

Editorial: So Much Water - Why Worry?

The Great Lakes were at record high levels this past summer. Beaches disappeared, docks were swamped, the rivers flowing into the lakes were overflowing their banks in some areas. Then there was the rain, spring, summer and fall. Here in northern Michigan we planted late, harvested late, gave up some crops to flooded fields or mold, and haven't had enough dry days to finish getting the firewood cut for our wood stoves. All this water, and we're still concerned about Nestle taking a few million gallons from two creeks in Osceola County? The funny thing is that those two creeks aren't overflowing at all. In fact some of the headwaters are bone dry and mud flats are building where they shouldn't be. The problems with Nestle haven't changed at all. See Jim Maturen's article on that subject.



What has changed in the last few years is the climate worldwide and the condition of the growing movement to deal with it. The Great Lakes go through cyclical changes in levels, but this year was different and we cannot ignore it any longer. Climate change is on everyone's minds these days and it needs to be. The young people of the world are on strike for their future. They are under threat and are demanding action at all levels from governments, civil society, parents, environmental groups, ordinary citizens. They are declaring an emergency and know that small, slow efforts won't do the job anymore. Emissions from fossil fuels are only increasing dramatically while we dither away with small fixes or denial. Radical change is needed at all levels in the way we live and the way we treat Mother Earth. Anything less than that is cheating our children of their future.

The rise of youth in the face of climate change coincides with the growing leadership of Indigenous communities worldwide. The people least responsible for the mounting crises are the ones offering some of the best solutions if we could only listen. Indigenous youth are sounding a wake up call of their own. They are not asking for technological fixes that only make the problems worse. They are asking that we honor the earth and treat the waters as sacred gifts. If we were to listen, how would we live differently?

As an organization, MCWC has always defended the water of the commons, fought attempts to privatize it, pollute it, plunder it for profit. We have had some successes and some setbacks. But we persist and have in recent years joined forces with other groups that share our mission, to add our strength to the overall water justice movement. Now we are asked to do even more by the young people who are our grandchildren. Let us hear your thoughts and your proposals for how we can build on our strengths and speed up the work of the great turning that is now required of the people of this planet. We are just a tiny piece of this work, but every piece matters. How can we mobilize the full strength of MCWC and be a bigger part of the change required?

Peggy Case



Nestle History in Osceola and Mecosta County

By Jim Maturen

My name is Jim Maturen. I am a current member of Michigan Citizens for Water Conservation board of directors. I retired after serving the people of our state as a member of the Michigan State Police for 31 years. In 2000 I was elected to the Osceola County Board of Commissioners and had established the Conservation, Environment and Solid Waste Committee as part of the board committee structure.



We were notified that Nestle Corporation was at our doorstep. They wanted to tap one spring in both Mecosta and Osceola counties, pump water from each along with ground water wells and establish a water bottling plant.

I tracked them back to Wisconsin. They approached two small towns with a total population of 1000 people. Nestle wanted to draw 500 gallons per minute (gpm) of spring water from their two springs. They told the community this would not hurt the environment and would provide jobs at their bottling plant. What occurred next is subject to an entire article. Lawsuits began. The U.S. Geological Survey announced that Nestle's pumping would adversely affect the area streams and lakes and they did not trust Nestle's monitoring. In the end Adams County would not change their zoning to allow Nestle to proceed. Nestle then announced that they were going to western Michigan.

Nestle was planning to tap White Pine Spring that is found on private property in Osceola Township, Osceola County, which happens to have zoning. They needed a variance. They led the people to believe that they would only be pumping 150 gpm, not hurt the environment and build a bottling plant that would provide 200 jobs to the community. The Township allowed the variance.

