
ATTACHMENT B

New Mexico Office of the State Engineer Well Restriction Order (OSE, 2018)



BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF NEW GROUND WATER)
APPROPRIATIONS AND APPLICATIONS TO)
TRANSFER WATER RIGHTS TO EXISTING)
GROUND WATER WELLS IN A CERTAIN AREA)
OF CIBOLA COUNTY WITHIN THE)
RIO GRANDE UNDERGROUND BASIN)

STATE ENGINEER ORDER

WHEREAS, the State of New Mexico Environment Department (NMED) is overseeing corrective measures at the former St. Anthony Mine Site (Site); and

WHEREAS, on the 18th day of December, 2017, the Office of the State Engineer (OSE) received a request from NMED to issue an order restricting the permitting and drilling of wells for new appropriations of groundwater, including under Sections 72-12-1.1, 72-12-1.2, 72-12-1.3, and 72-12-3 NMSA 1978, and also restricting the permitting of any change to the point of diversion of any existing water rights to wells within the boundaries of the Site as identified on the map attached to this Order as Attachment A and entitled "Exhibit 13, Proposed Area for AAS Application, St. Anthony Mine". This map shows the estimated extent of the area where groundwater is contaminated with chloride, boron, sulfate, total dissolved solids (TDS), fluoride, uranium, and radium. The extent of contaminated groundwater lies entirely within the area delineated by the coordinates below and is limited to the Jackpile sandstone aquifer. The Site is approximately 1,072 acres and the latitude and longitude of the four corners of the affected property are: the northwest corner, 35.17 degrees north and -107.32 degrees west; the northeast corner, 35.17 degrees north and -107.29 degrees west; the southeast corner, 35.15 degrees north and -107.29 degrees west; and the southwest corner 35.15 degrees north and -107.32 degrees west; and

WHEREAS, this request comes not only to protect human health, but also to prevent interference with groundwater flow associated with ongoing remediation; and

WHEREAS, this Order shall be in effect in perpetuity or until such time as the groundwater concentrations have decreased to levels less than the Water Quality Control Commission (WQCC) standards set forth in 20.6.2.3103 NMAC, and is applicable to any proposed water wells (public or private) within the specified area; and

WHEREAS, the moratorium set out in this Order shall not apply to applications for permits for the drilling and installation of wells associated with the remedial action or the measurement of contaminant concentrations.

NOW THEREFORE, IN THE INTEREST OF PUBLIC SAFETY AND PROTECTION OF HUMAN HEALTH, IT IS HEREBY ORDERED that no new appropriations of groundwater, including by new wells permitted under NMSA 1978, Sections 72-12-1.1, 72-12-1.2, 72-12-1.3, or 72-12-3, and no changes to the point of diversion of any existing water rights to wells shall be allowed within the area described above, except for those in support of NMED remedial actions or the measurement of contaminant concentrations. These restrictions shall remain in place for perpetuity or until such time as the groundwater concentrations have decreased to levels less than the WQCC standards set forth in 20.6.2.3103 NMAC. Any land owner wishing to plug an existing well within this area must coordinate with both the NMED and the OSE.

WITNESS my hand and official seal this 12 day of January, 2018

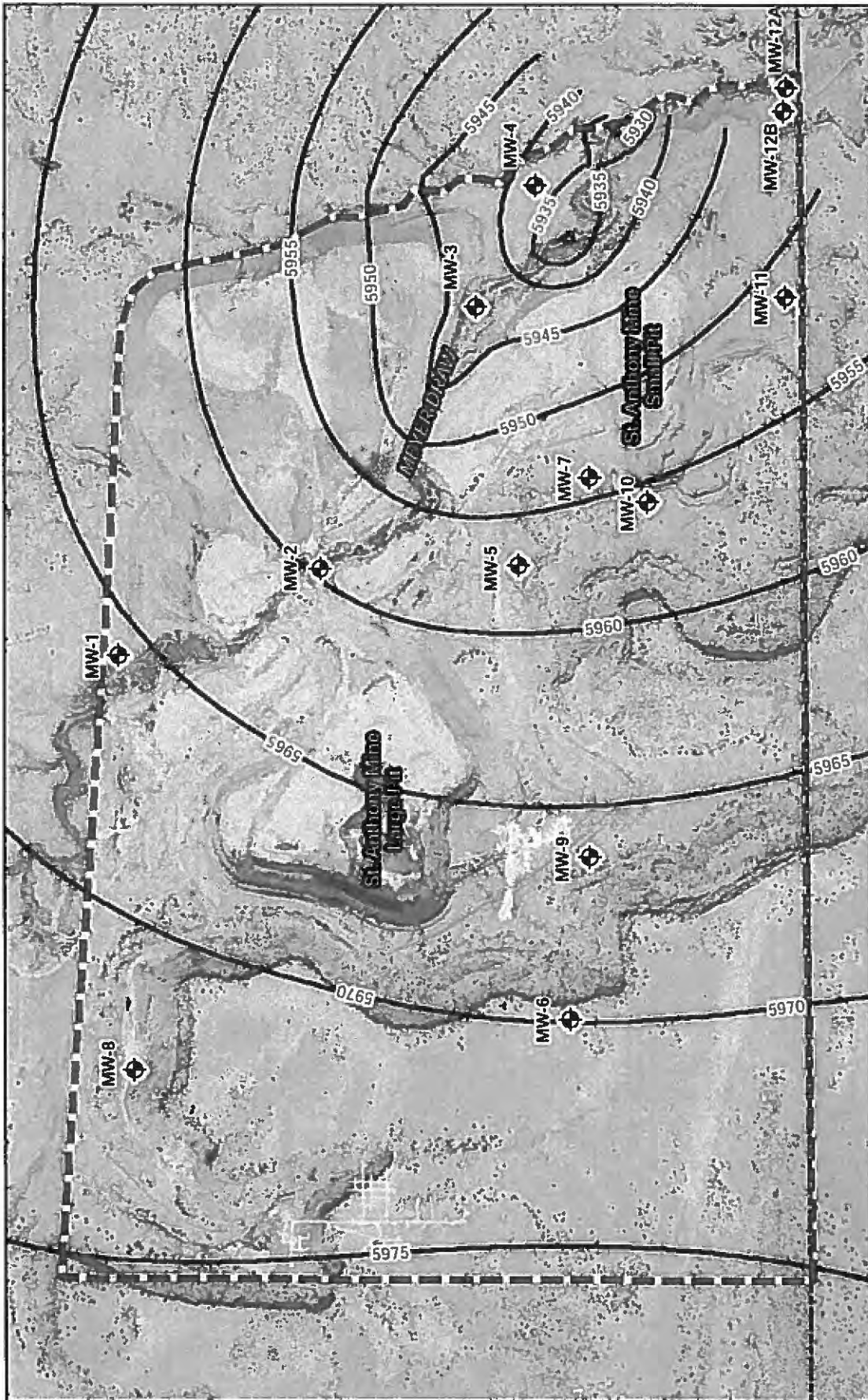

Tom Blaine, PE
New Mexico State Engineer



Reviewed:


Gregory C. Ridgley
General Counsel

Attachment A



- Legend**
- Monitoring Well Location
 - Laguna Boundary
 - Subsurface Mine Workings
 - Area of Affected Groundwater
 - Head Contour (ft)

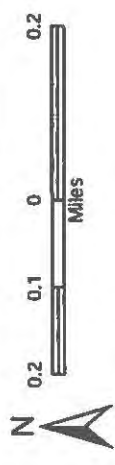


Exhibit 13 Proposed Area for AAS Application St. Anthony Mine