



ATTORNEYS AT LAW

STATE ENGINEERS OFFICE  
SANTA FE, NEW MEXICO  
2020 AUG -5 PM 1:26

August 5, 2020

**By Hand Delivery – Triplicate Originals**

Water Rights Division  
Office of State Engineer  
Bataan Memorial Bld, Room 102  
Santa Fe, New Mexico 87504

Re: Santa Fe County’s Protest of U.S. Department of Energy and Los Alamos County Application Under OSE File No. RG-00485, et al.

Greetings:

Our law firm is submitting this letter on behalf of Santa Fe County in protest of the above-referenced Application. Because of the dearth of details in the Application and limited time available to evaluate the Application, the County has been unable to discern the details of the proposed use and evaluate the potential impacts the proposed pumping of groundwater and remediation will have on the groundwater resource and on the surface flows of the Rio Grande and, in particular, the potential detrimental effects on two nearby diversion facilities (one operational, one planned) in which the County is a partner.

The County is a partner with the City of Santa Fe in the Buckman Direct Diversion (BDD), which diverts water from the Rio Grande across the river from the proposed pumping and remediation. The BDD is the primary supply for the County Water Utility and its customers, and a significant source of the City’s supply. The County transferred and owns valid and existing water rights permitted by the State Engineer and used for diversion by the BDD. The County is also a partner with the Pueblos of Nambé, Pojoaque, San Ildefonso and Tesuque in the Pojoaque Basin Regional Water System (PBRWS). Congress approved construction of the PBRWS in 2010, and the U.S. Bureau of Reclamation started limited construction of the PBRWS earlier this summer. The County transferred and owns valid and existing water rights permitted by the State Engineer for diversion by the PBRWS.

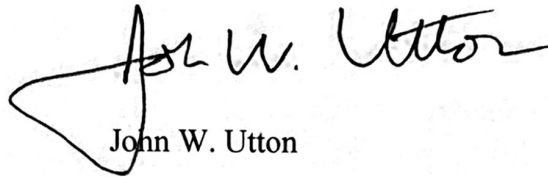
Santa Fe County certainly supports remediation of the Chromium Plume described in the Application; however, the Application does not adequately explain the elements of the proposed remediation. In particular, the Application is deficient because it: refers to a “return flow plan” that is not described and may be applied for at some time in the future; does not quantify the amount of additional pumping that will be required within the 679 acre-feet already permitted, including the amount of historic beneficial use under that permit; does not describe the time frame for pumping, including a pumping schedule; does not describe the amount of water that

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will be consumed; does not provide adequate information about the remediation process, including re-injection; and omitted information in a number of places required by the State Engineer application form. Without remedy of these deficiencies and demonstration that the project will not harm Santa Fe County's interests, Santa Fe County protests the Application on the grounds that granting the Application would impair valid and existing water rights, would be contrary to the conservation of water, and would be detrimental to the public welfare.

Very Truly Yours,



John W. Utton

Copies: Pueblo of Nambé  
Pojoaque Pueblo  
Pueblo de San Ildefonso  
Tesuque Pueblo  
U.S. Department of Energy  
U.S. Department of the Interior, Bureau of Reclamation  
Los Alamos County  
Buckman Direct Diversion Board  
City of Santa Fe

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