

MEMORANDUM

February 20, 2020

Water Right: 37-7786

Author: wmills

Subject: Trustee Updates

Robert L Baker removed as Trustee pursuant to Certificate of Death received 2/12/2020.
Scott D. Baker added as Trustee pursuant to Ownership Change Notice received 11/15/2019.
Bruce Baker & Daniel Baker added as Trustees pursuant to Trust Delegation & Trustee Appointment documents received 2/12/2020.
Scott D. Baker is primary contact per email from Attorney James Speck dated 2/19/2020.

Mills, Bill

From: James Speck <jim@speckandaanestad.com>
Sent: Wednesday, February 19, 2020 3:33 PM
To: Mills, Bill
Cc: Baker, Scott D.
Subject: RE: RE: RE: Baker/Water Rights

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DEPT OF WATER RESOURCES
SOUTHERN REGION

Bill,

We agree with listing all 3 brothers as the trustees. Here is there address info:

Daniel Baker
1907 Baker St
SF CA 94115

Bruce Baker
7336 19ave NE
SEATTLE, WA 98115

Scott D. Baker
+1 415-659-5901
sbaker@reedsmith.com
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
+1 415 543 8700
Fax +1 415 391 8269

Scott's address should be the primary one.

Thanks.

Jim

-----Original Message-----

From: Mills, Bill
Sent: Wednesday, February 12, 2020 3:58 PM
To: James Speck

Jim,
Clearly we can remove Robert L. Baker as Trustee. You provided three acceptance of trustee's appointment and agreement signed by Bruce, Scott and Daniel. You also provided two Delegations of authority signed by Bruce and Daniel. All of these documents were signed in 2018. Documents you provided with the change of ownership were more recent, signed in 2019 and included a certification of trust signed by all three brothers and a quitclaim deed signed by Scott and Bruce. It appears to us (Corey and I) that all three brothers should be listed as trustees, or are we missing something? I don't think we have Daniel or Bruce's addresses, so possibly also clarify their addresses for us.

Thanks,
Bill

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, February 12, 2020 2:13 PM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Cc: Baker, Scott D. <SBaker@ReedSmith.com>
Subject: RE: RE: Baker/Water Rights

Bill,

Attached are copies of the documents you requested below. Scott Baker's address is 515 Park Way Piedmont, CA 94611. Please confirm this information is sufficient to update your records for 37-7786. Thank you.

Jim

-----Original Message-----

From: Mills, Bill
Sent: Wednesday, January 22, 2020 10:58 AM
To: James Speck

Jim,

After discussing this issue with staff from the state office, it appears that a copy of the trust agreement, a copy of the death certificate and a request to update the records (which it seems to me your initial email does) are what the Department requires to update the trustees on the water right. The documents could be submitted with or without a change of address form.

Bill

-----Original Message-----

From: Mills, Bill
Sent: Tuesday, January 21, 2020 1:38 PM
To: 'James Speck' <jim@speckandaanestad.com>
Subject: RE: Baker/Water Rights

Jim,

After discussing your last response with Corey, we looked into the back file for this water right and found a change of ownership that conveyed the property from Robert and Sonya Baker to the Robert L. Baker Revocable trust via a quitclaim. We don't have a copy of the trust agreement which is dated August 23, 2000. Clearly, what your stating makes sense and we're now thinking that a copy of the trust agreement and a copy of Robert's death certificate may be what we need to update the water right record. However, we intend to discuss this with state office staff tomorrow morning as this is an issue that current staff at Southern Region has had little experience with.

Bill

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, January 21, 2020 12:15 PM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Cc: Baker, Scott D. <SBaker@ReedSmith.com>
Subject: RE: Baker/Water Rights

Bill,

In this case. And in almost all trust agreements I have worked with, the successor trustees are identified in the original trust agreement and not in an amendment. The trust continues to be the owner of the property, including water rights. It is more like a change in management for a partnership, LLC or corporation - the entity (the trust) remains the owner but the person who signs for it changes. It seems like a change in address is the more appropriate way to go. Can you check with Corey on this? Thanks.

