

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

STATE OF NEW MEXICO ex rel.)	
State Engineer and THE UNITED)	
STATES OF AMERICA,)	No. 68cv7488-BB-ACE
)	No. 70cv8650-BB-ACE
Plaintiffs)	Consolidated
)	
v.)	
)	Rio Santa Cruz and
JOHN ABBOTT, et al.,)	Rio de Truchas Stream Systems
)	
Defendants)	Pueblo Subproceeding II

TRUCHAS ACEQUIAS’ FIRST AMENDED PRELIMINARY EXHIBIT LIST

Defendants Acequia Madre de Truchas, Acequia del Llano, Acequia de La Posesion, Acequia del Llano de Abeyta, and Acequia de Los Llanitos (collectively “Truchas Acequias”) file this their First Amended Preliminary Exhibit List, pursuant to the Special Master’s Stipulated Order Concerning Rule 26(a)(3) Disclosures [Doc. 2826]. The Truchas Acequias expect to offer all exhibits indicated with an *, below; they may offer all remaining exhibits if the need arises.

1. The curriculum vitae/resumé of Michael A. Adler, Ph.D.*
2. Adler report, “A Summation of Archaeological Findings in the Truchas Drainage,” dated February 7, 2009*
3. Adler report, “A Report on Archaeological Research in the Santa Cruz River Basin,” dated February 17, 2009*
4. References cited in the foregoing Adler reports, as follows:
 - a. Adler 1996, “The Great Period: The Pueblo world during the Pueblo III period*"
 - b. Adler 1999, “Picuris’ Place in the Pueblo World*"

- c. Adler and Dick 1999, Picuris Pueblo through Time
- d. Anschuetz 1994, Earning a Living in the Cool, High Desert
- e. Bandelier 1890-92, Final Report of the Investigations among the Indians of the Southwestern United States
- f. Biella 1979, Changing Residential Patterns among the Anasazi, A.D. 750-1515
- g. Bradfield 1971, The Changing Pattern of Hopi Agriculture
- h. Brown, Barton, McCaul 1987, Population Estimation from Floor Area*
- i. Kirk 1941, Pre-Columbian agriculture in the Southwest
- j. Casselberry 1972, Another Refinement of Formulae for Determining Population from Floor Area
- k. Cook 1970, Prehistoric Demography
- l. Cordell 1979, Cultural Resources Overview of the Middle Rio Grande Valley, New Mexico
- m. Cordell 1984, Prehistory of the Southwest
- n. Clark 1971, A Method for Determination of Prehistoric Pueblo Population Estimates*
- o. Crown, Orcutt and Kohler 1996, Pueblo cultures in transition: The northern Rio Grande
- p. Ellis 1964, History of Nambe Pueblo
- q. Ellis 1968, San Juan Pueblo's Water Use
- r. Ellis 1970, Irrigation and Water Works in the Rio Grande
- s. Ellis 1979, A Summary of Nambe Pueblo's Land Use and Irrigation Systems through 600 Years
- t. Haas and Creamer 1993, Stress and Warfare among the Kayenta Anasazi of the 13th Century A.D.

- u. Haas and Creamer 1996, The role of warfare in the Pueblo III period
 - v. Hammond and Rey 1940, Narratives of the Coronado Expedition 1540-42
 - w. Hammond and Rey 1953, Don Juan Onate, Colonizer of New Mexico, 1595-1628
 - x. Hammond and Rey 1966, Don Juan de Onate Colonizer of New Mexico, 1595-1628
 - y. Hill 1970, Broken K Pueblo: Prehistoric Social Organization in the American Southwest
 - z. Levine 1990, Tewa or Hispanic Manufacture?
 - aa. Lightfoot 1992, Archaeology of the House and Household
 - bb. Mera 1933, A Proposed Revision of the Rio Grande Glaze Paint Sequence*
 - cc. Mera 1934, Survey of the Biscuit Ware Area in Northern New Mexico*
 - dd. Mera 1935, Ceramic Clues to the Prehistory of North Central New Mexico*
 - ee. Mera and Wilson 2005, Guide to Ceramic Identification*
 - ff. Naroll 1962, Floor Area and Settlement Population
 - gg. Stuart and Gauthier 1981, Prehistoric New Mexico: Background for survey
 - hh. Wendorf and Reed 1955, An alternative reconstruction of northern Rio Grande prehistory
 - ii. Wilson 2005, Guide to Ceramic Identification
 - jj. Wozniak 1998, Irrigation in the Rio Grande Valley, New Mexico
5. The curriculum vitae/resumé of Dennis R. Cooper, P.E.*
6. Cooper report, "A Review and Analysis of Aerial Photographs for Irrigated

Agricultural Fields and Water Diversion Works on the San Juan Pueblo Grant Within the

Truchas Acequias' First Amended Preliminary Exhibit List

Geographic Scope of New Mexico v. Abbott Near the San Juan Airport,” dated February 13, 2009*

7. All aerial photographs referenced in the foregoing Cooper report (p. 3)*
 - a. 1935, National Records Group 114—1335 and 1336*
 - b. 12/02/1949, 1-189 and 1-190
 - c. 05/26/51, 2-137
 - d. 06/30/99, 9-010-9-011
 - e. 08/13/2003, 1-001 and 1-002
 - f. 12/04/2003, 6-001, 6-002 and 6-003
8. The curriculum vitae/resumé of Reid F. Bandeen, P.G.*
9. Bandeen report, “Irrigation Water Requirements in the Vicinity of Lands of Ohkay Owingeh Pueblo, New Mexico, State ex rel. State Engineer v. Abbott, et al.,” dated February 2, 2009*
10. References cited in the foregoing Bandeen report, as follows:
 - a. FAO 1998, Crop Evapotranspiration guidelines for computing crop water requirements*
 - b. USDA-SCS 1970, Irrigation Water Requirements, Technical release no. 21*
11. The curriculum vitae/resumé of Lawrence C. Kelly
12. Kelly report, “Report on Ohkay Owingeh (San Juan Pueblo) Water Rights from the Rio Santa Cruz Since 1924,” dated February 2009
14. The curriculum vitae/resumé of Michael M. Brescia, Ph.D.

