

State of Idaho



Department of State.

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

GEO. H. CURTIS,

I, [REDACTED] 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

CASSIA CREEK IRRIGATION CO., INC.

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the seventeenth day of April 19th 40,

original articles of amendment, as provided by Sections 29-145 and 29-146, Idaho Code Annotated, amending Article 2 altering the powers and purposes and amending Article 5 reclassifying capital stock

and that the said articles of amendment contain the statement of facts required by law, and are recorded in Book A- 33 of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That Article 2 of the Articles of Incorporation of the company has been amended to alter the powers and purposes, and that Article 5 of the Articles of Incorporation has been amended to reclassify the capital stock.

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 17th day

of April , in the year of our Lord

one thousand nine hundred ~~seventy~~ forty ,

and of the Independence of the United States of

America the One Hundred sixty-fourth .

Secretary of State.

ARTICLES OF AMENDMENT
TO
ARTICLES OF INCORPORATION

CASSIA CREEK IRRIGATION COMPANY, INC.

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, president and secretary of the Cassia Creek Irrigation Company, Inc., do hereby certify that at a special meeting of the stockholders of said corporation duly called and held on the 11th day of April, 1940, at 6:00 o'clock, P.M., the following Articles of Amendment were duly adopted, amending Articles 2, 5, and 6 of the Articles of Incorporation to read as follows:

- "2) That the purposes for which this corporation is formed are to acquire, own and hold in trust for its several stockholders additional and supplemental water for the purpose of irrigating the lands of stockholders situated within the watershed of and now irrigated from the water of Cassia Creek in Cassia County, Idaho, and to that end acquire by purchase or otherwise waters of and water rights in Cassia Creek, Raft River and tributaries by purchasing or otherwise acquiring lands having water rights in Cassia Creek, Raft River and Tributaries and abandoning the use of irrigation water on the land purchased and changing the place of beneficial use thereof to the lands of the stockholders of this corporation; to administer and deliver, or cause to be delivered, to its various stockholders water purchased and acquired; to own, hold and administer water rights for the benefit of its stockholders; to borrow money, secure the payment of the same in any appropriate and lawful manner; own, hold, rent, convey real estate, make appropriate contracts in relation thereto; issue shares of stock, defining therein the rights and liabilities of stockholders; take, hold, assign, and otherwise dispose of notes and other evidences of indebtedness, secured by assignment of shares of capital stock and otherwise and do any and all things necessary, essential or proper to be done to carry out the purposes hereof, and to operate and maintain a mutual non-profit corporation for the benefit of its stockholders in increasing and supplementing the water supply of each stockholder, and to distribute to each a fair and ratable proportion of the water so acquired, to be used upon, and when paid for and then only to become permanently appurtenant to the lands of the stockholders of this corporation.
- "5) The total number of the shares of stock of this corporation shall be six thousand (6,000) of the par value of Ten (\$10.00) Dollars each. Each share of stock shall evidence the right of the stockholder to receive at his point of diversion from Cassia Creek, an undivided one six-thousandth ($1/6,000$) part of the water owned by and available to this corporation, share and share alike, without priority one over another, the said water to be distributed as between shares on a basis of actual equality, said shares of stock, when the face value, and interest, if any, be paid, to be fully paid up and non-assessable, except for such yearly sum as may be necessary to meet the actual maintenance and operation charge for the yearly service rendered, which said sum shall be paid as a condition precedent to receiving water. Said shares of stock shall provide that at such times as any holder of a share, or shares, is not using the water evidenced by his shares, that for such time such water shall be deemed and considered as a part of the water available for distribution by the corporation to the other stockholders then using water of the corporation.

"This corporation is organized on a non-profit basis for the mutual benefits and rehabilitation of its members and consequently will not have profits from which to pay dividends on its capital stock. After all expenses of the corporation have been paid and reasonable reserves, as determined by the board of directors, have been set aside, the remainder of the earnings of the corporation must be distributed to the patrons as dividends on a patronage basis, as may be provided in the By-Laws.

"6) All shares herein shall be of and in the same class, and each stockholder shall have but one vote irrespective of the number of shares held by him, and there shall be no proxy voting."

IN WITNESS WHEREOF, we have set our hands and seals this 12th day of April, 1940.

M. M. Hand
President.
[Signature]
Secretary.

STATE OF IDAHO

SS.

COUNTY OF CASSIA

BE IT REMEMBERED, that before me, the undersigned, a Notary Public in and for said County and State, residing at Burley, Cassia County, Idaho, personally appeared M. M. Hand and J. Roy Carter, the President and the Secretary of the Cassia Creek Irrigation Company, Inc., and known to me to be such and each being personally known to me to be one of the persons who subscribed to the above Articles of Amendment, and each acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12 day of April, 1940.

Henry G. Tucker
Notary Public Residing at Burley, Idaho.

My commission expires: June 1, 1942