Jim

-----Original Message-----

From: Mills, Bill <William.Mills@idwr.idaho.gov>

Sent: Tuesday, January 21, 2020 11:32 AM

To: James Speck <jim@speckandaanestad.com>

Subject: RE: Baker/Water Rights

Jim,

In order to change the trustee, the Department requires a Notice of Ownership and fee filed with the appropriate document(s) conveying the trust management to the new trustees, which I assume would typically be in the form of a trust amendment.

I hope that helps,

Bill

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Monday, January 20, 2020 2:05 PM

To: Mills, Bill <William.Mills@idwr.idaho.gov>

Cc: Baker, Scott D. <SBaker@ReedSmith.com>

Subject: Re: Baker/Water Rights

Bill,

Thanks for working through the recent water right split. I note IDWR still lists Robert Baker as the trustee of the Robert L. Baker Revocable Trust, the owner of 37-7786. Robert is now deceased and his two sons, Scott D. Baker & Bruce D. Baker, are now the co-trustees. Is this e-mail sufficient to change that information in your records or do you need something else?

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

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Date Filed OCTOBER 12, 2018

DEPT OF WATER RESOURCES
State Building 2008 8876
SOUTHERN REGION

DECEDENT - LEGAL NAME ROBERT LEE BAKER			
SEX MALE	SOCIAL SECURITY NUMBER	AGE 88 YEARS	DATE OF BIRTH APRIL 03, 1930
BIRTHPLACE SIOUX CITY, IOWA		PLACE OF RESIDENCE KETCHUM, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (if wife, maiden name)	
		WAS DECEDENT EVER IN U.S. ARMED FORCES? YES	
FATHER - NAME ABRAHAM BAKER			BIRTHPLACE RUSSIA
MOTHER - MAIDEN NAME HELEN SCHULMAN			BIRTHPLACE RUSSIA
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE RUSSELL D. MIKEL	
NAME AND ADDRESS OF FUNERAL FACILITY WOOD RIVER CHAPEL, HAILEY, IDAHO			
DATE OF DEATH OCT. 08, 2018	TIME OF DEATH 3:25 A.M.	CITY/TOWN OR LOCATION OF DEATH TWIN FALLS, IDAHO	COUNTY OF DEATH TWIN FALLS
CAUSE OF DEATH (underlying cause last) a. ACS			Approximate Interval Between Onset and Death 1 DAY
b. DUE TO (or as a consequence of):			
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above DEMENTIA			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER DARYL G. FICKLIN, D.O.	TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

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DEPT OF WATER RESOURCES
SOUTHERN REGION

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: OCTOBER 16, 2018

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



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SOUTHERN REGION

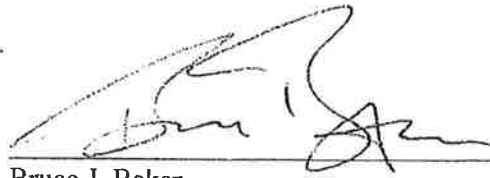
TRUSTEE DELEGATION OF AUTHORITY

As a Trustee of the Robert L. Baker Revocable Trust and the Robert L. Baker Family Trust (collectively, the "Trusts") under a Trust Agreement dated August 23, 2000, between Robert L. Baker as Grantor and Robert L. Baker as Trustee, as amended, I hereby delegate to Scott D. Baker, as a Trustee of the Trusts, my duties and authorities as such Trustee to (i) sign checks and other orders of withdrawal on the respective bank, brokerage, and other deposit or investment accounts of the Trusts, (ii) direct the investment and otherwise provide for the management of the respective assets of the Trusts, (iii) receive communications directed to the Trustees of the Trusts, (iv) provide for the payment by the Trusts of their respective expenses and liabilities, (v) sign tax returns of the Trusts and provide for the payment of taxes due from the Trusts, (vi) vote or give consents on behalf of the Trusts as shareholders of corporations, members of limited liability companies, or partners in partnerships, (vii) engage attorneys, accountants, appraisers, and investment advisors for the Trusts, and (viii) make distributions to beneficiaries of the Trusts in accordance with the provisions of the Trusts.

I reserve the right at any time to revoke prospectively the foregoing delegation in whole or in part. However, while such delegation is in effect, my concurrence with respect to any matter that is within the scope of such delegation is not required.

