

Governor Engler and the premiers of both Ontario and Quebec²⁸ tried to steer the water diversion debate away from particular diversion projects and towards the need to develop adequate procedures or criteria to evaluate diversion proposals. However, Michigan lost some of the high ground of advocating water diversion criteria and procedures in the name of Great Lakes water level protection when it approved a Mud Creek Irrigation²⁹ project in 1993. That project would withdraw water from Lake Huron for nonriparian irrigation purposes without the need for regional approval because the project with a small consumptive use, not a diversion.

The Governor was criticized in newspapers³⁰ and by other state governors who argued that Michigan's position on Mud Creek was inconsistent with its position on the smaller Lowell, Indiana project, if the state were truly concerned about water levels and not the semantics of consumptive use versus diversion.³¹ The premier of Ontario wrote to G. Tracy Mehan, the Governor's director of the Office of the Great Lakes, expressing concern about the Mud Creek project and reiterating the need for water diversion criteria:

"I continue to believe in the establishment of effective evaluation criteria before proper consideration can be given to diversions, transfers, and consumptive use proposals."³²

Soon, news of other potential water diversions from Great Lakes states began to emerge, as it was clear that diversions were up for grabs in light of the policy vacuum created by Pleasant Prairie and its successors. In 1996, the City of Akron, Ohio, was the latest applicant for an out of basin diversion from Lake Erie, but Great Lakes United has identified a total of thirteen potential applicants, including at least six sites within the eight Great Lakes states (including Akron) classified as having a high potential for Great Lakes water diversion.³³ In addition, relations among the Great Lakes states were further strained over a

²⁸ Engler, Governor John, Letter to Quebec Minister of the Environment Pierre Parades. 9 December 1993, acknowledging the need for comprehensive water diversion criteria.

²⁹ Authority for Irrigation Districts lie under MCL 279.201 *et. seq.*, P.A. 205 of 1967.

Governor Engler argued that it was the Michigan Natural Resources Commission that approved Mud Creek by a 5-1 vote (the dissenting vote was the writer of this article).

³¹ See letters to Governor Engler from the governors of Ohio (June 15, 1993) and Indiana (June 4, 1993).

³² Mehan, G. Tracy. Letter from Ontario Premier Bob Rae dated February 10, 1994.

³³ In the draft 1996 study tentatively entitled "Enviied Waters: A Study for Great Lakes United", the authors (Carl Bolster and Bruce Kershner identify six sites as high potential for Great Lakes water diversion, including Kenosha-Pleasant Prairie, Lowell-Gary-Hobart,