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8 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF NEVADA

9	UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125
10)	SUBFILE NO. C-125-B
11	Plaintiff,)	
12	WALKER RIVER PAIUTE TRIBE,)	WALKER RIVER IRRIGATION
13	Plaintiff-Intervenor,)	DISTRICT'S COMMENT
14	v.)	CONCERNING FIFTEENTH
15	WALKER RIVER IRRIGATION DISTRICT,)	SERVICE REPORT
16	a corporation, et al.,)	
17	Defendants.)	
18	_____)	
19	UNITED STATES OF AMERICA,)	
20	WALKER RIVER PAIUTE TRIBE,)	
21	Counterclaimants,)	
22	v.)	
23	WALKER RIVER IRRIGATION DISTRICT,)	
24	et al.,)	
25	Counterdefendants.)	
26	_____)	

26 By Order dated March 8, 2010, the Court established procedures and a schedule for
27 parties to file comment on the Fifteenth Service Report (the "Service Report") of the United
28 States. The Walker River Irrigation District (the "District") provides the following comment.

1 In many instances, the Service Report seeks to substitute new parties to the action based
2 upon a transfer of ownership of the water right at issue. For example, at paragraphs 49 and 50
3 of the Service Report, the United States requests that Michael L. and Nancy Bradley be
4 substituted as successors in interest to Glenn D. and Tracy L. Fannin. It appears that Michael
5 L. and Nancy Bradley are "new" parties to the action that have not been previously served
6 pursuant to Rule 4 of the Federal Rules of Civil Procedure.
7

8 Rule 25(c) of the Federal Rules of Civil Procedure allows for the substitution of the
9 transferee into the action, upon motion, when an interest in the litigation is transferred. The
10 motion for substitution must be served upon nonparties to the litigation pursuant to Rule 4. *See*
11 *Federal Rules of Civil Procedure 25(c) and 25(a)(3)*.

12 In most instances, the Service Report does not indicate if parties that the United States
13 seeks to substitute into the action have been served pursuant to Rule 4. The District is
14 concerned that the Court may lack personal jurisdiction over those new parties sought to be
15 substituted absent service pursuant to Rule 4 as required by Rule 25 of the Federal Rules of
16 Civil Procedure.
17

18 DATED this 9th day of April, 2010.

19 WOODBURN AND WEDGE

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21 By: Dale E. Ferguson
22 Dale E. Ferguson
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28

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 9th day of April, 2010, I electronically served the foregoing *Walker River Irrigation District's Comments Concerning Fifteenth Service Report* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

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4 and I further certify that I served a copy of the foregoing to the following by U.S. Mail, postage
5 prepaid, this 9th day of April, 2010:

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