

State of Idaho



Department of State.

CERTIFICATE OF INCORPORATION

I, **JAS. H. YOUNG**, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

CASSIA CREEK RESERVOIR CO., INC.

was filed in the office of the Secretary of State on the **18th** day of **June** A.D. One Thousand Nine Hundred **Fifty-six** and duly recorded on Film No. **95** of Record of Domestic Corporations, of the State of Idaho, **Section 30-804, and** and that the said articles contain the statement of facts required by **Section 30-103, Idaho Code.**

I FURTHER CERTIFY, That the persons executing the articles and their associates and successors are hereby constituted a corporation, by the name hereinbefore stated, for **perpetual**

existence from the date hereof, with its registered office in this State located at

Malta

in the County of

Cassia

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State.

Done at Boise City, the Capital of Idaho, this

18th day of **June**

A.D., 19 **56**.

Secretary of State.

ARTICLES OF INCORPORATION
OF
CASSIA CREEK RESERVOIR CO., INC.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, all of whom are citizens of the United States and of the State of Idaho, over the age of twenty-one (21) years, have this day voluntarily associated ourselves together for the purpose of organizing and establishing a Non-Profit Corporation under the laws of the State of Idaho, and do hereby certify and declare:

ARTICLE I.

That the name of the corporation hereby organized shall be CASSIA CREEK RESERVOIR CO., INC.

ARTICLE II.

That the objects and purposes for which this corporation is organized are:

1. To acquire, own, hold and use for the benefit of its stockholders rights to the use of the waters of Cassia Creek and its tributaries, in Cassia County, Idaho.
2. To acquire by purchase or otherwise, own, hold and use real estate for the location, construction, operation and maintenance of dams, water storage reservoirs and facilities, water distribution canals and irrigation works in the Cassia Creek Valley of Cassia County, Idaho.
3. To construct, maintain and operate dams, reservoirs, water distribution canals and irrigation works for the distribution to its stockholders of irrigation waters stored by the corporation and the use thereof for irrigation and culinary purposes.

4. To acquire, own, hold and administer water and water rights for the benefit of its stockholders.

5. To borrow money and to give security for the payment thereof in any lawful manner.

6. To acquire, own, hold, sell, lease, encumber and otherwise deal with real and personal property necessary or appropriate for the accomplishment of its purposes and objects and to make appropriate contracts relating thereto.

7. To issue shares of stock and to acquire and reissue the same.

8. To take, hold, assign, transfer and otherwise deal with and dispose of evidences of indebtedness, both secured and unsecured.

9. To do any and all things reasonably necessary or proper to be done to accomplish its objectives and purposes and to operate as a mutual non-profit corporation to increase and supplement the water supplies of its stockholders.

ARTICLE III.

The corporation hereby organized shall have perpetual existence.

ARTICLE IV.

The corporation is formed without any purpose of pecuniary profit to itself. Its principal office shall be located at Malta, County of Cassia, State of Idaho.

ARTICLE V.

The capital stock of this corporation shall consist of eleven thousand (11,000) shares of the par value of Five Dollars (\$5.00) each. Any person owning or controlling real estate in Cassia County, Idaho, situated within the boundaries of water district 8-C of Cassia County, Idaho, and to which there is appurtenant a decreed right to the use of the waters of Cassia

Creek, its tributaries, for irrigation thereof shall be entitled to subscribe for one (1) share of the capital stock of the corporation for each acre of such land, and said stock shall evidence his right to share equally with all other shareholders the water that is distributed by the corporation during the irrigation season of each year. There shall be no priority among the shareholders of the corporation. In the event that all of the authorized capital stock of the corporation is not subscribed for within ninety (90) days after the date of the incorporation hereof on the basis above specified any person on land to which there is appurtenant a right to the use of the water of Cassia Creek or its tributaries shall be entitled to subscribe for additional stock of the corporation not exceeding one (1) share for each acre of land so owned or controlled. No certificate of stock shall be issued by the corporation until the subscription price for the shares represented thereby shall have been fully paid in money or in money's worth, and when issued, the stock of the corporation shall be fully paid and not subject to cost for additional payments for the purchase thereof. The stock of the corporation shall be subject to assessment for the purposes of enabling the corporation to pay all operating and maintenance costs and expenses and to pay the indebtedness of the corporation. All assessments upon each share of stock subscribed and outstanding shall be equal and uniform. The company shall have the right to withhold the delivery of water represented by stock upon which assessments are delinquent, in addition to exercising any remedy provided by law for the collection of delinquent assessments. Subscribers to the capital stock of the corporation shall be entitled to pay therefor in three (3) equal annual installments in the event that they desire to do so; Provided that they shall pay interest upon any deferred installment or installments at the rate of six per cent (6%) per annum from the date of subscription, until paid, interest to be paid at the same time as and in addition to the installment of principal.

