

**BEFORE THE STATE ENGINEER
STATE OF NEW MEXICO**

IN THE MATTER OF:

**APPLICATION OF U.S. DEPARTMENT OF
ENERGY, ENVIRONMENTAL MANAGEMENT,
LOS ALAMOS FIELD OFFICE AND
INCORPORATED COUNTY OF LOS ALAMOS
APPLICATION OF RG-00485-S-6 AND -S-7; RG-
00486, RG-00486-S, RG-00486-S-2, -S-3 AND -S-4; RG-
00487, RG-00487-S, -S-2, -S-3, AND -S-4; RG-00488, SP-
01503, AND SP-01802, 01802 AMENDED, 01802-B AND
-C**

**FORMAL PROTEST OF APPLICATION RG-00485-S-6 AND -S-7; RG-00486, RG-
00486-S, RG-00486-S-2, -S-3 AND -S-4; RG-00487, RG-00487-S, -S-2, -S-3, AND -S-4; RG-
00488, SP-01503, AND SP-01802, 01802 AMENDED, 01802-B AND -C FOR PERMIT
TO DIVERT 679 ACRE-FT FOR USES AT LOS ALAMOS NATIONAL LABORATORY,
AND MUNICIPAL, AND INDUSTRIAL USES**

The Buckman Direct Diversion Board (BDD Board) hereby protests Applicants' above cited application (RG-00485 et al) for Permit to Divert 679 acre-feet of groundwater in the Rio Grande Basin for the above-captioned purposes. The application requests to use 26 existing wells and 2 proposed wells as specified in Section 9 of the subject application.

BDD Board hereby protests the application for the following reasons:

- A. Impairment of Water Rights: The BDD Board owns and manages the BDD Project intake on the Rio Grande which is the point of diversion OSE File SP-4842 in the Rio Grande Basin. Furthermore, the BDD Board was created under the State's Joint Power Agreements Act (11-1-1- to 11-1-7 NMSA 1978) and has standing to file this protest pursuant to statute 'Objections to applications; filing of protests; definition of standing.' (72-5-5 NMSA 1978) Specifically, the Application is silent on how the Applicants' pumping effects will deplete Rio Grande surface flows. Rio Grande depletions caused by pumping under this

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application will impair the BDD Project water rights. Additionally, Emergency Permit RG-00485 et al, approved on September 27, 2019 does not include a Condition of Approval that the Applicants will offset Rio Grande depletions caused by the Applicants' pumping at additional PODs, which may impair the BDD Project water rights.

- B. Detrimental to Public Welfare: Although the BDD Board encourages Los Alamos National Lab and the National Nuclear Safety Administration to remediate ground water contamination, it is detrimental to the welfare of the state to allow mainstem Rio Grande depletions without providing or describing the method of offset or identifying the consumptive use. Depletions upstream of the BDD Project permitted point of diversion that are not offset may directly affect the BDD Project's ability to provide water to the citizens of Santa Fe County and the City of Santa Fe.
- C. The Legal Notice of the Application refers to Tom Blaine, P.E. as the New Mexico State Engineer. Our opinion is that it is in the public welfare to correctly identify John D'Antonio, P.E. as the New Mexico State Engineer.
- D. Contrary to Conservation: Any depletion of the Rio Grande water supply upstream of the BDD Project point of diversion without offset is contrary to conservation of water.

The undersigned has standing to object to the application.

I request the State Engineer to deny Applicants' application for the above-cited reasons.

Respectfully Submitted,

telephonically approved 9/5/2020 VSH
Rick Carpenter, Facility Manager

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Santa Fe County Direct Diversion Project

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