Nestle had entered into an agreement with the owners of Sanctuary Spring in Mecosta County, and convinced the Michigan Department of Environmental Quality that their data showed that pumping 400 gpm was sustainable. The Dead Stream begins at the spring which feeds Thompson Lake and another small lake. Soon the Dead Stream was down to a trickle, the lakes were drying up. Local citizens were outraged, and Michigan Citizens for Water Conservation was formed. Nine years and one million dollars later the court shut Nestle down. Sometime later the court allowed them to resume pumping at a much-reduced rate. Why didn't Nestle reduce the amount of water they were taking to an acceptable level when problems arose? Where were the DEQ top management? Isn't that the responsibility of our state government to protect our environment? Citizens should never have to go to court and spend this outrageous amount of money to protect a public natural resource!

During the fall of 2000 when Nestle was at our doorstep, I held a well-attended public hearing. Both a Nestle representative and an agent with the U.S. Geological Survey were in attendance. After the hearing I asked the agent to examine Nestle's proposal and give me some idea what the impacts on the environment might be. Later he responded with predictions on future impacts on aquatic resources. Also, in 2000 I contacted an Evert well driller who stated that the aquifer at Evert had declined by 10 feet and could not sustain additional water withdrawal.

Fast forward to 2017, Nestle is on the verge of receiving a permit to pump 400 gpm instead of the 150 gpm they were initially drawing from White Pine Spring. In addition, they are taking 90,000,000 gallons a year from Evert's wells and an aquifer that had now declined by 14 feet. A headwater spring of Chippewa Creek was no longer running. Ponds had dried up. Private soft water wells have turned hard. Wetlands are being affected. Residents along both Chippewa and Twin Creeks are recording exceptional low water levels and changes to the creeks themselves.

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Nestle History in Osceola and Mecosta County (cont'd from page 2)

On July 17, 2017 John McLane and I surveyed both streams to record water temperatures to find out if trout could survive. Temperatures were ok. While there we found very low water depth. As water runs through a culvert for a long period of time aquatic growth appears on the sides of the culvert. This proved a historic record that can indicate if the water flow has been compromised. On July 31 we returned to survey culverts from the headwaters downstream. We recorded water depth 2 inches to 8 inches on average. Trout don't swim well in two inches of water. It was estimated that historically 14 to 18 inches of water flowed through the culverts. Rain fall was above average.



We needed historical background on what trout were there. We found that in 2000 DNR Fisheries conducted Whirling Disease studies on both streams. I obtained their report. They found an abundance of trout up to 20 inches, along with an abundance of crayfish in Chippewa Creek. During 2018 both the DNR and Dr. Mark Luttenton conducted fish surveys of both streams. Only 3 trout were found over 10 inches, affected by the low water depth.

Chippewa Creek flows into an impoundment that historically is full of water. This year a huge island of mud has appeared with photographs taken. Other changes in the creek are found. This is an indicator that the entire ecosystem is collapsing.

What to do? The DEQ (now EGLE) director Liesl Clark promised to meet with us in March and now will not meet with us. All our research has been sent to EGLE Management in Lansing and ignored. Attorney General Dana Nessel's office is representing EGLE and defending Nestle in our contested case. Governor Gretchen Whitmer's office has been contacted three times. She will not meet with us and our request to send one of her staff has been rejected. How soon our politicians forget their promises to protect our natural resources and environment. FOR SHAME!

Elections Have Consequences

As we learned in 2016, elections have serious consequences. We have many environmental groups that have been at the front lines advocating preserving Mother Earth and her life-giving resources for the future. But nearly all these groups under non-profit status cannot endorse a candidate or support politicians that care about the future. Many of these groups, like MCWC, have accomplished much. They gather information, inform citizenry, the elected people and departments that are supposed to protect our environment. Many have successfully delayed permits, spent lots of money stopping industry from poisoning our homes, land, water and air. We need to remind those elected they work for the people, We Are the Government!

The time has come for these activists to run for office, get on government committees/commissions, attend local governmental meetings and/or support candidates that agree the future deserves to have a safe, clean life supporting environment.

