

Supreme Court of The United States

OCTOBER TERM, 1966

RODAK, JR., CLERK

**STATES OF WISCONSIN, MINNESOTA,
OHIO AND PENNSYLVANIA,**

Complainants,

vs.

**STATE OF ILLINOIS and the METRO-
POLITAN SANITARY DISTRICT OF
GREATER CHICAGO,**

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

No. 1
Original

STATE OF MICHIGAN,

Complainant,

vs.

**STATE OF ILLINOIS and the METRO-
POLITAN SANITARY DISTRICT OF
GREATER CHICAGO,**

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

No. 2
Original

STATE OF NEW YORK,

Complainant,

vs.

**STATE OF ILLINOIS and the METRO-
POLITAN SANITARY DISTRICT OF
GREATER CHICAGO,**

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

No. 3
Original

**RESPONSE OF THE METROPOLITAN
SANITARY DISTRICT OF GREATER CHICAGO
TO STATE OF ILLINOIS' PETITION FOR
MODIFICATION OF DECREE**

The Metropolitan Sanitary District of Greater Chicago ("Metropolitan Sanitary District"), by Kirkland & Ellis, its attorney, responds to the Petition for Modification of Decree ("Petition") and the Amended Proposed Decree filed in this cause by the State of Illinois as follows:

1. The Petition filed by Illinois requesting modification of the Decree herein at 388 U.S. 426 (1967) as it pertains to the accounting system which Illinois is required to use in measuring the amount of Lake Michigan water it diverts is supported by the Metropolitan Sanitary District for the reasons set forth therein.

2. From the inception of this and antecedent proceedings, the Metropolitan Sanitary District has played a significant role in this matter both by virtue of its direct diversion of water from Lake Michigan as a result of the operation of navigational locks and its duty to assist in maintaining the Illinois Waterway in a safe and sanitary condition as well as by virtue of its indirect diversion of storm water from the Lake Michigan watershed into the Illinois Waterway.

3. The continued growth and well-being of the population residing in the Northeastern Illinois area are dependent upon the ability of various state and local governmental entities, including the Metropolitan Sanitary District and the Illinois Department of Transportation, to conserve and manage most effectively the presently available water resources.

4. The modification requested in Illinois' Petition and Amended Proposed Decree will facilitate more sensible and beneficial allocation of Lake Michigan water to meet the present and future water needs of the people in the Northern Illinois area.

5. The Metropolitan Sanitary District has reviewed the Response filed herein by the State of Wisconsin which requests this Court to dismiss Illinois' Petition or, in the alternative, to appoint a special master to consider certain tangential issues asserted by Wisconsin. It is the Metropolitan Sanitary District's view that the matters raised by Wisconsin are on their face, without merit, particularly in light of the factual recitation contained in Illinois' Petition, and should not occasion reopening of this matter with the attendant requirement of further proceedings which would likely be protracted and generate needless uncertainty as to the status of Illinois' diversion.

WHEREFORE, the Metropolitan Sanitary District of Greater Chicago adopts the Petition for the Modification of Decree filed by the State of Illinois and prays that the Court grant the modification requested and enter the Proposed Decree.

Respectfully submitted,

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Dated: December 1, 1978

