UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	)	3:73-CV-00127-MDD-WGC **FORM RE: REQUEST/MOTION FOR PARTY SUBSTITUTION – PROPERTY TRANSFER**

Form A – Motion for Substitution Due to Property Transfer

If a party to this action has sold or otherwise conveyed ownership of their property and/ or water right interest in the Walker River Basin of Nevada or California and wishes the current owner of the property/water right to be substituted, provide **ALL** of the following information and take the following steps. **This form may only be used by individuals representing themselves and it MAY NOT be used by trusts, estates, partnerships, or corporations. Entities such as trusts, estates and corporations may only appear before this court represented by an attorney.**

This motion is filed pursuant to Fed. R. Civ. P. 25(c) and is filed jointly (1) by the individual/entity who is a current Counter-Defendant in this action ("Current Defendant") as identified in **Paragraph I** below and by (2) the "Proposed Defendant" (as identified in greater detail in **Paragraph II** below) to whom the Current Defendant has conveyed or otherwise transferred one or more of the property interest/ water rights claims involved in this case.

By this motion, the Current Defendant and Proposed Defendant ask the Court to substitute the Proposed Defendant into this action in place of the Current Defendant regarding the property interest/water right identified herein. The parties to this motion request a hearing on this motion if any objections are filed to this motion. If there are no objections, the parties to this motion consent to the Court entering an Order of Substitution without a hearing.

I. Identification of Current Defendant

The undersigned Current Defendant in the above action hereby notifies the Court and the United States that the undersigned has transferred or conveyed ownership of all or a portion of a water right or rights involved in this case to the Proposed Defendant and provides the following information:

A. Name of the party seeking substitution who sold/conveyed property ownership:

_____

_____

B. Complete mailing address of the party who sold or otherwise conveyed ownership:

_____

_____

C. Email address of the party who sold or otherwise conveyed ownership:

_____

_____

II. Identification of Proposed Defendant:

The undersigned Proposed Defendant in the above action hereby notifies the Court and the United States that the undersigned has acquired ownership of all or a portion of a water right or rights involved in this case from the Current Defendant and provides the following information:

A. Name of the current owner/successor who acquired ownership:

_____

_____

B. Complete mailing address of the current owner/successor who acquired ownership:

_____

_____

C. Email address of the current owner/successor-in-interest who acquired ownership:

_____

_____

III. Identification of the Property Interest/Water Right(s) Addressed in this Motion:

A. This motion addresses the following property interest/water right(s) that the Current Defendant has transferred or otherwise conveyed to the Proposed Defendant.

B. Attached to or included with this motion is a copy of the document reflecting property transfer (check appropriate box(es)):

Deed ☐ Court Order ☐ Other Document ☐

IV. Request for Substitution:

A. By this filing, the Current Defendant requests that the Proposed Defendant be substituted into this action as the Counter-Defendant in regard to the water right(s) identified in Section III.A.

B. By this filing, the Proposed Defendant agrees to be substituted into this action as the Counter-Defendant in regard to the water right(s) identified in Section III.A.

C. The undersigned Current Defendant and Proposed Defendant acknowledge that any person who files this type of motion for substitution in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned Current Defendant and Proposed Defendant acknowledge that any defendant who files such a motion, but, in fact, retains the water rights addressed in this motion, shall nevertheless be bound by the results of this litigation.

D. Following the conveyance or transfer identified above, does the Current Defendant retain any water right or portion of a water right, including any rights not identified in Section III, that are involved in this case? (Check only **one** of the following if you are a Current Defendant)

□ No. Subsequent to the conveyance/transfer identified in this motion, I do not own any other water rights that are involved in this case. As a result, I submit that the Court may dismiss the Current Defendant from this subproceeding because I no longer own any water rights that are subject to this subproceeding.

