

Lake Michigan Diversion Supreme Court Consent Decree

Lake Michigan Diversion Supreme Court Consent Decree [388 U.S. 426 \(1967\)](#) [Modified 449 U.S. 48 \(1980\)](#). In 1900, the City of Chicago reversed the flow of the Chicago River so that instead of flowing into Lake Michigan, it flowed out of Lake Michigan toward the Mississippi River system. This necessitated the diversion of water from Lake Michigan. Following decades of negotiations among the Great Lakes States, the eight Great Lakes States entered into a Consent Decree in 1967 regulating the diversion of Great Lakes water into the Chicago River. The decree states that the State of Illinois may not divert more than 3200 cubic feet per second (cfs) from Lake Michigan for navigation, domestic or sanitary uses. The consent decree was modified in 1980 to allow Illinois to extend domestic use of the water to additional communities and to provide additional guidance on the parameters of the measurement of the diversion.

Memorandum of Understanding on the Lake Michigan Diversion (1996). In 1997, the Great Lakes States entered into a Memorandum of Understanding, concluding a lengthy mediation process on the matter of Illinois' diversion of Lake Michigan water at Chicago. Under the U.S. Supreme Court decrees, Illinois was limited to 3,200 cfs each year. Illinois had exceeded that limit by nearly 15 percent. Illinois will further reduce its annual diversion over the following 14 years to restore to Lake Michigan the excess amount of water it has withdrawn since 1980 and construct new lakefront structures that do not allow leakage. In addition, the U.S. Army Corps of Engineers repaired the Chicago River locks that had not been sealing adequately. All eight Great Lakes States and the U.S. Federal government participated in discussions mediated by a professional mediator. The Province of Ontario as well as the City of Chicago and the Army Corps of Engineers were involved as observers or provided technical support.