

**FILED EFFECTIVE**

05 APR 29 PM 3:12

**ARTICLES OF INCORPORATION**

**LAKE VIEW HILLS WATER USERS ASSOCIATION, INC.**

SECRETARY OF STATE  
STATE OF IDAHO

(Non-Profit Corporation)

Pursuant to the provisions of Title 30, Chapter III, Idaho Code, the Idaho Nonprofit Corporation Act (the "Act"), the undersigned, acting as incorporators of a nonprofit corporation, in order to form a nonprofit corporation without capital stock, for the purposes hereinafter stated do hereby certify as follows:

**ARTICLE I**

The name of the corporation is: LAKE VIEW HILLS WATER USERS ASSOCIATION, INC.

**ARTICLE II**

This corporation is a non-profit corporation, and shall have no capital stock; and no dividends of pecuniary profits shall be declared to the members thereof.

**ARTICLE III**

The object and purposes for which this corporation is formed are as follows:

(1) To associate its members together for their mutual benefit and to that end, to acquire and own real property and personal property, including water rights, waterlines, mains, easements, wells, pumps, pumping fixtures and equipment, water licenses and permits, franchises, and other property items or effects that may become instrumental for the purposes of which the corporation is organized as pertains to the community water system of Lake View

IDAHO SECRETARY OF STATE  
05/02/2005 05:00  
CK: 32225 CT: 111703 BH: 807648  
1 E 30.00 = 30.00 INC NONP # 2

C 160271

Hills Subdivision, Canyon County, Idaho according to the Plat thereof, recorded May 6, 1974, in Book 13 of Plats at Page 29, records of Canyon County Recorder, Canyon County, Idaho.

(2) To supervise, manage, distribute, control and supply water, both domestic and irrigation, to the members of the corporation, and to acquire, maintain control, expend, improve and repair water sources and systems and conduct all business instrumental to the same. To include the control and maintenance of all well lots in the subdivision.

(3) To make assessments and charges to members for water and water systems appurtenances furnished in connection therewith, and which assessments and charges shall be disbursed by the corporation only in payment for expenses of such water system and water system appurtenances.

(4) To perform any lawful act necessary to the acquisition, ownership, maintenance, and expansion of the water system or systems, and the distribution of water, and any other lawful act necessary or advisable in the furtherance of the corporation.

#### ARTICLE IV

The initial location and post office address of the registered office of said corporation shall be 10421 Pheasant Lane, Nampa, Canyon County, Idaho 83686, and the name of the initial registered agent at such address is Rick LaFee. The office address of the principal place of business of said corporation shall be 10196 Duck Lane, Nampa, Canyon County, Idaho 83686, and the post office address of said corporation shall be P.O. Box 3925, Nampa, Canyon County, Idaho 83653.

## ARTICLE V

The duration of this corporation shall be perpetual.

## ARTICLE VI

Each owner of a lot in Lake View Hills Subdivision, more particularly described above, which shall be served by the water system or systems of the corporation shall be eligible for membership in the corporation. Additionally, the owners of the five (5) following described lots which may be served by the water system or systems of the corporation shall be eligible for membership in the corporation: See Exhibit "A" attached hereto and incorporated herein by this reference, (hereinafter sometimes referred to collectively as the "Additional Lots,"). Provided, however, the Additional Lots are not presently connected to the water system or systems of the corporation. The owners of the Additional Lots shall only be entitled to receive domestic and irrigation water from the corporation upon occurrence of the following:

a) Any owner of an Additional Lot desiring to connect to the water system or systems of the corporation that are presently stubbed into the property located at 12570 West Lewis Lane, Nampa, Canyon County, Idaho shall notify the president of the corporation of such desire in writing.

b) The corporation shall thereafter obtain an estimate from a reputable contractor within a reasonable time following such request which states the estimated cost the corporation will incur in order to connect the Additional Lot to the water system or systems of the corporation.

c) The owner of the Additional Lot shall thereafter pay to the corporation an amount equal to the estimate described above if such owner still desires to connect to the water system or

systems of the corporation. Such payment shall be in addition to any other amounts paid or to be paid to the corporation.

d) Upon receipt of the payment described above from such owner, the corporation shall thereafter connect such owner's Additional Lot to the water system or systems of the corporation, and shall own and maintain such improvements.

