

RECEIVED

NOV 15 2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES  
SOUTHERN REGION

## Notice of Change in Water Right Ownership

ORIGINAL IN RED

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Split #:

37-23218

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-7786	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Robert L. Baker Revocable Trust, Robert L. Baker, Trustee

3. New Owner(s)/Claimant(s): Revocable Trust U/A dated January 26, 2017  
Scott and Sandra Baker, Trustees of The Scott and Sandra Baker Amended and Restated /

New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or  
515 Park Way Piedmont CA 94611  
 Mailing address City State ZIP  
(415) 659-5901 SBaker@ReedSmith.com  
 Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?  
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: August 26, 2019

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).  
☒ Filing fee (see instructions for further explanation):  
     o \$25 per undivided water right.  
     o \$100 per split water right.  
     o No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Trustee Nov. 11, 2019  
 Signature of new owner/claimant Title, if applicable Date  
 Signature: [Signature] Trustee Nov. 11, 2019  
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 11-15-2019 Receipt No. SO37665 Receipt Amt. \$75-  
12-16-2019 SO37633 \$25-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 \_\_\_\_\_ Approved by \_\_\_\_\_ Processed by WM Date 1-15-2020

SUPPORT DATA

IN FILE # 37-7786

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

(space above line for Recorder's use)

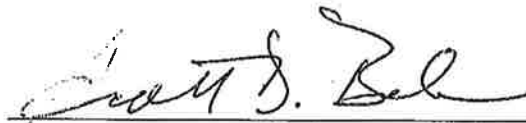
**QUITCLAIM DEED**

FOR VALUE RECEIVED, SCOTT D. BAKER AND BRUCE J. BAKER, AS TRUSTEES OF THE ROBERT L. BAKER REVOCABLE TRUST under Trust Agreement dated August 23, 2000 ("Grantor"), do hereby convey, release, remise and forever quitclaim to SCOTT BAKER AND SANDRA BAKER, TRUSTEES OF THE SCOTT AND SANDRA BAKER AMENDED AND RESTATED REVOCABLE TRUST U/A dated January 26, 2017, whose address is 515 Park Way Piedmont, CA 94611 ("Grantee"), all of their right, title and interest in and to 0.055 cfs and 8.25 acre-feet per annum of Water Right 37-7786 for the irrigation of two and three-quarters (2.75) acres within Lot 1A of A REPLAT OF NORTHERN COMFORT, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded as Instrument No. 304309, records of Blaine County, Idaho.

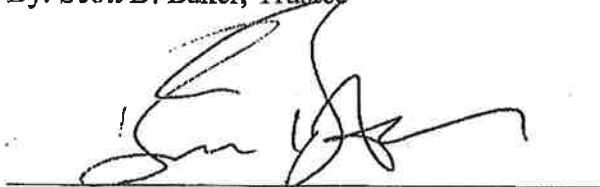
IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 26<sup>th</sup> day of August, 2019.

GRANTOR:

ROBERT L. BAKER REVOCABLE TRUST  
under Trust Agreement dated August 23, 2000



By: Scott D. Baker, Trustee



By: Bruce J. Baker, Trustee

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE.

State of Idaho, County of Blaine, ss.

On this 26<sup>th</sup> day of August in the year of 2019, before me, the undersigned, a notary public in and for said state personally appeared Scott D. Baker as Trustee of the Robert L. Baker Revocable Trust under Trust Agreement dated August 23, 2000, known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of the Robert L. Baker Revocable Trust under Trust Agreement dated August 23, 2000 and acknowledged to me that he/she executed the same as trustee.

Nancy L. Anderson

Notary Public

Residing In: Hailey, ID

My Commission Expires: 10-27-20

NANCY L. ANDERSON  
COMMISSION #24757  
NOTARY PUBLIC  
STATE OF IDAHO

State of Idaho, County of Blaine, ss.

