

Institute for Regulatory Policy Study
Fall 2017 Conference

State Water Supply Planning



Wes Cattoor, P.E. CFM

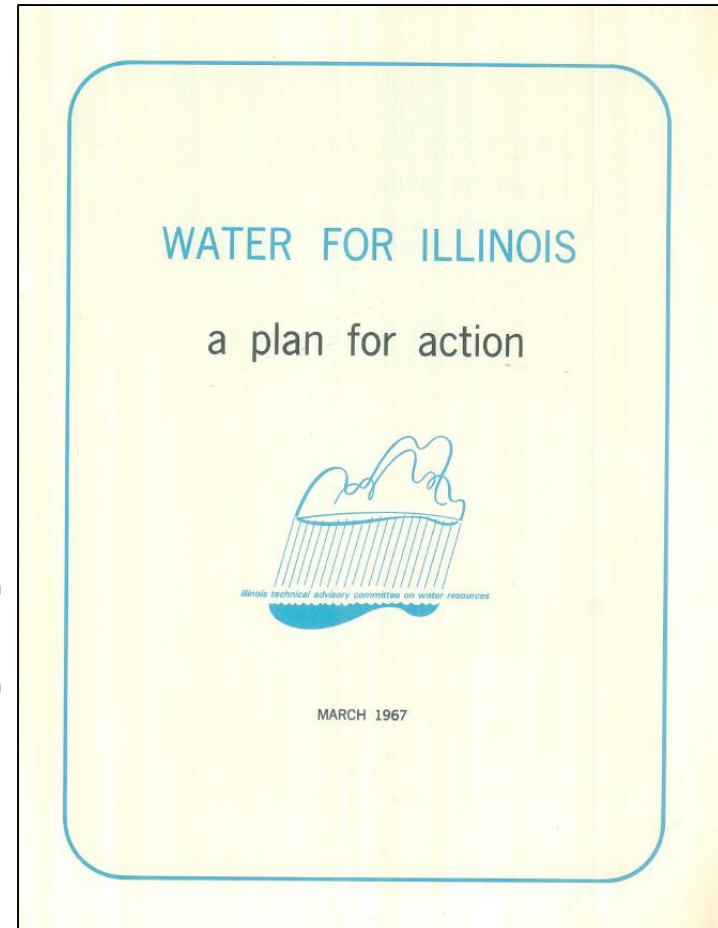
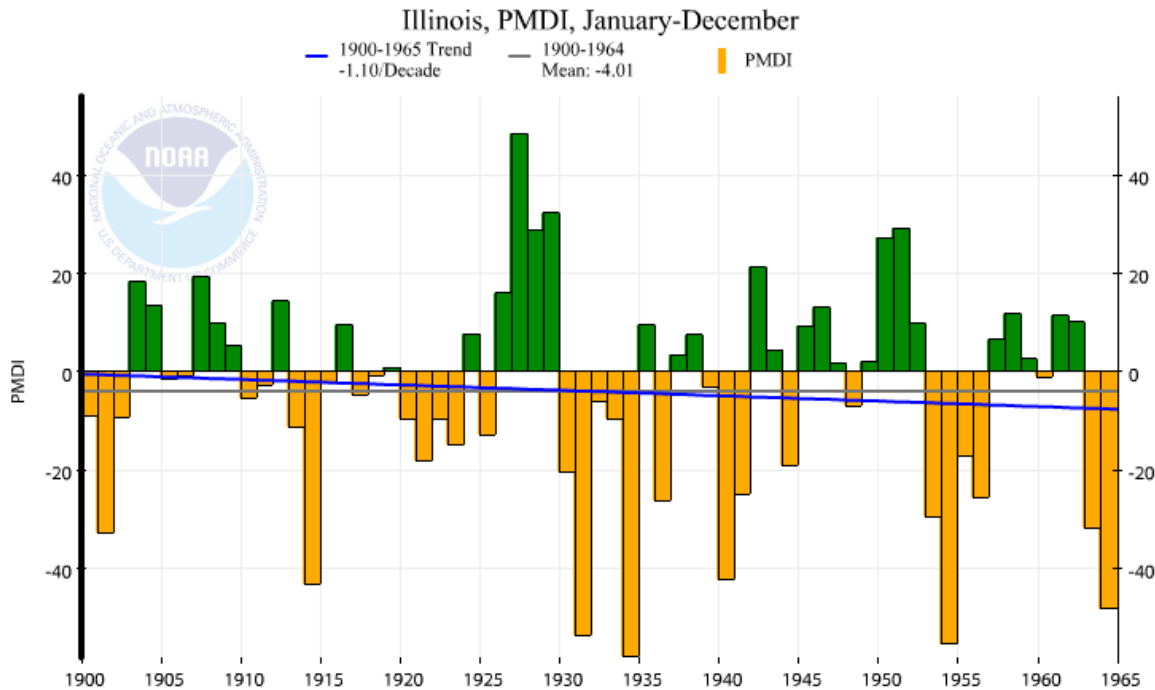
Office of Water Resources

