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Comments: The Commissioners and parcientes of Las Huertas Community Ditch appreciate the opportunity to comment on the proposed project. However, we are concerned that the short comment period of 30 days is inadequate for a proper response and is without any justification, particularly since the Forest Plan Revision has yet to be passed.

Any riparian project planning needs to consider the scale of the stream. Projects that benefit the health of flowing rivers are not necessarily beneficial to ephemeral streams such as Las Huertas Creek in the Sandia Mountains. No consideration has been given in the NNM RAWR to intermittent streams, all are assumed to be perennial.

The Commissioners and parcientes of Las Huertas Community Ditch are skeptical of wetlands constructed where they did not previously exist but we are eager to work with the U.S.F.S. on watershed projects that will benefit irrigators as well the health of Las Huertas Canyon.

Las Huertas Community Ditch must be part of any effort to identify projects for watershed improvement in Las Huertas Canyon both because it is the local government entity with special expertise in the area, and because it has a prior right to the water that must not be impaired.

On January 4, 1932, Mr. Candelario (Tony) Lucero, President of Las Huertas-La Jara Community Ditch, filed declaration Number 0597 with the State Engineer declaring that 432.96 acre-feet per year, with a priority of 1866, was used for irrigation on 144.32 acres of land. A survey accompanying the declaration shows the locations of the diversion from Las Huertas Creek as well as the acequia's reservoir, both presently on U.S.F.S. land. In 1942 a dispute with Las Acequias de Placitas in the village led to a District Court decree that

"...all waters whose source is within the water shed drained into Las Huertas canyon belongs to Las Huertas and La Jara Communities with the obligation to divide and distribute through their Communities as they see fit..."
(Final Decree, N.M. District Court, County of Sandoval, No. 1856, Feb. 3, 1943)

New Mexico law prohibits the construction of works that may obstruct acequias (73-2-4 N.M.S.A. 1978) and we expect that Forest Service planners bear this in mind.