

# Using Groundwater

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## Abstract:

Illinois follows the doctrine of reasonable use for groundwater withdrawals. This brief article describes that doctrine. It also describes the impact of the Water Use Act of 1983 and the Water Authorities Act on one's rights to withdraw groundwater, and the role of the courts in resolving disputes. Links to the Water Use Act and Water Authorities Act are provided.

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In Illinois, rules for the use of ground water and stream water differ. Under the Water Use Act of 1983, Illinois follows the doctrine of reasonable use for groundwater withdrawals. One may withdraw groundwater to meet natural needs (e.g., household uses) and a fair share for artificial needs (e.g., irrigation), but not for malicious or wasteful uses. In addition, the Act requires persons planning to develop new wells expected to withdraw more than 100,000 gallons on any day to notify the local Soil and Water Conservation District before construction of the well begins. The SWCD, either by itself or in concert with other agencies, must (1) notify other local governmental units that may be impacted by the new withdrawals, (2) within thirty days, complete a review of the likely impacts fo the proposed new withdrawal on other water users, and (3) make public the findings of the review.

In many counties through which the Iroquois River or Mackinaw River flows, the Illinois Department of Agriculture also has limited emergency authority under the Water Use Act to restrict withdraws from wells capable of pumping more than 100,000 gallons per day. The full text of the Water Use Act of 1983 should be reviewed for additional details. Click [HERE](#) to go to the text of Illinois' Water Use Act of 1983.

<<http://www.legis.state.il.us/ilcs/ch525/ch525act45.htm>>

Some communities in Illinois have created a special district, a Water Authority, to provide an enhanced water supply. A Water Authority can require a permit from a new or expanded well within the boundaries of the Water Authority, and can require that pre-existing wells be registered. In addition, a Water Authority has authority "to reasonably regulate the use of water and during any period of actual or threatened shortage to establish limits upon or priorities as to the use of water." It should be noted that the level of withdrawals from wells existing at the time the Water Authority was created can not be regulated, only the additional withdrawals starting after the creation of the Water Authority. Click [HERE](#) to go to the complete text of the Water Authorities Act. <<http://www.legis.state.il.us/ilcs/ch70/ch70act3715.htm>>

Except for the limited authority of the Illinois Department of Agriculture to restrict groundwater withdrawals under the Water Use Act of 1983 and the authority of Water Authorities to regulate groundwater use, disputes regarding what is a reasonable withdrawal of groundwater must generally be resolved in court. These disputes will be decided applying the principle that persons

are entitled to withdraw a fair share of the groundwater for their artificial wants, and natural wants have priority over artificial wants.

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