Each lot in Lake View Hills Subdivision, more particularly described above, and each of the five Additional Lots, more particularly described above and subject to the conditions stated above, shall only be entitled to one irrigation and domestic water hookup.

Membership in the corporation shall at all times be identified with the owners of the real properties described herein, and no membership shall be subject or conditional upon approval of the Board of Directors or other members. There shall be one vote for each lot or property served by the system and owned by the members, whether owned in community, jointly or separately. Voting rights and continuation thereof shall be dependant upon the ownership of a property served by a water system of the corporation and the payment of all assessments and charges described in Article VII, below.

Voting may be by proxy in writing, dated and signed by a member; provided, however, no such proxy shall be valid beyond eleven (11) months after its execution, nor binding upon a transferee of an improved property from the person executing such proxy.

## ARTICLE VII

Assessments and charges of the corporation shall be made as to each property owned by a member in accordance with the Bylaws of the corporation. In the event of the failure of a member to pay assessments and/or charges, the corporation may suspend water service to such

property during the time any assessment or charge is unpaid following due date thereof in addition to those remedies provided in the Bylaws of the corporation. Upon payment of any delinquent assessment or charge, together with a reasonable charge for terminating and restoring service, including, but not limited to collection fees, attorney fees and court costs incurred by the corporation, if any, water must be promptly restored.

Unpaid assessments and/or charges, including reasonable charges for terminating and restoring service if service has been terminated, all of which are more particularly described in the Bylaws of the corporation, must be paid by a member, or by a transferee of a membership or a member acquiring another property in Lake View Hills Subdivision described above, or an Additional Lot, and unless so paid, service may be suspended or if suspended, such suspension shall continue as above provided.

#### ARTICLE VIII

Nothing in these Articles shall be construed as restricting the ownership of improved properties and no provision shall be made in the By-Laws of the corporation which shall so restrict ownership.

#### ARTICLE IX

The corporation may not lease any real or personal property.

#### ARTICLE X

These Articles of Incorporation may be altered, amended or replaced by the members at any regular or special meeting, as provided for in the Bylaws of the corporation. The Bylaws of the corporation may be amended at any meeting of the Board of Directors of the corporation, as provided in the Bylaws.

## ARTICLE XI

By-Laws not inconsistent with the Articles of Incorporation may be adopted, altered, amended or repealed at any regular meeting of the members, or at any special meeting of the members of the corporation called for that purpose, by the affirmative vote of a majority of the members present at such meeting; provided, however, at least twenty-five percent (25%) of the eligible votes, shall be present through members and proxy.

## ARTICLE XII

The business and affairs of the corporation shall be managed by its Board of Directors. The Board of Directors shall consist of not less than three (3) nor more than nine (9) individuals, each of whom, at all times, shall be a member of the corporation. The actual number, qualification, terms of office, manner of election, powers and duties of such directors shall be such as may be prescribed by these Articles and such By-Laws of the corporation as may from time to time be in force.

## ARTICLE XIII

The following named persons shall serve as a Board of Directors until their successors are duly elected and qualified:

<u>NAME</u>	<u>ADDRESS</u>
Wayne Martin	12809 Pheasant Circle, Nampa, Idaho 83686
Khanh Nguyen	10345 Pheasant Lane, Nampa, Idaho 83686
Rick LaFee	10421 Pheasant Lane, Nampa, Idaho 83686
John Kuzmic	10239 Duck Lane, Nampa, Idaho 83686
Velva Meier	10249 Duck Lane, Nampa, Idaho 83686
Ken Richardson	10228 Duck Lane, Nampa, Idaho 83686

#### ARTICLE XIV


Upon dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the corporation, distribute all of the assets of the corporation consistent with the purposes of the corporation and subject to any contractual or legal requirement, to such other organization or organizations as shall at the time qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time, in such manner as the Board of Directors shall determine.

