The Utton Transboundary Resources Center, at the University of New Mexico School of Law, supports collaborative natural resource management using multidisciplinary expertise and inclusive, diverse stakeholder involvement. The Center conducts research and engages in projects related to its mission of promoting equitable and sustainable management of transboundary resources. Transboundary projects take place at all levels – local, state, tribal, national and international.

The Center was established to honor and carry on the work of the late Professor Albert E. Utton, a visionary man of diplomacy and scholarship. It operates with a small staff, employing professionals under contract and students in order to be involved in many important projects.

The Utton Center has an Advisory Board of local and national experts in resource management that it can draw upon for guidance and support. The Center concerns itself with all natural resources, however, due to the legacy of Al Utton, the expertise of its staff, and the pressing nature of water issues in the Southwest, the Center is currently focused on water issues. Below is a list of some of the Center’s projects, current and completed. More detailed information on most of these projects appears on our website at http://uttoncenter.unm.edu.

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**Current Projects and Projects in Development**

*Water Matters! Edition for the New Mexico Legislature*

The Utton Center expects to continue to update and expand this informative primer on current water issues each year. Edited by Interim Director Susan Kelly, this workbook was first prepared for the New Mexico State Legislature in 2007. The first edition highlighted the many contributions to New Mexico water issues of Joe Stell, who had retired after 20 years in the New Mexico House of Representatives. The primer was updated and supplemented with new material for the 2008 Legislature, and again for the 2009 Legislature.

*Joe M Stell Water Ombudsman Program*

The Water Ombudsman Program is a state-wide program that provides information and procedural guidance about the adjudication of water rights to individual claimants. The Program becomes involved in a particular adjudication at the invitation of the court and with the agreement of the parties to the case. The service is valuable to many individuals who become involved in a general stream adjudication but do not understand the process or its possible effect on their rights. The Program provides only information and explanation. It does not offer legal advice. Darcy Bushnell directs the Program. Since its inception, the Program has increased its outreach and has started offering pre-mediation services.

**Expertise and Outreach**

The Utton Center assists in a broad array of projects concerning water and natural resources policy. We conduct research and writing and make presentations on natural resource topics. We discuss issues with elected officials, water managers and scientists, the media, faculty, students and many other people regarding water and natural resource issues. These activities are representative of the general services provided by the Utton Center and help promote understanding of legal and long-term sustainability issues.

**Appropriative Rights Model Water Code Project**

On request from the New Mexico judiciary, the Utton Center proposes to organize a wide-ranging discussion of western water policy, using a 2007 model code as the starting point for the discussion. The Utton Center convened a small group of water experts in May 2009 to discuss the objectives of the project and the best way to initiate and sustain the discussion. Potential approaches include a policy research initiative, a seminar series and stakeholder meetings.
Current Projects (continued)

Land and Water Connection
The Utton Center is a participant in a group of experts exploring the nexus between land use and availability of water. The group is working on developing and strengthening state and local legislative policy. This initiative is integrated with the Utton Center’s 2008 Land and Water Planning Workshop.

Middle Rio Grande Endangered Species Program
The Utton Center represents the University of New Mexico on the Executive Committee of this program. The Program is made up of representatives of federal, state, tribal and other interest groups. The purpose is to address water supply, science, and habitat restoration in the Middle Rio Grande so that progress can be made in the recovery of endangered species while not impairing water rights and use.

Upstream/Downstream
The Utton Center was an active convener in this project sponsored by the N.M. Water Dialogue with a grant from the McCune Foundation and in cooperation with the Interstate Stream Commission. This project involves numerous water management agencies, sustainability advocates, and planners and is intended to address projected water deficits in the Middle Rio Grande Basin. The participants are continuing to explore options for basin-wide cooperation.

River Restoration Review Project*
The Center proposes an in-depth review and analysis of federal restoration activities and programs including policy recommendations for the future.

U.S.-Mexico Water Committees
The Utton Center represents the State of New Mexico as part of a 10-state work table of the Border Governors that deals with water issues of mutual interest to the U.S. and Mexico. Issues include: Climate change, how to define extraordinary drought and other topics. The Center also represents the State on the Water Work Table in developing educational programs between New Mexico and Chihuahua on water resources. The Water Work Table exchanges information and water development plans among water officials between the two states.

