

ARTICLES OF INCORPORATION
of the
CHEMEKETA PARK MUTUAL WATER COMPANY

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FILED In the office of the Secretary of State OF THE STATE OF CALIFORNIA Nov. 13, 1929 Frank C. Jordan, Secretary of State By (Signed) Charles J. Hagerty, Deputy
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Department of State Corporation Number 136561

KNOW ALL MEN BY THESE PRESENTS

That we, the undersigned, a majority of whom are citizens and residents of the State of California, have this day associated ourselves together for the purpose of incorporating, under the Laws of the State of California, a non-profit co-operative corporation, pursuant to Title XXII of Part IV of Division First of the Civil Code of the State of California.

AND WE DO HEREBY CERTIFY

FIRST: That the name of said corporation is CHEMEKETA PARK MUTUAL WATER COMPANY.

SECOND: That the purposes for which it is formed are:

To build, develop, purchase or otherwise acquire, and to maintain and operate, a water system, including all necessary and convenient water sheds, springs, wells, water courses, conduits, pipes and pipe lines, pumps and pumping machinery and equipment, tanks and tank sites, and all other means of storing conserving and distributing water, for the purpose of supplying its members with water for domestic uses and purposes; to maintain roads and trails; to purchase or otherwise acquire lands for parks, recreation center and other places of recreation, entertainment and amusement, and to maintain and operate the same, for parts, portions of parcels of land, situate lying and being wholly within the exterior boundaries of that certain lot, piece or parcel of land, situate, lying and being in the County of Santa Clara, State of California, and bounded and more particularly described as follows, to wit:

The North half of the Southwest Quarter and all that portion of the West half of the Northwest Quarter as lies South of Moody's Gulch of Section 9, Township 9 South, Range 1 West, M.D.M. EXCEPTING THEREFROM 2.25 acres of land conveyed by John M. Shepherd to the South Pacific Coast Railroad Company, a corporation, by deed dated December 14, 1876 and recorded in Book 46 of Deeds, page 216, Santa Clara County Records; EXCEPTING THEREFROM ALSO 27 acres conveyed by J. F. Sauffrignon to Christian Anton Frank and wife by deed dated January 9, 1886, and recorded in Book 81 of Deeds, page 533, Santa Clara County Records; EXCEPTING THREFROM ALSO 3 acres of land conveyed by Otto F. Grundel to May Blanche Marriot, by deed dated October 19, 1891 and recorded in Book 140 of Deeds, page 259, Santa Clara County Records, Leaving 63 acres of land.

To buy, lease or otherwise acquire real and/or personal property, and/or rights therein, necessary and convenient for the aforesaid purposes, and to sell, lease or otherwise dispose of the same.

To borrow money and give security therefore by means of Mortgage, Deed of Trust, or other lawful means.

To fix and collect from its members rates for the operation and maintenance of water system and maintenance of roads, or any of the services offered or furnished by this corporation.

To levy upon and collect assessments from its members from time to time for the purpose of raising funds to meet all capital expenditures in connection with any of its said services, or extension thereof, and deficiency in the operating or maintenance cost of any said services, and any other expenditures incurred or to be incurred in carrying out the purposes of this corporation, and to take all lawful means for the enforcement of such collections; provided that said corporation may levy and collect such assessments also for the purpose of paying all maintenance and operating expenses in lieu of rates hereinabove mentioned;

And to exercise all of the powers of said Title XXII and the powers necessarily incident thereto, and also, all other powers granted to private corporations by the laws of the State of California not inconsistent with those granted by said Title.

And to do and perform any and all other acts which may be, either necessary for, or proper or incidental to, the exercise of any of the foregoing powers; provided, however, that the purposes for which this corporation is formed and the powers of these Articles herein granted shall in no wise ever be construed, exercised or permitted to function as a public utility, nor shall any of the water owned by said corporation, or any water that may hereafter be developed from any water system owned by said corporation, be sold, furnished or delivered to any person, firm or corporation, other than the members of the CHEMEKETA PARK MUTUAL WATER COMPANY, their tenants and contracting purchasers upon the lands hereinabove described.

THIRD: That Santa Clara County, State of California, is the County where the principal office for the transaction of the business of the corporation is to be located.

FOURTH: That the number of its directors shall be five, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office, are:

<u>NAMES</u>	<u>RESIDENCE</u>
J. A. Miklas	Alma, California
S. J. Thomas	San Francisco, California
H. H. Fitch	San Jose, California
W. A. Sappington	Alma, California
Grace Soules	Alma California

FIFTH: That the voting power and the property rights and interests of the members of this corporation shall be unequal; that the sole qualification for membership in this corporation shall be holding title to land within the exterior boundaries of the tract of land above described; that any person now holding, or who shall hereafter hold, the title to any of said land in said corporation; provided, however, that such certificate of membership shall be transferred to new title holder when the owner thereof is no longer the holder of the title to such land. That each member of this corporation shall have votes upon all matters that shall come before the membership thereof, in the proportion of the number of separate parcels, tracts, lots or pieces of land, part of said 63 acre tract, owned by him; provided that no member or person entitled to membership shall be permitted to vote at any meeting while in default in the payment of any rates or assessments levied for any purpose by this corporation; and each member of this corporation shall have such an interest in all of the property of this corporation, as is represented by the ratio of votes to which such member is entitled to the total possible number of votes that may be voted by all the members of the corporation; provided, however, that such interest is and shall be appurtenant to the land within said tract owned by such member. The corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with the general rule above set forth.

SIXTH: The following is a list of the original members of this corporation, and their residence.

<u>NAME</u>	<u>RESIDENCE</u>
J. A. Miklas	Alma, California
S. J. Thomas	San Francisco, California
H. H. Fitch	San Jose, California
W. A. Sappington	Alma, California
Grace Soules	Alma California

IN WITNESS WHEREOF we have hereunto set our hands this the Tenth day of October, A. D. 1929.

(Signed) Grace Soules
W. A. Sappington
H. H. Fitch
S. J. Thomas
J. A. Miklas

STATE OF CALIFORNIA
County of Santa Clara

On this 10th day of October in the year One Thousand Nine Hundred and Twenty-Nine before me, R. M. BARTLE, a Notary Public in and for the said County of Santa Clara, State of California personally appeared GRACE SOULES, W. A. SAPPINGTON and H. H. FITCH known to me to be the persons whose names are subscribed to the within instrument, and they duly acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal at my office in the City of San Jose, County and State aforesaid, the day and year in this certificate first written above.

(SEAL) (Signed) R. M. Bartle
Notary Public in and for the County of Santa Clara, State of California

STATE OF CALIFORNIA
City and County of San Francisco

On the 19th day of October in the year One Thousand Nine Hundred and Twenty-Nine before me, KATHRYN E. STONE, a Notary Public in and for the said City and County of San Francisco, residing therein, duly commissioned and sworn, personally appeared S. J. THOMAS known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the said City and County San Francisco, the day and year in this certificate first written above.

(SEAL) (Signed) Kathryn E. Stone
Notary Public in and for the City and County of San Francisco, State of California

STATE OF CALIFORNIA
City and County of San Francisco

On the 26th day of October in the year One Thousand Nine Hundred and Twenty-Nine before me, JENNIE DAGGETT, a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared J. A. MIKLAS known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the said City and County San Francisco, the day and year in this certificate first written above.

(SEAL) (Signed) Jennie Daggett
Notary Public in and for the City and County of San Francisco, State of California