



ARTICLES OF AMENDMENT (Non-profit)

FILED EFFECTIVE

2004 SEP 24 AM 8:34

To the Secretary of State of the State of Idaho
Pursuant to Title 30, Chapter 3, Idaho Code, the undersigned
non-profit corporation amends its articles of incorporation as
follows:

STATE OF IDAHO

1. The name of the corporation is:
EVANS WATER CORPORATION

If the corporation has been administratively dissolved and the corporate name is no longer
available for use, the amendment(s) below must include a change of corporate name.

2. The text of each amendment is as follows:

Please see attached.

3. The date of adoption of the amendment(s) was: 15 September 2004

4. Manner of adoption (check one):

- ☐ Each amendment consists exclusively of matters which do not require member approval pursuant to
section 30-3-90, Idaho Code, and was, therefore, adopted by the board of directors. (Please fill spaces below)
- a. The number of directors entitled to vote was: _____
- b. The number of directors that voted for each amendment was: _____
- c. The number of directors that voted against each amendment was: _____

- ☒ The amendment consists of matters other than those described in section 30-3-90, Idaho Code, and was,
therefore adopted by the members. (Please fill spaces below)

a. The number of members entitled to vote
was: 37

b. The number of members that voted for each
amendment was: 27

c. The number of members that voted against
each amendment was: 0

Dated: 22 September 2004

Signature: Terry W.P. Loftus

Typed Name: Terry W.P. Loftus

Capacity: Secretary/Treasurer/Operator

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

g:\corp\forms\state of amendment_no.pmd
Revised 1/02/2003

Web Form

IDAHO SECRETARY OF STATE
09/24/2004 05:00
CK: 1357 CT: 182411 BH: 767756
1 @ 30.00 = 30.00 NON PROF A @ 2

C50153

AMENDED AND RESTATED
ARTICLES OF INCORPORATION

EVANS WATER CORPORATION AND
HOMEOWNERS ASSOCIATION

ARTICLE I

The name of this corporation shall be EVANS WATER CORPORATION AND HOMEOWNERS ASSOCIATION.

ARTICLE II

This corporation is a non-profit corporation, shall issue no capital stock, shall pay no dividends, and shall declare no pecuniary profits to members of the corporation.

ARTICLE III
GOALS AND PURPOSE

The goals and purpose of the corporation are:

1. To acquire and own real estate and personal property, including water rights, water lines, mains, easements, pumps, pumping fixtures and equipment, water licenses and permits, franchises, and any other property item or effect that may become instrumental for the purposes of which the corporation is organized.
2. To supervise, manage, distribute, control and supply water to the members of the corporation, and to acquire, maintain control, expand, improve and repair water sources and systems and conduct all business necessary or instrumental to the same.
3. To make assessments and charges to members for water and water system 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, maintenances, and expansion of water system or systems, and the distribution of water, any other lawful act necessary to advisable in the furtherance of the corporation.

5. To operate and manage the homeowners association established by the Declaration of Protective Restrictions and Covenants Evans No. 2 Subdivision, dated December 6, 1971, recorded May 31, 1972 as Instrument No. 807882 and the Declaration of Protective Restrictions and Covenants, Evans No. 3 Subdivision, recorded October 7, 1975 as Instrument No. 7530529 (hereafter "DPRC"), and as such DPRC are amended. It is the responsibility of the homeowners association to require compliance with the DPRC, to enforce such compliance and to take any and all other actions necessary to maintain the subdivision in accordance with the DPRC, as they now exist or as subsequently amended.

ARTICLE IV LOCATION

The physical address of the corporation shall be 216 Rene Place, Eagle, Idaho 83616. The corporation's mailing address shall be P.O. Box 403, Eagle, Idaho 83616-0403.

ARTICLE V DURATION

The duration of this corporation shall be perpetual.

ARTICLE VI MEMBERSHIP AND VOTING RIGHTS

Each owner-improved or residential subdivision lot served by the system or systems of the corporation shall be eligible for membership in the corporation. The owner of the residence currently known as 2062 Hill Road, Eagle, Idaho, which obtains water from the corporation, shall be entitled to vote only with respect to issues related to the maintenance of the water system and/or delivery of water to such premises.

There shall be one voting right for each residential property served by the water system with regard to water issues. There shall be one vote on behalf of each residential property located in Evans Subdivisions No. 2 and No. 3. These voting rights and membership shall be conditional upon 1) ownership of residential property served by the water system, or 2) ownership of residential property in Evans Subdivisions No. 2 or No. 3.

Voting by proxy is permitted, but such proxy shall be in writing, dated and signed by a member, with a termination date of the proxy, which termination date shall be no later than eleven (11) months after execution of the proxy.

ARTICLE VII ASSESSMENTS AND CHARGES

Assessments and charges of the corporation shall be made for: 1) service to the improved property; 2) water association dues, and 3) homeowners association dues. Such assessments and dues shall constitute continuing liens against the property, and such liens may be enforced in the same manner as materialmen's or mechanic's liens as provided in the Idaho Code.

The corporation may suspend water service to any improved property in the event any assessment or charge is unpaid more than thirty (30) days after its due date. The corporation may charge a reasonable amount for terminating and restoring service should it discontinue such water service.

Any unpaid assessments and charges shall constitute a continuing lien against the property, including but not limited to charges for terminating and restoring service, and must be paid by a transferor of the membership or member acquiring the property for which such assessment or charge is delinquent.

ARTICLE VIII

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

ARTICLE IX

The corporation shall not lease any real or personal property from other persons.

ARTICLE X AMENDMENT OF ARTICLES

These Articles may be changed only by an affirmative vote of two-thirds of all eligible votes. There are thirty-six eligible votes with respect to homeowners association and non-water service matters, and thirty-seven eligible votes with respect to the provision of water and water services.

ARTICLE XI AMENDMENT OF BYLAWS

Bylaws not inconsistent with the Articles of Incorporation may be adopted or amended at any regular meeting of the members, or at any special meeting of the members of the corporation called for that purpose, by the vote of two-thirds (2/3) of the members present at such meeting. To amend such Bylaws, a quorum, defined as a majority of eligible votes must be present at the meeting through members and proxy.

ARTICLE XII
MANAGEMENT

The business of this Association shall be managed by a Board of Directors of not less than three nor more than nine directors, the number, qualification, terms of office, manner of election, powers and duties of such directors shall be such as may be prescribed by law, these articles and such bylaws as may from time to time be in force.

ARTICLE XIII
BOARD OF DIRECTORS

The following persons named shall be identified as the current Board of Directors of the corporation, to serve until re-elections at the annual meeting of the corporation:

Angela Deckers, President
Terry Loftus, Secretary/Treasurer/Operator
Roger Adams
Ervin Ballou
Kevin Courtney
Debbie Langer
Barbara McDermott

These amended Articles of Incorporation have been ratified by members and proxies of at least two-thirds (2/3) of the thirty-seven with voting rights.

DATED this 15th day of September, 2004.

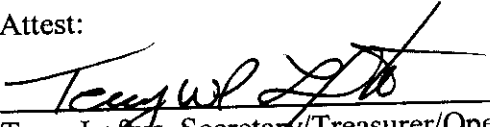
EVANS WATER CORPORATION
AND HOMEOWNERS ASSOCIATION

By


Angela Deckers

Its: President

Attest:


Terry Loftus, Secretary/Treasurer/Operator