On this 26<sup>th</sup> day of August in the year of 2019, before me, the undersigned, a notary public in and for said state personally appeared Bruce J. Baker, as Trustee of the Robert L. Baker Revocable Trust under Trust Agreement dated August 23, 2000, known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of the Robert L. Baker Revocable Trust under Trust Agreement dated August 23, 2000 and acknowledged to me that he/she executed the same as trustee.

Nancy L. Anderson

Notary Public

Residing In: Hailey, ID

My Commission Expires: 10-27-20

NANCY L. ANDERSON  
COMMISSION #24757  
NOTARY PUBLIC  
STATE OF IDAHO

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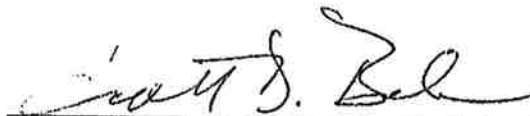
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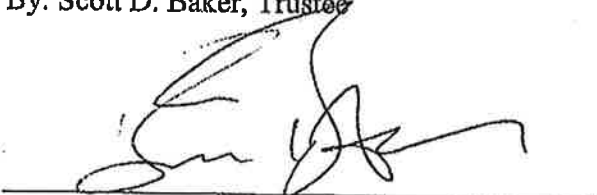
IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 26<sup>th</sup> day of August, 2019.

GRANTOR:

ROBERT L. BAKER REVOCABLE TRUST  
under Trust Agreement dated August 23, 2000



By: Scott D. Baker, Trustee



By: Bruce J. Baker, Trustee

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE.

CERTIFICATION OF TRUST

Pursuant to Section 30-38,103 of the Nebraska Uniform Trust Code, we certify as follows:

1. We are all of the duly appointed and acting successor trustees of the Robert L. Baker Revocable Trust pursuant to a Trust Agreement dated August 23, 2000, as amended, between Robert L. Baker, as the Grantor, and Robert L. Baker, as the original Trustee (the "Trust Agreement").

2. Robert L. Baker died on October 8, 2018. Upon the death of Robert L. Baker, the Trust Agreement became Irrevocable.

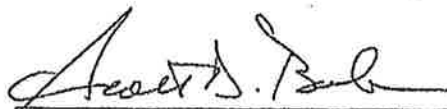
3. Section 8 of Article VIII of the Trust Agreement provides: "At any time that there are three persons serving as Trustee under this agreement, the decision of any two of them with respect to any matter pertaining to the trusts created by this agreement will be binding on all of the persons then serving as Trustee under this agreement."

4. Subparagraph (a) of Paragraph 1 of Article VII of the Trust Agreement provides that the trustees have the power "To purchase or otherwise acquire, hold, invest and reinvest in, and sell, exchange, partition, or otherwise dispose of any type of real or personal property."

5. Section 1 of Article X of the Trust Agreement provides: "The meanings and effects of the terms of the trusts created by this agreement are to be determined by the laws of Nebraska, including but not limited to the Nebraska Uniform Trust Code; ...."

6. The Trust Agreement has not been revoked or amended to make any representations contained in this Certification of Trust incorrect, and the signatures below are those of all of the currently acting trustees.

Dated: August 1, 2019.



\_\_\_\_\_  
Scott D. Baker, Trustee

\_\_\_\_\_  
Bruce J. Baker, Trustee

\_\_\_\_\_  
Daniel Baker, Trustee

### CERTIFICATION OF TRUST

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2. Robert L. Baker died on October 8, 2018. Upon the death of Robert L. Baker, the Trust Agreement became irrevocable.
3. Section 8 of Article VIII of the Trust Agreement provides: "At any time that there are three persons serving as Trustee under this agreement, the decision of any two of them with respect to any matter pertaining to the trusts created by this agreement will be binding on all of the persons then serving as Trustee under this agreement."
4. Subparagraph (a) of Paragraph 1 of Article VII of the Trust Agreement provides that the trustees have the power "To purchase or otherwise acquire, hold, invest and reinvest in, and sell, exchange, partition, or otherwise dispose of any type of real or personal property."
5. Section 1 of Article X of the Trust Agreement provides: "The meanings and effects of the terms of the trusts created by this agreement are to be determined by the laws of Nebraska, including but not limited to the Nebraska Uniform Trust Code; ...."
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Dated: August 1, 2019.