15. Brescia report, “Historical Assessment of Ohkay Owingeh’s Water Rights in the Santa Cruz Valley Prior to 1924,” dated February 18, 2009
16. The curriculum vitae/resumé of G. Emlen Hall
17. Hall report, “The Water Rights of New Mexico Pueblos and Their Neighbors as of the End of Mexican Sovereignty in 1848,” dated September 5, 2008
18. The curriculum vitae/resumé of Stanly M. Hordes, Ph.D.
19. Hordes report, “Legal Status of the Pueblo Indians in New Mexico Under the Administration of Mexico, and the Historical Context for the Protections of Land and Water by the Treaty of Guadalupe Hidalgo,” dated September 5, 2008
20. Hordes report, “Critique of Thomas Merlan’s ‘Draft Report to Legal Council, Land and Water Law and Practice in New Mexico in the Spanish and Mexican Periods, With Special Reference to the Pueblo of Ohkay Owingeh’ (July 25, 2007), Charles Cutter’s ‘The Pueblos of Santa Clara and San Juan in the Spanish and Mexican Periods’ (September 20, 2006), and Mark Miller’s ‘Hydrological Assessment of Ohkay Owingeh Aboriginal Water Rights Within the Geographic Scope of *New Mexico v. Abbott*’ (August 6, 2007),” dated September 5, 2008
21. The curriculum vitae/resumé of B. Sunday Eiselt, Ph.D.
22. Eiselt report, “Critical Review of United States and Ohkay Owingeh Expert Reports Regarding Precolumbian Water Use in the Santa Cruz and Truchas Watersheds New Mexico v. Abbott,” dated September 4, 2008

23. Eiselt report, "Sangre de Cristo Micaceous Clays and Picuris Pueblo Ceramics: Geochemical Evidence for a Picuris Pueblo Clay Source District and Use of the Molo Nan Na Source Area," dated December 20, 2005
24. The curriculum vitae/resumé for Michael Sully, Ph.D.
25. Sully report, "Review of 'Hydrological Assessment of Ohkay Owingeh Aboriginal Water Rights Within the Geographic Scope of New Mexico v. Abbott' by M. Miller, Daniel B. Stephens and Associates'," dated August 28, 2008
26. The curriculum vitae/resumé for John w. Longworth, P.E.
27. The curriculum vitae/resumé for Molly L Magnuson, P.E.
28. The curriculum vitae/resumé for Mary Kay Brengosz, P.E.
29. The curriculum vitae/resumé for Zohrab Samani, Ph.D., P.E.
30. The curriculum vitae/resumé for Carl Eugene Franzoy, P.E.
31. Longworth and Magnuson report, "Summary of Consumptive Irrigation Requirements, Farm Delivery Requirements, and Project Diversion Requirements for Modern and Pre-Columbian Crops," dated September 5, 2008
32. Brengosz Report, "Climate Data Assessment and Calculation of Crop ET and Reference ETo, Ohkay Owingeh Pueblo," dated September 5, 2008
33. Samani Report, "Calculation of Crop Water Use for Pueblo of Ohkay-Owingeh," dated September 5, 2008
34. Franzoy Report, "Report on Climate Station Assessment and On-farm and Conveyance Efficiencies," dated September 5, 2008
35. The curriculum vitae/resumé for Jay Lazarus

36. The curriculum vitae/resume for Jim Riesterer
37. Riesterer and Lazarus report, "Evaluation of the Effects of Ohkay Owingeh Pueblo's Water Rights Claims in NM v. Abbott on City of Espanola Wells and Ground Water Rights," dated February 2009
38. Anschuetz dissertation, "Not Waiting for the Rain: Integrated Systems of Water Management by Pre-Columbian Pueblo Farmers in North-Central New Mexico," dated 1998
39. Anschuetz and Camilli report, "Draft: Critical Assessment of Pre-Columbian and Early Historic Period Pueblo Irrigation Agricultural Tactics and Strategies in the Rio Chama and Rio Santa Cruz Watersheds," dated July 1999
40. Anschuetz, Ferguson, Merlan report, "San Juan Pueblo's Enduring Associations With its Traditional Homelands: Archaeological, Historical, and Ethnographic Documentation of the Tewa Cultural Landscape," dated September 28, 2001*
41. Anschuetz and Schaafsma draft report, "Senses of Place and Constructions of Affiliation: Hueco Tanks State Historical Park Ethnographic Study," dated June 4, 2002
42. Earle and Carmichael, "Rights of Passage: Cultural Claims to Hueco Tanks State Historical Park," *Practicing Anthropology*, Vol. 27, No. 4, Fall 2005
43. Camilli and Anschuetz report, "Draft: Aerial Photointerpretive and Supporting Archaeological Studies of Pre-Columbian and Historic Period Pueblo Agricultural Fields and the San Juan Pueblo Grant Within the Geographic Scope of New Mexico versus Abbott," dated December 12, 2002*
44. Anschuetz presentation, "The Reflection of European History on Pueblo Water Uses; a Refraction of Indigenous Cultural-Historical Process," dated October 27, 2003*

