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**Michigan Citizens for Water Conservation Asks Michigan Supreme Court to Hear
It's Case**

Traverse City - Michigan Citizens for Water Conservation has filed an appeal to the Michigan Supreme Court in it's case, Michigan Citizens for Water Conservation v Nestlé Waters North America, Inc, asking the Court to put the rights of landowners who live on Michigan's lakes and streams, and the public who uses and enjoys them, back under the protection of established water law. Last December the Court of Appeals overturned a landmark 2003 decision by a Mecosta County trial court that shut down Nestle's high-capacity wells used to pump and divert water to a bottling plant for shipment out of Michigan's watershed and the Great Lakes Basin. The Court of Appeals decision created a new "reasonable use balancing" rule that opens the door to Michigan's water to Nestle and other future exporters of water.

"Before the ruling, Michigan riparian water law did not allow diversions and exports of water out of watersheds if it diminished the flow and levels, or interfered with riparian landowners or the public's use of a lake or stream," Terry Swier, President of Michigan Citizens for Water Conservation, said. "Now landowners and the public will have to wait until they have suffered substantial injury before they can do anything about it, and then they probably won't be able to afford to do anything. If the Court of Appeals decision is left standing, the many businesses who rely on the water, and the public who fish, boat and swim in Michigan's lakes and streams, are all going to be required to stand in line with those who want to sell our common water for use somewhere else," she said.

The Court of Appeals also ruled that landowners and the public will now have to suffer unreasonable harm to their water and rights if a water exporter shows there's more social good and economic benefit in selling water somewhere else. "The Court of Appeals did an admirable job understanding the seriousness of the harm," Swier said, "but in the end the ruling shifted Michigan water law in favor of water diversions and exports. This means the rest of the thirsty world in an ever increasing world water crisis will have equal dibs to the water that's been flowing here since the time of the glaciers."

Established common law protects riparian landowners and public use and the enjoyment of Michigan's magnificent waters. The Court of Appeals eliminated this protection. The Supreme Court will be asked to restore it consistent with the provisions of a newly enacted state water law that expressly preserves these common law riparian rights and protections. Michigan's long-term economy and quality of life depend on its lakes and streams and abundant aquatic life for it's commercial endeavor and recreational enjoyment. The Court of Appeals "reasonable use balancing test" will allow Nestlé, who has no riparian rights, to extract, divert, and sell water out of the Great Lakes Basin to be used elsewhere in the world. Riparian owners and users will be forced into competition with a vastly expanded universe of regional, national, and even global water users.

Jim Olson of Olson, Bzdok and Howard, attorneys for Michigan Citizens for Water Conservation, said, "As Michigan enters the 21st Century with the rising world water crisis, it is critical for the Court to clarify the power and claims that may be used by landowners, citizens and the State to preserve private riparian and public trust rights in the State's waters from harm as the result of removals of large quantities of water that feeds our lakes and streams."

The spring aquifer from which Nestlé extracts the spring water forms the headwaters of the West Branch of the Little Muskegon River that feeds several lakes. For every gallon Nestle removes from the spring aquifer, nearly a gallon is removed from the stream and lakes. Nestles pumping of water has reduced flows and levels and physically and substantially harmed the stream and two lakes and interfered with the rights of riparian landowners and public who can no longer use and enjoy the stream for boating and fishing.

MCWC and Nestlé entered into a Stipulated Remand Order restricting pumping limits to an average of 218 gallons per minute from the Sanctuary Site until the case is heard in the Michigan Supreme Court. If the Supreme Court decides to hear the case, and returns the common law to limitations that protect private property and public rights, the pumping limits will have to be reduced or halted.

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