

# **Land Use System Transformation with the Development of Tourism and some Environmental Problems in Shinshu District, an Inland Area of Central Japan**

(内陸地域信州の観光事業の発展と土地利用の変遷に伴う環境問題について)

Takahiko YOSHIDA (Faculty of Arts, Shinshu University)

**Foreword:** Today the world under the market economy system, to hold some areas in where several resources are existing and to make some profit by using or developing those resources are, in fact, disparity affairs. The Shinshu, one of the well known typical inland area exhibits such typical case. For example, Shinshu area has ample water resources for hydro-electric power, and almost of all generated energy are passing over Shinshu area and being sent to other large urban centers far distant because of lacking to hold water rights at dwelling peoples hand, exhibiting disparity affair of holding water resource area only and lacking means to use and make profits.

One can find easily similar situation in case of tourism. There are many beautiful landscapes in Shinshu area attracting large amount numbers of guests per annum, and without enough capital and invested trusts peoples of Shinshu area cannot make profits in spite of the ample touring lucrative resources. Moreover, by looking abroad, as the inland area case, among Asian countries, we can also find similar situation in the Nepal Nation, at the Himalayan mountainfoothills. Nepal receives many abroad mountain climbers and treckers mainly from Europe and U.S.. Those abroad visitors hier many local peoples as porters annually. Those porter works provide good employment opportunities for the local people and are also very important incomes for the Nepal nation. Nepal, never be economic affluent nation, hold in its hand only huge scale mountain land and, today, that mountain land are breeding lucrative resources. But the numbers of abroad visitors are not stable ones. They tend to be fluctuated largely by economic and political affairs of worldwide scale and that affects largely the nepal nation and local peoples earnings. The Nepal nation and its people, have only mountainland without the means making maney and profit.

Thus we can find common subject between Shinshu and Nepal as the inland and mountainous areas, holding ample resources and lacking means of making use of them.

**Key Words: Tourism Development, Forested Communal Land, Land ownership, Water Resource, Environment**

## **I . Tourism, Land Use, and Water Resource**

The author will pay attention to and focus on

the water resource problems. He intends to make clear 'disparity' subject and took the case of Nojiri lake water resource. Surpassing famous

Suwa Lake, Nojiri lake has the largest volume of water in the Shinshu and are under highly making use of. So it is seemingly benefitting many dwellers surrounding and near the lake area. Reversely such expectations, Nagano District, the inland area, has only holding the place of the lake and lacking any water right, which is critical means for making use of water resources profitably and breeding economic welfares. Almost of the lake waters are passing through the area of Nagano District and consumed in far downstream Seki river areas in Niigata district. The author has analyzed the process such 'disparity' situation in case of Nojiri lake water right.<sup>13)</sup>

To overcome regional conflicts and opinion differences, peoples of Nagano Prefecture have preferred and called their homeland name 'Shinshu'. It has been the symbol of integrations and corporations. Under this popular name, people can hold a sort of one body feeling, so as of the University name. The author will also use this name in the following description.

Economy and industry of the Shinshu has been characterized by its exporting market orientation. During from 1980s to 1990s, some transformation arised under the so called 'High Yen' circumstances. Manufacturing of the Shinshu had eagerly shifed their production activities from the Japan to the Asian New Industrializing nations strategically and most of thir homland works except R and D functions were curtailed. On the other hand, in response to urban dwelling peoples expanding leisure needs, National and Local government began to promote tourism. In place of manufacturing, newly arised tourism were expected to support the local peoples income and to make peoples employment opportunities. Generally, tourism require very large tracts of land far wider than

manufacturing. Manufacturings are able to make land use intensive and practice space savings largely as well as other urban industry. On the contrary, tourism are essentially occupying wider land surface and cannot save space at all. Thereafter, by promoting tourism, large scale land were converted mainly from the forested and pasture land containing some agricultural land. Forested lands, situated surrounding local peoples settlements originally commonly owned and managed by the local peoples were indispensable for the peoples life. They supply many woods for dwelling materials and fuel purpose and heavy amount of hays for thatching, animal feeds, and natural fertilizers for crops. We must add water resource for drinking and irrigation as more one of the important forest resource. Traditionally those forested lands were managed strictly under custom law because, in fact, their function was to support and to make peoples life sustainable.