45. References cited in the Anschuetz, Camilli, Banet expert report submitted in this matter, as follows:
- a. Doolittle 2000, *Cultivated Landscapes of North America*
 - b. Ford and Anschuetz 1995, Pesedeuinge Pueblo Pottery Identification
 - c. Maxwell and Anschuetz 1992, The Southwestern Ethnographic Record and Prehistoric Agricultural Diversity
 - d. Mera 1991, *Style Trends of Pueblo Pottery 1500-1840*
 - e. Dethier, Harrington and Arldrich 1988, Late Cenozoic Rates of Erosion in the Western Espanola Basin, New Mexico
 - f. Dick-Peddie 1993, *New Mexico Vegetation*
 - g. Dunmire and Tierney 1995, *Wild Plants of the Pueblo Province*
 - h. Maker, Dregne, Link and Anderson 1978, *Soils of New Mexico*
 - i. NOAA 1995, El Rito Precipitation Data
 - j. Palmer 1965, *Meteorological Drought*
 - k. Snead 1995, *Beyond Pueblo Walls*
 - l. Stockton and Meko 1975, A Long-Term History of Drought Occurrence in the Western United States
 - m. Weigle 1975, *Hispanic Villages of Northern New Mexico*
 - o. Anschuetz and Scheick 1996, The Pre-Colombian Archaeology of the Geographic Subdivisions
 - p. Bandelier 1890-92, *Final Report of Investigation among Indians of the Southwestern United States*
 - q. Benavides 1945, *Fray Alonso de Benavides' Revised Memorial of 1634*
 - r. Camilli 1999a, The Santa Cruz Archaeological Database
 - s. Camilli 1999b, Field Reconnaissance

- t. Castano de Sosa 1965, *A Colony on the Move*
- u. Ellis 1987, The Long Lost “City” of San Gabriel del Yunge
- v. Ellis 1989, *San Gabriel del Yunge*
- w. Ellis and Dodge 1992, A Window on San Gabriel
- x. Enloe, Smith and Peckham 1974, *An Archaeological Survey of the San Juan-to-Ojo 345 KV Transmission Line*
- y. Fiero 1978, *Draft Final Report: Prehistoric Garden Plots along the Lower Rio Chama Valley*
- z. Ford 1987, The New Pueblo Economy
- aa. Hammond and Rey 1940, *Narratives of the Coronado Expedition, 1540-1542*
- bb. Hammond and Rey 1966, *The Rediscovery of New Mexico, 1580-1594*
- ee. Mera 1934, *A Survey of the Biscuit Ware Area in Northern New Mexico*
- dd. Mera 1935, *Ceramic Clues to the Prehistory of North Central New Mexico*
- ee. Mera 1991, *Style Trends of Pueblo Pottery 1500-1840*
- ff. Scheick and Deyloff 2003, *Draft Report: Landscapes of the Tewa Basin*
- gg. Schroeder 1953, Brief History of the Chama Basin
- hh. Schroeder 1979, Pueblos Abandoned in Historic Times
- ii. Wilcox 1991, Changing Contexts of Pueblo Adaptations
- jj. Williams 1996a, LA 112535
- kk. Williams 1996b, LA 57
- ll. Williams 1996c, LA 255
- mm. Williams 1996d, LA 112532

- nn. Williams 1996e, LA 112533
 - oo. Williams and Glass 1992, LA 98319
 - pp. Willams and Nyland 1999, LA129082
 - qq. Freeman 2000, Application of High Resolution Alluvial Stratigraphy
 - rr. Konig and Manley 2003, *Geolgoic Map of the San Juan Pueblo*
 - ss. Hawley 1936, *Field Manual of Prehistoric Southwestern Pottery Types*
 - tt. Mera 1991, *Style Trends of Pueblo Pottery 1500-1840*
46. Outline of “Selected Introductory Readings: Rio Grande Pueblo Agriculture and the Tewa Occupation of the Tewa Basin,” by Kurt Anschuetz*
47. Professional services contract(s) by and between Kurt Anschuetz and the United States
48. Professional services contract(s) by and between Kurt Anschuetz and/or the Rio Grande Foundation for Communities & Cultural Landscapes and Ohkay Owingeh/San Juan Pueblo*
49. Time sheets and invoices and associated communications of Kurt Anschuetz submitted to the United States
50. Time sheets and invoices and associated communications of Kurt Anschuetz submitted to Ohkay Owingeh*
51. Notes of Kurt Anschuetz produced September 18, 2010
52. E-mail and other communications (including attachments) by and between Kurt Anschuetz and any other person or entity concerning this matter, including but not limited to communications dated:

- a. July 22, 2005
 - b. August 3, 2005
- (and as otherwise indicated below)

