THE UNIVERSITY OF NEW MEXICO
SCHOOL OF LAW

ACCREDITATION

The School has met the standards of the American Bar Association and of the Association of American Law Schools. The School has been fully accredited since 1948.

AIMS AND METHODS

Lawyers who function in their profession, whether as private practitioners or public servants, are an integral part of the system by which a democratic society governs itself. If they are to properly discharge the responsibilities of this role, their education for the profession must be broad and intensive. In its breadth, that education must encompass a full understanding of and belief in the democratic respect for individual personality and the democratic processes designed to allow individuals to develop and participate in a free, self-governing society. In its intensification it must impart a high degree of competence in the craftsmanship of the law—in those skills and insights essential to an adequate performance of the lawyer’s function as advocate, judge, legislator, teacher, administrator, or civic leader.

Such education neither begins nor ends in the law school, and the School of Law is continually concerned not only with its own curriculum but also with the quality of pre-legal education and with the continuing self-education that should be pursued by all members of the profession. Consequently, students are urged to enter the School with as broad a cultural and educational background as possible. Accordingly, the basic requirement for admission is now a baccalaureate degree from an approved college or university.

The student will spend the equivalent of six semesters of study in the School of Law in courses designed to bring the teachings of history, philosophy, and the social sciences to bear upon the solution of legal problems and to develop the skills and insights essential to research, analysis, synthesis, criticism, and exposition. Due to the low ratio of students to teachers (fewer than 15 to 1), substantially more individual and small group work is possible in the School than in most law schools.

For application materials and further information, write to UNM School of Law, MSC11 6070, 1 University of New Mexico, Albuquerque, New Mexico 87131-0001 or go to http://lawschool.unm.edu.
A grant from the Rocky Mountain Mineral Law Foundation has made the printing and publication of this special issue possible.
The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress. . . . Resources problems are so complex that traditional lines of approach prove inadequate. . . . Rarely do we find the work of the lawyer and the non-lawyer appearing side by side. . . . The primary function of the [new] Journal is to meet this need. . . .

—from the Foreword of Vol. 1, No. 1, 1961

Symposium on
“The Water-Energy Conundrum: Water Constraints on New Energy Development in the Southwest”
February 12, 2010, Albuquerque, N.M.

INTRODUCTION

SYMPOSIUM: OPENING REMARKS
Senator Jeff Bingaman 559

SYMPOSIUM: PROFESSIONAL ARTICLES
The Energy-Water Nexus: Socioeconomic Considerations and Suggested Legal Reforms in the Southwest
H. David Gold & Jason Bass 563

Debbie Leonard 611

Energy and Water Resources Scarcity: Critical Infrastructure for Growth and Economic Development in Arizona and Sonora
Christopher A. Scott & Martin J. Pasqualetti 645

Water for Power Generation: What’s the Value?
Stacy Tellinghuisen 683

STUDENT ARTICLE
The House of the Rising Sun: Homeowners’ Associations, Restrictive Covenants, Solar Panels, and the Contract Clause
Kristina Caffrey 721

INDEX—VOLUME 50

TITLE INDEX ...................................................... 762
AUTHOR INDEX ................................................... 763
SUBJECT INDEX ................................................... 765
Natural Resources Journal

Published three times per year by the University of New Mexico School of Law

Vol. 50 Fall 2010 No. 3

Faculty Editor-in-Chief
Professor Reed D. Benson
University of New Mexico

Co-Editors-in-Chief
Melissa Kennelly & Scott Stromberg

Managing Editor
Amber L. Weeks

Citations Editors
Brian Close, Eraina Edwards, Joseph Gonzales

Manuscript Editors
Jennifer Anderson, James Burns, Aaron Weede Martin,
Katie Gwartney Roehlk, Kenneth Rooney,
Tania Shahani, David Sommers

Staff
Tony Burchell
Kristina Caffrey
Lacy Daniel
Genevieve Graham
Dayan Hochman
Maggie Lane

Stephen Marshall
Ashleigh Morris
Sarah Parks
Jennifer Salazar
John Verheul
Dominique Work

Director of Publications
Lynne Arany

Business Manager
Jessica Leary

It is the purpose of this JOURNAL to publish articles of value to members of the legal profession and to individuals active in the resources field. Publication does not indicate adoption by the JOURNAL, its editors, or the advisory council of the views expressed.

Member of the National Conference of Law Reviews
THE UNIVERSITY OF NEW MEXICO

DAVID JAMES SCHMIDLY
President of the University of New Mexico

REGENTS OF THE UNIVERSITY

THE HONORABLE BILL RICHARDSON,
Governor of New Mexico, ex officio
RAYMOND G. SANCHEZ
JACK L. FORTNER
CAROLYN J. ABEITA
DON L. CHALMERS
J.E. GALLEGOS
JAMES H. KOCH
EMILY WISDOM

SCHOOL OF LAW

KEVIN K. WASHBURN, DEAN