Through the High Growth Era, fuels had converted to petroleum gas and also locally supplied woods had gave way imported woods for building purposes, transformation of the peoples life changed the forest products made low vale, except water resources. And there were some widely spreaded misunderstanding that water resource could be supplied enough by reservoirs of dam-uped rivers without forested wood. Thus, forested land previously owned and managed commonly as the local peoples indispensable property were began to be treated as dissolved private properties and were released from under the common landuse regulation rule and gave way disorder tourism developments. Tourism requires extensive land and has heavily space spending charactor. With its development, there will be changes in landuse. The physical environmet as forests or landform or hydrology,

that is, the natural eco-system can be affected a considerable degrees. Conflicts may arise amongst the different sectors of the economy and peoples life for the use of land. Agricultural or industrial land as well as settlements may have to give way to the development of tourist resourts.

Today, it can be recognized that one of the newly arised problem is degradation of drinking water quality that would threat human health of the local peoples dwelling in the tourism developed areas.

## **II . Tourism Promotion by Nagano Prefectural government**

National and local government tourism promotion policy affects tourism itself and local society to a large extent. Endowed with affluent natural beauties, Nagano Prefectural Government had also positively participated in the tourism promotions and had took several measures. Those measures were infrastructure improvement such as 1. Road construction and 2. Preparation the land for summer house lots by aquireing and reclamation and development of the forested land. Followings are details of the measures adopted by Nagano Prefectural Government.

### **II - 1 Buildings of the toll road**

As to road building and improvements in 1970s and 1980s, to attract many urban car driver visitors, Nagano Prefectural Government had built several toll roads as a mean to solidify tourism infrastructure.

Some of those rodas were popularly known as 'Bird Line' in Togakushi resourt and 'Venus line' in Shirakabako, Kirigamine and Utsukushigahara Highland areas. The latter has been opposed to by many local citizens as the cause of environmental disruption of the Central Shinshu Highland Area and its final plan, linking Utsukushigahara with Matsumoto urban area still

has not been realized.

### **II - 2 Scheme of 'Sugadaira Format' and its implementation**

Concerning the land reclamation for summer house lots, following description is valid. Local government, composed many towns and villages with of small population and of small government financing, called Chou and Son, had the land itself in their hands, but without any economic means, the land only. Although land is the most elemental tourism resource, possession itself is the only a possibility without financial ability. They had none of financial ability to excecute plan and ability to developm and promote tourism industry. Then Nagano Prefectural Government had positively participated into tourism promotion projects. Nagano Prefectural Government with more higher ability capital furnishing had devised unique metod refered as 'Sugadaira Format'. Under this format, implementing the project to develops lands for second summer housing lot was started in 1970. Ueda city and surrounding towns such as Sanada-machi and Tobu-machi situated and were included in the northern portion of the Chiisagata County had experienced tourism development under this format. At first, Prefectural Government recommended those small municipal government to tender their possessed land formerly forested and facilitated as common forest. Then, on the Prefectural Government burden the land development reclamation for summer housing lots had proceeded. Prefectural Government land development contains following works as forest clearing, land leveling, building of local road network, water supply and seawage draining. During 1970s and 80s, such tendered land for development purpose under those 'Format', that was the disintegration former commune ownership forested land, had amounted

to 1,011 hectares. In where sell in plots were completed for second houses, tourism has been partially realized, some people have been employed and some tax payments been added to as annual revenue for the municipal government, but the local governments has no longer owned any land in their hand at all. The land can be regarded as a sort of the principal from it interest accrues. Without the principal, any interest can be expected to obtain. Being no famous for as Karuisawa or Nojiriko, those newly-risen second house lots were not popular and tradings were unprofitable. Small local government had lossed not the interest but the principal. Iizuna Highland, Togakushi Highland, Kaida Highland, Kurohime Highland, Chikuma and Hijiri Highland are such poor profit or unprolific cases as Sugadaira. Subsequently only deforestations and poorer hydrological environments were brought about.