53. E-mail and other communications by and between Humphrey & Odé, P.C. and the Texas Parks and Wildlife Department

54. References cited in the Banet expert reports submitted in this matter, as follows:

- a. Anschuetz, Camilli and Banet 2004, *Site Data Package*
- b. Bureau of Indian Affairs in consultation with Gonzales 1997, *Santa Clara Pueblo*
- c. Bureau of Indian Affairs in consultation with Gonzales 1997, *San Juan Pueblo—Santa Cruz River and Rio Chama*

55. References cited in the Camilli expert report submitted in this matter, as follows:

- a. Susan J. Smith 2003, Preliminary Report

56. Braden, “Resistivity Survey on San Juan Pueblo,” dated October 29, 2002

57. Smith, “La Mesita la Cañada Ancha Pollen Analysis,” dated May 30, 1999

58. References cited in the Cutter expert report submitted in this matter, as follows:

- a. Kessell, et al. 1992, By Force of Arms: The Journals of don Diego de Vargas
- b. Kessell, et al. 1998, Blood on the Boulders: The Journals of don Diego de Vargas
- c. Gerhard 1993, The Northern Frontier of New Spain
- d. Kessell 1989, “Spaniards and Pueblos: From Crusading Intolerance to Pragmatic Accommodation”
- e. Jones 1966, Pueblo Warriors and Spanish Conquest
- f. Jenkins 1972, “Spanish Land Grants in the Tewa Area”

59. Cutter and Norton, "Ysleta Del Sur Pueblo Land Claims: An Evaluation," dated November 17, 2004
60. References cited in the Norton expert report submitted in this matter, as follows:
 - a. Abert's New Mexico Report, 1846-47 (1962)
61. References cited in the Allen expert report submitted in this matter, as follows:
 - a. Food and Agricultural Organization of the United Nations 1998, FAO Irrigation and Drainage Paper 56
 - b. U.S. Department of Agriculture, Soil Conservation Service 1970, *Irrigation Water Requirements*
62. Natural Resources Consulting Engineers, Inc. 1997, Engineering Design and Cost Estimation for the Santa Cruz River Basin Irrigation Project
63. Stoneman 1997, Draft Irrigation Suitability Land Classification of Selected Lands on the Pueblos of Santa Clara, San Juan and San Ildefonso
64. Memo, Peter White to Brian C. Wilson, March 2, 1995, Quantification of irrigation water requirements in the Santa Cruz River drainage basin in Santa Fe and Rio Arriba counties
65. References cited in the Ford expert report submitted in this matter, as follows:
 - a. Aberle, Watkins and Pitney 1940, The Vital History of San Juan Pueblo
 - b. Abert 1962, *Abert's New Mexico Report 1846-1847*
 - c. Army 1970, *Tabular Statement of Indian Pueblos*
 - d. Benavides 1945, *Fray Alonso de Benavides' Revised Memorial of 1634*
 - e. Calkins 1936, *Reconnaissance Survey of Human Dependency*
 - f. Calkins 1937, *Inventory of Material on the Rio Grande Watershed*

- g. Carlson 1975, Spanish-American Acquisition of Cropland
- h. Cutter 1988, The Administration of Law in Colonial New Mexico
- i. Davis 1997, *Conservation and Culture*
- j. Dinwiddie 1986, Indians, Hispanos, and Land Reform
- k. Dozier 1970, *The Pueblo Indians of North America*
- l. Dunmire 2004, *Gardens of New Spain*
- m. Ellis 1968, San Juan Pueblo's Water Use
- n. Ellis 1989, *San Gabriel del Yunque as Seen by an Archaeologist*
- o. Harris 1936, Technical Report Soil Erosion Survey, San Juan Pueblo Grant
- p. Hodges 1937, Report on Irrigation and Water Supply of the Pueblos of New Mexico
- q. Ortiz 1969, *The Tewa World: Space, Time, Being, and Becoming in a Pueblo Society*
- r. Poore 1983, Condition of 16 New Mexico Indian Pueblos, 1890
- s. Schroeder and Matson 1965, *Colony on the Move*
- t. Shevky 1939, Pueblo Indians: Tewa Basin Study, Vol. 1
- u. Soil Conservation Service 1937, Annual Report for Fiscal Year Ending June 30, 1937
- v. Twitchell 1914, The Spanish Archives of New Mexico, Volume II
- w. Ward 1865, No. 73 *Report of the Commission of Indian Affairs for the Year 1864*

66. Ford Ph.D dissertation, "An Ecological Analysis Involving the Populations of San Juan Pueblo, New Mexico," dated 1968

67. Professional services contract(s) by and between Richard Ford and Ohkay Owingeh*
68. Time sheets and invoices and associated communications submitted by Richard Ford to Ohkay Owingeh
69. E-mail and other communications (including attachments) by and between Richard Ford and any other person or entity concerning this matter, including but not limited to communications dated:

- a. June 30, 2005
- b. July 12, 2005
- c. July 22, 2005
- d. August 3, 2005
- e. December 5, 2005
- f. January 30, 2006
- g. February 20, 2006
- h. April 25, 2006
- i. May 3, 2006
- j. May 9, 2006
- k. May 11, 2006
- l. June 8, 2006
- m. February 10, 2007
- n. February 11, 2007
- o. February 24 – 26, 2007
- p. March 14, 2007
- q. April 6, 2007
- r. May 8, 2007
- s. May 11, 2007
- t. May 25, 2007
- u. May 26, 2007
- v. June 2, 2007
- w. July 5, 2007
- x. July 14, 2007
- y. July 30, 31, 2007
- z. September 15, 2007
- aa. June 6, 2008
- bb. August 8, 2009
- cc. August 11, 2009
- dd. August 19, 2009