OR

□ Yes. Subsequent to the conveyance/transfer identified in this motion, I own other water rights that are involved in this case. As a result, the Current Defendant remains a Counter-Defendant in this subproceeding based on the ownership of other water rights that are subject to this subproceeding.

V. Waiver of Service pursuant to Fed. R. Civ. P. 4**:**

This Section applies **only** to any Proposed Defendant that is not already a Defendant in this case based on its ownership of other water rights. By its signature to this motion, the Proposed Defendant:

A. Acknowledges that I have been made aware of the fact that the water right(s) described in Section III above are subject to this subproceeding, which is entitled *United States v. Walker River Irrigation District*, and which is docket number 3:73-CV-00127-MDD-WGC, in the United States District Court for the District of Nevada, and that I am bound by all Orders in this subproceeding;

B. Acknowledges that I need not be served separately or personally, pursuant to Fed. R. Civ. P. 4, with a Notice in Lieu of Summons, the instant motion or any other previous filing in this subproceeding;

C. Acknowledges that I will receive service of all filings in this case in the future by way of electronic service at the email address I have provided;

D. Acknowledges that I may file a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE in the Court at the address indicated in Section VII, below; and

E. Acknowledges that I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in service pursuant to Fed. R. Civ. P. 25(c) regarding this motion.

F. Acknowledges that I am subject to the deadlines set by the Court–including deadlines that have already passed–and may be required to seek leave of the Court in order to file papers in the future.

VI. Certifications and Acknowledgements:

By this filing, the Current Defendant and Proposed Defendant acknowledge that:

A. Federal Rule of Civil Procedure 25(c) governs the substitution of successors-in- interest that are the result of a transfer, other than those resulting from the death of a defendant;

B. Rule 25(c) does not require that anything be done after an interest is transferred, which means that the action may be continued by or against the original party, and the judgment will be binding on his successor-in-interest even though the successor-in- interest is not named;

C. Absent the filing of this or a similar motion, this action would continue in the name of the Current Defendant, but would nevertheless bind the Proposed Defendant and any future successors-in-interest to the results of the litigation;

D. Other parties to the case, acting pursuant to the Federal Rules of Civil Procedure, may wish to file their position(s) regarding the merits of this motion, and may support, oppose or take no position on the merits of this motion;

E. Following the filing of this motion, the action will continue in the name of the Current Defendant for the water right(s) identified herein until such time as the Court approves the substitution requested herein. While substitution does not automatically dismiss a Current Defendant from this subproceeding, the Court may dismiss the Current Defendant if that Defendant no longer has any water rights subject to this proceeding.

VII. Filing and Service of this Motion:

A. Current Defendant's Signature and Certification:

I certify 1) that I am a party to this action, 2) that the property interest that tied me to this case has been transferred, 3) that I am requesting that the current owner of the property interests be substituted for me, and 4) that a complete copy of this motion and any attachments has been mailed to Court Clerk to at the address provided below.

I acknowledge that if **ALL** of the information sought above is not provided, the Court will not grant this request.

Printed or typed name: _____

Executed this __ day of _____, 20__.

_____
(Signature of party requesting substitution)

_____
(telephone number)

B. Proposed Defendant's Signature and Certification:

I certify 1) that I now own property subject to this action, 2) that the property interest subject to this action has been transferred to me, 3) that I am requesting that I, the current owner of the property interests, be substituted into this case, and 4) that a complete copy of this motion and any attachments has been mailed to Court Clerk to at the address provided below.

I acknowledge that if **ALL** of the information sought above is not provided, the Court will not grant this request.

Printed or typed name: _____

Executed this __ day of _____, 20__.

_____
(Signature of party requesting substitution)

_____
(telephone number)

Once completed, mail this Motion and any attachments to the following address:

U.S. District Court Clerk, Attn: 3:73-cv-00127-MMD-WGC Notice Clerk
Bruce R. Thompson U.S. Courthouse
400 S. Virginia Street, Room #301,
Reno, Nevada 89501