

JAN 23 1957

IN THE

JOHN T. FEY, Clerk

Supreme Court of the United States

Nos. 2, 3 and 4, Original

OCTOBER TERM, A. D. 1956

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA,

Complainants,

vs.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO,

*Defendants.*No. 2
Original

STATE OF MICHIGAN,

Complainant,

vs.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al.,

*Defendants.*No. 3
Original

STATE OF NEW YORK,

Complainant,

vs.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al.,

*Defendants.*No. 4
Original

ANSWER OF THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO (FORMERLY THE SANITARY DISTRICT OF CHICAGO) TO THE MOTION OF THE STATE OF ILLINOIS FOR EXTENSION TO FEBRUARY 28, 1957, OF THE ORDER AUTHORIZING EMERGENCY DIVERSION.

RUSSELL W. ROOT,

100 East Erie Street,
Chicago 11, Illinois,*Attorney for The Metropolitan
Sanitary District of Greater
Chicago.*

LAWRENCE J. FENLON,

Principal Assistant Attorney
Of Counsel.

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No. 2
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ANSWER OF THE METROPOLITAN SANITARY DIS-
TRICT OF GREATER CHICAGO (FORMERLY THE
SANITARY DISTRICT OF CHICAGO) TO THE MO-
TION OF THE STATE OF ILLINOIS FOR EXTEN-
SION TO FEBRUARY 28, 1957, OF THE ORDER
AUTHORIZING EMERGENCY DIVERSION.

To the Honorable Chief Justice and Associate Justices of
the Supreme Court of the United States:

MAY IT PLEASE THE COURT:

The Metropolitan Sanitary District of Greater Chicago (formerly The Sanitary District of Chicago), a Municipal Corporation, party defendant in the above entitled original causes, files this Answer pursuant to the Order of January 16, 1957, of Mr. Justice Burton, to the Motion of the State of Illinois, filed January 12, 1957, for Extension to February 28, 1957, of the Order authorizing Diversion.

The Metropolitan Sanitary District of Greater Chicago agrees with the facts stated in the Motion for Extension filed by the State of Illinois, that the emergency in navigation caused by low water in the Mississippi River will become critical during February, 1957, unless diversion is continued during that month.

This Defendant further represents that it is informed by the Corps of Engineers that the present water level at the Alton sill is about 6½ feet and is expected to decline further. This situation is caused by the existing extreme cold weather conditions in the area, as both the Upper Mississippi and the Missouri Rivers are now completely blocked with ice and therefore, almost all water going through the Alton locks is solely from the Illinois Waterway and thus from the diversion from Lake Michigan. If the diversion is cut back to 1,500 c.f.s., plus domestic pumpage on February 1, 1957, regardless of relief of weather conditions, there will be a resulting further decline in the water level at the Alton sill of 1 foot within 7-8 days.

WHEREFORE, this Defendant, THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO, supports the Motion of the State of Illinois that this Court should extend the temporary diversion Order, entered on

December 17, 1956, so as to continue such temporary diversion at least to include February 28, 1957.

Respectfully submitted,

THE METROPOLITAN SANITARY
DISTRICT OF GREATER CHICAGO,

By: RUSSELL W. ROOT,
Attorney.

CERTIFICATE

State of Illinois }
County of Cook } SS:

The undersigned, Lawrence J. Fenlon, being first duly sworn, deposes and says that he is a duly appointed and acting Principal Assistant Attorney of The Metropolitan Sanitary District of Greater Chicago; and that the matters and things herein set forth are true in substance and in fact. Deponent further certifies that copies of the foregoing Answer have this day been mailed by first class United States mail, or United States airmail, to all parties to this proceeding, such service has been addressed, sufficient postage prepaid, as follows:

Hon. Latham Castle
Attorney General
Suite 900
160 No. La Salle Street
Chicago 1, Illinois

Hon. Niles Lord
Attorney General
State Capitol
St. Paul 1, Minnesota

Hon. T. J. Gentry
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Hon. Thomas M. Kavanaugh
Attorney General
State Capitol
Lansing, Michigan

Hon. J. D. Buckman, Jr.,
Attorney General
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Hon. John M. Dalton
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Hon. C. William O'Neill
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Columbus, Ohio

Hon. Herbert Cohen
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Hon. Jacob G. Javits
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Hon. Nat Tipton
Advocate General
State Supreme Court Building
Nashville, Tennessee

Hon. Vernon W. Thomson
Attorney General
State Capitol
Madison, Wisconsin

Hon. Joe T. Patterson
Attorney General
State Capitol
Jackson, Mississippi

Hon. J. Lee Rankin
Solicitor General
Department of Justice
Washington, D. C.

.....
Subscribed and sworn to before me this day of
January, A. D. 1957.

.....
Notary Public.

RUSSELL W. ROOT,

100 East Erie Street,
Chicago 11, Illinois,

*Attorney for The Metropolitan
Sanitary District of Greater
Chicago.*

LAWRENCE J. FENLON,
Principal Assistant Attorney,
Of Counsel.