The New Green Deal is a very good start. Is it perfect? No. Will there be failures? Yes? Investing in the future has always created positive results. It is time for change so the next generations will have the same innovative opportunities we have to live healthy lives raising the next generation. The 2020 elections will decide if we want to move forward or continue down the backwards path that is harming our future generations.

—Wendy Nystrom

MCWC Appeals Potash Decision: Press Release

It's not accurate to describe the Administrative Law Judge's decision as a green-light for Michigan Potash Company. The judge did not rule on whether the eleven injection-well permits were legal or not, nor did he even look at any information about the project or its site. He merely decided that he simply lacked jurisdiction to consider the matter, based on a rule suggesting that a request should have been submitted to the Supervisor of Mineral Wells first. Since we did submit such a request and since that request was part of the official permit record compiled by EGLE, we have appealed the dismissal and the case has gone to the Environmental Review Panel process. The upshot of all this is that, for the past year and a half, no one in Lansing has been looking into the serious issues involving Michigan Potash's plan and site.

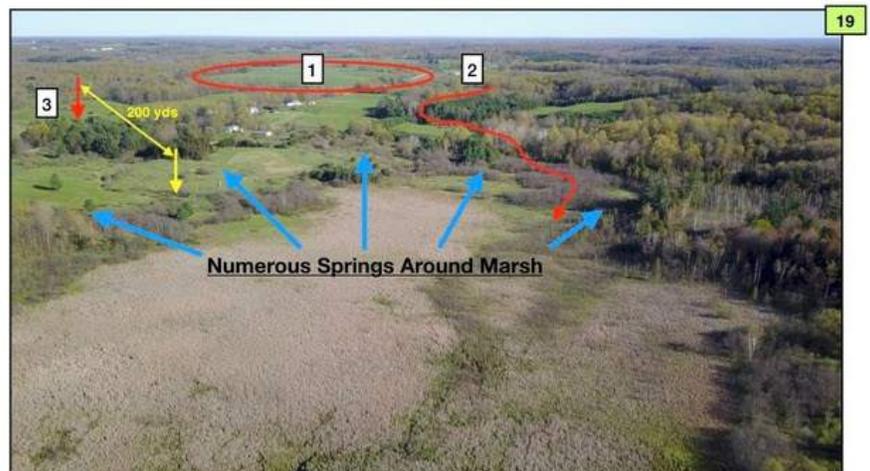


In addition, that decision dealt only with permits to drill eleven injection-wells. Additional permits will be required pertaining to the location of a refinery, high-pressure brine pipelines and handling facilities, shipping routes, storage, etc. Nor has the company performed any tests to establish that they can safely withdraw 5 to 10 times more fresh water than Nestle is taking six miles away (which is already causing serious harm).

This project appears to be facing many headwinds: Low potash prices (glut due to worldwide over-capacity), a problematic site, lack of rail-access, and distance from the U.S. agricultural heartland, to name a few. Previous companies gave up on mining potash here for some of these same reasons, even prior to the glut in production capacity. P.R. efforts can distract from these underlying problems, but they can't make them go away.

In light of all this, people ask us why we're continuing our fight: In short, we believe that we have no choice. High risk, intensive industrial activity at such a uniquely vulnerable site is not something we're willing to accept without a fight. Michigan already has far too many areas that have become "water sacrifice zones." As Michiganders, we view fresh clean ground and surface waters as our birthright!

—Peggy Case & Doug Miller



[1] **Refinery, storage, & shipping site:** The refinery and storage facilities would be in this high-ground area, along with facilities to load approx. 130 large trucks per day. We question whether the site is large enough to contain all of that, let alone to accommodate planned future expansions.