\_\_\_\_\_  
Scott D. Baker, Trustee

\_\_\_\_\_  
Bruce J. Baker, Trustee

\_\_\_\_\_  
Daniel Baker, Trustee

### CERTIFICATION OF TRUST

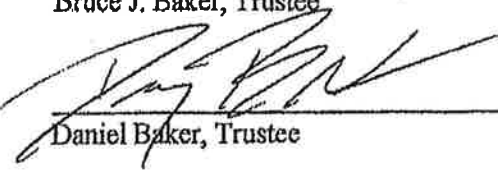
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2. Robert L. Baker died on October 8, 2018. Upon the death of Robert L. Baker, the Trust Agreement became irrevocable.
3. Section 8 of Article VIII of the Trust Agreement provides: "At any time that there are three persons serving as Trustee under this agreement, the decision of any two of them with respect to any matter pertaining to the trusts created by this agreement will be binding on all of the persons then serving as Trustee under this agreement."
4. Subparagraph (a) of Paragraph 1 of Article VII of the Trust Agreement provides that the trustees have the power "To purchase or otherwise acquire, hold, invest and reinvest in, and sell, exchange, partition, or otherwise dispose of any type of real or personal property."
5. Section 1 of Article X of the Trust Agreement provides: "The meanings and effects of the terms of the trusts created by this agreement are to be determined by the laws of Nebraska, including but not limited to the Nebraska Uniform Trust Code; ...."
6. The Trust Agreement has not been revoked or amended to make any representations contained in this Certification of Trust incorrect, and the signatures below are those of all of the currently acting trustees.

Dated: August 1, 2019.

\_\_\_\_\_  
Scott D. Baker, Trustee

\_\_\_\_\_  
Bruce J. Baker, Trustee

  
\_\_\_\_\_  
Daniel Baker, Trustee



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

January 15, 2020

SCOTT & SANDRA BAKER AMENDED & RESTATED REVOCABLE TRUST  
SCOTT & SANDRA BAKER, TRUSTEES  
515 PARK WAY  
PIEDMONT CA 94611-3729

Re: Change in Water Right Ownership: 37-7786 (Split into 37-7786 and **37-23218**),

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

**Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Bill Mills  
Water Resource Agent, Senior

Enclosures

c: ROBERT L BAKER REVOCABLE TRUST; JAMES P. SPECK; WATER DISTRICT 37

## Mills, Bill

---

**From:** James Speck <jim@speckandaanestad.com>  
**Sent:** Tuesday, January 14, 2020 12:54 PM  
**To:** Mills, Bill  
**Cc:** Baker, Scott D.  
**Subject:** RE: RE: Change of Ownership Notice Water Right 37-7786

Bill,

Please proceed using the numbers below. Thank you.

Jim

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

From: Mills, Bill  
Sent: Thursday, January 09, 2020 3:08 PM  
To: James Speck

Jim,  
Sounds good. The following is how the numbers will break down:

37-7786 (parent): Irrigation: 0.07 cfs; 9.8 af for 3.3 acres  
Domestic: 0.07 cfs; 1.2 af

Split (Child): Irrigation: 0.05 cfs; 8.2 af for 2.7 acres

If that works for you and your client, I will move forward with processing the ownership change.  
Thanks,  
Bill

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

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Tuesday, January 07, 2020 9:55 AM  
To: Mills, Bill <William.Mills@idwr.idaho.gov>  
Cc: Baker, Scott D. <SBaker@ReedSmith.com>  
Subject: RE: Change of Ownership Notice Water Right 37-7786

Bill,

My client will agree to a split off of 0.05 cfs and 8.2 acre-feet to irrigate 2.75A on Lot 1A. That should leave 0.09 cfs for domestic use and irrigation of 3.25A on the other lot.