70. References cited in the Marshall and Walt expert report submitted in this matter, as follows:

- a. Archuleta 1968, Testimony of E. Archleta
- b. Bachman 1977, *Mineral and Water Resources of New Mexico*
- c. Baker, Maxwell, Treat, and Dethloff 1988, *Timeless Heritage*
- d. Bandelier 1890, *Final Report of Investigations*
- e. Batkin 1987, *Pottery of the Pueblos of New Mexico, 1700-1940*
- f. Barrett 1997, *The Geography of the Rio Grande Pueblos*
- g. Blumenschein 1968, Historic Roads and Trails to Taos
- h. Bowden 1969, *Private Land Claims in the Southwest*
- i. Cockerell 1903, A Trip to the Truchas Peaks
- j. Corral 2004, Llano Abeyta Stewardship Block I
- k. Crown 1996, Pueblo Cultures in Transition
- l. Curtis 1926, *The Tewa North American Indian*
- m. Douglas 1912, A World Quarter Shrine of the Tewa Indians
- n. Douglas 1917, Notes on the Shrines of the Tewas and Other Pueblo Indians
- o. Dozier 1970, *The Pueblo Indians of North America*
- p. Doris Duke Foundation 1967-72, American Indian oral history collection
- q. Eiselt 2005, A Brief Guide to the Identification of Historic Micaceous Ceramics
- r. Ellis 1979c, A Summary of Nambe Pueblo's Land Use
- s. Espinosa 1940, *The First Expedition of Vargas into New Mexico, 1692*

- t. Fowles 2004, Tewa versus Tiwa
- u. Friedlander and Pinyan 1980, Indian Use of the Santa Fe National Forest
- v. Futch 1996, An Archaeological Survey in the Santa Cruz Grant
- w. Gossett and Gossett 1987, Cultural Resource Inventory of 27 Acres
- x. Jacobs and Binford 2004, *My Life in San Juan Pueblo*
- y. Jenkins 1972, Spanish Land Grants in the Tewa Area
- z. Jenkins and Baxter 1986, Settlement and Irrigation in the Santa Cruz-Quemado Watershed
- aa. Johnson 1976, *Reminiscences of a Forest Ranger, 1914-1944*
- bb. Kenner 1969, *A History of New Mexico-Plains Indians Relations*
- cc. Kessell and Hendricks 1992, *By Force of Arms*
- dd. Kessell, Hendricks and Dodge 1998, *Blood on the Boulders*
- ee. Ladd 1983, Pueblo Use of High Altitude Areas
- ff. Lange and Riley 1966, *The Southwestern Journals of Adolph F. Bandelier 1880-1882*
- gg. Lange, Riley and Lange 1975, *The Southwestern Journals of Adolph F. Bandelier 1885-1888*
- hh. Lent and Goodman 1992, Archaeological Testing and a Brief Ethnohistory
- ii. Levine 1996, Ethnographic Uses of the Santa Fe National Forest
- jj. Loebig and Acklen 2000, Cultural Resource Survey of NM 76
- kk. Mera 1940, *Population Changes in the Rio Grande Glaze Paint Area*
- ll. Riley 1995, *Rio del Norte*
- mm. Salazar 1980, Nuestra Senora del Rosario

- nn. Schroeder 1984, *The Tewa Indians of the Rio Grande and Their Neighbors*
- oo. Smith 2000, *Pollen Analysis*
- pp. Snead 1995b, *Beyond Pueblo Walls*
- qq. Spivey 2000, *Traditional Cultural Properties Survey of NM 76*
- rr. Usner 1995, *Sabino's Map*
- ss. U.S. Indian Land Research Unit 1935-39, *The Indian Pueblos*
- tt. Walt and Marshall 2003, *The Cultural and Sacred Landscape of Isleta Pueblo*
- uu. Williams 1992, *Cultural Resource Inventory*
- vv. Williams 1997, *Cultural Resource Reconnaissance and Recording*
- ww. Williams 2000, *Cultural Resource Reconnaissance Inventory*
- xx. Witt 1969, *Migration into San Juan Indian Pueblo*
- yy. Woodbury 1999, *Evidence of Prehistoric Farming in the Vicinity of Picuris Pueblo*
- zz. Wyatt 1996, *Cultural Resource Survey of the Community Clay Pit*
- aaa. Coleman 1897, *Map based on 1869-1897 surveys*
- bbb. Easley 1896, *Map of Nuestra Senora del Rosario San Fernando y Santiago Grant*
- ccc. Wheeler 1876, *U.S. Geographically Surveys West of the 100th Meridian*
- ddd. Soil Conservation Service 1935, *Aerial photographic maps*
- eee. Boyer 1996, *LA 144*
- fff. Camilli, Banet, Heoptner, and Anschuetz 2004, *El Potrero Site*
- ggg. Eagle 1981, *LA 158*
- hhh. Williams 1985, *LA 264*

- iii. Williams 1987, LA 254
- jjj. Williams 1997, LA 112533
- kkk. Williams and Bremer 2000, LA 125546
- lll. Williams and Nyland 1999, LA 129082
- mmm. Williams and Schoeneberg 1996, LA 158

71. Photographs taken by Anschuetz, Marshall, Merlan and/or Walt in connection with their work and reports, “produced as Ohkay Owingeh project photos”

