



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2370

Introduced 2/14/2008, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

525 ILCS 45/3	from Ch. 5, par. 1603
525 ILCS 45/4	from Ch. 5, par. 1604
525 ILCS 45/5	from Ch. 5, par. 1605
525 ILCS 45/5.1	from Ch. 5, par. 1605.1
525 ILCS 45/5.2	from Ch. 5, par. 1605.2

Amends the Water Use Act of 1983. Defines "high-capacity well". Imposes further restrictions on high-capacity wells and expands notice requirements. Makes other changes. Effective immediately.

LRB095 16836 RCE 42874 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Water Use Act of 1983 is amended by changing
5 Sections 3, 4, 5, 5.1, and 5.2 as follows:

6 (525 ILCS 45/3) (from Ch. 5, par. 1603)

7 Sec. 3. Purpose. The general purpose and intent of this Act
8 is to establish a means of reviewing potential water conflicts
9 before damage to any person is incurred and to establish a rule
10 for mitigating water shortage conflicts by:

11 (a) Providing authority for County Soil and Water
12 Conservation Districts to receive notice of incoming
13 substantial users of water.

14 (b) Authorizing Soil and Water Conservation Districts, l
15 working with the Survey (as defined in Section 4 of this Act)
16 to restrict ~~recommend restrictions on~~ withdrawals of
17 groundwater in emergencies.

18 (c) Establishing a "reasonable use" rule for groundwater
19 withdrawals.

20 The requirements of Section 5 and 5.1 of this Act shall not
21 apply to the region governed by the provisions of "An Act in
22 relation to the regulation and maintenance of the levels in
23 Lake Michigan and to the Diversion and apportionment of water

1 from the Lake Michigan watershed", approved June 18, 1929, as
2 amended.

3 (Source: P.A. 85-1330.)

4 (525 ILCS 45/4) (from Ch. 5, par. 1604)

5 Sec. 4. Definitions. As used in this Act, unless the
6 context otherwise requires:

7 (a) "Department" means the Illinois Department of
8 Agriculture.

9 (b) "District" or "Soil and Water Conservation District"
10 means a public body, corporate and political, organized under
11 the "Soil and Water Conservation Districts Act".

12 (c) "Groundwater" means underground water which occurs
13 within the saturated zone and geologic materials where the
14 fluid pressure in the pore space is equal to or greater than
15 atmospheric pressure.

16 (d) "High-capacity well" means a well where the rate or
17 capacity of withdrawal of all wells on one property is in
18 excess of 70 gallons of water per minute, or 100,000 gallons on
19 any day.

20 (e) ~~(d)~~ "Land occupier" or "occupier of land" includes any
21 individual, firm or corporation, other than the owner, who is
22 in legal possession of any land in the State of Illinois
23 whether as a lessee, renter, tenant or otherwise.

24 (f) ~~(e)~~ "Person" means any owner of land or the owners'
25 designated agent including any individual, partnership, firm,

1 association, joint venture, corporation, trust, estate,
2 commission, board, public or private institution, unit of local
3 government, school district, political subdivision of this
4 state, state agency, any interstate body or any other legal
5 entity.

6 (g) ~~(f)~~ "Point of withdrawal" means that point at which
7 underground water is diverted by a person from its natural
8 state.

9 (h) ~~(g)~~ "Reasonable use" means the use of water to meet
10 natural wants and a fair share for artificial wants. It does
11 not include water used wastefully or maliciously.

12 (i) ~~(h)~~ "State" means the State of Illinois.

13 (j) "Survey" means Illinois State Water Survey.

14 (Source: P.A. 85-1330.)

15 (525 ILCS 45/5) (from Ch. 5, par. 1605)

16 Sec. 5. Water Conflict Resolution. In the event that a land
17 occupier or person proposes to develop a new point of
18 withdrawal, and ~~withdrawals from~~ the new point is a
19 high-capacity well ~~can reasonably be expected to occur in~~
20 ~~excess of 100,000 gallons on any day,~~ the land occupier or
21 person shall notify the District before construction of the
22 well begins. The District shall in turn notify other local
23 units of government and adjacent Districts with water systems
24 who may be impacted by the proposed withdrawal. The District
25 shall then review with the assistance of the Illinois State

1 Water Survey and the State Geological Survey the proposed point
2 of withdrawal's effect upon other users of the water. The
3 review shall be completed within 30 days of receipt of the
4 notice. The findings of such reviews shall be made public, and
5 the Illinois State Water Survey shall post all findings on its
6 website.