Jim

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

From: Mills, Bill  
Sent: Tuesday, December 31, 2019 12:17 PM  
To: James Speck

Jim,

I'm currently working on the Ownership Change Notice for water right 37-7786, Robert Baker Revocable Trust. The flowrate amount of 0.055 cfs proposed to be quitclaimed to Lot 1A creates a couple of issues. First of all, since the total flowrate for both domestic and irrigation is 0.140 cfs, the irrigation rate is 0.12 and the domestic rate is 0.08, splitting off more than 0.04 cfs for irrigation will require a reduction in the domestic rate as well. As proposed the domestic rate for the two homes on lot 2A would be reduced to 0.065 cfs on the remaining parent right. The other issue is the rounding limitations of our software. If we split off 0.055 cfs, the system will round the diversion rate to 0.06 cfs and will result in needing to round the remaining parent right down to 0.06 as well. Same story for volume, 8.25 af will round to 8.3 af and we then need to round the remaining down. While the quitclaim is well written and concise, our system limitations result in my reaching out to you and asking how you and your client would like to proceed with processing this split. If you specify which, the child or the parent right to round up or down, we can easily address the rounding issue. Also, if you and your client are comfortable with reducing the domestic rate, then we can proceed with processing the ownership change as submitted. Let me know how you and your client would like to proceed.

Thanks and Happy New Year!

Bill Mills

Attachment(s): 37-7786 Change of Ownership Notice.pdf

JAMES P. SPECK  
jim@speckandaanestad.com

DOUGLAS J. AANESTAD  
(retired)

**SPECK & AANESTAD**  
A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE NORTH  
P. O. BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208)726-4421  
FACSIMILE  
(208)726-0752

December 11, 2019

Bill Mills  
Idaho Department of Water Resources  
650 Addison Ave. W  
Suite 500  
Twin Falls, ID 83301

**Re: Application Fee Deficiency - Notice of Change of Water Right Ownership  
No. 37-7786**

Dear Bill:

Thank you for your phone call this morning advising us of the application fee deficiency in connection with the above- captioned Notice of Change of Water Right Ownership application. Enclosed you will find our firm check in the amount of \$75.00 to accompany the \$25.00 check previously submitted with such application for a total of \$100.00 which is the applicable fee for a split water right. (For your easy reference, enclosed is a copy of our letter to IDWR dated November 13, 2019 submitting the above notice with copy of the \$25.00 check.)

Thank you in advance for providing us with a date-stamped copy in the postage prepaid self-addressed envelope we previously provided for that purpose. Please call right away if you have any questions, comments or concerns.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
Rae Hirning  
Paralegal

Enclosure

JAMES P. SPECK  
jim@speckandaanestad.com

DOUGLAS J. AANESTAD  
(retired)

**SPECK & AANESTAD**  
A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE NORTH  
P. O. BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208)726-4421  
FACSIMILE  
(208)726-0752

November 13, 2019

RECEIVED

NOV 15 2019

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Denise Maline  
Idaho Department of Water Resources  
650 Addison Ave. W  
Suite 500  
Twin Falls, ID 83301

**Re: Notice of Change of Water Right Ownership  
No. 37-7786**

Dear Denise:

Enclosed you will find an *original* and one copy of each of the above-referenced ***Notice of Change of Water Right Ownership***, No. 37-7786 accompanied by our firm check in the amount of \$25.00 in payment of the Application fee.

*dm* Please return the receipt date-stamped copy to me in the postage prepaid self-addressed envelope I have included for that purpose. Please call me right away if you have any questions, comments or concerns.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: \_\_\_\_\_

James P. Speck

Enclosures

cc: Scott and Sandra Baker (w/enclosure)