72. GPS coordinates of Marshall and Walt

73. Professional services contract(s) by and between Michael Marshall/Cibola Research Consultants and Ohkay Owingeh*

74. Professional services contract(s) by and between Henry Walt and Ohkay Owingeh*

75. Times sheets and invoices and associated communications of Michael Marshall/Cibola Research Consultants submitted to Ohkay Owingeh*

76. Time sheets and invoices and associated communications of Henry Walt submitted to Ohkay Owingeh*

77. E-mail and other communications (including attachments) by and between Michael Marshall and any other person or entity concerning this matter, including but not limited to communications dated:

- a. January 15, 2006
- b. May 26, 27, 2006
- c. December 6, 7, 2006
- d. January 8 2007
- e. February 1, 2007

- f. February 22, 2007
- g. April 4, 2007
- h. April 29, 2007
- i. May 3, 2007
- k. June 5, 6, 2007
- l. July 8 - 10, 2007
- m. July 13, 2007
- n. July 15 – 19, 2007
- o. July 21, 2007
- p. July 31, 2007
- q. March 29, 2009

78. E-mail and other communications (including attachments) by and between Henry Walt and any other person or entity concerning this matter, including but not limited to communications dated:

- a. June 5, 2009
(and as otherwise indicated above)

79. Marshall and Walt “Preliminary Outline for Archeological Research on San Juan Pueblo Land Use-Continuity and Water Use in the Truchas and Santa Cruz Drainage Systems,” dated January 3, 2006*

80. Anschuetz “Comments on Preliminary Outline” dated January 15, 2006*

81. Donald Brown, Henry Walt, Elizabeth Brandt report, “The Cultural Landscape of Picuris Pueblo,” dated November 2005*

82. David White’s May 1995 affidavit, “An Evaluation of Picuris Pueblo Traditional Cultural Properties in the Rio Pueblo Drainage, Taos and Mora Counties, New Mexico.”*

83. Elizabeth A. Brandt’s 2001, 2002 Picuris field notes*

84. References cited in the Merlan expert report submitted in this matter, as follows:

- a. Aberle 1940, *The Vital History of San Juan Pueblo*
- b. Aberle 1948, *The Pueblo Indians of New Mexico*

- c. Haring 1947, *The Spanish Empire in America*
- d. Hayden 1869, *Preliminary Field Report of the USGS*
- e. Hodges 1938, *Report on Irrigation and Water Supply of the Pueblos of New Mexico*

85. Merlan preliminary report dated January 2006 submitted pursuant to a November 8, 2005 Professional Services Contract with the Pueblo of San Juan

86. Professional services contract(s) by and between Thomas Merlan and Ohkay Owingeh*

87. Time sheets and invoices and associated communications of Thomas Merlan submitted to Ohkay Owingeh*

88. E-mail and other communications (including attachments) by and between Thomas Merlan and any other person or entity concerning this matter, including but not limited to communications dated:

- a. May 23, 2005
- b. June 29, 2005
- c. July 11, 2005
- d. October 27, 2005
- e. October 31, 2005
- f. November 9, 2005
- g. November 20, 2005
- h. December 9, 2005
- i. February 20, 2006
- j. April 18, 2006
- k. May 8, 2006

89. References cited in the Hudspeth expert report submitted in this matter, as follows:

- a. Anonymous 1922, Traslado de las Nuevas

- b. Adams 1979, Cold Air Drainage and Length of Growing Season
- c. Agoyo 2003, Testimony Before the Interim Land Grant Committee
- d. Aldrich and Leng 1965, *Modern Corn Production*
- e. Arnon 1975, Physiological Principles of Dryland Crop Production
- f. Barlow 1997, *Foragers That Farm: A Behavioral Ecology Approach*
- g. Brandt 1995, Traditional Agriculture on the Zuni Indian Reservation
- h. Bugé 1984, Prehistoric subsistence strategies in the Ojo Caliente Valley
- i. Carter and Anderson 1945, A Preliminary Survey of Maize in the Southwestern United States
- j. Clary 1987, *Pollen Evidence*
- k. Claasen and Shaw 1970a, Water Deficit Effects on Corn, I
- l. Claasen and Shaw 1970b, Water Deficit Effects on Corn, II
- m. Collins 1914, A Drought-Resistant Adaptation of Seedlings in Hopi Maize
- o. Cordell and Binford 1984, Subsistence Systems in the Mountainous Setting of the Rio Grande Valley
- p. Diehl 2000, Appendix D
- q. Hanway 1962, Corn Growth and Composition in Relation to Soil Fertility, I
- r. Hegmon 1989, Risk Reduction and Variation in Agricultural Economies
- s. Jorde 1977, Precipitation Cycles and Cultural Buffering
- t. Maxwell 1995, A Comparative Study of Prehistoric Farming Strategies
- u. Maxwell 2000, *Looking for Adaptation*
- v. NOAA 1995, *El Rito Precipitation Data*

- w. Parry and Carter 1988, The Assessment of Effects of Climactic Variations on Agriculture
- x. Poore 1893, Condition of 16 New Mexico Indian Pueblos, 1890
- y. Simmons 1969, Settlement Patterns and Village Plans
- z. Simmons 1972, Spanish Irrigation Practices in New Mexico
- aa. Simmons 1992, Hygene, Sanitation, and Public Health in Hispanic New Mexico
- bb. Valverde 1953a, Investigation of Conditions in New Mexico, 1601
- cc. Valverde 1953b, Inquiry Concerning the New Provinces in the North, 1602

