

9581A-3724



**Department of State.**

**CERTIFICATE OF INCORPORATION  
OF**

**SHOTGUN WEST WATER ASSOCIATION, INC.**

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of \_\_\_\_\_

**SHOTGUN WEST WATER ASSOCIATION, INC.**

duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated July 19, 19 91.



*Pete T. Cenarrusa*

SECRETARY OF STATE

*Elizabeth M. Kabala*

Corporation Clerk

ARTICLES OF INCORPORATION  
OF  
SHOTGUN WEST WATER ASSOCIATION, INC.

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The undersigned, acting as incorporators, in order to form a non-profit corporation for the purposes hereinafter stated, pursuant to Chapter 3, Title 30 of the Idaho Code entitled "Idaho Non-Profit Corporation Act", do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE I

The name of the corporation shall be SHOTGUN WEST WATER ASSOCIATION, INC.

ARTICLE II

The period of existence and duration of the life of this corporation shall be perpetual.

ARTICLE III

The corporation shall be a non-profit membership corporation.

ARTICLE IV

The address of the corporation's initial registered office shall be 745 West Harmony Drive, Blackfoot, Idaho 83221. The name of the initial registered agent of the corporation at such address is Phillip D. Short.

ARTICLE V

The names and addresses of the incorporators are:

Phillip D. Short  
745 West Harmony Drive  
Blackfoot, Idaho 83221

Ivan Skinner  
8471 West Pocatello Creek Road  
Pocatello, Idaho 83201

Jim Siler  
287 East 400 North  
Blackfoot, Idaho 83221

## ARTICLE VI

The number of directors constituting the initial board of directors of the corporation is three (3), and the names and addresses of the persons who are to serve as directors until the first annual meeting of the members, or until their successors are elected and shall qualify are: Phillip D. Short, 745 Harmony Drive, Blackfoot, Idaho 83221; Ivan Skinner, 8471 West Pocatello Creek Road, Pocatello, Idaho 83201; and Jim Siler, 287 East 400 North, Blackfoot, Idaho 83221.

## ARTICLE VII

The nature of the business and the object and purpose of this corporation shall be as follows:

A. The transaction of any lawful business for which corporations may be incorporated under the Idaho Non-Profit Corporation Act.

B. To form a corporation under Title 30, Chapter 3 of the Idaho Code, for the purpose of providing an association to which all owners of the lots located in Shotgun West Subdivision to Fremont County, Idaho shall belong for the purpose of maintaining and creating an environment that will provide maximum opportunity for the orderly use and development of Shotgun West Estates Subdivision.

C. To acquire ownership in well lots and in easements set aside for the operation and maintenance of a water system in Shotgun West Subdivision in Fremont County, Idaho, and to construct and operate on said well lots, easements and elsewhere a water system, consisting of well(s) and adequate pumps and distribution lines to provide water to the properties located in Shotgun West Subdivision in Fremont County, Idaho.

D. To form an Association in which the rights, privileges, burdens, responsibilities and interest of all members shall be based upon the ownership of lots in Shotgun West Subdivision to Fremont County, Idaho. This corporation shall have all powers incidental to a corporate structure except as its powers are restricted in the Declaration.

E. To receive and accept, and to be obligated to receive and accept, from various parties grants of right, title and interest in association property, to assume the

functions and obligations imposed upon the Association property as provided for under the Declaration. All Association property, both real and personal, received and accepted by the corporation shall be held for the benefit and use of the members of the corporation.

F. The corporation shall have the power to levy regular or special assessments to fulfill the obligations and purposes set forth in these Articles of Incorporation and the Declaration.

#### ARTICLE VIII

No dividend shall be paid and no part of the income of the corporation shall be distributed to its members, directors, or officers. The corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, and upon dissolution or final liquidation, may make distributions to its members, as allowed pursuant to the terms of the Idaho Non-Profit Corporation Act.

