

State of Idaho



Department of State.

CERTIFICATE OF INCORPORATION

I, IRA H. MASTERS, 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

CANYON CREEK CANAL COMPANY, INC.

was filed in the office of the Secretary of State on the **Sixteenth** day
of **March** A.D. One Thousand Nine Hundred **Fifty-five** and
duly recorded on Film No. **89** of Record of Domestic Corporations, of the State of Idaho,
and that the said articles contain the statement of facts required by Section **30-804** ~~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

Newdale

in the County of

Fremont

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

16th day of **March,**

A.D., 19 **55.**

Secretary of State.

ARTICLES OF INCORPORATION
OF
CANYON CREEK CANAL COMPANY, INC.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, all citizens of the United States of legal age, have this day voluntarily associated ourselves together for the purpose of forming a non-profit, mutual canal and irrigation corporation under the laws of the State of Idaho, and

WE HEREBY CERTIFY:

FIRST

The name of this corporation is CANYON CREEK CANAL COMPANY, INC.

SECOND

This corporation is not formed for profit, but as a mutual canal and irrigation company.

THIRD

That the nature of the business and the objects and purposes for which this corporation is formed are:

1. To own, acquire, hold, manage, control, operate and maintain canals and irrigation systems now existing, or to be constructed and established in the area between Newdale and Canyon Creek in Madison and Fremont counties, Idaho; also, for the purposes of acquiring water rights, water permits, water licenses and franchises now owned and held by other individuals or entities; also, for the purpose of acquiring, in the name of this corporation, water rights, water permits, water licenses and franchises; all for the purpose of the irrigation of lands under said irrigation system; to acquire, have, own, maintain and control irrigation wells and water therefrom, and to distribute the same; to fix, charge and collect from its stockholders assessments and maintenance charges based upon the number of shares of stock held by each person, or in proportion to the amount of water used or owned, or by both the

said methods, or by assessment upon the capital stock, levied in accordance with the laws of the State of Idaho, or by such other method as may be prescribed in the By-Laws of said corporation; to construct and own dams and reservoirs, and to construct, drill, operate and maintain wells for irrigation pumps, power lines, canals, ditches, and any and all other diversion works for the development and diversion of water for irrigation and domestic purposes, and generally to do any and all things necessary or proper to be done in conducting the business of supplying its stockholders with water for irrigation and domestic use, and other useful and beneficial purposes.

2. To take, own, hold, deal in, mortgage, lease, sell, exchange, transfer or in any manner dispose of real property, lease holds, and any other interests, estates and rights in real property; to purchase or acquire in any lawful manner, and to hold, own, mortgage, pledge, lease, sell, assign, exchange, transfer, and in any manner dispose of, to deal and trade in and with any and every class of personal property and/or mixed property, and any franchises, water rights, water permits, water licenses, or privileges necessary, convenient or appropriate for any of the purposes herein expressed.

3. To borrow money and to make and issue notes, bonds, debentures, obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise, without limit as to amount, and to secure same by mortgage, pledge, or otherwise, and generally to make and perform agreements and contracts of every kind and nature.

4. To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or attainment of any of the objects or the furtherance of any of the powers hereinbefore set forth, either alone or in association with other corporations, firms or other individuals, and to do every other act or acts, thing or things, incidental or appurtenant to or growing out of or connected with the aforesaid business or powers, or any part thereof; provided the same be not inconsistent with the laws

under which this corporation is organized.

FOURTH

The existence of this corporation is to be perpetual.

FIFTH

That the place where its principal business is to be transacted shall be at Newdale, County of Fremont, State of Idaho.

SIXTH

The total number of shares which may be issued by the corporation is 1589½, all of which is for no nominal or par value. At all meetings of the stockholders, cumulative voting shall be allowed, and each stockholder may vote by written proxy.

SEVENTH

That the total number of shares of the capital stock of this corporation which has been actually subscribed and paid for is the sum of 1589½, and following are the names of the persons or entities, their address, and the number of shares each has subscribed for, to-wit:

<u>NAME OF SUBSCRIBER</u>	<u>ADDRESS</u>	<u>NO. OF SHARES</u>
Henry Trupp	St. Anthony, Idaho	160
L. W. Klingler	Newdale, Idaho	143
Wallace Little	Newdale, Idaho	136
Spencer Haws	Newdale, Idaho	128
Elmer Schwendiman	Newdale, Idaho	105
Abner Widdison	Rexburg, Idaho	84
Clair Robinson	Newdale, Idaho	80
Mark Schwendiman	Newdale, Idaho	70
Leigh Martineau	Newdale, Idaho	65
Seth & Robert Ricks	Rexburg, Idaho	65
John Pratt	Newdale, Idaho	60
J. Leigh Chantrill	Newdale, Idaho	60
Emery Lent	Newdale, Idaho	51
Melvin Schwendiman	Newdale, Idaho	50
Village of Newdale	Newdale, Idaho	45
George Ostermiller	Newdale, Idaho	40
Wayne Stevens	Tetonia, Idaho	40
Stanton Howard	Newdale, Idaho	39½
Reese Godfrey	Newdale, Idaho	37
Ross Smith	Teton, Idaho	32½
Frank Stevens	Rexburg, Idaho	30½
Earl Schwendiman	Newdale, Idaho	28
Earl Archibald	Newdale, Idaho	20
James Chantrill	Newdale, Idaho	10
Harvey Schwendiman	St. Anthony, Idaho	5
Lilly Mae Covington	Rexburg, Idaho	5

The management of this corporation shall be vested in a Board of not less than three (3) or not more than seven (7) directors, as may be fixed by the By-Laws. The directors shall be elected at

the annual meeting of the stockholders, to be held at the general office of this corporation in the said Village of Newdale, Idaho, on the 2nd Tuesday of December, at 2 o'clock p.m. each year, and until the first election of directors to be held within three (3) months of the filing of these Articles, the directors of said corporation shall be **Henry Trupp**, Leigh Martineau and Reese Godfrey.

IN WITNESS WHEREOF, We, the incorporators, have hereunto set our hands and seals this 22nd day of January, 1955.

Leigh Martineau
Reese Godfrey
Henry Trupp Jr
Directors of said Corporation

STATE OF IDAHO,)
 (ss.
County of Madison.)

On this 22nd day of January, in the year 1955, before me, a Notary Public in and for said State, personally appeared Emery Lent, Leigh Martineau and Reese Godfrey, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Lay W. Rigby
Notary Public, residing at
Rexburg, Idaho

My commission expires:

January 24, 1955.