90. Hudspeth dissertation, “The Evolutionary Ecology of Behavioral Response to Risk Among Prehistoric Agriculturalists of the Lower Rio Chama, New Mexico,” dated 2000*

91. Exhibits to the deposition of William Hudspeth taken in this case on August 27, 2009, as follows:*

- a. Exhibit C
- b. Exhibit D
- c. Exhibit E
- d. Exhibit F
- e. Exhibit G
- f. Exhibit H
- g. Exhibit I

92. Professional services contract(s) by and between William Hudspeth and Ohkay Owingeh*

93. Time sheets, invoices and associated communications of William Hudspeth submitted to Ohkay Owingeh*

94. E-mail and other communications (including attachments) by and between William Hudspeth and any other person or entity concerning this matter, including but not limited to communications dated:

- a. January 25, 2006
- b. January 28, 2005
- c. May 19, 2006
- d. June 12, 2006
- e. June 15, 2006
- f. July 5, 2006
- g. August 29, 2006
- h. May 16, 2007

95. Summary of Discussion, Bill Hudspeth and Kurt Anschuetz, January 23, 2007*

96. Outline of Expert Report prepared by Dr. William Hudspeth*

97. References cited in the Hall expert report submitted in this matter, as follows:

- a. Pazzaglia and Hawley 2004, Neogene (rift flank) and Quaternary geology and geomorphology
- b. Bryant and Hall 1993, Archaeological palynology in the USA
- c. Bryant and Holloway 1983, The role of palynology in archaeology

98. Vaughn M. Bryant report, "Pollen Analysis of Sediments in the Lower Valley of the Rio de Truchas Drainage, New Mexico," dated July 15, 2007 and attached as Exhibit A to Stephen Hall report, "Sedimentation History of the Rio de Truchas and its Implications to Late Prehistoric Archaeology and Land Use," dated August 3, 2007*

99. Reneau, McDonald, Gardner, Kolbe, Carney, Watt and Longmire 1996, Erosion and Deposition on the Pajarito Plateau, New Mexico, and Implications for Geomorphic Responses to Late Quaternary Climatic Changes, New Mexico Geological Society Guidebook, 47th Field Conference, Jemez Mountains Region

100. Hall and Periman 2007, Unusual Holocene Alluvial Record from Rio Del Oso, Jemez Mountains, New Mexico: Paleoclimatic and Archaeologic Significance, New Mexico Geological Society Guidebook, 58th Field Conference, Geology of the Jemez Mountains Region II

101. Miller and Wendorf 1957, Alluvial Chronology of the Tesuque Valley, New Mexico

102. Professional services contract(s) by and between Stephen Hall and Ohkay Owingeh*

103. Time sheets and invoices and associated communications of Stephen Hall submitted to Ohkay Owingeh*

104. E-mail and other communications (including attachments) by and between Stephen Hall and any other person or entity concerning this matter, including but not limited to communications dated:

- a. March 27, 2007
- b. March 22, 2009

105. References cited in the Miller/Daniel B. Stephens and Associates, Inc. expert report submitted in this matter, as follows:

- a. Adams 1966, Influence of mulches on runoff, erosion, and soil moisture depletion
- b. Kemper, Nicks and Corey 1994, Accumulation of water in soils under gravel and sand mulches
- c. Wilson, Romero and Romero 2003, Water use by categories in New Mexico counties and river basins

106. Professional services contract(s) by and between Mark Miller/Daniel B. Stephens and Associates, Inc. and Ohkay Owingeh*

107. Time sheets and invoices and associated communications of Mark Miller/Daniel B. Stephens and Associates, Inc. to Ohkay Owingeh*

108. E-mail and other communications (including attachments) by and between Mark Miller/Daniel B. Stephens and Associates, Inc. and any other person or entity concerning this matter, including but not limited to communications dated:

- a. November 10, 2005
- b. December 4, 2006
- c. July 13, 2007
- d. July 22, 23, 2007

109. Transcription of Simon Cata interview of February 23, 2007

110. Documents reflecting payments made to Ohkay Owingeh's witnesses in this matter

111. All confidentiality agreements by and between Ohkay Owingeh and its experts

112. Disclosure and Representation form

113. All notes, memos and draft reports by Richard Ford

114. All notes, memos and draft reports by Michael Marshall and Henry Walt

115. All notes, memos and draft reports by Mark Miller

116. All notes pertaining to and/or edits of reports by Ohkay Owingeh's expert witnesses, including but not limited to:*

- a. KFA Comments July 9, 2007
- b. Hydrologic Assessment DRAFT 7-22-07
- c. Hydrologic Assessment DRAFT 7-22-7—kfa review