### **III. Completion of the Highspeed**

#### **Transportation Networks**

Both of National and Prefectural governments had worked directly and indirectly in promoting and developing the tourist industry. They had promoted and engaged in construction of highway automobile roads and local road networks eagerly through direct public investments. It has been expected for longer times that Nagano's location would further be enhanced by the operation opening of high speed transportation linking with majour urban centers. Automobile highway interlinking Shinshu with other regions and intra-linking four majour intermontane basins within Shinshu completed in 1980s and Bullet Train service (Nagano Shinkansen) linking Tokyo and Nagano has commenced in 1990s. The Winter Olympic Games held in Nagano in 1998 contributed to the

development of tourism and to improvements to the infrastructure and tourist accomodations. Those new transportation systems would be never only favorable for Shinshu area. Those rapid transportation networks had spread over nationwide scale and they make tourisms be favorable of many regions within the nation other than Shinshu alone. It can be forecasted that the competitions between inter resourt areas will be more intensive than at one times.

More one problem faced by the modern tourist industry is the changing behaviour of visitors. Opening operation of the bullet train service and the completion Kan-Etsu automobile highway realized high accessibility for Shinshu resourt from conjested majour urban areas. And those made it possible peoples to enjoy one day tour, with more short stay and more smaller money spending, being reverse result against previously expected. Many visitors tend to enjoy natural beauty and historical heritages only at a glance and do not consider and examine closely its environmental and cultural background and values.

### **IV. Three types of common land use and management under tourism develoment**

Under the modern times in the tourism development process, the former forested communal lands had experienced following three ways differ from each others. By author, Karuizawa could be classified as the first type, Shiga Highland the second type, and Tateshinamachi could be the last third type.

Karuisawa resourt area has exhibited typical case in which almost of all the former communal lands were from the outset dissected and had been privately traded. On the contrary the Shiga Highland resourt area has exhibited another typical example in which communal land

ownership had and has been completely facilitated through the Modern Era. Land use rules in the Shiga were almost the same as in at one time and development of the tourism reflects such land use and land management rules. Of all tourism firms had to rent land lots from the landowner Wagokai for land use, instead of purchasing to obtain ownership of the land. The third case, of Tateshinamachi resort area, on the northern slopes of Tateshina volcano, exhibits very unique example way of tourism land use and management. In Tateshinamachi land ownership and water resource management has conducted independently. Tourism firms in Tateshinamachi have to clear water use regulation with farmer's approval, adding to land rent system. Follows are details of each those three types.

#### IV - 1 Karuisawa in where dissolved common lands had been purchased and sold privately

Karuisawa is the most famous summer resort in central Japan where foreigners as well as Japanese built summer houses prior to World War II. Nowadays this area attracts many vacationers who own summer houses, while short term visitors can also enjoy the highland environment and varied tourist facilities.

At early days of Meiji Era, the beginning of the modernization, most peoples of Karuisawa were engaged in agriculture, and they had common forest and pasture land with extensive areas. With favorable location along Nakasenndo highway many farmers were also engaged in transportation assistings as their important side works under feudal system. With modernization processing farmers suffered from curtailed sidework earnings and had to seek other income sources.

Situated not far away from the Capital City and endowed with highland cool climate,

Karuisawa was recognized from the early Meiji Era as one of the typical hill resorts for those tourists who wanted to get away from the heavy summer heat of Tokyo. It also had the longest resort history so as had the Hakone area from the outset of Japanese Modern Era.<sup>2)</sup> Persons attentioned on Karuisawa as its resort possibility were with high social status as university professor, businessmen of financial circles, high class government officials and high class pastors, including many foreigners. Suggestions and supportings by those leading highclass persons land reclamation for summer and second house purpose lots had begun. Along with such activities agricultural development trials following of U.S. frontier style had commenced.<sup>2) 3)</sup> Both business activities purchased extensive agricultural common land and, communal land ownerships were soonly dissolved. This process was smooth because farmers were required income opportunities from the new tourism. Thus in Karuisawa most of the land for tourism had and has been easily obtained and traded privately as the objects of commodities in the real estate trading process and sometimes speculatively, and in degrees, with more small scale and disorderly. Today Karuisawa area exhibits too heavily developed land use character by tourism.<sup>12)</sup>

