Front Matter

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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, visit us online at lawschool.unm.edu.
The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress . . . . [R]esources 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

ACKNOWLEDGMENT

Jennifer Brannen and Serena R. Wheaton

INTRODUCTION

Jonathan Adler

PROFESSIONAL ARTICLES

Externality: Origins and Classifications
Donald J. Boudreaux and Roger Meiners

American Prairie Reserve: Protecting Wildlife Habitat on a Grand Scale
James L. Huffman

Waters of the State
Joseph Regalia and Noah D. Hall

The Market to Roam: Using Sharing Economy Platforms for Expanding Roaming Access to Land Resources
Donald J. Kochan

Legal and Institutional Barriers to Establishing Non-Use Rights to Natural Resources
Bryan Leonard and Shawn Regan

Instream Flow Rights Within the Prior Appropriation Doctrine: Insights from Colorado
Steven M. Smith

Second Generation Property Rights Issues
Katrina M. Wyman

BOOK REVIEWS

Sustainability: Approaches to Environmental Justice and Social Power, edited by Julie Sze
Melanie McNett

Fractivism: Corporate Bodies and Chemical Bonds, by Sara Ann Wylie
Victor Hall
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

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President of the University of New Mexico

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ACKNOWLEDGMENT

On the verge of celebrating 60 years in publication, we would be remiss if we began this edition with anything other than a statement of our great appreciation to all of our readers. Beginning in 1961, when the subscription price of this journal was $5.00, the University of New Mexico School of Law took a stand, finding that it was of vital importance to our legal community, and beyond, to have a journal which would offer its readers interdisciplinary scholarship exploring a broad range of issues in natural resources and environmental law. As a result, the Natural Resources Journal became the first legal journal in the State of New Mexico and was publishing articles in the areas of natural resources and environmental law long before the oldest of environmental law reviews in the United States even began publishing. The University of New Mexico School of Law’s inspired belief to create this journal has only proven more valuable every year since then. The impact of this journal does not stop at the New Mexico state line. With contributors and readers all over the world, this journal’s devotion to the development of policy in the areas of natural resources and environmental law has allowed the Natural Resources Journal to reach every part of the academic world. Some of the greatest legal minds in our state, country, and the world have served as staff members and/or editors of this journal. Following this, many went on to serve at every level of our local, federal, and international system as lawyers, judges, legal, and policy makers and beyond. Reading the names of those who came before us as editors is truly inspiring. Carrying on the torch then, we are still here, still publishing, and still intending to publish this journal for decades to come because of all of you who have continued to find that what this journal has to publish is meritorious and critical and only becoming more so with each passing year. As administrations, policies, and precedent come and go, we will work diligently to remain true to our heritage—publishing the best scholarship in natural resources and environmental law in the Natural Resources Journal.

To all of our readers, thank you,

Serena R. Wheaton & Jennifer Brannen
Co-Editors-In-Chief