#### ARTICLE IX

A. Each owner of a lot in Shotgun West Subdivision, by virtue of being such an owner, and for so long as he is such an owner, shall be deemed a member of the Association. The corporation may, in addition, issue membership certificates to persons owning additional lots adjacent to Shotgun West Subdivision, provided that a majority of the existing members of the Association, at the time such additional membership is requested, consent to the issuance of said additional membership. The Association membership of each owner shall be appurtenant to a lot for which it is issued in Shotgun West Subdivision, or appurtenant to such additional lots as may be approved by a majority of the members of the Association in the manner above provided. Such membership shall not be transferred, pledged or alienated in any way except upon the transfer of title to said lot, and then only to transferees of title to said lot. Any attempt to make a prohibited transfer shall be void. Any transfer of title to said lot shall operate automatically to transfer said membership to the new owner thereof.

B. (1) Every member shall be entitled to one vote for each lot owned.

(2) The vote for each such lot shall, if at all, be cast as a unit, and fractional votes shall not be allowed. In the event that joint owners are unable to agree among

themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. If any owner casts a vote representing a certain lot, it will thereafter be conclusively presumed for all purposes that he or they were acting with the authority and consent of all other owners of the same lot.

(3) The right to vote may not be severed or separated from the ownership of the lot to which it is appurtenant, except that any owner may give a revocable proxy, or may assign his right to vote for the term of a Lease or Deed of Trust, and any sale, transfer or conveyance of such lot to a new owner or owners shall operate automatically to transfer the appurtenant vote to the new owner, subject to any assignment of the right to vote to a lessee or beneficiary as provided herein.

#### ARTICLE X

Each member shall be liable for payment of all regular and special assessments provided for herein and in the Bylaws of the corporation.

DATED this 12th day of June, 1991.

  
PHILLIP D. SHORT

  
IVAN SKINNER

  
JIM SILER

STATE OF IDAHO )  
 ) ss.  
County of Bingham )

On this 12 day of July, 1991, before me the undersigned, a Notary Public for Idaho, personally appeared PHILLIP D. SHORT, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

*Barbara Shobe Williams*  
Notary Public for Idaho  
Residing at Blackfoot, ID  
My Commission Expires: 4-4-94

STATE OF IDAHO )  
 ) ss.  
County of Bannock )

On this 12 day of July, 1991, before me the undersigned, a Notary Public for Idaho, personally appeared IVAN SKINNER, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

*Barbara Shobe Williams*  
Notary Public for Idaho  
Residing at Blackfoot, ID  
My Commission Expires: 4-4-94

STATE OF IDAHO                    )  
  ) ss.  
County of Bingham                )

On this 12 day of July, 1991, before me the undersigned, a Notary Public for Idaho, personally appeared JIM SILER, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

*Barbara Shobe Williams*  
Notary Public for Idaho  
Residing at *Blackfoot, ID*  
My Commission Expires:  *4-4-94*

(SEAL)

NEWCOR/JMSD

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*Anderson, Pike & Bush*  
a professional association  
**ATTORNEYS AT LAW**

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(1915-1988)

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Scott R. Hall  
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July 25, 1991

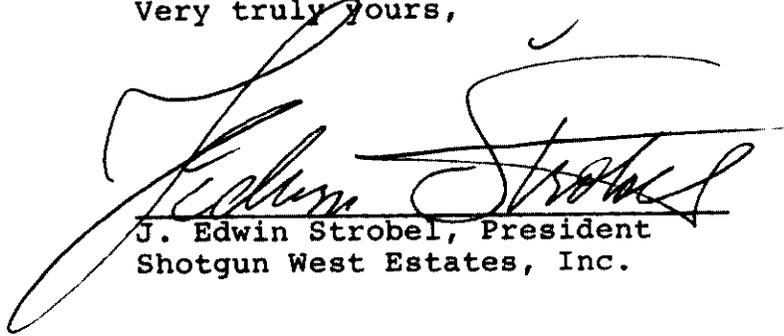
Secretary of State  
Room 203, Statehouse Building  
Boise, Idaho 83720

Re: Shotgun West Water Association

Gentlemen:

This letter will confirm to you that, as president of Shotgun West Estates, Inc., the Board of Directors and I have no objection to Shotgun West Water Association, Inc. using a name very similar to that we are using. Please allow the group to incorporate under the name proposed.

Very truly yours,



J. Edwin Strobel, President  
Shotgun West Estates, Inc.

JES/kt  
STROB1/JMSC