As the result of the tourism development, the expansion of the disorderly deforested areas were also rapid. And the capacity of the ground to reserve precipitated water and to control surface runoff has been diminished to larger extent. Karuisawa resort areas are situated on the uppermost portion watershed of the large Chikuma River system. Both uncontrolled flooded water and degraded quality water would damage downstream agricultural and urban areas and would make ill effects on the potable water

resources. It should be considered to make a counterplan for the protection of soil, water, and natural environment as a whole.

IV - 2 Shiga Area in where Land had and has been completely controlled under commune

Shiga Plateau is centrally located in Joshinetsu Kogen National Park. This resort had acquired the nationwide fame, top class skiing ground, as early as from the 1940s. The famous skiing resort Shiga Plateau lies among the common forests for the settlement of 'Kutsuno' which is included to the Yamanoutimachi. From the Pre-modern Era local people had to make use of this plateau for the production of charcoal, hay, woods of building materials, bamboo and processed bamboo products and other forest products as late as the end of 1950s. Origin of the tourism of the Shiga can be traced back to early days of 1930s, when skiing introduced to the Shiga. Simultaneously railway linking between Nagano City and Yudanaka at the foothills of Shiga was completed and the Shiga obtained high accessibility from the Tokyo.

Just in the same year the Wagokai, the Juridical Foundation of the settlement of Kutsuno, the reorganised successor of traditional land and forest management agency, was established to manage and control the Shiga plateau land. Since 1930s many skiers had begun to visit this plateau. Shiga had made its start as the national level skiing resort. This era was epoch making one and Shiga's beginning of tourism was as more later approximately 50 years than Karuisawa area. It was this period when the inhabitants of Kutsuno migrated to Shiga to begin the operation and management of resting houses and huts including small ski-grounds.<sup>4)</sup>

<sup>4)</sup>Those above accommodations were possible to carry on businesses all year round, previously only operated in summer season. Ropeways, ski

lifts, gondolas, bus and taxi services, those with invested heavy fixed capital and mechanical maintenance technologies sections were operated by Nagano Electric Railroad Company. Villagers of settlement Kutsuno in fact the landowners of the Shiga, and Nagano Electric Railroad Company, both were coexisted with each other on the Shiga Plateau tourism and had kept combination with business activities. Under such situation, to protect scenic landscape and natural environment from the tourism disorder development was not so difficult as the Karuisawa area. Wagokai, the landowner of the Shiga Highland, has well recognized the value of natural environment, although some problems such as heavy traffic congestion by cars has arisen. In Yamanoutimachi, for the profit making, land has been regulatedly rented only to the internal members of the Wagokai, under the original common property management local peoples society. For business purposes, toward out of the members of the Wagokai, land rent had and has not been allowed. Rented land under regulations had been used for only big firm workers resting and recreation purpose, health resort houses, for workers welfare only, not for profit making tourism business.

Shirasaka described the Nozawa Onsen spa and skiing resort case, in where tourism firms had been very strictly limited within the original local members. This area had also owned and managed commune land, of which had developed and converted to skiing ground under the permission of original Ski-Club, under control of local membership. Lately regulation had descended to local government Nozawa Onsen Mura, the land management rule had been kept and maintained very well. Thus, skiing ground purpose, common land has been rented only for their relations, not for outsiders. This case is also

very suggestive to protect the environment for the local peoples.<sup>3)</sup>

Tateshinamachi soon will be described and above mentioned Yamanouchimachi exhibit very similar looking because their area of tourism grounds has been formed of renting the forested lands, and had offered business opportunity for the local people by charging of rented land be not so high. Both of them are also largely different from the case of Karuizawa resort area.

But, although above two areas show similarity, not be the same one. Now, The common land transformation experienced in the Tateshinamachi will be described.