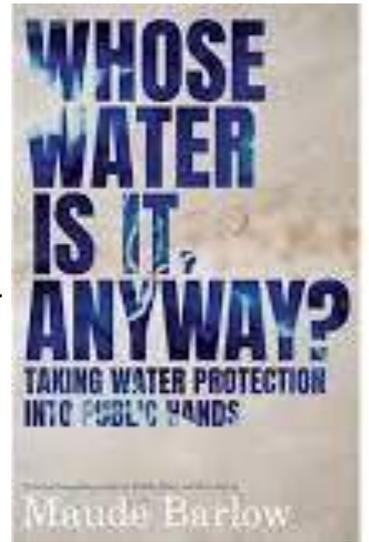
[2] **Waste-well site:** A single waste-well and attendant facilities is to be situated behind these trees. It is to be perched on the edge of a steep ravine which drains directly into Bullkill Marsh along the route shown.

[3] **The "Gray" site:** A cluster of 8 production-wells & 2 waste-wells, along with all the connected pumps, pipelines, valves, tanks, etc. is to be located just beyond this grove of pines, approximately 200 yards from the edge of the marsh.

New Book by Maude Barlow

Many of our readers are probably familiar with Maude Barlow's classic books on global water crises. *Blue Gold* and *Blue Future* have become important references for the water justice movement internationally.

The latest book is called *Whose Water is it Anyway? Taking Water Protection into Public Hands*. It is a short book, but covers well the current and growing corporate control of water and the rise of the water justice movement internationally. There is only one disappointment in the book. Our work opposing Nestle in Osceola County is mentioned, but unfortunately our organization is not mentioned or given credit for the work. It is attributed to "citizens" and a few township allies are mentioned, but not MCWC. We could have used the boost for our contribution to the water justice movement and our efforts to fund the work.



The second half of the book focuses on Blue Communities in Canada and Europe and the progress made in establishing them. It is a good primer for communities interested in attempting this process and we encourage you to read this book for ideas on positive steps we can take in our communities to secure water for all.



How does the GM Strike Connect to Water Issues?

Flint, Michigan was once the birthplace of the UAW and stood for solidarity of working people against the cruelties of large corporations. The Flint Sit Down Strike set the tone for the rise of unions that would gain wages and work rules that offered dignity to a growing middle class. Flint was a company town, run by General Motors. For years the Flint River was the dumping ground for the industrial waste from the plants. When General Motors began to move out and set up shop overseas, it left behind not only a high level of unemployment and numerous closed factories. It left

behind a legacy of pollution of the waters. GM retained a few plants, and these knew all too well what had been done to the Flint River. When the Emergency Manager switched the water to the Flint River, GM noticed immediately how much that water was corroding their products and they quietly switched their remaining operations back to the Detroit system with the EM's permission.

During the recession of 2008, General Motors went bankrupt. They were bailed out by the federal government and also by their own workers and the UAW. They accepted a two tiered system to save the company and fully expected that GM would pay them back once they were solvent again. Didn't happen. Young temporary workers had no pathway to secure jobs as GM profits rose. Thus the strike. The same corporation that polluted the water of the Flint River was refusing to treat its workers to a share of the profits generated by their sacrifices. The strike from the beginning was focused on poor corporate behavior and injustice toward the younger generation.

The Flint Water Disaster has also been about poor corporate and government behavior and injustice toward the young. The children were poisoned. GM continued to function by turning its back on Flint, State government colluded with bond holders and private water companies like Veolia and Nestle to profit from the pollution initiated by GM. While the profits of GM and Nestle soared during the crisis, those who still held jobs with the UAW were expected to continue sacrificing the gains once made by their union at the expense of new or temporary workers. The union said no and the strike was born that shut GM down across the country.

There are lessons here. Support for the UAW strikers was really support for the well-being of future generations, not just the retention of benefits for those already comfortable. It is the young who will benefit from this strike, and it is the young who will reap the harvest of the water justice movement that challenges bad corporate behavior and calls for a change in values. Water Warriors and UAW strikers are in solidarity.

Peggy Case & Claire McClinton

Injection Well Tracker

MCWC Board Member John McLane regularly reads through the weekly bulletin from DEQ, now EGLE and reports to us what he finds on possible new injection wells. This stuff is not written for the common lay person and few citizens are likely to ever look at the site anyway. As head of our injection well committee and a former surveyor in the energy sector, John has the expertise to pull out the relevant information we want to share with our members. We thought we would print a sample of the reports he gives us each week. This information finds its way to the google map on our website created by Ziyad Emara so interested citizens can keep track of the dangers approaching their neighborhoods and take action. Thank you John and Ziyad.