117. Ohkay Owingeh Check/Voucher Register for 1/1/2006 through 10/31/2009
118. Memo dated May 24, 2005 from Lee Bergen to Governor and Water Commission, Pueblo of San Juan*
119. Letter dated June 29, 2005 from Lee Bergen to Thomas Merlan*
120. Letter dated June 30, 2005 from Lee Bergen to Richard Ford*
121. E-mail dated February 20, 2006 from Tim Vollmann to Herman Agoyo, et al.*
122. U.S.G.S. maps of the adjudication and surrounding areas*
123. New Mexico State Engineer's Office, Upper Rio Grande Hydrographic Survey Report, Volume 1, Santa Cruz River Section, 1961
124. New Mexico State Engineer's Office, Rio de Truchas Hydrographic Survey Map Sheet 7, 1970
125. New Mexico State Engineer's Office, Rio de Truchas Hydrographic Survey, Key Map, 1970
126. New Mexico State Engineer's Office, Santa Cruz River, Hydrographic Survey, Key Map, 1964
127. Office of the State Engineer Hydrographic Survey Section map, "Boundary of the Santa Cruz River and the Rio de Truchas Adjudications, NM v Abbott as Called for in Special Master's Report on the Scope of the Adjudication," dated July 1999*
128. United States Bureau of Land Management maps of the adjudication and surrounding areas
129. United States Forest Service maps of the adjudication and surrounding areas
130. Photographs of the adjudication and surrounding areas

- a. Tsigubu'u butte and surrounding areas
- b. Tsigubu'u butte and surrounding areas
- c. Tsigubu'u butte and surrounding areas
- d. Tsigubu'u butte and surrounding areas
- e. Tsigubu'u butte and surrounding areas
- f. Tsigubu'u butte and surrounding areas
- g. Tsigubu'u butte and surrounding areas
- h. Tsigubu'u butte and surrounding areas
- i. Tsigubu'u butte and surrounding areas
- j. Tsigubu'u butte and surrounding areas
- l. Tsigubu'u butte and surrounding areas
- m. Tsigubu'u butte and surrounding areas
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- p. Tsigubu'u butte and surrounding areas
- q. Tsigubu'u butte and surrounding areas
- r. Tsigubu'u butte and surrounding areas
- s. Tsigubu'u butte and surrounding areas
- t. Tsigubu'u butte and surrounding areas
- u. Tsigubu'u butte and surrounding areas
- v. Tsigubu'u butte and surrounding areas
- w. Tsigubu'u butte and surrounding areas

- x. Tsigubu'u butte and surrounding areas
- y. Tsigubu'u butte and surrounding areas
- z. Airport site visit
- aa. Airport site visit
- bb. Airport site visit
- cc. Airport site visit
- dd. Airport site visit
- ee. Truchas drainage
- ff. Truchas drainage
- gg. Truchas drainage
- hh. Truchas drainage
- ii. Truchas drainage
- jj. Truchas drainage
- kk. Truchas drainage
- ll. Truchas drainage
- mm. Truchas drainage
- nn. Truchas drainage

131. Harrington's The Ethnography of the Tewa Indians as reflected in the Twenty-Ninth Annual Report of the Bureau of American Ethnology 1907-1908, Government Printing Office 1916 (in part)

132. Alfonso Ortiz's The Tewa World (in part)

133. David H. Dinwoodie, "Indians, Hispanos, and Land Reform: A New Deal Struggle in New Mexico," *Western Historical Quarterly*, Vol. 17, No. 3 (July 1986)

134. Stephen Lent and Linda Goodman article, "Archaeological Testing and a Brief Ethnohistory of San Gabriel de Yunge Owinge, San Juan Pueblo, New Mexico," dated 1992

135. State v. Abbott, "United States Statement of Claims for Water Rights of the Pueblos of San Juan, Santa Clara, San Ildefonso, Pojoaque and Nambe," filed April 29, 1997

136. David Dornbush & Co., "Economic Analysis of Future Agricultural & Non-Agricultural Uses: Santa Cruz River Adjudication"

137. Stoneman & Associates, Inc., "Irrigation Suitability Land Classification of Selected Lands on the Pueblos of Santa Clara, San Juan, San Ildefonso and Pojoaque," April 14, 1997

138. Natural Resources Consulting Engineers, Inc., "Engineering Design and Cost Estimation for the Santa Cruz River Basin Irrigation Project in the San Juan, Santa Clara, San Ildefonso, and Pojoaque Pueblos, New Mexico," April 24, 1997

139. Bureau of Indian Affairs, San Juan Pueblo 1997 Santa Cruz River Water Use Survey, April 1997

140. Brian C. Wilson, Office of the State Engineer, "Quantification of irrigation water requirements in the Santa Cruz River drainage basin in Santa Fe and Rio Arriba counties," March 2, 1995

141. October 27, 1937 Interdepartmental Rio Grande Committee Recommendation for Transfer of Jurisdiction, Allocation of Use Rights, and Administration of Indian Land Purchase Projects in New Mexico

142. Indian Claims Commission Act
143. Indian Claims Commission General Rules of Procedure
144. Organic Act and other legislation creating the Santa Fe National Forest*
145. Organic Act and other legislation creating the Carson National Forest*

In addition to the foregoing, Truchas Acequias reserve the right to use:

- for purposes of cross-examination, the reports of any experts submitted in this matter;
- for purposes of cross-examination, the deposition of any experts taken in this matter;
- any exhibit identified by any other party in this matter;
- any maps produced by any expert or party in this case;
- summaries of any of the foregoing exhibits;
- written discovery responses by any party in this matter;
- exhibits disclosed as a result of or necessitated by pending/outstanding discovery disputes in this matter;
- exhibits or matters used for impeachment purposes only;
- rebuttal exhibits that cannot be reasonably anticipated prior to trial.

Respectfully submitted,

Humphrey & Odé, P.C.

By: Connie Odé

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Certificate of Service

I hereby certify that on the 1st day of October 2010, I served a copy of this document electronically through the CM/ECF system.

s/

Connie Odé