IV - 3 Tateshinamachi in where Land Use Management and Water Resource Management are Independent

Under the modernization process of the legal system, civil law was adopted and former common property forested land were handed to and under the management of reorganized Tateshina Common Property Management Association, Tateshina-Zaisanku. Under this system, before World War II, reforestations were actively promoted and practiced. And little evolution for tourism had arised, exceptionally, Zaisanku rented their forested small land parcel to Tokyo High Education School for their summer school in 1930.<sup>11)</sup> That was not for revenue purpose but for only education purpose. Member of the Tateshina Zaisanku was composed of nowadays Tateshinamachi and Motizuki machi. During the High Growth Era, land ownership and management of the forested land was transfered respectively to the two local governments, tateshinamachi and Mochizukimachi from the former Zaisanku. Under the local autonomy system, Tateshinamachi-Government had to apply the

common property to create and to increase its financial revenues. The local government positively research their way of making profit and commenced trials for tourism businesses. They did not sale their land. But to obtain and master the kow-how of the tourism business operation, firm management and profit making, Tateshinamachi-Government had set up the joint firm of third sector so called Kankou Kaihatsu Kosha, and introduced financial capital of the private big tourism company. Tateshina Kankou Kaihatsu Kosha had developed several second house resort lots, pleasure ground, toll roads, and skiing grounds.<sup>11)</sup> During 1970s, with the development of tourism, needs of substantial amounts of waters had arised. By this time, Kankou Kaihatsu Kousha had assumed responsibility for providing the water supply. Since 1980s, waters for skiing ground consumed for artificial snow making purpose has begun to supply. Recently tourism water consumption has remarkably increased.

It is interesting that in Tateshinamachi landownership holder and water right holder are independent.

Today Japanese civil law gave unique lawful base for water right, originally evolved from the custom-law. Water right was based on the principle of 'first come, first in right' and has been standing on very firm base. Under this principle, water right gained its position as absolute and monopolistic right. Agriculture have the predominant such right of water user over any other new water seekers or new comers. And today in Tateshinamachi too, tourism is just only the new comer one. They could not use any volume of water without agricultural permission on some documented bond, premissing the new comer should make never disturb on the preceded water users, agriculture and dwellers.

Materially, in Tateshinamachi the water right holder above-mentioned is the corporated agricultural landreclamation association, Kawanishi Tochi Kairyoku Rengo. Peoples of Mochizukimachi, Kitamimakimura and western small portion of Komoro City along with Tateshinamachi areas coincide with above corporated land reclamation association has diverted their domestic waters from the above agricultural water. Water right is recognized one sort of property right and can assert its benefit protection with strong lawful base. On this law base, peoples, domestic water users can protect their health and lives.

#### V. Conclusion

The author have considered by overviewing the transformation of the forested land at one time under communal landownership partition, with the development of the modern tourism industry and described some problems concerning environment. Nowadays forested lands are even facilitating the function of soil and water resource conservation as well as at one times. Formerly communal forested lands were owned and managed in common and were strictly regulated by land use rules. They reflect characteristic natural ecosystems of East Ajian climate, vegetation, soil, and landforms. Those commune land use regulations are never be of old time remnants or a remained part of feudal social system, as often simply misunderstood in social and human sciences. From the Meiji Restoration, under the wohle social modernization processes, agricultural water right had positively adopted itself through many law confliction and established well-founded lawful position in the civil law system. Especially since the beginning of the 20th century, farmers had claimed and appealed positively toward whatever

seemed to be feared that would invade and threaten their own vested interest or privilege, and bring the matter before the court to ensure their own water right. Along with the establishment the Riparian Act of 1896 (original KASEN Act, in 1964 revisioned), water users other than agriculture had to require permission for the central or municipal government to obtain appropriated water rights. For agriculture, the fact of water was used or, any documented friction with others surrounding water use, were treated as recorded files, so agricultural water right alone based on the custom-law. In this meaning, government permission was only a ratification. From the Feudal days till modern days agricultural water right experienced little transition. Water right is exclusive and absolute right having priority over any other newcomers. They recognized as a sort of real rights being well founded law-suit one.

At present, one circumutance has arised surrounding traditional agricultural water right.