There shall be only one class of stock issued by the corporation.

ARTICLE VI.

The names and post office addresses and number of shares subscribed by each of the incorporators are as follows, to-wit:

<u>NAME</u>	<u>ADDRESS</u>	<u>SHARES SUBSCRIBED</u>
Harvey Wight	Malta, Idaho	One Share
J. Deward Hall	Malta, Idaho	One Share
R. J. Harper	Malta, Idaho	One Share
James R. Hitt	Malta, Idaho	One Share
Louis Ottley	Elba, Idaho	One Share

ARTICLE VII.

Section 1. Except as limited elsewhere in these Articles and the By-laws of the Corporation, the business and affairs of the corporation shall be vested in and be controlled by a Board of Directors and the officers of the Corporation shall be a president, a vice-president, a secretary and a treasurer. The offices of secretary and treasurer may be held by the same person. If determined by them to be desirable, the Directors shall have authority to employ a manager or watermaster and such other personnel as may from time to time be determined by them to be necessary to the conduction of the business and affairs of the corporation.

Section 2. The officers of the Corporation shall be elected by ballot by and from the members of the Board of Directors at such times and for such terms of office as shall be provided in the by-laws of the Corporation.

Section 3. There shall be five (5) Directors of the Corporation and the names and post office addresses of

the persons who shall be the members of the first Board of Directors and who shall manage the affairs and business of the Corporation until their successors shall have been elected and shall have qualified according to law and the by-laws of the Corporation are:

<u>NAME</u>	<u>POST OFFICE ADDRESS</u>
Harvey Wight	Malta, Idaho
J. Deward Hall	Malta, Idaho
R. J. Harper	Malta, Idaho
James R. Hitt	Malta, Idaho
Louis Ottley	Elba, Idaho

Directors shall be elected by and from the stockholders of the Corporation at each annual meeting thereof to hold office until the next annual meeting of the stockholders or until their successors shall have been elected and shall have qualified.

Section 4. The by-laws may make provision for the removal of Directors and the filling of vacancies so created. The by-laws may also provide for division of the territory served by the Corporation into voting districts, and for the election of Directors directly by such voting districts.

Section 5. The Directors, as such, shall not receive any compensation for their services, but the by-laws may provide for reimbursement for reasonable expenses incurred by them in connection with the performance of their duties.

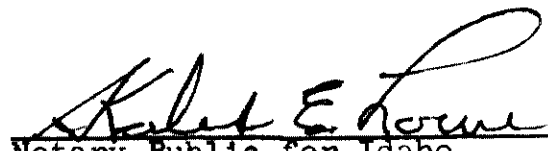
IN WITNESS WHEREOF, We, as incorporators, and each of us, have hereunto set our hands and affixed our seals this 12th day of June, 1956.

Harvey J. Wight (SEAL)
Louis M. Ottley (SEAL)
J. Deward Hall (SEAL)
R. J. Harper (SEAL)
James R. Hitt (SEAL)

STATE OF IDAHO }
County of Cassia } ss.

On this 12th day of June, 1956, before me, the undersigned, a Notary Public for said State, personally appeared HARVEY WIGHT, J. DEWARD HALL, R. J. HARPER, JAMES R. HITT, and LOUIS OTTLEY, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written in this certificate.



Notary Public for Idaho,
Residing at Burley, Idaho.