

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, and 5.1 and by adding Section 5.3 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 to
15 recommend restrictions on withdrawals of groundwater in
16 emergencies.

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

19 ~~The requirements of Section 5 and 5.1 of this Act shall not~~
20 ~~apply to the region governed by the provisions of "An Act in~~
21 ~~relation to the regulation and maintenance of the levels in~~
22 ~~Lake Michigan and to the Diversion and apportionment of water~~
23 ~~from the Lake Michigan watershed", approved June 18, 1929, as~~

1 ~~amended.~~

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

3 (525 ILCS 45/4) (from Ch. 5, par. 1604)

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

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

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

11 "Geological Survey" means the Illinois State Geological
12 Survey.

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

17 "High-capacity intake" means a surface water intake
18 located on a parcel of property where the rate or capacity of
19 water withdrawal of all intakes for the property is equal to or
20 in excess of 100,000 gallons during any 24-hour period.

21 "High-capacity well" means a well located on a parcel of
22 property where the rate or capacity of water withdrawal of all
23 wells on the property is equal to or in excess of 100,000
24 gallons during any 24-hour period.

25 ~~(d)~~ "Land occupier" or "occupier of land" includes any

1 individual, firm or corporation, other than the owner, who is
2 in legal possession of any land in the State of Illinois
3 whether as a lessee, renter, tenant or otherwise.

4 ~~(e)~~ "Person" means any owner of land or the owners'
5 designated agent including any individual, partnership, firm,
6 association, joint venture, corporation, trust, estate,
7 commission, board, public or private institution, unit of local
8 government, school district, political subdivision of this
9 state, state agency, any interstate body or any other legal
10 entity.

11 ~~(f)~~ "Point of withdrawal" means that point at which
12 underground water is diverted by a person from its natural
13 state.

14 "Public water supply" means all mains, pipes, and
15 structures through which water is obtained and distributed to
16 the public, including wells and well structures, intakes and
17 cribs, pumping stations, treatment plants, reservoirs, storage
18 tanks, and appurtenances, collectively or severally, actually
19 used or intended for use for the purpose of furnishing water
20 for drinking or general domestic use and which serve at least
21 15 service connections or which regularly serve at least 25
22 persons at least 60 days per year.

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

26 ~~(h)~~ "State" means the State of Illinois.

1 "Surface water" means a pond, lake, reservoir, stream,
2 creek, or river.

3 "Water authority" means a local governmental body
4 established by referendum under the Water Authorities Act (70
5 ILCS 3715/).

6 "Water survey" means the Illinois State Water Survey.

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

8 (525 ILCS 45/5) (from Ch. 5, par. 1605)

9 Sec. 5. Water Conflict Resolution. In the event that a land
10 occupier or person proposes to develop a new point of
11 withdrawal, and ~~withdrawals from~~ the new point is a
12 high-capacity well ~~can reasonably be expected to occur in~~
13 ~~excess of 100,000 gallons on any day,~~ the land occupier or
14 person shall notify the District before construction of the
15 well begins. The District shall in turn notify other local
16 units of government with water systems who may be impacted by
17 the proposed withdrawal. The District shall then review with
18 the assistance of the Illinois State Water Survey and the State
19 Geological Survey the proposed point of withdrawal's effect
20 upon other users of the water. The review shall be completed
21 within 30 days of receipt of the notice. The findings of such
22 reviews shall be made public.

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

24 (525 ILCS 45/5.1) (from Ch. 5, par. 1605.1)

1 Sec. 5.1. Groundwater Emergency Restrictions.

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

8 A land occupier or person who possesses land which contains
9 an existing ~~a~~ point of withdrawal that is a high-capacity well
10 or is proposing a new point of withdrawal that is a
11 high-capacity well ~~capable of producing more than 100,000~~
12 ~~gallons of water on any day~~ shall register that point of
13 withdrawal with the District and shall furnish such reasonable
14 data in such form as may be required by the District.

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

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

1 caused by a substantial lowering of the level of groundwater in
2 the area, and (3) that the point of withdrawal and its
3 equipment conform to the recommended guidelines of the District
4 issued under subsection (b), the District may recommend to the
5 Department of Agriculture that the Department restrict the
6 quantity of water that a person may extract from any
7 high-capacity well ~~point of withdrawal~~ within the District's
8 boundaries ~~which is capable of producing more than 100,000~~
9 ~~gallons on any day~~. The restriction shall be expressed in
10 gallons of water, may apply to one or more points of withdrawal
11 within the District, and may be broadened or narrowed as
12 appropriate. The restrictions shall be lifted as soon as
13 justified by changed conditions.

14 (d) When a District determines that restriction of the
15 withdrawal of water at a particular point within the District
16 is necessary to preserve an adequate water supply for all
17 residents in the District, the District may recommend to the
18 Department of Agriculture that the Department restrict the
19 quantity of water that may be extracted from any point of
20 withdrawal within the District which is a high-capacity well
21 ~~capable of producing more than 100,000 gallons of water on any~~
22 ~~day~~. The Department shall review the District's recommendation
23 and if it agrees with such recommendation shall restrict the
24 withdrawal of water within the District in accordance with
25 subsection (c) and shall notify each land occupier or person
26 who possesses land which contains a registered point of

1 withdrawal affected by the restriction.

2 If the Department disagrees with the District's
3 recommendation, it shall notify the District, the land occupier
4 or the person who possesses land which contains a registered
5 point of withdrawal affected by the recommendation and the
6 complainant, giving the reason for the failure to affirm the
7 recommendation. The Department may propose an alternate
8 recommendation.

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

14 Final decisions of the Department pursuant to this Section
15 may be appealed in accordance with the Administrative Review
16 Law.

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

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

23 (525 ILCS 45/5.3 new)

24 Sec. 5.3. Water use reporting. Any person or land occupier
25 that is responsible for a point of withdrawal classified as a

1 high-capacity well, high-capacity intake, or public water
2 supply shall participate in the Illinois State Water Survey's
3 Illinois Water Inventory Program. However, high-capacity wells
4 used for agricultural irrigation and high-capacity intakes
5 used for agricultural irrigation are exempt from this Section
6 for the first 5 years after the effective date of this
7 amendatory Act of the 96th General Assembly. A person or land
8 occupier that is responsible for a point of withdrawal
9 classified as a high-capacity well or high-capacity intake used
10 for irrigation for agriculture shall determine water use
11 through estimation methods deemed acceptable by the Illinois
12 State Water Survey. A person or land occupier that is
13 responsible for a point of withdrawal that is classified as a
14 high-capacity well or a high-capacity intake used for
15 irrigation that lies within the boundaries of a water authority
16 or other local government entity that estimates irrigation
17 withdrawals through a method deemed acceptable by the Illinois
18 State Water Survey is exempt from participating as an
19 individual in the Illinois Water Inventory Program.

20 Section 99. Effective date. This Act takes effect January
21 1, 2010.