

**EXHIBIT B—
Relevant Contract Provisions Between Ohkay Owingeh
and its Testifying Experts (as provided to date)**

Richard Ford—Scope of Work dated February 7, 2007

3. Contractor is the lead expert witness for the Pueblo in the litigation. Contractor will work closely with the Consultant/Team Leader Kurt Anschuetz and other experts retained by the Pueblo in the development of cultural evidence in support of the Pueblo's case.

Stephan Hall—Scope of Work dated February 12, 2007

2. Contractor will work in consultation with Dr. Kurt Anschuetz, Team Leader of the panel of experts hired to examine and develop evidence with respect to the Pueblo's aboriginal water right claim in the Abbott adjudication area.
4. Contractor will inspect buried soil horizons and cultural features, which are believed to date to the late pre-Columbian period (ca. A.D. 1300-1450/1500) identified by Mr. Michael P. Marshall, Cibola Research Consultants, in exposed cutbanks during archaeological survey in 2006. This investigation will also include an inventory of the banks of other incised drainages of the Rio de Truchas and its tributaries through pedestrian reconnaissance in the attempt to locate additional buried soil horizons, as well as evidence of associated water control devices and other cultural features. . . .
6. Pollen analysis will be conducted by Dr. Vaughn Bryant, Professor, Texas A&M University, College Station, Texas The pollen studies will attempt to identify the presence of corn, beans, squash, cotton, or other agricultural plants from buried soil horizons, which are believed to represent the ground surfaces that pre-Columbian Tewa peoples occupied and used most intensively during the late pre-Columbian period.
7. Contractor shall prepare an Expert Report The preparation of this report shall be under the supervision of Dr. Anschuetz

William Hudspeth—Scope of Work dated April 17, 2006 (except as noted)

2. Contractor will work in consultation with Dr. Kurt Anschuetz, Team Leader of the panel of experts hired to examine and develop evidence with respect to the Pueblo's aboriginal water right claim in the Abbott adjudication area.
- 3.a. . . . the Contractor will consult with Dr. Anschuetz to define the areas within the geographic scope of New Mexico v. Abbott for each of these layers to avoid the expenditure of effort on tasks outside tracts of land which Ohkay Owingeh asserts claims of occupancy.
4. With respect to his established expertise in the critical assessment of pre-Columbian Tewa agricultural tactics and strategies within the Chama district . . . the Contractor will work with Dr. Anschuetz and other team members, most

especially the surface hydrologist, to consider incorporating available paleoclimatological information into the project database.

4. Contractor shall prepare and Expert Report . . . [that] will include at least the following four tasks.
 - a. Examine the natural environmental characteristics, including the unpredictability of precipitation, that pose challenges to sustaining crop production over time. . . .
 - b. Consider the kinds of water, including direct precipitation, runoff, permanent stream flows, and springs and seeps, managed by Pueblo populations generally, as documented by ethnographic and archaeological research.
 - c. Review the assemblages and spatial distributions of water management features used by Ohkay Owingeh's people and other Tewa Pueblo populations for the benefit of agricultural production, as reported by previous archaeological studies within the Tewa Basin. This examination will include a digest of available pollen evidence demonstrating that these water management features were built, used, and modified for the production of domesticated crops, such as corn, beans, squash, and cotton. It will also consider the pollen evidence cited by researchers working in the Tewa Basin in support of their argument that Tewa populations produced crops of useful native plants, such as Cheno-Ams and prickly pear, in their fields even during the times that they left their complexes fallow.
 - d. Apply the finding obtained through the examination of the above natural environmental, ethnographic, and archaeological data to explain the changing temporal and spatial patterns exhibited in the Tewas' aboriginal settlement and agricultural use of the Tewa Basin. (Scope of Work dated February 11, 2007.)
5. The preparation of this report shall be under the supervision of Dr. Anschuetz (Scope of Work dated February 11, 2007.)
6. . . . Contractor will also maintain on-going dialogue with the Expert Archaeologist (Mr. Michael P. Marshall, Cibola Archaeological Research Consultants) and the Expert Hydrologist (Mr. Mark E. Miller, D.B. Stephens & Associates) to appraise them immediately of findings relevant to their respective studies. (Scope of Work dated February 11, 2007.)

Michael Marshall and Henry Walt

[Attached to motion as Exhibit A.]

Thomas Merlan—Scope of Work dated May 2006

2. Subject to the specific terms of this Scope of Work, Contractor's work under this Contract will continue the research begun by Contractor on the Pueblo's behalf during 2005 and concluded with the submission of a draft report on February 1, 2006.
3. . . . [W]ith the knowledge and subject to the approval of the attorneys, Contractor will coordinate with other of the Pueblo's experts and consultants related to the Abbott case.

5. Contractor's second task shall be to perform historical research, and to prepare a confidential, privileged draft report addressed to the Pueblo's attorneys, yielding evidence and precedent that will assist the Pueblo's attorneys to address the following Question: Whether, and to what extent, Spanish land grants to non-Indians worked a defeasance of aboriginal Pueblo use and occupancy rights in New Mexico under Spanish law. . . .

Mark Miller—Scope of Work dated December 4, 2006

We understand that the Pueblo has assembled a team of legal and technical experts, and DBS&A will join this team to provide support in hydrology and water resources.

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DBS&A has already reviewed several reports by Dr. Kurt Anschuetz, Ph.D., and other researchers. Dr. Anschuetz has indicated that he will be providing additional reports for our use.

DBS&A also expects to send our Project Manager and one key staff member on an initial visit to become familiar with some of the archaeological evidence available. This site visit will be led by Dr. Anschuetz, who has indicated that a two-day field trip will be needed to see several sites in the two watersheds.

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Calculations of agricultural water use will be based on the creative practices used by the Pueblo to capture the limited water supplies available. The Pueblo's water management practices made only limited use of direct diversion of stream flows through irrigation canals. More important were small-scale surface water diversions and capture of rainfall, snowmelt, and overland stormwater runoff. . . . These practices do not fit neatly into modern concepts of water diversion for beneficial use under New Mexico water law. Our hydrologic assessment will establish the case to demonstrate that the water management practices used in the Pueblo's ancestral past were technologically innovative ways to capture and use water. Although some of these water capture mechanisms are relatively passive approaches . . . we will describe the rationale that all of these practices are active water management strategies.

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We anticipate providing the following:

- Draft report—for review and comment by the Pueblo, legal, and technical team
- Revised draft report—for final review and comment
- Final report—for submittal as evidence in the case