

New Mexico v. Abbott  
Pueblo Claim Subproceeding II

## **Exhibit 5a**

to

**OHKAY OWINGEH'S REPLY TO THE SANTA CRUZ ACEQUIAS'  
& STATE OF NEW MEXICO'S RESPONSES (Docs. #2736 & 2751)  
CONCURRING IN TRUCHAS ACEQUIAS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
REGARDING PUEBLO OF SAN JUAN'S ABORIGINAL TITLE TO LANDS  
OUTSIDE ITS EXTERIOR GRANT BOUNDARIES (Doc. #2719)**

**Report of B. Sunday Eiselt, Ph.D.**

**"Critical Review of United States and Ohkay Owingeh Expert Reports"**

**Page 33**

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

*Prepared by:*



September 4, 2008

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The pueblo ruins at Tabipange refer to Pibiri'ongwikeji (25:18), a nameless pueblo ruin (25:23), Nambe'ongwikeji (25:30), and Cundiyo'ongwikeji (25:8). Several of these have been relocated and are described by Marshall and Walt (2007). Nambe'ongwikeji (Old Nambe Pueblo) may refer to the archaeological site of Tabipange (LA254). Marshall and Walt (2007:F-20) further point out that there is some confusion regarding the location of this pueblo, and suggest that it may be situated outside of the Santa Cruz watershed near Nambé Falls. But this is irrelevant. Nambé consultants referred to the area east of Tabing Mountain as Tabipange and applied this name to all of their ancestral pueblos in the same area. Cundiyo'ongwikeji (Cundiyo Pueblo - LA31), is claimed by them as an ancestral pueblo as is Tabipange (Nambe'ongwikeji LA254), and Pibiri'ongwikeji (K'ate'ongwikeji LA245). The nameless pueblo ruin (25:23), also claimed as an ancestral ruin, has not been relocated but may be Pueblo Sarco (LA264). In short, Harrington gathered placenames for the area south of Rio Medio in the Santa Cruz watershed from Nambé Pueblo because Nambé consultants were most familiar with this area and because they were specific in naming ancestral pueblos and archaeological sites. The area was part of their traditional territory and any claims to the land and archaeological resources of this portion of the watershed are very strong (Ellis 1964).

#### 4.3. Summary of Archaeological and Ethnographic Evidence

The archaeological sites identified by Marshall and Walt (2007) can be projected against the reconstructed territorial boundaries of Ohkay Owingeh, Santa Clara, and Nambé in the Santa Cruz watershed to make some concluding remarks regarding the archaeological resources of the claim areas (Figure 4.3). Prehistoric sites have a pan-Tewa affiliation. They occur in the eastern homeland of the Tewa people and likely contributed populations to several modern pueblos, but archaeologists working in the area are hesitant to assign individual sites to these pueblos because of the complex dynamics of demographic change over time. However, researchers in other areas of the Southwest have used chemical data combined with oral testimony about ancestral migrations to strengthen the claims of modern villages to ancestral pueblos and archaeological sites.

This line of reasoning may be applied to the Santa Cruz watershed. Today Ohkay Owingeh is the most northern of the Tewa Pueblos. Santa Clara is situated south of San Juan and Nambé south of Santa Clara. Named places follow a similar pattern, with traditional territories evident for Ohkay Owingeh extending to the east of the pueblo into the Truchas and northern portions of the Santa Cruz watersheds. Santa Clara territory similarly extends to the east of their pueblo into the central and lower reaches of the Santa Cruz watershed, and Nambé territory extends to the north and east from their pueblo into the southern portion of the Santa Cruz watershed. Ancestral pueblos are claimed by the different groups in these respective territories and these pueblos were probably the major contributors their villages. For example, Pueblo Quemado (LA158), which located in an area that includes the traditional territory of Ohkay Owingeh, was a major center of Tewa population during the fourteenth century, perhaps even the "mother pueblo" of the Santa Cruz/Tsimajo district prehistorically. Ohkay Owingeh also was known as the "mother village" for the Tewa historically (Marshall and Walt 2007:II-18). Pueblo Quemado therefore likely contributed to a large segment of the Ohkay Owingeh population, and probably represents a major ancestral pueblo for this village.