IBWC/CILA*
Proposal to assist IBWC/CILA in developing options for creation of international scientific advisory councils. This project has been proposed by the Utton Center working in cooperation with Dr. Stephen Mumme and Dr. Christopher Brown at New Mexico State University.

Practical Application of Water Law, UNM School of Law course
The Interim Director, Susan Kelly, and staff attorney Darcy Bushnell, teach a class every other spring semester on the practical application of water law for students who have already taken Water Law. The first half of the course focuses on the complex nature of water rights and the second half focuses on the process of adjudication of water rights.

* Denotes projects in development.

Some Completed Projects
The Utton Center has worked on a wide variety of projects since it was formed in 2001. Below is a sampling of the types of projects that it has been involved in:

Conferences and Workshops

Collaboration with New Mexico Tech (May 2009)
Interim Director Susan Kelly was invited to help shape New Mexico Tech’s 2009 Decision-Makers Field Guide on Albuquerque area natural resource issues and policy. She authored a paper on water management and moderated the 2009 conference for legislators and water officials in May.

Dividing the Waters Conference Collaboration (November 2008)
The Utton Center played a major role in helping to plan the Dividing the Waters conference and field trip held in El Paso, Texas and Ciudad Juarez, Mexico in November 2008. This project utilized the Utton Center’s expertise in border affairs.

Land and Water Planning Workshop (October 2008)
The Utton Center held a workshop in October 2008 bringing together a diverse group of New Mexico citizens, practitioners, and government officials (including state legislators) to develop a shared understanding of critical land planning and water use issues. Presentations and breakout sessions yielded an array of challenges to better integration of land use and water planning. Initiatives identified in the workshop are being further developed. A second workshop is planned in late 2009 or early 2010 to consider feasible solutions.

Winters Centennial Conference (June 2008)
The Utton Center and the American Indian Law Center co-sponsored a conference in June 2008 marking the 100th anniversary of the landmark Indian water rights case Winters v. United States. The conference reviewed the legal and cultural history of the Winters decision, assessed the contemporary consequences of the decision (both nationally and internationally), and projected the impact of Indian water rights settlements into the 21st century. The conference,
which had a distinguished lineup of speakers from federal and state government, Indian tribes, and leading scholars and engineering firms, drew nearly 220 participants from all over the United States, including about 70 pueblo and tribal leaders. The proceedings of the conference will be published by the UNM Press.

**Rio Grande Reservoir Symposium (2006)**
A symposium on reservoir management issues was held April 2006. The symposium examined legal and operational issues to provide a basis for evaluating water management options. The Summer 2007 edition of the Natural Resources Journal (Vol. 47, No. 3) is devoted to these legal issues.

**Bosque Restoration Workshops (2004/2005)**
In 2004 and 2005 the Center sponsored workshops to bring scientists together to critique bosque restoration concepts and assist scientists in reaching consensus on how to approach these projects.

**Transboundary Waters Conference: Crossing Cultural Boundaries for Sustainable Solutions (September 2004)**
The Utton Center convened stakeholders in water rights negotiations, including tribes and acequias, to build skills in negotiating settlements. The purpose was to help foster communication and avoid costly litigation over shared waters. We produced a high-quality video, *Voices of the Jemez River*, and developed research papers regarding the Rio Jemez adjudication, *U.S. v. Abousleman*, to illustrate one approach to sharing of shortages negotiations. The proceedings are available on the Utton Center’s website.

**Media Workshop (April 2004)**
The Center held a one-day workshop in cooperation with the New Mexico Press Association to educate the media regarding water issues. The purpose was to provide basic information and terminology to assist print and electronic journalists in accurate reporting on water issues.

**Conference on Law, Science and Water (October 2002)**
The Center convened a workshop of national experts in law, biology, hydrology, and economics to address transboundary water issues. The meeting resulted in a published conference report on approaches to addressing transboundary water allocation and quality problems. It also initiated the four-year process that culminated in the Model Interstate Water Compact. The proceedings are available on the Utton Center’s website.

**Annual Water Policy Conferences (on-going)**
Beginning in 2004, Utton Center sponsored annual Continuing Legal Education courses regarding water policy in conjunction with the New Mexico State Bar. Topics have included institutional responses to drought; the relationship between water supply and energy development, and the Model Interstate Water Compact.

