

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.

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FISCAL NOTE ACT MAY  
APPLY

A BILL FOR

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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,  
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

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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,

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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

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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

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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

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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.

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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.