

2-7-1997

## The Pecos River Controversy- How Did We Get Here?

G. Emlen Hall

*University of New Mexico - School of Law*

Follow this and additional works at: [https://digitalrepository.unm.edu/law\\_facultyscholarship](https://digitalrepository.unm.edu/law_facultyscholarship)



Part of the [Law Commons](#)

---

### Recommended Citation

G. Emlen Hall, *The Pecos River Controversy- How Did We Get Here?*, A Water Law Symposium A Legislative Briefing on New Mexico Water Issues (1997).

Available at: [https://digitalrepository.unm.edu/law\\_facultyscholarship/2](https://digitalrepository.unm.edu/law_facultyscholarship/2)

This Presentation is brought to you for free and open access by the UNM School of Law at UNM Digital Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu), [lsloane@salud.unm.edu](mailto:lsloane@salud.unm.edu), [sahrk@unm.edu](mailto:sahrk@unm.edu).

The University of New Mexico  
School of Law  
The Natural Resources Journal  
and the  
International Transboundary Resources Center

Present

# A Water Law Symposium

A Legislative Briefing  
on  
New Mexico Water Issues

February 7 and 8, 1997  
La Fonda Hotel  
Santa Fe, New Mexico

Sponsored by:  
The Hatton W. Sumners Foundation, Dallas, Texas



# **P r o g r a m**

**Friday, February 7, 1997**

**7:30 - 8:30 a.m.**      Registration  
Outside New Mexico Room

**8:30 - 8:50 a.m.**      Opening Session  
New Mexico Room

## **Welcoming Remarks**

- Leo Romero, Dean, University of New Mexico School of Law
- Senator Michael Sanchez - District 29, (Valencia County) Chair, Integrated Water & Resource Planning, Interim Committee

## **Preview of Program**

- Charles DuMars, Professor, University of New Mexico School of Law - Introduction

## **Interstate Issues Facing New Mexico**

### **Part I - The Pecos - Where Do We Go from Here?**

**Moderator:** Representative Joe Stell, Carlsbad

**8:50 - 9:10 a.m.**

### **The Pecos River Controversy - How Did We Get Here?**

- Emlen Hall, Professor, The University of New Mexico School of Law

*9:10 - 9:30 a.m.*

**Where Are We Now, What Are We Doing, Is There A Way Out?**

- Rebecca Dempsey, Assistant Attorney General

*9:30 - 9:50 a.m.*

**Lessons to be Learned from Other States: Kansas v. Colorado**

- John Draper, Esq., Montgomery & Andrews Law Firm,  
Santa Fe

*9:50 - 10:10 a.m. - Discussion*

**Part II - The Lower Rio Grande - A Continuing Challenge**

**Moderator:** Representative G. X. McSherry, Deming

*10:10 - 10:30 a.m.*

**Compacts, Treaties and Water Availability**

- Lee Wilson, Lee Wilson & Associates, Santa Fe

*10:30 - 10:50 a.m.*

**The El Paso Water War Revisited - What Does the Future Hold?**

- Tom Bahr, Director, New Mexico Water Resources Research  
Institute, Las Cruces

*10:50 - 11:10 a.m. - Discussion*

*11:10 - 11:30 a.m. - Break*

**Part III - The San Juan River - What Are New Mexico's Needs?**

**Moderator:** Richard Cheney, Farmington, Commissioner,  
Interstate Stream Commission

*11:30 - 11:50 a.m.*

**The Current Controversy**

- Randy Kirkpatrick, San Juan Water Commission, Farmington

**11:50 - 12:10 p.m.**

**How Do We Ensure Municipal Water Supply?**

- Jim Dunlap, San Juan Water Commission, Farmington

**12:10 - 12:30 p.m.**

**Perspective of the Navajo Nation**

- Stanley Pollack, Esq., Special Counsel for Water Rights, Navajo Nation, Window Rock

**12:30 - 12:50 p.m. - Discussion**

**1:00 - 2:30 p.m. - Luncheon - Ballroom**

**Speaker - Eluid Martinez, Commissioner of Reclamation,  
"Western Water Issues and the Outlook for New Mexico"**

**Intrastate Issues Facing New Mexico  
Part I - Water Markets**

**Moderator: Representative Gary King, Moriarty**

**2:30 - 2:50 p.m.**

**The Current New Mexico Experience - Is the Market Working?**

- Tim DeYoung, Esq., Modrall Law Firm, Albuquerque

**2:50 - 3:10 p.m.**

**Water Banking - The MRGCD Approach**

- Maria O'Brien, Sheehan, Sheehan & Stelzner, Albuquerque

**3:10 - 3:30 p.m. - Discussion**

**Part II- New Mexico State Water Institutions**

**Moderator - Representative Max Coll, Santa Fe**

3:30 - 3:50 p.m.

**State Water Administration - The Experience in Other Western States**

- Craig Bell, Executive Director, Western States Water Council, Midvale, Utah

3:50 - 4:10 p.m.

**The State Engineer and the Interstate Stream Commission: The Interlocking Relationship**

- Professor Albert E. Utton, Director, International Transboundary Resources Center, The University of New Mexico School of Law

4:10 - 4:30 p.m.

**The Citizen's Role in New Mexico Water Management**

- Chris Nunn, Water Economist, Villanueva

4:30 - 4:50 - Discussion

4:50 - 5:00 p.m. - Wrap up and Overview - Professor Al Utton

**Saturday, February 8, 1997**

9:00 a.m.- Ballroom North

**The Nuts and Bolts of New Mexico Water Administration and Law Practice**

**Moderator:** Professor Suede G. Kelly, Editor-in-Chief of the  
*Natural Resources Journal*,  
The University of New Mexico School of Law

9:00 - 9:20 a.m.

**Representing the Municipality - Current Challenges**

- Jay Stein, Esq., Simms & Stein, P.A., Santa Fe

9:20 - 9:40 a.m.

**Representing the Acequias - Current Challenges**

- David Benavides, Esq., Northern New Mexico Legal Services, Santa Fe

9:40 - 10:00 a.m. - Discussion

10:00 - 10:20 a.m. - Break

10:20 - 10:40 a.m.

**Everything You Wanted To Know About Buying A Water Right**

- Tessa Davidson, Esq., Sheehan, Sheehan & Stelzner, Albuquerque

10:40 - 11:00 a.m.

**Everything You Wanted To Know About Transferring the Right Once You Have Bought It**

- John Utton, Esq., Sheehan, Sheehan & Stelzner, Albuquerque

11:00 - 11:20 a.m. - Discussion

11:20 - 1:00 p.m. - Lunch on Your Own

**Moderator:** Fred Hennighausen, Esq., Hennighausen, Olsen and Stevens, Roswell

1:00 - 1:20 p.m.

**Opportunities for Water for the Environment**

- Denise Fort, Professor, The University of New Mexico School of Law

1:20 - 1:40 p.m.

**The New Subdivision Law - How Much Water is Required?**

- Liz Taylor, Esq., Sheehan, Sheehan & Stelzner, Albuquerque



1:40 - 2:00 *p.m.*

**Representing Irrigation Districts: Current Issues**

- Steve Hernandez, Esq., Hubert & Hernandez, P.C., Las Cruces

2:00 - 2:30 *p.m.* - Discussion

2:30 *p.m.* - Adjournment