

**IN THE UNITED STATES DISTRICT COURT** **FILED**  
**FOR THE DISTRICT OF NEW MEXICO** **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW MEXICO**

14 MAR -5 AM 9:49

CLERK-ALBUQUERQUE

*W*

UNITED STATES OF AMERICA )  
 AND )  
 STATE OF NEW MEXICO, ex rel. STATE )  
 ENGINEER, )  
 )  
 Plaintiffs, )  
 )  
 and )  
 )  
 ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 )  
 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al. )  
 Defendants. )  
 )  
 )

No. 01cv00072 BB/WDS

ZUNI RIVER BASIN  
 ADJUDICATION

Subfile No. ZRB-3-0022

MOTION TO VACATE DEFAULT JUDGMENT

The undersigned Joseph F. Neas & Susan S. Neas Revocable Trust, ask that the court set aside the ORDER GRANTING DEFAULT JUDGMENT Document No.2532, and Dated 03/01/10.

As True and Legal owners of this well ( ZRB-3-0022, 7A-3-W17) beginning on 05/23/07, as documented by a copy of the Warranty Deed (attached).

NOTICE OF FILING PROOF OF SERVICE OF SUMMONS Document No. 1853, Filed 09/04/2008, was sent to the wrong persons

and Joseph F, Neas & Susan S, Neas Revocable Trust never received a copy of the Summons.

MOTION FOR DEFAULT JUDGMENT Document No. 2499, Filed 01/05/2010, again notified the wrong parties and failed to notify

Joseph F. Neas & Susan S. Neas Revocable Trust.

CLERK'S CERTIFICATE OF DEFAULT Document No. 1908 Filed 10/08/2008, names the wrong parties.

Whereas the Joseph F. Neas & Susan S.

Neas Revocable Trust is in the process of reaching an agreement with Andrew "Guss" Guarino

on our other Wells and Tanks (ZRB-3-0121), we request that this well be attached to our other files and that it be granted it's due water allotment for the wells prior and future use.

Sincerely,

*Joseph F. Neas*  
 Joseph F. Neas  
 Joseph F. Neas & Susan S. Neas Revocable Trust

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 5, 2014, I filed the forgoing MOTION TO VACATE DEFAULT JUDGMENT in the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO CLERKS OFFICE 333 LOMAS N.W. ALBUQUERQUE N.M. 87102

AND I FUTHER CERTIFY that copy a of the foregoing was mailed to the following parties,

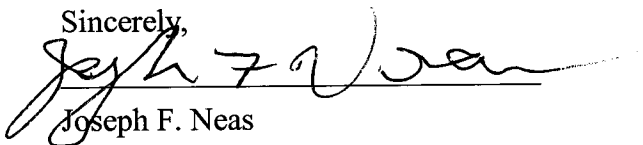
COUNSEL FOR THE UNITED STATES:

Mr. Bradley S. Bridgewater, Esq.  
U.S. Department of Justice  
18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Telephone: (303) 844-1359  
Fax: (303) 844-1350

COUNSEL FOR THE STATE OF NEW MEXICO ex.rel. STATE ENGINEER:

Mr. Edward Bagley  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504  
Telephone: (505) 827-6150

Sincerely,



Joseph F. Neas

Joseph F. Neas & Susan S. Neas  
566 Highway 165  
Placitas, NM 87043

U.S. Department of Justice  
Attention: Guss Guarino  
999 18th Street  
South Terrace, Suite 370  
Denver, Co 80202

Re: Zuni Basin Adjudication, Subfile Nos. ZRB-3-0121 and ZRB-3-0122 and ZRB-3-0022

Dated: March 4, 2014

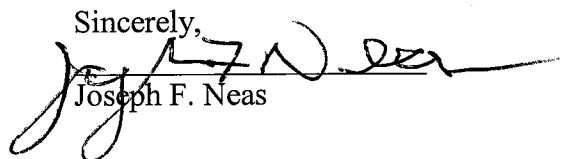
Mr Guarino,

We are in receipt of all of the above stated Subfiles, and have decided that we are in agreement with Subfile ZRB-3-0122 and are returning it to you with the necessary signatures. As we discussed on the phone, we feel that as owners of the Well in Subfile ZRB-3-0022 (7A-3-W17) from May 23,2007 to today's Date, our ownership was well in advance of the Court Proceeding placing this Well in Default. We believe this Well should have become part of Subfile ZRB-3-0121 because of both ownership and location. The property it is located on is now and has been for a long period of time zoned as Commercial Property, and has been used as both a Small Airport FBO (fixed base operation) and a manufacturing facility for archery equipment. The fact that this Well was placed in Default by the Court, because of inaccurate information, is very concerning to us. This Well was established prior to the Zuni Basin and is entitled to adequate water to supply the property needs, the 0.7 acre foot allowed through an unjust default is not acceptable.

Once again we are requesting both the United States District Court, and the U.S. Department of Justice to reevaluate this problem and supply a fair and legal remedy.

We are suppling you with a copy of our MOTION TO VACATE DEFAULT JUDGMENT for the Well in Subfile ZRB-3-0022, and are requesting your cooperation in resolving this matter so we can finalize Subfile ZRB-3-0121 along with this issue.

Sincerely,

  
Joseph F. Neas

Cibola County Title Company  
02-2433

WARRANTY DEED

John C. Byington and Debbie A. Byington, husband and wife, for consideration paid, grant to Joseph F. Neas and Susan S. Neas, Trustees of the Joseph F. Neas and Susan S. Neas Revocable Trust dated 5/29/2003, whose address is 566 HWY 165, PLACITAS, NM 87043, the following described real estate in CIBOLA COUNTY, New Mexico:

Tract B:

A tract of land situate in Section 22, Township 8 North, Range 16 West, NMPM, Cibola County, New Mexico and being more particularly described as follows: Beginning at the Southwest corner of the herein described tract of land, whence the section corner common to Sections 21, 22, 27 and 28, Township 8 North, Range 16 West, NMPM, an aluminum cap marked bears S. 74° 03' 38" W., 1, 290.49 feet distance; thence, N. 00° 54' 18" W., 571.09 feet distance to the Northwest corner of the tract herein described; thence, N. 88° 48' 28" W., 826.19 feet distance to the Northeast found a 1/2" rebar in place; thence, S. 08° 05' 21" W., 547.83 feet distance to the Southeast corner found 1/2" rebar in place; thence, S. 89° 05' 42" W. 740.00 feet distance to the Southwest corner and place of beginning. Containing 10.0084 acres, more or less.

TOGETHER WITH all improvements thereon;

SUBJECT TO easements, reservations in patent and prior deeds, restrictive covenants, zoning regulations, tax and any other assessments for the year 2007 and thereafter.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this 23<sup>rd</sup> day of May, 2007.

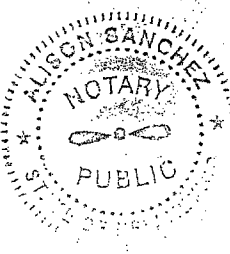
John C. Byington  
John C. Byington

Debbie A. Byington  
Debbie A. Byington

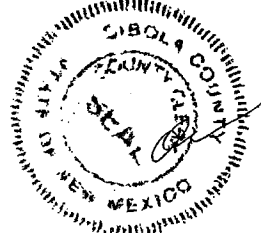
ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF New Mexico    }  
  } ss.  
COUNTY OF Cibola       }

This instrument was acknowledged before me this 23<sup>rd</sup> day of May, 2007, by John C. Byington and Debbie A. Byington, husband and wife.



Alison Sanchez  
Notary Public



My commission expires:  
3/25/2009