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INTRODUCTION: WATER LAW

by

JAY F. STEIN*

The first day of the Eleventh Annual Conference of the United States/Mexico Law Institute addressed comparative issues in United States/Mexico water law. The conference was co-sponsored by the Mexican Law Committee, Section of International Law and Practice of the American Bar Association, the Asociación Nacional de Abogados de Empresa, and the University of New Mexico School of Law. Convening on September 20, 2002, in Santa Fe, New Mexico, the water law portion was divided into four components: the National Water Law of Mexico, Water Law along the US/Mexico Border, the Business of Water in Mexico, and the Future of the Colorado River Delta.

As shown by the following papers, the conference speakers covered the basics of American and Mexican water law and emerging issues within and between the two nations. These included perspectives from the Mexican National Water Commission, the International Boundary and Water Commission (IBWC), the Border Environmental Cooperation Commission (BECC), and the North American Development Bank (NADBank). Spirited dialogues were held on Mexico’s debt under the 1944 Treaty on Utilization of the Waters of the Colorado and Tijuana Rivers and of the Rio Grande, the needs of border municipalities, Mexico’s environmental agenda, and opportunities to provide water to the Colorado River Delta.

The conference was successful in bringing together the leading practitioners and water rights administrators from both nations. It is hoped that these papers will provide a useful research tool.

* Jay F. Stein is a shareholder in the Santa Fe firm of Stein & Brockmann, P.A., specializing in the practice of water law. Mr. Stein is Chair of the ABA Water Resources Committee. He served as a Special Assistant Attorney General for the New Mexico State Engineer Office between 1978-1985 where he represented the State of New Mexico in Colorado v. New Mexico, 459 U.S. 176 (1982) and 467 U.S. 310 (1984), a dispute over interstate waters between Colorado and New Mexico, in federal-state issues involving the quantification of water rights on the Mescalero Apache Reservation, and in other matters. In private practice he has worked on a variety of interstate matters including Nebraska v. Wyoming, Original No. 108, a suit over the apportionment of the North Platte River among Colorado, Wyoming, and Nebraska, and in acquiring water rights for municipalities in New Mexico, including the border City of Las Cruces. He received the J.D. degree from the University of New Mexico School of Law and is admitted to practice in New Mexico.
BORDER OF MEXICO WITH THE STATES OF NEW MEXICO AND TEXAS