zens over what they perceived as a "'material diminishment' of water flows" (Prichard, 2003, p. 1), the Michigan legislature met in 2005 to reform the state's water law.

By December 6, 2005, a package of bills had passed committee that would regulate withdrawals exceeding 100,000 gallons per day, and required a permit to withdraw more than 2,000,000 gallons annually. These pieces of legislation (SB 850-852, SB 854 and SB 857), collectively known as the Water Legacy Act, were amendments to the aforementioned Natural Resources and Environmental Protection Act, and eventually passed and went into effect on February 28, 2006 (GONGWER, Water Bills, 2005; GONGWER, Legislature, 2006).

Although these bills were regarded as a big step forward for Michigan's water policy, environmental groups were highly disappointed and soon demanded tougher restrictions. These groups demanded that the threshold for a permit be lowered to 100,000 gallons annually and that the state's groundwater be placed in a public trust. A public trust would place all of the state's water under public control, allowing more cohesive governance and force companies to work directly with the state government in order to withdraw water for sale (Alexander, 2008).

The next big step for Michigan came in 2008, when the state became the last to ratify the Great Lakes Compact. The Compact consists of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, who cooperate to regulate water management in the Great Lakes Basin. Under the legislation, all eight governors must consent before water can be transported out of the region, and restrictions are placed on how much water can be drawn from surface and ground sources (GONGWER, Great Lakes, 2008).

Once again, environmental groups were disappointed in the lack of strict limits on water use and the failure to create a public trust, but the legislation was called "a defining moment in Michigan history" by Governor Jennifer Granholm and "among the most significant pieces of legislation we have passed in a generation" by Representative Craig DeRoche (GONGWER, Great Lakes, 2008).

History in Texas

Being surrounded by a wealth of fresh water on all sides, Michigan finds itself in a peculiar situation with regard to water rights. For many states, particularly in the Southwest, the water situation is not governed by an excess, but rather by a sharp limitation on availability. A good example of how this has caused water law to develop differently can be seen in the case of Texas.

In Texas, state water law is divided between four distinct classes of water: natural surface water, diffused surface water, percolating groundwater, and underground streams. Surface water is governed by a combination of the Doctrine of Riparian Right (explained in the introduction) and the Doctrine of Prior Appropriation, which operates under the assumption that water rights are separate from land ownership and may be sold like property. It also establishes that the first person to utilize a water source has primary right, and subsequent users may be allowed access as long as they don't interfere with prior users (Kaiser, 1987, pp. 6, 17-19). In legislative terms, this is governed by the Texas Water Rights Adjudication Act of 1967, which requires any citizen/company/municipality/etc. claiming riparian right to file a claim with the Texas Water Commission. If their application is approved, the citizen is granted a permit which allows them to withdraw a specific amount of water (Kaiser, 1987, pp. 19-20).

Meanwhile, groundwater is governed by a completely separate set of laws influenced by the "separation myth," or the belief that groundwater and surface water are separate and unrelated. While surface water is believed to be state property and is thus governed by the state, groundwater is considered private property and is governed by the law of absolute ownership. Under absolute ownership, groundwater is owned by whoever owns the land above it, and "a landowner has a right to take for use or sale all the water that he can capture from below his land" (Kaiser, 1987, p. 32). This right has been established by the legislature and reaffirmed as recently as 2011 when the Texas Senate "[clarified] that you do have a vested interest in that water below your property" (Galbraith, 2011; Kaiser, 1987, pp. 31-32).

Texas has attempted to regulate use of groundwater by establishing Groundwater Conservation Districts. Created by legislation in 1949 and 1985, these districts can establish rules for use and conser-