



Winter 1990

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Recommended Citation

Kenneth R. Weber, *Effects of Water Transfers on Rural Areas: A Response to Shupe, Weatherford, and Checchio*, 30 NAT. RES. J. 13 (1990).

Available at: <https://digitalrepository.unm.edu/nrj/vol30/iss1/3>

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EFFECTS OF WATER TRANSFERS ON RURAL AREAS: A RESPONSE TO SHUPE, WEATHERFORD, AND CHECCHIO

The *NRJ*'s Spring 1989 issue, "New Challenges to Western Water Law," provided a wide ranging and useful overview of contemporary western water issues. Perhaps of necessity, some topics were handled in succinct and fairly non-specific ways. The effects of water transfers on rural exporting areas, mentioned in one article and covered in two pages,¹ was one such topic. It may be noted that water exporting communities have been the subject of little socioeconomic inquiry,² and this might account, in part, for some of the non-specific and often bloodless generalizations presented in the article. Judging from my study of the Crowley County, Colorado, water sales and transfers, the few comments offered are correct although overly general and antiseptic. I would like to briefly expand upon several of the statements presented in the article's summary treatment of the socioeconomic consequences of water transfers from rural areas.

In the second sentence of the section "Effects on Rural Areas," Shupe, Weatherford, and Checchio³ write, "Large transfers of rights from rural to urban areas typically cause controversy in the area where the water rights originate." They then give an example of local concern over the erosion of an area's tax base after land has been removed from production. Erosion of the tax base (loss is perhaps a more accurate term) is certainly one important local concern. That the tax base losses are more a consequence of the water transfer than a cause of controversy may be an unimportant semantic quibble. "Controversy," however, is present and it is too mild a term for describing local feelings such as when farmers felt obliged to carry firearms with them as they went out to irrigate. Controversy is less than adequate for describing the tension that developed

1. Shupe, Weatherford, and Checchio, *Western Water Rights: The Era of Reallocation*, 29 Nat. Res. J. 428-430 (1989).

2. L. Brown & H. Ingram, *Water and Poverty in the Southwest* (1987); Weber, *Climate, History, and Economics: Three Marginalities and the Context of Irrigation Water Sales in Crowley County, Colorado*; Forum of the Association for Arid Lands Studies: Proceedings of the Annual Meeting (forthcoming); Weber, *Social and Economic Consequences of Water Sales in Crowley County, Colorado: A Background Paper, Completion Report prepared for The Ford Foundation, Environment and Behavior Program, Institute of Behavioral Science, University of Colorado, Boulder, Colorado* (1989). Weber, *Irrigation, Economic Development, and Competing Uses for Water in the Arkansas Valley, Colorado*, Forum of the Association for Arid Lands Studies: Proceedings of the Annual Meeting 27-33 (1988).

3. Shupe, Weatherford, and Checchio, *supra* note 1, at 428.

in community meetings, and privately, as the water rights owners determined whether they were going to sell. Controversy inadequately describes the frustration, anxiety, and tension felt by those who chose not to sell as they saw their position eroded by the increasing number who chose to sell. Controversy is inadequate for describing the resulting polarization of communities which previously took pride in their neighborliness, their cooperation, and their kinship ties.

The authors continue:

Water right transfers threaten not only county tax bases, but also the overall economic health of rural areas. When productive agricultural acreage in an area is suddenly reduced, severe secondary economic impacts can debilitate the remaining farmers, as well as affect the businesses that supply and depend upon agricultural customers.⁴

In an irrigation agriculture economy in a semi-arid environment, it is a truism that a strong and direct relationship exists between the presence of irrigation water and local economic health. The loss of production and losses in the area's tax base severely impact not only the area's secondary industries, government, and service sectors, but may also result in tax rate increases to compensate for reduced tax revenues. Local people are justifiably concerned that the increased tax rates may well drive the few remaining agriculturalists, ranchers, and businessmen out of business. As the area's economy deteriorates, out-migration causes a further shrinking of the local consumer base, weakening local business opportunities and driving down tax revenues. This negative spiral, once started, increasingly feeds on itself.

In Crowley County, as in many of the potential rural water transfer areas, agriculture is either the predominant or only industry. Opportunities to pick up the economic slack by attracting new industries to these water exporting communities is difficult in the extreme. For Crowley County, the immediate impact of the water sales and transfer was buffered by an influx of cash, a delayed period before water removal, some opportunities to lease back water previously sold, and a fortuitously timed federal land conservation program. The county, however, has not escaped the inevitable negative consequences. It has merely postponed them. With the loss of its productive base, most of the county's remaining income-producing opportunities face severe economic challenges in the short to intermediate term future. The slightly longer term future looks no better as whatever wealth may remain for the estates of the local water sellers most likely will be transferred to out-of-county recipients owing to decades of extensive out-migration.

4. *Id.*

That “[t]he overall quality and character of life can be undermined in areas where historic irrigation is suddenly terminated”⁵ is a monumental understatement. One could hardly expect the removal of an area’s economic reason for being to do less than undermine the “overall quality and character of life.” Prior to the development of irrigation a century ago, the area that became Crowley County was a vast treeless plain. Trees grew along the area’s only regular water course, the Arkansas River, which marked the county’s southern boundary. Trees now line irrigation ditches, laterals, and drains. They identify present and previous home sites. Just as trees died in local communities during the drought of the 1930s, so are they likely to die without access to life-sustaining irrigation water. Simply stated, with irrigation greenery is possible; without irrigation it is problematic. Although some limited successes have been reported in the efforts to revegetate (that is, to establish a ground cover) areas from which irrigation water has been removed, the long-term prognosis for the revegetated areas has not been established; the test plots constitute an infinitesimal proportion of the acreage removed from irrigation, and the revegetation process is both slow and costly. Similarly, the soil itself is in great jeopardy. A century of irrigation and tillage has changed both its physical structure and chemical composition. Salinity has increased, lack of ground cover has increased previously severe wind erosion problems, and noxious weeds previously held in check by tillage have over-run now abandoned areas.

Along with changes in the physical and floral environment come changes in the character of life. For the area’s century of history the character of life has been established by agriculture’s rhythms. The degree of success achieved in their struggle against a difficult environment determined a family’s identity, status, and its life chances. Now with the drying of the lands, the area’s reason for being, its history, and its culture lose their meaning. Metaphorically, the people of the area lose their psychological and cultural “roots.” Yes, as the authors succinctly write, “The overall quality and character of life can be undermined in areas where historic irrigation suddenly is terminated.”⁶ It is certainly that and more. For some water exporting areas, it is difficult to imagine a future beyond the present generation.

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5. *Id.* at 429.

6. *Id.*