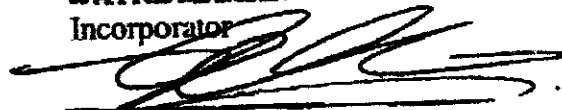
#### ARTICLE XV


The name and address of each Incorporator is:

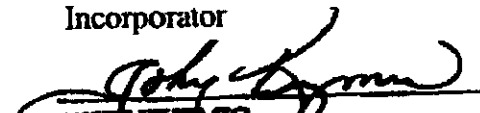
<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>
Wayne Martin	12809 Pheasant Circle, Nampa, Idaho 83686
Khanh Nguyen	10345 Pheasant Lane, Nampa, Idaho 83686
Rick LaFee	10421 Pheasant Lane, Nampa, Idaho 83686
John Kuzmic	10239 Duck Lane, Nampa, Idaho 83686
Velva Meier	10249 Duck Lane, Nampa, Idaho 83686
Ken Richardson	10228 Duck Lane, Nampa, Idaho 83686


IN WITNESS WHEREOF, We the undersigned, for the purpose of forming this corporation under the statutes of the State of Idaho, have executed these Articles of Incorporation this 28<sup>th</sup> day of March, 2005.


  
WAYNE MARTIN  
Incorporator

  
KHANH NGUYEN  
Incorporator

  
RICK LA FEE  
Incorporator

  
JOHN KUZMIC  
Incorporator

  
VELVA MEIER  
Incorporator

  
KEN RICHARDSON  
Incorporator



# **EXHIBIT “A”**

## LOT 1

A part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter of the Southwest Quarter; thence

South 89° 42' 12" West 513.00 feet along the South boundary of said Southeast Quarter of the Southwest Quarter to the POINT OF BEGINNING; thence continuing

South 89° 42' 12" West 206.85 feet along the South boundary of said Southeast Quarter of the Southwest Quarter; thence

North 0° 17' 48" West 795.60 feet; thence

North 8° 57' 00" East 225.06 feet; thence 140.55 feet along the center line of the Mora Canal on the arc of a 190.98 foot radius curve left, said curve having a chord bearing

South 65° 25' 00" East 137.40 feet; thence

South 86° 30' 00" East 51.11 feet along the center line of the Mora Canal; thence South 956.54 feet to the POINT OF BEGINNING.

## LOT 2

A part of the SE¼ SW¼, Section 12, Township 2 North, Range 3 West, Boise Meridian;  
more particularly described as follows:

Commencing at the Southeast corner of said SE¼ SW¼ (S¼ corner);  
thence South 89° 42' 12" West 300.00 ft. along the South  
boundary of said SE¼ SW¼ to the POINT of BEGINNING;

thence continuing South 89° 42' 12" West 213.00 ft. along the  
South boundary of said SE¼ SW¼;

Thence NORTH 474.25 ft.;

thence North 89° 42' 12" E 213.00 ft. parallel with the South  
boundary of said SE¼ SW¼;

thence SOUTH 474.25 ft. along the center line of a deeded  
road right-of-way to the POINT of BEGINNING.

This parcel contains 2.319 acres.

This parcel is subject to a right-of-way for Lewis Lane along the South 40 ft., and a road right-of-way for the existing road along the East 15 ft.