This week of Oct 21 on the EGLE hit parade of well permit/apps.

A riddle to start out: When is a new well not a new well to be permitted? Answer: when it is not!

We have 4 "new wells" this week but one of them is a permit to deepen an existing well. So it is not a new well in the normal meaning of words... Specifically, we are talking the Bottomley '1-13A' with SL (surface location) in Section 13 of Athens Twp.; Calhoun County. The "A" designation is for an authorized "kick" to arrive at a bottom hole remote from the surface. Some of these kicks mandate a drilling unit larger than the standard and nominal 40 acres. Perhaps, by being only a few miles from the County Range Line with Kalamazoo, Climax Twp. they can be more "effective" with tapping the below grade disruption in strata that occurred from the epicenter near Scotts of the May 2015 earthquake. Usual epicenter is considerably below the formation with history of production For instance, well targets a true vertical depth of 3828 ft.

Two other actual new wells are proposed for the Rose City production field in Ogemaw County. They are part of the Rose City Unit (RCU) in the Ogemaw State Forest. Consequently, State of Michigan owns the minerals and therefore considered well owners. One is the State Foster RCU '2-28' and the other is the State Rose RCU '2-27'. Both have sour gas being H₂S, which is poisonous to life.

The remaining new well is the McNeilly '1-3' upon a 115 acres parcel abutting the SW Corner Section 3, Fork Township , Mecosta County. Applicant is W.B. Osborn who hails from San Antonio, Texas. They are the prominent force we fought some years back in SE Fork Production Field; and namely the Smith '1-17' well facility that was slated for brine injection after it defied the field geologist on site claiming lackluster production --but did manage to produce a single barrel of crude oil! This amounted to an end run around Part 615 of the Rules as promulgated. Anyway, W.B. Osborn Co. has to be our favorite nemesis of the industry...

Also, had a gaggle of plugging and abandonment for this week as well.

—John McLane

A drop of water is worth more than a sack of gold to a thirsty man.



Water is Life Alliance



Keynote Speakers at WILA Summit in London Ontario. Left to Right - Lela George, Claire McClinton, Maude Barlow

MCWC has been a member of the Water is Life Alliance since it formed in 2017 following a summit meeting in Flint. A coalition of groups had come together at the initiative of Council of Canadians around “Strengthening the Great Lakes Commons” in the face of the Flint Water Disaster, shut offs in Detroit, and the aggressive behavior of Nestle in Canada and Michigan. MCWC had actively connected the dots between the Nestle water grab in Ewart and the injustice of shut offs and poisoned water. We pushed to have the summit in Flint and shared the organizing for it with Flint Democracy Defense League, Council of Canadians, People’s Water Board and others. It was a success and the Alliance (WILA) was born.

Member organizations sought to define what it meant to be good allies, organized another face-to-face meeting in Detroit in 2018 and began to work out a structure and mission statement. There were a number of actions in which we joined together to support each other - marches in Lansing, World Water Day, street demonstrations against shut-offs in Detroit, fund-raisers for MCWC legal costs, continuous expressions of outrage by several groups over Nestle’s bad behavior. We arrived at a structure, got some funding from the Natural Resource Defense Council to hire a coordinator, finalized a mission statement, held regular meetings by phone and zoom, and planned another summit for London Ontario. This summit was held September 27-28. Out of it emerged a commitment to four action agendas.

