



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3026

Introduced 1/28/2026, by Sen. Mike Simmons

#### SYNOPSIS AS INTRODUCED:

525 ILCS 45/5  
525 ILCS 45/5.1

from Ch. 5, par. 1605  
from Ch. 5, par. 1605.1

Amends the Water Use Act of 1983. Provides that the findings concerning a proposed point of withdrawal's effects upon other users of water shall be published on a publicly available website. Provides that each District within any county in Illinois with a population in excess of 10,000 (rather than each district within any county in Illinois with a population in excess of 100,000 through which the Mackinaw River flows) is authorized to recommend to the Department of Agriculture restrictions on groundwater withdrawals. Provides that, if an onsite investigation discloses (1) that the point of withdrawal fails to furnish its normal supply of water, (2) that the failure is caused by a substantial lowering of the level of groundwater in the area, and (3) that the point of withdrawal and its equipment conform to the recommended guidelines of the District issued under subsection (b), the District shall (rather than may) recommend to the Department of Agriculture that the Department restrict the quantity of water that a person may extract from any high-capacity well within the District's boundaries. Provides that the restrictions may be lifted or modified as soon as justified by changed conditions (rather than shall be lifted as soon as justified by changed conditions). Provides that when a District determines that restriction of the withdrawal of water at a particular point within the District is necessary to preserve an adequate water supply for all residents in the District, the District shall (rather than may) recommend to the Department of Agriculture that the Department restrict the quantity of water that may be extracted from any point of withdrawal within the District which is a high-capacity well. Provides that, if the Department disagrees with the District's recommendation, the Department shall (rather than may) propose an alternate recommendation.

LRB104 18821 WRO 32266 b

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 5 and 5.1 as follows:

6 (525 ILCS 45/5) (from Ch. 5, par. 1605)

7 Sec. 5. Water Conflict Resolution. In the event that a  
8 land occupier or person proposes to develop a new point of  
9 withdrawal, and the new point is a high-capacity well, the  
10 land occupier or person shall notify the District before  
11 construction of the well begins. The District shall in turn  
12 notify other local units of government with water systems who  
13 may be impacted by the proposed withdrawal. The District shall  
14 then review with the assistance of the Illinois State Water  
15 Survey and the State Geological Survey the proposed point of  
16 withdrawal's effect upon other users of the water. The review  
17 shall be completed within 30 days of receipt of the notice. The  
18 findings of such reviews shall be posted on a publicly  
19 available website ~~made public~~.

20 (Source: P.A. 96-222, eff. 1-1-10.)

21 (525 ILCS 45/5.1) (from Ch. 5, par. 1605.1)

22 Sec. 5.1. Groundwater Emergency Restrictions.

1           (a) Each District within any county in Illinois through  
2 which the Iroquois River flows, and each District within any  
3 county in Illinois with a population in excess of 10,000  
4 ~~100,000 through which the Mackinaw River flows~~, is authorized  
5 to recommend to the Department of Agriculture restrictions on  
6 groundwater withdrawal as provided by this Section.

7           A land occupier or person who possesses land which  
8 contains an existing point of withdrawal that is a  
9 high-capacity well or is proposing a new point of withdrawal  
10 that is a high-capacity well shall register that point of  
11 withdrawal with the District and shall furnish such reasonable  
12 data in such form as may be required by the District.

13           (b) The District, with the assistance and approval of the  
14 Department of Agriculture, shall issue recommended guidelines  
15 for the construction of points of withdrawal and the type and  
16 setting of pumps for use in those points of withdrawal. Copies  
17 of the guidelines shall be made available from the District  
18 upon request.

19           (c) Within 2 working days after receiving a written  
20 complaint from a land occupier or a person whose point of  
21 withdrawal has failed to furnish its normal supply of water,  
22 the District shall schedule an on-site investigation. If the  
23 investigation discloses (1) that the point of withdrawal fails  
24 to furnish its normal supply of water, (2) that the failure is  
25 caused by a substantial lowering of the level of groundwater  
26 in the area, and (3) that the point of withdrawal and its

1 equipment conform to the recommended guidelines of the  
2 District issued under subsection (b), the District shall ~~may~~  
3 recommend to the Department of Agriculture that the Department  
4 restrict the quantity of water that a person may extract from  
5 any high-capacity well within the District's boundaries. The  
6 restriction shall be expressed in gallons of water, may apply  
7 to one or more points of withdrawal within the District, and  
8 may be broadened or narrowed as appropriate. The restrictions  
9 may ~~shall~~ be lifted or modified as soon as justified by changed  
10 conditions.

11 (d) When a District determines that restriction of the  
12 withdrawal of water at a particular point within the District  
13 is necessary to preserve an adequate water supply for all  
14 residents in the District, the District shall ~~may~~ recommend to  
15 the Department of Agriculture that the Department restrict the  
16 quantity of water that may be extracted from any point of  
17 withdrawal within the District which is a high-capacity well.  
18 The Department shall review the District's recommendation and  
19 if it agrees with such recommendation shall restrict the  
20 withdrawal of water within the District in accordance with  
21 subsection (c) and shall notify each land occupier or person  
22 who possesses land which contains a registered point of  
23 withdrawal affected by the restriction.

24 If the Department disagrees with the District's  
25 recommendation, it shall notify the District, the land  
26 occupier or the person who possesses land which contains a

1 registered point of withdrawal affected by the recommendation  
2 and the complainant, giving the reason for the failure to  
3 affirm the recommendation. The Department shall ~~may~~ propose an  
4 alternate recommendation.

5 If the District, the respondent or the complainant  
6 disagrees with the decision of the Department, such person may  
7 request an administrative hearing to be conducted by the  
8 Department in accordance with the Illinois Administrative  
9 Procedure Act to show cause concerning its decision.

10 Final decisions of the Department pursuant to this Section  
11 may be appealed in accordance with the Administrative Review  
12 Law.

13 (e) The Department is authorized to promulgate rules and  
14 regulations, including emergency rules, for the implementation  
15 of this amendatory Act of 1987. The Department may set the  
16 general policy for the Districts to follow in the  
17 administration of this Act.

18 (Source: P.A. 96-222, eff. 1-1-10.)