### LOT 3

A part of the SE¼ SW¼, Section 12, Township 2 North, Range 3 West, Boise Meridian;  
more particularly described as follows:

Commencing at the Southeast corner of said SE¼ SW¼ (S¼ corner);  
thence South 89° 42' 12" West 300.00 ft. along the South boundary of said SE¼ SW¼;  
thence north 474.25 ft. along the centerline of a deeded road right-of-way to the POINT of  
BEGINNING.  
thence south 89° 42' 12" West 213.00 ft. parallel with the South boundary of said SE¼ SW¼;  
thence NORTH 482.29 ft.;  
thence South 86° 30' 00" East 150.22 ft. along the centerline of the Mora Canal;  
thence 64.15 ft. along the centerline of the Mora Canal on the arc of a 286.48 ft. radius curve right,  
said curve having a chord bearing South 80° 05' 06" East 64.02 ft.;  
thence SOUTH 461.00 ft. along the centerline of a deeded road right-of-way to the POINT of  
BEGINNING.

This parcel contains 2.319 acres.

This parcel is subject to a right-of-way for the Mora Canal along the Northerly 25 ft., and a road  
right-of-way along the East 15 ft.

**LOT 4**

A part of the Southeast Quarter Southwest Quarter and the Southwest Quarter Southeast Quarter, Section 12, Township 2 North, Range 3 West, Boise Meridian; more particularly described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter Southeast Quarter (South Quarter corner); thence

North 89°42'12" East 439.20 feet along the South boundary of said Southwest Quarter Southeast Quarter; thence

North 0°00'18" East 1107.36 feet to a point on the center line of the Mora Canal; thence along the center line of the Mora Canal, the following courses:

241.89 feet along the arc of 143.24 feet radius curve left, said curve having a chord bearing South 31°58'42" West 214.16 feet; thence

South 16°24'00" East 140.06 feet; thence 354.58 feet along the arc of a 143.24 feet radius curve right, said curve having a chord bearing South 54°31'00" West 270.73 feet; thence

North 54°34'00" West 441.12 feet; thence 95.52 feet along the arc of a 286.48 feet radius curve left, said curve having a chord bearing North 64°07'06" West 95.08 feet; thence leaving said canal center line, South 935.25 feet along the center line of a deeded road right of way; thence

North 89°42'12" East 300.00 feet to the POINT OF BEGINNING;

## LOT 5

A part of the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, Township 2 North, Range 3 West, Boise Meridian; more particularly described as follows:

COMMENCING at the Southwest corner of said SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  (South  $\frac{1}{4}$  corner);

Thence North  $89^{\circ}42'12''$  East 439.20 feet along the South boundary of said SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  to the POINT OF BEGINNING;

Thence continuing North  $89^{\circ}42'12''$  East 190.00 feet along the South boundary of said SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence North 1080.72 feet to a point on the center line of the Mora Canal;

Thence traversing said Canal center line as follows:

27.50 feet along the arc of a 477.47 feet radius curve left; said curve having a chord bearing North  $78^{\circ}25'00''$  West 27.50 feet;

Thence North  $80^{\circ}04'00''$  West 116.00 feet;

Thence 48.94 feet along the arc of a 143.24 feet radius curve left; said curve having a chord bearing North  $89^{\circ}51'18''$  West 48.70 feet;

Thence leaving said Mora Canal center line; south  $0^{\circ}00'18''$  West 1107.36 feet to the POINT OF BEGINNING.

This parcel contains 4.79 acres, more or less.

This parcel is subject to a Right of Way for Lewis Lane along the South 40 feet and a Right of Way for the Mora Canal along the Northerly 20 feet.

Subject to a reservation of easement of fifteen (15) feet in width in and to grantors for utility lines (including water, electrical and telephone lines) and irrigation lines, and the right of access to such lines for purposes of maintenance and repair, across and upon the property described above and conveyed by this instrument, and further subject to a reservation of easement of ten (10) feet in width, centered upon the existing main irrigation line which traverses the described property, in grantors, for the continued existence and maintenance of such line, including the right of access to such line for purpose of maintenance and repair.  
with all appurtenances.