First of all, it was agreed that Nestle opposition across the region would remain a high priority. It has tied the Alliance together since the beginning. Just as MCWC has insisted on connecting Nestle to water justice in Flint and Detroit, activists in those two cities have consistently supported our battles in Osceola and Mecosta counties and joined their voices to ours. We have also been developing our alliance with several groups in Canada that have been confronting Nestle for a number of years. In mid-November we will be participating in a forum in Guelph, Ontario sponsored by Wellington Water Watchers that brings together Nestle activists from Maine, Michigan, France, Brazil, Ontario and First Nations to discuss strategies employed by Nestle globally and how we can collectively increase our opposition.

Second, the group adopted a proposal initiated by MCWC to mount a campaign of political pressure from the grassroots on government agencies, politicians, civic leaders, faith communities, etc. to give greater voice to our issues with a multi-media approach. By combining our resources strategically, we hope to change the conversation at all levels and move the powers that be to step aside or get to work on a water justice agenda.

The third initiative has been around for several years, initiated by Council of Canadians. It is called Blue Communities. Several WILA member groups are interested in pursuing the process of having their communities meet the criteria for becoming a blue community. To be a blue community a municipality must

- 1) recognize and protect water and sanitation as human rights;
- 2) protect water as a public trust by promoting publicly financed, owned and operated water and wastewater services;
- 3) ban or phase out the sale of bottled water in municipal facilities and at municipal events.

The fourth initiative, suggested by Great Lakes Commons, involved putting together a comprehensive atlas / workbook which would compile information, stories, art, music, etc. connecting to the Great Lakes region and the issues facing it. This would be an on-line and print resource with broad contributions and access across a wide age range.

MCWC is currently represented on the WILA Membership Council, which meets once a month by conference call, by Peggy Case. Diane Weckerle and Shannon Abbott (MCWC board members) are also on the council but focus on representing Coalition to Oppose Expansion of US Ecology and the Grand Rapids Water Protectors, serving as alternates for MCWC when needed. We have taken a strong leadership role in building this alliance. The Alliance in turn has offered us connections and support as we integrate our local battles into the global movement for water conservation and justice.



WILA member Claire McClinton of Flint Democracy Defense League with unknown activist at the Climate Strike in London Ontario September 27.



Many who attended the WILA conference converged on City Hall in London, Ontario Friday, September 27th, joining a climate strike march through the downtown streets. Hundreds of students and activists raised placards demanding Climate Action Now! Join the



Solution - Stop Pollution! Evidence over Ignorance! Climate Change is Real! The Oceans are Rising and So Are We! and a hundred more passionate, clever, hand-made demands. It was a great beginning to the WILA Summit.

If any of our members are interested in working with us on any of the initiatives listed above, please contact us at info@savemiwater.org.

WILA Mission Statement adopted by consensus September 29, 2019 Summit in London Ontario

The Water is Life Alliance works to protect the Great Lakes watershed as a shared commons and sacred gift to all life. Through unity and collaboration, we are communities resisting corporate bottled water extraction and privatization of water infrastructure. We are communities demanding access to safe, protected, accountable, and affordable drinking water and we create effective and emergent conditions for community-led solutions. We believe that water is for life, not for profit. We desire water justice across and between all living water bodies for this generation and all those that follow.

Current Water is Life Alliance Member Groups (process in place to bring in new member groups soon)

- Council of Canadians National Office
- Council of Canadians, Guelph Chapter
- Wellington Water Watchers
- Michigan Citizens for Water Conservation
- FLOW - For Love of Water
- Corporate Accountability
- Story of Stuff
- Flint Democracy Defense League
- Flint Rising
- Great Lakes Commons
- People's Water Board
- Michigan Welfare Rights Organization
- Grand Rapids Water Protectors
- Coalition to Oppose Expansion of US Ecology

SumOfUs Helps Us Out Once Again

We are very grateful to SumOfUs for once again helping us pay some of our legal bills. They previously helped Osceola Township file their appeal of the court ruling on the booster station. That decision is pending. Recently they mounted a campaign for MCWC that gave us \$10,000 to put toward our mounting legal bills on the Nestle Challenge. It is encouraging to know that people all over the world care enough to support us as we take on a giant. All the paperwork has now been filed with the Judge and we await a decision on our challenge of the Nestle permit in Evert.



