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Nos. 2, 3 and 4 Original

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# In the Supreme Court of the United States

OCTOBER TERM, 1956

STATES OF WISCONSIN, MINNESOTA, OHIO AND  
PENNSYLVANIA, COMPLAINANTS

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO

STATE OF MICHIGAN, COMPLAINANT

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO, ET AL.

STATES OF MISSOURI, KENTUCKY, TENNESSEE,  
LOUISIANA, MISSISSIPPI, AND ARKANSAS, INTERVENING  
DEFENDANTS

STATE OF NEW YORK, COMPLAINANT

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO, ET AL.

ON MOTION OF THE STATE OF ILLINOIS FOR EXTENSION TO FEB-  
RUARY 28, 1957, OF THE ORDER AUTHORIZING EMERGENCY  
DIVERSION

MEMORANDUM ON BEHALF OF THE UNITED STATES AS  
AMICUS CURIAE

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# In the Supreme Court of the United States

OCTOBER TERM, 1956

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No. 2 Original

STATES OF WISCONSIN, MINNESOTA, OHIO AND  
PENNSYLVANIA, COMPLAINANTS

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO

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No. 3 Original

STATE OF MICHIGAN, COMPLAINANT

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO, ET AL.

STATES OF MISSOURI, KENTUCKY, TENNESSEE,  
LOUISIANA, MISSISSIPPI, AND ARKANSAS, INTERVENING  
DEFENDANTS

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No. 4 Original

STATE OF NEW YORK, COMPLAINANT

v.

STATE OF ILLINOIS AND THE SANITARY DISTRICT OF  
CHICAGO, ET AL.

*ON MOTION OF THE STATE OF ILLINOIS FOR EXTENSION TO FEB-  
RUARY 28, 1957, OF THE ORDER AUTHORIZING EMERGENCY  
DIVERSION*

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MEMORANDUM ON BEHALF OF THE UNITED STATES AS  
AMICUS CURIAE

This memorandum is submitted to aid the Court in disposing of the Motion of the State of Illinois to amend the Order of December 17, 1956, which permitted additional diversion of water from the Great Lakes into the Illinois Waterway and the Mississippi River through January 31, 1957, in order that the diversion may continue until February 28, 1957. The State of Illinois represents that low water conditions will become critical unless diversion is continued throughout February.

We have been informed by the Corps of Engineers that following the Court's Order of December 17, 1956, additional diversion was authorized bringing the volume gradually up to 8,000 cubic feet a second by the end of December. This resulted in increasing the stage at St. Louis by about 1.2 feet. During the first week of January the depth of water over the Lock 26 sill was about eight feet.

As a result of frozen river conditions in the Missouri and Mississippi above St. Louis, the stage at St. Louis fell about 1.6 feet by January 15 and the depth of water over the sill of Lock 26 declined to 6.6 feet. It was expected to fall to 6 feet within a week.

If weather conditions continue as of the present time and if the increased diversion is terminated, the clearance at Lock 26 would fall to 4.8 feet. Meanwhile the stage at St. Louis would fall to minus 6.7 feet, which is close to the minus 7.0 stage which we are informed is critical for power plants and industrial plants in the area. Colder weather would worsen the situation; warmer weather would alleviate it.



The above information from the Corps of Engineers indicates to us that the diversion already permitted has helped the situation but that the critical condition is continuing and, if the weather becomes colder, the situation may become even more serious.

The present order does not require the Corps of Engineers to permit the full diversion authorized by the Court and in fact the diversion has been held to about 8,000 cubic feet a second, which was determined to be the maximum which could be allowed without unduly impairing navigation in the Illinois Waterway. It is suggested that, if the authority for additional diversion is extended, the amount to be diverted, within a maximum set by the Court, be left to the discretion of the Chief of Engineers as appropriate to alleviate conditions as they develop. This would enable a reduction in the amount diverted in the event weather conditions should moderate.

Respectfully submitted.

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JANUARY, 1957

