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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125 SUBFILE NO. C-125-B 3:73-cv-00127-ECR-LRL SUBFILE NO. C-125-C 3:73-cv-00128-ECR-LRL **WALKER RIVER IRRIGATION DISTRICT'S OBJECTIONS TO RULINGS OF MAGISTRATE JUDGE WITH RESPECT TO REVISED PROPOSED ORDERS AND AMENDED ORDERS CONCERNING SERVICE ISSUES PERTAINING TO DEFENDANTS WHO HAVE BEEN SERVED**
UNITED STATES OF AMERICA, WALKER RIVER PAIUTE TRIBE, Counterclaimants, v. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	

Pursuant to L.R. IB3-1(a), the Walker River Irrigation District (the "District") objects to the rulings of Magistrate Judge Lawrence R. Leavitt made in identical "Revised Proposed Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served" filed in these subproceedings on August 24, 2011 (Doc. 1649 in subproceeding C-125-B, and Doc. 540 in subproceeding C-125-C) (the "Revised Proposed Orders") and to the "Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served" filed in subproceeding C-125-B (Doc. 1650) on August 26, 2011, and filed in subproceeding C-125-C (Doc. 542) on September 6, 2011 (the "Amended Orders"). For ease of reference in these Objections and the Points and Authorities filed under separate cover, the District refers only to the Amended Orders because the later Amended Orders and the earlier Revised Proposed Orders are essentially identical. However, reference to the Amended Orders includes the Revised Proposed Orders.

The District objects to the Magistrate Judge's rulings to the effect that:

(1) After litigation has been commenced, the substitution or joinder of a successor-in-interest is governed exclusively by Fed. R. Civ. P. 25;

(2) Once a defendant has been served, the burden of keeping track of inter vivos transfers and substituting successors-in-interest properly is borne by the defendant and the successor-in-interest;

(3) Where a defendant has been served and subsequently sells or otherwise conveys a water right or a portion of a water right, the successor-in-interest will be bound by the results of this litigation by reason of the provisions of Fed. R. Civ. P. 25(c) even if the successor-in-interest is not properly substituted or joined;

(4) Absent service of a statement noting the death of a defendant in a subproceeding, the case may proceed against the original party, and the successors-in-interest will be bound by the results of this litigation;

(5) The Plaintiff Parties shall provide periodic notice of developments in these proceedings to other parties in these proceedings by mail and by publication as directed by further order of this Court; and

(6) The District regularly provide updated water right ownership information to the Court and to the Plaintiff Parties.

The District's Objections to the rulings made in the Amended Orders are more specifically set forth in the Points and Authorities filed under separate cover, and are based upon the grounds that those rulings are clearly erroneous and/or contrary to law. The Objections are supported by all of the pleadings and papers on file in these subproceedings and upon the Points and Authorities in Support of Objections of the District to Magistrate's Rulings which are filed under separate cover.

DATED this 12th day of September, 2011.

WOODBURN AND WEDGE

By: / s / Gordon H. DePaol

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CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 12th day of September, 2011, I electronically served the foregoing *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* in Case No. 3:73-cv-00127-ECR-LRL with the Clerk of the Court using the CM/ECF system, which will notify the following via their email addresses:

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I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00127-ECR-LRL to the following via U.S. Mail, postage prepaid, this 12th day of September, 2011:

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