

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

STATE OF NEW MEXICO, ex rel. the —
State Engineer,

Plaintiff,

v.

JOHN ABBOTT, *et al.*,

Defendants.

68cv7488 BB-ACE

70cv8650 BB-ACE

Consolidated

Rio Santa Cruz and Rio Truchas

Stream Systems

Pueblo Claims Subproceeding II

**OHKAY OWINGEH'S REQUEST FOR PRODUCTION OF DOCUMENTS
PERTAINING TO THE EXPERT REPORTS OF Dr. STANLEY HORDES**

Pursuant to the applicable rules of procedure, subproceeding complainant Ohkay Owingeh hereby requests the State of New Mexico, *ex rel.* the State Engineer, to produce within thirty (30) days the following documents:

1. All contracts executed since January 1, 2002, between the State of New Mexico and Dr. Stanley Hordes under which he has provided expert assistance to the State and its agencies for the State's use in general stream adjudications.
2. The contract under which Dr. Hordes was operating in 2002 when he prepared a report for the State Legislature on the Treaty of Guadalupe Hidalgo.
3. A document referenced on page 55 of the transcript of the deposition of Dr. Hordes, described as Document No. 1367, Spanish Archives of New Mexico, Series I, and cited in one or both of the expert reports prepared by Dr. Hordes for the State Engineer in this case.
4. A document referenced in footnote 6 of Dr. Hordes' "Critique" Report in this matter, and also on page 56 of his deposition transcript, which is apparently a communication made in 1821.

5. Any documents which provide examples of actions taken by Spanish or Mexican officials to confine land use by Indian Pueblos to the four league square (or less) areas which Dr. Hordes argues constituted the only Indian Pueblo property rights recognized during the Spanish colonial period (except for additional land grants which may have been acquired or purchased by Indian Pueblos, over and above the allegedly basic four league square. See the question posed by counsel on page 69 of the transcript of Dr. Hordes' deposition, to which he answered "I can't cite any ... at the moment.")
6. All primary source documents, other than those produced in response to paragraph 5, above, which were relied on by Dr. Hordes to support his opinion that the four-league square constituted the maximum amount of land which New Mexico Indian Pueblos could receive from the Spanish Crown.
7. All documents, other than documents produced in response to paragraphs 5 or 6, which the State of New Mexico may use as exhibits to oppose the aboriginal title claim of Ohkay Owingeh to lands within the Abbott adjudication area.

Said materials are to be produced at a time and place agreed upon by counsel.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of this request by email to the following persons on the 2nd day of October, 2009:

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