Mr. Harry Benoit  
Bank & Trust Co. Bldg.  
Twin Falls, Idaho

Dear Mr. Benoit:

In reply to your letter of September 11, 1950, in regard to Beneficial Use Proof under Permit No. 21348:

This proof can be made at any time, only the original priority date that can now be established will be as much later than the original filing date of January 23, 1950, as this proof is past due.

The reason that there was a difference in the dates on these three Permits is that the application for Permit No. 21348 stated that the works were completed and that no additional time was required, whereas the other two applications asked for a year.

Proof of Beneficial Use on Permit No. 21348 can be made at any time. However, if the matter of priority is not important, the proofs on all of these can be made at the same time, whenever the Permit Holders are prepared to make proof on the other two Permits.

If you will advise us as to your wishes in the matter, we shall send you the necessary forms.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh

21348

HARRY BENOIT  
LAWYER  
TWIN FALLS BANK & TRUST CO. BLDG.  
TWIN FALLS, IDAHO

September 11, 1950

RECEIVED  
SEP 12 1950  
Department of Reclamation

Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

RE: Permit No. 21348

Dear Mr. Kulp:

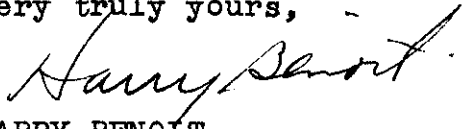
A Certificate of Completion of Works under the above-entitled permit was issued March 1, 1950. The approval of the State Reclamation Engineer on the permit provides that beneficial use of water appropriation be made on and before May 2, 1950. In checking over my files, I find that proof of beneficial use has not been made, and I am writing to you to ascertain what should be done by me at this time.

At the time that I sent in the application, Permit No. 21348, I also mailed to you Permits No. 21349 and 21350. Both of the latter provide that proof of beneficial use shall be made on and before February 2, 1951. I was of the impression that all three provided for such proof on the same date. Permits No. 21348 and 21350 would require publishing of notice in Cassia County, and I intended to do that at the same time.

Of course, I still have ample time to make proof of beneficial use of Permits No. 21349 and 21350, but would like to know where I stand under Permit No. 21348.

I would appreciate an early reply from you.

Very truly yours,

  
HARRY BENOIT

HB:rm

P.S. Under no circumstances could we have made proof of beneficial use on or before May 2, 1950, because it was necessary that we wait for the irrigation season of 1950 to make that proof.

HB

21348

✓  
March 2, 1950

Re: Permit No. 21348

Mr. Harry Benoit  
Bank & Trust Co. Bldg.  
Twin Falls, Idaho

Dear Mr. Benoit:

We enclose Certificate of Completion of Works issued under Permit No. 21348 in the name of Charles H. Coiner and Henry G. Coiner for the diversion of 3.74 second feet of water from two wells located in the E<sup>1</sup> of Lot 4, Section 6, Township 12 South, Range 20 West, B.M. for irrigation and domestic use.

We also enclose Departmental Receipt No. 22104 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

21348

HARRY BENOIT  
LAWYER  
TWIN FALLS BANK & TRUST CO. BLDG.  
TWIN FALLS, IDAHO

February 21, 1950

RECEIVED  
FEB 24 1950  
Department of Reclamation

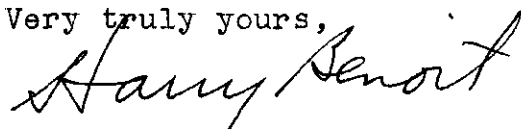
Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Re: Permit No. 21348--Coiner

Dear Sir:

Enclosed you will find proof of completion of works.  
Please send me certificate of completion, for which you  
will find enclosed my check for \$5.00.

Very truly yours,



HARRY BENOIT

HB:jb  
encs. (2)

21348

Permit No. 21348

STATE OF IDAHO  
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls

ss.

HENRY G. COINER, being first duly sworn, upon his oath deposes and says:  
First: That he is <sup>one of</sup> the holders and owners of Permit to appropriate the Public Waters of the State of Idaho, No. 21348, and that his postoffice address is 1315 Eleventh Ave. E., Twin Falls, State of Idaho.

Second: That the name of the stream which said water is to be directed is  
No name - subterranean water from wells.

Third: That the point of diversion of said water is 300 ft. north and 40 ft. west from the southeast corner of the E $\frac{1}{2}$  of Lot 4 of Sec. 6, T. 12 S., R. 20, E.B.M., Cassia County, Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 2, 1950.

Fifth: That the use for which said water is intended is Domestic and irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~not~~ fully completed and consisted of the following:

I. Kind of works: Two wells, electric pumps and ditches.  
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line  
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 3.74 second feet of water.

Eighth: That water appropriated under said permit is available for 187 acres of land described as follows: NE $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 6, Tp. 12 S., R. 20, E.B.M., Cassia County, Idaho; also described as Lot 3, the E $\frac{1}{2}$  of Lot 4, and N $\frac{1}{2}$  of W $\frac{1}{2}$  of Lot 4. And SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Sec. 31, Tp. 11 S., R. 20, E.B.M., and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 36, Tp. 11 S., R. 19, E.B.M., Twin Falls County, Idaho; said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  also described as Lot 4.

Ninth: Remarks: That said Permit No. 21348 is issued in the names of Charles H. Coiner and Henry G. Coiner.

Henry G. Coiner  
(Sign Here)

Subscribed and sworn to before me this 21st day of February, 1950.

My commission expires June 22, 1951.

Notary Public.  
Twin Falls, Idaho.

21348

1957

February 2, 1950

Re: Permit No. 21348

Mr. Harry Benoit  
Bank & Trust Co. Bldg.  
Twin Falls, Idaho

Dear Mr. Benoit:

We enclose Permit No. 21348 in the name of Charles H. Coiner and Henry G. Coiner.

Since the application states that the works are completed, and that no further time is required for making Proof of Beneficial Use, we have allowed three months, or until May 2, 1950, for making these proofs.

The first proof or proof of completion of works is made by executing Form 6 enclosed before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which, a Certificate of Completion of Works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks in a county newspaper, prior to the date set for making proof. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom proof is to be made. Both copies of the notice to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set, you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms furnished by this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

A:bh  
Enc.

Chief Clerk

21348



HARRY BENOIT  
LAWYER  
TWIN FALLS BANK & TRUST CO. BLDG.  
TWIN FALLS, IDAHO

January 21, 1950

RECEIVED  
JAN 23 1950  
10:15 am  
Department of Reclamation

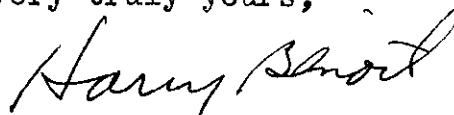
Mr. Mark R. Kulp  
State Reclamation Engineer  
Department of Reclamation  
Boise, Idaho

Dear Mr. Kulp:

Enclosed herewith you will find three applications for permit for Charles H. Coiner and Henry G. Coiner.

Also enclosed is my check for \$16.75 in payment of your fee.

Very truly yours,



HB:kp  
Encls.

HARRY BENOIT

P. S. You will observe that the works has been completed as shown in one of the applications, so please send me necessary blanks to make proof of completion of works for that permit.

In one of the applications the property is all in Cassia County and in one of them the majority of the property is in Cassia County. I assume that we will have to make proof of beneficial use on these two when the time comes in Cassia County.

HB

21348