Yard Signs For Sale

We like to offer multiple opportunities for you to display your opinions while you also help fund the necessary work of the organization. We used to just purchase signs from others and give them away, but we can't really afford to do that these days. So we purchase signs at cost and then sell them

to you for a little bit of a fundraiser for MCWC. Signs are available at tabling opportunities and other events. They go for \$10. We thank our partner groups for producing them. Oil and Water Don't Mix Coalition for the Shut Down Line 5 sign, now with the No Tunnel sticker; Michigan Interfaith Power and Light for the Clean Water for All sign; and Wellington Water Watchers for the Say No to Nestle sign which we will soon have in stock. Email us with a location and we can try to get one to you. Also check the events page on the website for something near you.

Become a Sustaining Member



There are several ways to make a sustaining donation to MCWC. Once in place you can be assured that a regular contribution goes to fund our work every month. MCWC can be assured that we have predictable income. Please consider a monthly donation of \$25 or more to keep us afloat.

To pay on line through pay pal, simply go to our website, saveMIwater.org and set it up for a recurring donation. Pay Pal takes a bit of it however.

If you choose to make a regular credit card payment or an automatic bank withdrawal, ask your bank how to make it happen, or have your bank call Peggy Case at 231-275-2244.

Nestle Challenge Balance Sheet

Legal actions are always expensive. The original lawsuit we filed against Nestle in 2000 cost us a million dollars and it took 9 years to resolve with a partial victory. It took us another 8 years to pay off the debt, but we did it, thanks to our dedicated members and volunteers. Since we take no government or corporate money, it takes us a bit longer to pay our bills, but we always do.

Because the State of Michigan has not seen fit to protect our waters and monitor environmental impact as it should, we are forced to once again use the public's money to pay twice for the jobs the public officials we pay have not done. Had the Department of Environmental Quality cared about the environment, we wouldn't have had to do their job. But here we are near the end of the legal challenge we were forced to file on behalf of our members and our watersheds. This time it isn't yet as expensive as a lawsuit, but grassroots groups operate on a tight shoestring, so any cost is a challenge.

We have been paying for the work of our attorneys who are the best in their field, for expert witnesses in hydrology and aquatic biology, for copies of the court transcripts and countless documents filed with the Judge. There has been pro-bono work contributed by Jim Olson and we are grateful that he continues to oversee the legal challenge.

To date we have paid out \$65,814.59 for the Nestle Challenge. This is quite an accomplishment for an all-volunteer group with no paid staff and no office. Our dedicated Board should get lots of credit for this progress.

We still owe about \$79,000 to attorneys, and \$11,000 to experts. Stay tuned for fundraising opportunities. We have some ideas but can always use more. We also know that there will be more bills before this is over. Nestle is not likely to give up if the ruling is not in their favor and we are not likely either to accept anything other than a withdrawal of the permit for 400 gallons per minute.

Michigan Citizens for Water Conservation
P.O. Box 1
Mecosta, MI 49332

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Ken Ford
Wendy Nystrom

info@SaveMiWater.org

Help preserve natural resources—recycle this newsletter by sharing it with a friend!

We are Water Protectors and invite you to join us

Your Donation and Membership is how we fund our organization.

MCWC is A 501c3 grassroots group organized in December 2000. Our mission is to protect our surface and ground waters from pollution, plunder and privatization through education, advocacy and actions. We work to protect and promote human and ecosystem rights to water and defend the public trust doctrine. All staff are volunteer. Your donation is tax-deductible.

Please send your check to P.O. Box 1, Mecosta, MI 49332

Or pay via our Website: www.saveMiwater.org

We promise to apply your donation to the work of saving our waters into the 7th Generation.

Please help support MCWC as we continue to support communities through research, information distribution, and coalition building.

Together, we can help to stop the privatization and commodification of our natural water resources.

Water is Life.

HELP BY DONATING TODAY

