

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

STATE OF NEW MEXICO, *ex rel.*

State Engineer,

Plaintiff,

vs.

ROMAN ARAGON, et al,

Defendants.

69cv-07941-MV/LFG

Rio Chama Stream System

Section 1 (mainstream)

To: The Honorable Lorenzo Garcia U.S. Magistrate Judge

**Submission of Defendants Exhibit List and
Defendants Witness.**

1. Witness: David Ortiz

Exhibit List & Brief Report Describing Exhibits by David Ortiz 1/21/13

(Plaintiff Objections in red)

Exhibits from Hammond/Rey, Onate the Colonizer of New Mexico.

- A. Investigations of Conditions in New Mexico. Investigation made by Valverde by Order of the Viceroy, Count of Monterey, regarding conditions in the provinces of New Mexico, July, 1601, of some Captains and soldiers who had come in the first days of June to New Spain to bring some letters and reports from Governor Onate.
- B. Breaking Camp at San Gabriel/Desertion of the Colony. Friars and Captains are asked why they want to desert San Gabriel. (9-7-1601)
- C. Report of the people who remained in New Mexico. Appointment of Capitan Geronimo Marquez to report to the Viceroy on the situation of New Mexico and testimony of rebuttal Witnesses, asked 20 questions in regard to this matter. San Gabriel, October 2, 1601. Questions 13 & 14 have to deal with planting, harvesting and irrigating.
- D. Instructions to Onate/Laws of the Indies. Instructions to Onate/ Contract/ Royal Ordinances of Indies. Oct.21, 1595. (Ordinance 1 & 2)
- E. Alonso de Onate seeking fulfillment of the Contract. Onate had prepared for farming. (Ordinance 39)
- F. Relations with the Indians. Induce Indians, to live in Spanish homes & work Spanish farms. (Ordinance 136)
- G. Onate to the King. Onate had made a careful study and learned of New Mexico, 1595.
- H. Onate had prepared to farm, buys flour for food and wheat for sowing, February 7, 1597.
- I. Act of taking possession by Onate, April 30, 1598. All lands he would set foot on would become Spain's.
- J. Onate had chosen this place they had settled, in the province of the Teguas. Province was the Judicial District.
- K. Onate Itinerary, July 4, p320 to Oct. 23, p324. The Acequia. (Ordinance 5, 14, 34, 35, 39, 40, 42, 104,105,106, 107, 110, 111, 131, 132, 133, 134)

- L. Act of Obedience & Vassalage by Indians of San Juan, September 9, 1598. Included San Juan Bautista, San Gabriel and the city of San Francisco de los Espanoles, which is being built now.
- M. Nine (9) witnesses bringing charges against Onate. They describe Onate having his own house, garden & vegetables, early 1599? (Ordinance 104)
- N. Nunez, 1600, had harvested wheat for food and had replanted, 11-30-1600. See p 490-1, Zubia letter, March 4, 1599.
- O. August, 1600, Gordejuela Inspection. Supplies & Reinforcements. No masses of food aid for the starving colonizer's, need reinforcements and religious ornaments and instruments, wine. (also see exh. A, p 643)
- P. Captain Cessar arrives in San Gabriel in 1598, September 7, 1601. He had started with Onate in 1595.
- Q. True Report based on Onate's letters. Cultivate wheat, sown & harvested & a flour mill, 3-22-1601.
- R. Velasco to the Viceroy. 3 years in San Gabriel, March 22, 1601. He is Captain Sanchez son-in-law.
- S. Merits & services of Zaldivar, witnesses Leon & Rodriguez give almost identical testimonies, includes San Gabriel? April, 22, 1602.
- T. Captain Bocanegra, San Gabriel, April 26, 1602.
- U. Marquez gives testimony at the pueblo of San Juan, 1-29-1598. See Exh.C. Marquez prepares the inquiry of the 20 Questions. Planting, harvesting, irrigating at San Gabriel previous 3 years?
- V. Captain Sanchez reached camp of San Gabriel on August 18, 1598 with Royal Army. San Juan or San Gabriel or both? See Exh.EE & TT.
- W. Sanchez at Acoma trial, "whole army and Friars in San Gabriel requested punishment of Acoma". Official investigation by the Audencia, 4-18-1602.

1973 Laws of the Indies.

- X. Partial List of Ordinances for Discovery & Colonization.

Settled History & secondary sources.

- Y. LA 59, San Gabriel Archeological Report: Historic Preservation of San Gabriel del Yunque. Bandelier, Ellis, Jenkins, Levine, etc..