**Law and Policy**

**Energy Water Nexus Program (2007)**
The Center assisted Sandia National Laboratories in its roadmapping effort for the DOE regarding the energy water nexus: the relationship between the water demands of energy production and the energy demands of water production. The Center participated in planning and implementation of three regional needs assessments workshops and in the drafting of the report. For more information see http://www.sandia.gov/energy-water/.

**New Mexico Regional Water and Waste Water Authority Statute (2007)**
Through a contract with the Office of the State Engineer the Center drafted legislation to allow small water providers to join together to form a regional water authority. The purpose of this legislation is to respond to the concern of the legislature to encourage the provision of safe, affordable and sustainable supplies of drinking water to New Mexicans living in rural areas. The draft legislation is available on the Utton Center’s website.

**Rural Water Systems Statutory Assessment (2005)**
This project was conducted for the State of New Mexico in collaboration with the Institute of Public Law. State statutes concerning the regulatory framework for the approximately 1,500 small water utilities in New Mexico were analyzed. The purpose of the report was to enable the Office of the State Engineer to assess whether such water systems have adequate statutory authority to manage the effect of drought conditions on the water systems and their sources of supply.

**Reservoir Storage Modeling Scenarios (2005)**
The Utton Center worked with stakeholders to create scenarios for reservoir storage. The goal was to reach consensus on several potential scenarios to study optimization of reservoir management, leading to discussions of proposed changes in reservoir authorizations to provide benefits to New Mexico for many years. The Utton Center prepared a report entitled “Preliminary Reservoir Storage Modeling Analysis.”

**Water Rights Transfer Model (2004)**
The Center advised Sandia National Laboratories in developing a systems dynamics model regarding water rights transfers in the Middle Rio Grande.

**Water Courts Analysis and Judicial Training (2003)**
The Center prepared a report for the New Mexico Office of the State Engineer on the Colorado Water Court system and whether adoption of its processes might help streamline the New Mexico adjudication process. The recommendations were substantially followed by the State of New Mexico in designating water judges in each of the judicial districts.
The Center synthesized hundreds of public comments from meetings held by the Interstate Stream Commission around the State. This analysis helped inform development of the State Water Plan.

Education

Practical Application of Water Law, UNM School of Law course (on-going)
Taught every other spring semester. (See Current Projects on page 2.)

Association with Natural Resources Section (on-going)
The Center and the Natural Resources, Energy and Environmental Law Section of the N.M. State Bar collaborate on conferences, CLEs, mentoring and externship programs. The Section regularly contributes scholarship funds to students and helps defray expenses for student activities.

Publications

Working cooperatively with the Natural Resources Journal staff, this project updated work done by Professor Al Utton in 1979 and expanded it to address other historical/legal issues of importance to New Mexico’s reservoirs.

Model Interstate Water Compact (2006)
The Utton Center developed a Model Interstate Water Compact. The Model Compact proposes a new institutional form to deal with water allocation and water quality, and includes issues not included in current compacts, such as tribal water rights and the effects of drought. The Compact has been published in the Natural Resources Journal (Vol. 47, No. 1) and in book form by UNM Press.

Monograph of Albert E. Utton (in development)
The Utton Center is developing a monograph on the life, career and contributions of Professor Albert E. Utton. This work is being researched and written by Michele Minnis, retired professor in the UNM Water Resources Program and a former colleague of Professor Utton.

Water Matters! (on-going)
Published annually for the New Mexico State Legislature. (See Current Projects on page 1.)

International

Border Governors Water Work Table (on-going)
As part of its work on the Water Work Table, the Center prepared a report for the State of New Mexico on critical water issues between the border states. The 10 states all prepared bilingual summaries of each state’s system of water administration. The Utton Center also coordinated the development of a border length map of binational water features.

New Mexico/Chihuahua Commission (on-going)
As part of its work on the Water Work Table, in 2006, the Utton Center organized a trip for New Mexico irrigators to visit the Delicias Irrigation District, a 220,000 acre district south of Ciudad Chihuahua. In October 2007, the Utton Center organized a 3-day educational visit to the Middle Rio Grande region for irrigators and government officials from Chihuahua. The Center also coordinated a meeting in Juarez, Mexico between New Mexico water officials and their counterparts from Chihuahua and Ciudad Juarez to become better informed about Mexico’s plan for development of groundwater in the Mesilla Bolson just south of New Mexico near Santa Teresa.

Universities Partnership for Transboundary Waters (on-going)
The Center is included in an international consortium of universities that trains stakeholders regarding transboundary management issues.

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