The central government has began to trials for deprivation of agricultural water right of real right, exclusive and absolute substances. Under the pretext of water resource saving and water use rationalization, central government has asserted that it is required generally of new water use and delivery system should be established. They pointed that agricultural waters had and has been excessively favoured. The authors assertion is, under present law system, protection of humans life and humans health are very difficult because the principle purpose of present law system is protect property and real right itself, not humans life or health. Under the present law system, humans life and humans health can only be protected through bringing a lawsuit against whatever threaten their existence by ensuring for their protencion of the property



right. In Nagano Prefecture, there are several local governments which divert their domestic water from the agricultural waters. Peoples of the previous Kawanishi Tochi Kairyoku Rengou has diverted their domestic water from their agricultural water on that property rights had been set. By tourism developments, when their domestic water i.e. agricultural water, are environmentally or hygienically injured or given some ill effects damaging human healths, or available amounts are decreased, people can bring the matter before the court to ensure their own water right. Tourism has at one times premised that they should never make any disturb on the preceded agricultural (and domestic) water users, on some documents. Breaking the contract is clearly and absolutely the criminal offence, never should be judged only simple mistake. The polluter pay principle must be carried through. Strengthening management and control of the agricultural water right by the central government may subsequently weaken the agricultural warer's protection ability of the peoples life and health. Presenting ethically, Tourism should never be prosperous at the expense of local peoples lives and healths.

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#### 摘 要

広く世界の内陸地域に共通する問題の一つは、手持ちの資源を自分の力だけでは十分に活用できない事である。たとえばネパール国は壮大な山岳地域を持ちながら、国外ことに欧米からの客が頼りの綱である。内陸地信州では千曲・高瀬・梓・犀・木曾各河川の発電用水や野尻湖・青木湖で、豊富な水資源がありながら水利権がなく、地域住民から資源を活用する機会が奪われている。時代は 21 世紀に移り、信州人の生活の支えに目下観光産業が重みを増してきた。21 世紀のキーワードの一つが環境保全であ

るならば、住民の飲料水の安全を観光産業伸長の中でどう守ればよいのか。

観光業は製造業と違い、極めて広大な空間を使う。観光業の土地利用に制約をかける時、土地所有や利用管理の変遷をおさえるのは極めて重要である。土地所有や管理の側面から、信州の観光地は三大別できる。すなわち、明治維新直後から入会地が分割され東京の大手観光業に買われ私的所下で開発の進んできた軽井沢型、これと全く逆に、管理組織和合会の法人化の下で、入会共有共用制が今なお維持されている志賀高原型、土地の管理は志賀型に近いが観光事業自体は大手企業に委ね、いっぽう、強大な農業水利権の下、観光業の水利用はその都度農業水利の承認が必要な、土地利用と水利用が分離している立科町型、の三つになる。

自然保護や水管理が一番難しいのは最初の軽井沢型である。これに較べ、多少問題はあっても、解決しやすいのが志賀型である。多雪地の入会林野はスキー場に転用される場合が多かった。白坂によれば、地元住民が入会林野を巧妙に生かし、観光開発を地元の事業者だけに限定して成功した例に下高井郡野沢温泉スキー場を挙げることができる、という。細かい内容はさておき、類型では志賀型に入るであろう。立科町型は三セクの観光開発が大手企業に引きずられ勝ちだが、水利権の活用が生活環境の破壊の歯止めとなる。内陸地信州の数多くの観光地をこうした類型で整理すれば、住民の生活環境を守る手段も工夫しやすくなるであろう。

法的には物権とみなされる水利権は、要するに争う権利である。現行の法体系下では他の財産権同様最も強い権利で、それを犯せば相当の償いが求められる。法の扱い上、人の生命や健康よりも重いのは悲しいが、水利権が手中にあれば住民の生命や健康を

守る強力な武器にもなり得る。長野市旧芋井村大字上ヶ屋の住民の、1977年の農業用水と飲料水を含めた水利組合結成の例があるが、別の機会に譲る。

末筆ながら、内陸文化交流業務に労を惜しまず尽力されている広報委員始め関係各位に深謝申し上げます。