

[Annals of the Association of American Geographers](#) >
Volume 102, 2012 - Issue 3

1,575 60

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Nature and Society

Claiming Space, Claiming Water: Contested Legal Geographies of Water in South Texas

Wendy Jepson

Pages 614-631 | Received 01 Jul 2010, Accepted 01 Aug 2011, Published online: 17 Jan 2012

 Cite this article  <https://doi.org/10.1080/00045608.2011.641897>

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Abstract

Current scholarship on poverty in the U.S. borderlands argues that limited low-income housing and unenforced land development regulations cause poor domestic water access in south Texas's predominantly Mexican-American rural and periurban low-income communities (colonias). In this article, I argue that water politics, not only poverty or failed public policy, determined the trajectory of inadequate water access. Drawing from legislative archives, legal documents, and court records, I examine two companion legal cases (Jimenez v. Hidalgo WCID 2 et al. [1971] and Fonseca v. Hidalgo WCID 2 et al. [1971]) that challenged the ability of farmer-controlled water control and improve colonias right to stand. Drawing from emerging water th process

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market, policy failure, and prospective water rights. The final legal ruling against colonias residents foreclosed any standing they had in regional water governance and shunted them into their current position of passive consumers of dysfunctional public services with limited ability to change their relationship to regional water management institutions.

当前有关美国边疆的贫困方面的学术研究认为，有限的低收入住房和非强制的土地发展法规，造成了得克萨斯州南部的贫困人口，主要是墨西哥裔美国农村和郊区的低收入社区（colonias）的生活用水访问的困难。在这篇文章中，我认为，不仅是贫穷或失败的公共政策，水政也决定了缺水的轨迹。从立法档案，法律文书，和法庭记录，我研究两个相应的法律案件（Jimenez 诉 Hidalgo WCID 2 等[1971] 和 Fonseca 诉 Hidalgo WCID 2 等[1971]），挑战了农民控制的水控和改善区（WCIDs）的能力，通过把低收入社区从区域排除出去，来主宰区域的水治理。这种领土排除法否认低收入社区居民对 WCID 董事会候选人的投票权，因此，否决了居民的改变区内从灌溉到生活供水运作的政治地位。借鉴于当前关键的法律地理的学术研究，本文通过对 WCIDs 政治属地的辩论，详细介绍了新兴的法律话语如何重新描写叙述低收入社区居民对水的访问。此外，法律的过程把辩论的条款从投票权转移到以历史上的先例，其市场，政策的失败，和潜在的水权。最后对低收入社区居民的法律裁决，止赋了他们在区域水治理上的任何地位，并且把他们搁置到当前功能失调的公共服务中的被动消费者的位置，只具有有限地改变与区域水资源管理机构之间关系的能力。

El estudio académico sobre la propiedad dentro de los confines de los EE.UU. sostiene que la vivienda limitada de bajos ingresos y la falta de aplicación de las regulaciones sobre desarrollo de la tierra determinan un precario acceso doméstico al agua en las comunidades (colonias) predominantemente México-americanas de bajos ingresos que habitan en las áreas rurales y periurbanas del sur de Texas. En este artículo arguyo que las políticas del agua, no solo la pobreza o fallidas políticas públicas, determinaron la trayectoria del acceso inadecuado al agua. Con base en archivos legislativos, documentos legales y registros de las cortes, examino dos casos legales emparejados (Jimenez v. Hidalgo WCID 2 et al. [1971] y Fonseca v. Hidalgo WCID 2 et al. [1971]), que desafiaron la capacidad de acción de un control basado en los propios agricultores y de los distritos de mejoramiento (WCIDs) para dominar la gobernanza regional del agua, excluyendo las colonias del territorio distrital. Esta exclusión territorial le negaba a los residentes de las colonias el derecho a votar por candidatos a la dirección del WCID y de esa manera le negaba a los residentes la capacidad política de cambiar la operación del distrito de agua de irrigación a agua para consumo doméstico. Con base en el



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consumidores de servicios públicos disfuncionales, con limitada capacidad para cambiar sus relaciones con las instituciones regionales de administración del agua.

Key Words: colonias critical legal geography territoriality Texas water governance

Keywords: colonias geografía legal crítica territorialidad Texas gobernanza del agua

Palabras clave: colonias geografía legal crítica territorialidad Texas gobernanza del agua

Acknowledgments

I would like to thank The Melburn G. Glasscock Center for Humanities Research at Texas A&M University for supporting archival research that was the empirical basis of this article. I also extend my gratitude to Kathleen O'Reilly and Elliot Tretter for their astute and helpful feedback on earlier drafts of this article. In addition, I want to thank J. Christopher Brown and the Hall Center for the Humanities at the University of Kansas for inviting me to present this work in their Nature and Society Lecture Series. Finally, I would like to thank the anonymous reviewers for their constructive comments.

Notes

1. Jimenez and Fonseca are companion cases and were litigated together.
2. A stipulation of fact is an agreement between parties that certain facts are true or uncontested.
3. Court files confirmed that the litigants did not agree that all of the colonias residents excluded from the WCID could afford to pay the charges of the water supply company (MALDEF).
4. The W...



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