Any person dealing with Scott D. Baker as Trustee in good faith in reliance on the foregoing delegation without having actual knowledge of my revocation of the foregoing delegation may rely without further investigation upon the authority of Scott D. Baker with respect to any matter falling within the scope of the foregoing delegation.

Dated this 25th day of October, 2018.



Bruce J. Baker

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SOUTHERN REGION

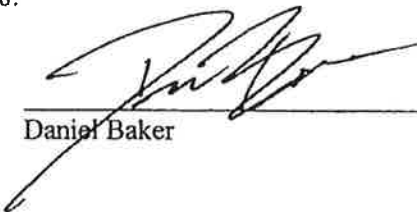
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I reserve the right at any time to revoke prospectively the foregoing delegation in whole or in part. However, while such delegation is in effect, my concurrence with respect to any matter that is within the scope of such delegation is not required.

Any person dealing with Scott D. Baker as Trustee in good faith in reliance on the foregoing delegation without having actual knowledge of my revocation of the foregoing delegation may rely without further investigation upon the authority of Scott D. Baker with respect to any matter falling within the scope of the foregoing delegation.

Dated this 25th day of October, 2018.



Daniel Baker

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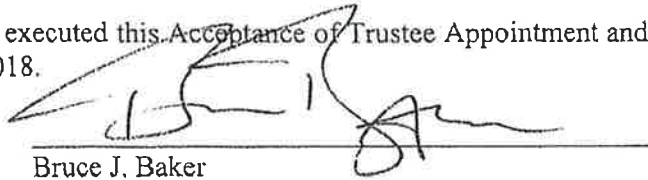
FEB 12 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

ACCEPTANCE OF TRUSTEE APPOINTMENT AND AGREEMENT

I hereby accept my appointment (i) as a successor Trustee of the Robert L. Baker Revocable Trust under a Trust Agreement dated August 23, 2000, between Robert L. Baker as Grantor and Robert L. Baker as Trustee, as amended by a First Amendment thereto dated November 26, 2001, an Amendment No. 1 thereto dated November 19, 2002, an Amendment No. 2 thereto dated March 10, 2005, an Amendment No. 3 thereto dated October 17, 2008, an Amendment No. 4 thereto dated December 10, 2008, an Amendment No. 5 thereto dated February 4, 2010, an Amendment No. 6 thereto dated February 19, 2015, an Amendment No. 7 thereto dated April 11, 2017, and an Amendment No. 8 thereto dated April 19, 2018, and (ii) as Trustee of the Family Trust created by such Trust Agreement, as amended, and agree to administer the trust estate of each of such trusts in accordance with the provisions of such Trust Agreement, as amended by Amendment No. 8 thereto.

IN WITNESS WHEREOF, I have executed this Acceptance of Trustee Appointment and Agreement as of the 8th day of October, 2018.



Bruce J. Baker

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DEPT OF WATER RESOURCES
SOUTHERN REGION

ACCEPTANCE OF TRUSTEE APPOINTMENT AND AGREEMENT

I hereby accept my appointment (i) as a successor Trustee of the Robert L. Baker Revocable Trust under a Trust Agreement dated August 23, 2000, between Robert L. Baker as Grantor and Robert L. Baker as Trustee, as amended by a First Amendment thereto dated November 26, 2001, an Amendment No. 1 thereto dated November 19, 2002, an Amendment No. 2 thereto dated March 10, 2005, an Amendment No. 3 thereto dated October 17, 2008, an Amendment No. 4 thereto dated December 10, 2008, an Amendment No. 5 thereto dated February 4, 2010, an Amendment No. 6 thereto dated February 19, 2015, an Amendment No. 7 thereto dated April 11, 2017, and an Amendment No. 8 thereto dated April 19, 2018, and (ii) as Trustee of the Family Trust created by such Trust Agreement, as amended, and agree to administer the trust estate of each of such trusts in accordance with the provisions of such Trust Agreement, as amended by Amendment No. 8 thereto.

IN WITNESS WHEREOF, I have executed this Acceptance of Trustee Appointment and Agreement as of the 8th day of October, 2018.



Scott D. Baker

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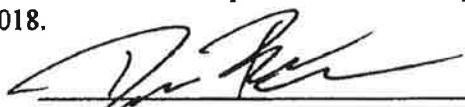
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Daniel Baker