- Z. Remembering San Gabriel, When Cultures meet, San Gabriel del Yunge Oweenge/Historian Myra Ellen Jenkins.
- AA. Acequia de Chamita By-Laws, members claim August 11, 1598, 2004, by majority vote.
- BB. Rio Arriba County Board of Commissioners. Resolution to remember County History, Acequia de Chamita 1598 establishment.
- CC. Acequia de Chamita Commissioners 2002, Notice of 1598 Priority call, 2002.
- DD. A Window on San Gabriel, F H Ellis. Archeologist/ Historian on San Gabriel, p 175-6.
- EE. San Gabriel del Yunque, Archeologist, F H Ellis provides ethnographic clarification on San Gabriel/San Juan.
- FF. Apaches de Navajo. Schaafsma clarifies Yuque-Yunque.
- GG. City of Espanola Proclamation, 1993. Mayor Richard Lucero of Espanola remembers Onate's beginning.
- HH. The Utton Center-WATER MATTERS! UNM Law School identifies Chamita of 1598.
- II. 1995 Eight Northern Pueblos Visitors Guide. San Juan Indians do not claim 1598 Acequia, San Gabriel on the other side of the river.
- JJ. Historical Abstracts of Acequias/Stanley Hordes. Acequia de Chamita, 1598, document: Torquemada. Why did he change his "opinion"?
- KK. State of New Mexico remembers the 1598 Acequia.
- LL. Enlarged Sixteenth Century Map. Baxter Exhibit 4, p 137, 16 Century map show San Gabriel/San Juan de los Caballeros in the Chama confluence.

Historical Poetry/Villagra

- MM. Various excerpts from the Poet/ Historian Gaspar Perez de Villagra, in New Mexico about 1 year. Encinas, Rodriguez, Sanchez.

Torquemada Libro Quinto, cap. XXXVII & XXXX

- NN. Baxter's Exhibit 12 of Torquemada. Fray Torquemada, Onate settlement in San Gabriel and its Indians. Velazquez helps Ortiz translate.

Court Documents

- OO. Doc.9657 filed in 3/31/2010, the "Bible", in Objection to Special Masters Report, Doc.9546 (12/16/09), Judge Black, Extension to file, Doc.9603 (2/23/10). Defense of Acequia de Chamita's 1598 establishment.
- PP. Doc.10680, Commissioner/Parciante Ortiz objects to 1600 Offer. Has yet to see proof of 1600.
- QQ. Doc.9917, who is subfile 267, map 22, tract 17? Onate Colonizers are Ortiz's Padres Pobladores who also came to soldier & farm.
- RR. PRETRIAL ORDER ON MAINSTREAM SECTION PRIORITY DATES 96Mar25. Special Master Gabin identifies 3 Acequias claiming 1598-1600 and an expert Historian claiming 1714.
- SS. ACEQUIAS CONTENTIONS REGARDING MAINSTREAM SECTION PRIORITY DATES 96Jun14. Acequia Lawyer identifies Dr. Levine establishing the Onate Colony in Chamita in 1598-1600, then both she and Dr. Hordes opt for the 1600.
- TT. Doc.2717 Ohkay Owingeh Motion for Partial Summary Judgement. San Juan Lawyer & Historians recognized a "cluster of San Juan Pueblos" and the Acequia they helped dig on the west side of the river in San Gabriel.
- UU. Doc.2717-2 Exhibit A/Excerpts from expert report. Yunque Owingeh was where the colonists established in 1598.
- VV. Case No. 05-29,544, Law Offices of Ted Trujillo. Amucus Curie Brief recognizes Onate settlement at San Gabriel, 1598.

Misc.

- WW. Enrico Martinez 1602 Map of Spanish Domain. (Not to scale, drawn freehand, not accurate).
- XX. Fred Waltz, 2004, Adjudication of water rights involving acequias.
- YY. Picture of Kiva at Chaco to give a sense to the gathering of Indians on Sept.8, 1598, happened in a similar Kiva. Ellis San Gabriel kiva?
- ZZ. San Juan Puerto Rico and there was a Rio Grande and El Yunque on this Spanish Island/ similar to New Mexico. A trail from Spain.
- AAA. H/R City council of San Gabriel to the Viceroy, 1607. In this town, headquarters of the army, came in this expedition more than 12 years ago.

BBB. Father Escobar Dairy & Report Oct.27, 1605, since the establishment of the headquarters at the villa called San Gabriel, more than 9 years earlier. (see note 11)