7 (Source: P.A. 85-1330.)

8 (525 ILCS 45/5.1) (from Ch. 5, par. 1605.1)

9 Sec. 5.1. Groundwater Emergency Restrictions.

10 (a) Each District within any county in Illinois ~~through~~
11 ~~which the Iroquois River flows, and each District within any~~
12 ~~county in Illinois with a population in excess of 100,000~~
13 ~~through which the Mackinaw River flows,~~ is authorized to
14 recommend to the Department of Agriculture restrictions on
15 groundwater withdrawal as provided by this Section.

16 A land occupier or person who possesses land which contains
17 an existing ~~a~~ point of withdrawal that is a high-capacity well
18 or is proposing a new point of withdrawal that is a
19 high-capacity well ~~capable of producing more than 100,000~~
20 ~~gallons of water on any day~~ shall register that point of
21 withdrawal with the District and shall furnish such reasonable
22 data in such form as may be required by the District.

23 (b) The District, with the assistance and approval of the
24 Department of Agriculture and the Survey, shall issue
25 ~~recommended~~ guidelines for the construction of points of

1 withdrawal and the type and setting of pumps for use in those
2 points of withdrawal. Copies of the guidelines shall be made
3 available from the District upon request and posted on the
4 Internet.

5 (c) Within 2 working days after receiving a written
6 complaint from a land occupier or a person whose point of
7 withdrawal has failed to furnish its normal supply of water,
8 the District shall schedule an on-site investigation. If the
9 investigation discloses (1) that the point of withdrawal fails
10 to furnish its normal supply of water, (2) that the failure is
11 caused by a substantial lowering of the level of groundwater in
12 the area, and (3) that the point of withdrawal and its
13 equipment conform to the ~~recommended~~ guidelines of the District
14 issued under subsection (b), the District may recommend to the
15 Department of Agriculture that the Department restrict the
16 quantity of water that a person may extract from any
17 high-capacity well point of withdrawal within the District's
18 boundaries which is capable of producing more than 100,000
19 gallons on any day. The restriction shall be expressed in
20 gallons of water, may apply to one or more points of withdrawal
21 within the District, and may be broadened or narrowed as
22 appropriate. The restrictions shall be lifted as soon as
23 justified by changed conditions.

24 (d) When a District determines that restriction of the
25 withdrawal of water at a particular point within the District
26 is necessary to preserve an adequate water supply for all

1 residents in the District, the District shall ~~may~~ recommend to
2 the Department of Agriculture that the Department restrict the
3 quantity of water that may be extracted from any point of
4 withdrawal within the District which is a high-capacity well
5 ~~capable of producing more than 100,000 gallons of water on any~~
6 ~~day~~. The Department shall review the District's recommendation
7 and if it agrees with such recommendation shall restrict the
8 withdrawal of water within the District in accordance with
9 subsection (c) and shall notify each land occupier or person
10 who possesses land which contains a registered point of
11 withdrawal affected by the restriction.

12 If the Department disagrees with the District's
13 recommendation, it shall notify the District, the land occupier
14 or the person who possesses land which contains a registered
15 point of withdrawal affected by the recommendation and the
16 complainant, giving the reason for the failure to affirm the
17 recommendation. The Department may propose an alternate
18 recommendation.

19 If the District, the respondent or the complainant
20 disagrees with the decision of the Department, such person may
21 request an administrative hearing to be conducted by the
22 Department in accordance with the Illinois Administrative
23 Procedure Act to show cause concerning its decision.

24 Final decisions of the Department pursuant to this Section
25 may be appealed in accordance with the Administrative Review
26 Law.

1 (e) The Department is authorized to promulgate rules and
2 regulations, including emergency rules, for the implementation
3 of this amendatory Act of 1987. The Department may set the
4 general policy for the Districts to follow in the
5 administration of this Act.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (525 ILCS 45/5.2) (from Ch. 5, par. 1605.2)

8 Sec. 5.2. Investigation and review - Entry upon land.
9 Persons investigating a complaint or conducting a review on
10 behalf of the Department, the Survey, or District of the impact
11 of a proposed or existing well that is required to be
12 registered may enter upon private property for the purpose of
13 conducting an investigation and may review any records
14 pertaining to pumping data.

15 (Source: P.A. 85-1330.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.