Illinois Department of Natural Resources

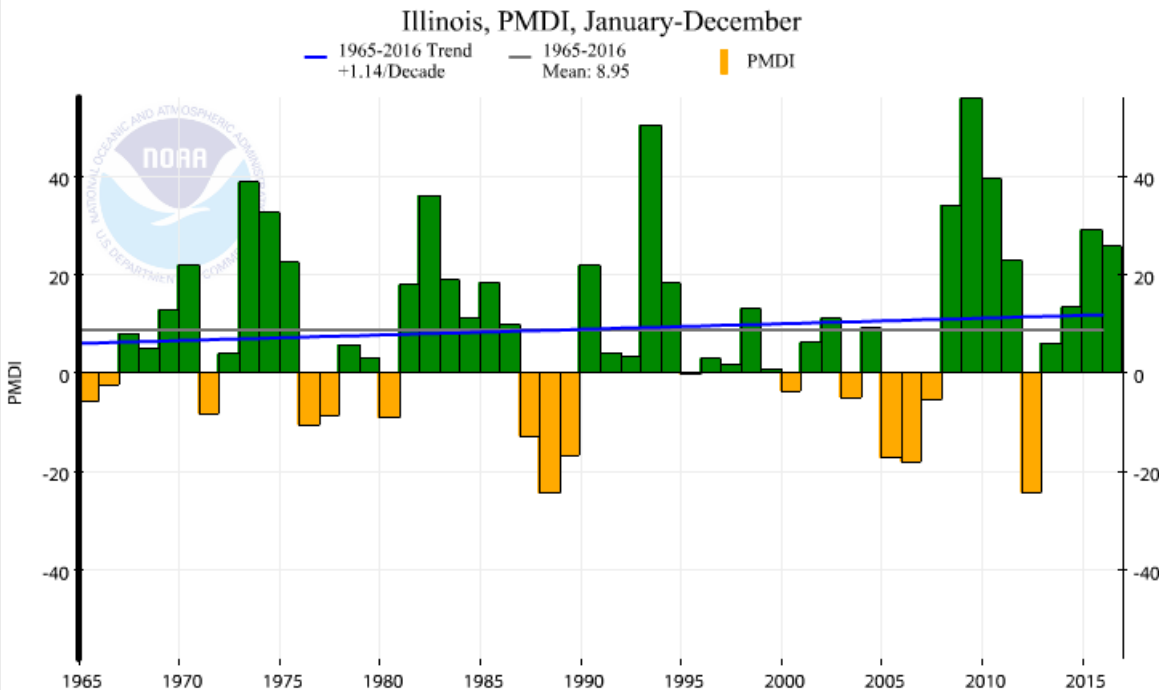
State Water Supply Activities

- Lake Michigan Allocations
- Federal Reservoir Allocations
- Water Supply Planning
- Policies & Regulations
- IL Water Inventory Program
- Water Demand Forecasts
- Supply & Demand Analysis
- State Services
- Midwest Initiatives

Start of Water Supply Planning in IL



Water Supply Planning Since



- State Water Plan Task Force Formed in 1980
- Executive Order 2006-01 issued
- State Drought Preparedness and Response Plan in 2011

Regional Water Supply Planning

GOVERNOR'S EXECUTIVE ORDER

Jan 2006.

- A comprehensive program for state and regional water supply planning & implementation
- Establishing a scientific basis & an administrative framework for implementation of state and regional water supply planning and management
- Encourages creation of locally-based regional water supply planning committees



OFFICE OF THE GOVERNOR **NEWS**
ROD R. BLAGOJEVICH - GOVERNOR

FOR IMMEDIATE RELEASE
January 9, 2006

CONTACT:
Cheryle Jackson 312/814.3158
Abby Ottenhoff 312/814.3158
Rebecca Rausch 217/782.7355
Chris McCloud (DNR) 217/558.1540

Governor Blagojevich orders statewide water supply study

*Governor issues executive order to study state's water needs to protect
against shortages and develop regional plans*

SPRINGFIELD – Following last summer's long and costly drought, Governor Rod R. Blagojevich today issued an Executive Order to develop a comprehensive, statewide water supply planning and management strategy. The Department of Natural Resources Office of Water Resources will oversee the process in conjunction with the State Water Survey (SWS).

"It is critical for Illinois to get ahead of the curve when it comes to water supply planning," said Gov. Blagojevich. "Last summer's drought demonstrated to us that careful management of our water must be a priority so we always have enough supply for people to drink and use, for our industries like agriculture, and for our fish and wildlife habitats."

While Illinois is on the shores of Lake Michigan, one of the largest freshwater sources in the world, and has significant sources of both groundwater and surface water, portions of the state face legal and physical restraints to increasing water supplies. Shortages like last year's drought, and the restrictions it triggered, have so far been rare, but the growing population of the state and increasing demand for water will strain current sources.

Previously, the SWS, the Illinois Interagency Coordinating Committee on Groundwater, and the Illinois State Water Plan Task Force have identified the Priority Water Quantity Planning Areas that are most at risk for water shortages and conflicts. By December 31, 2006, at least two of those areas will have Regional Water Quantity Plans in process.

Regional Planning Process

Form Regional Committee



Water Demand



Water Supply Yield



Identify Shortages or Conflicts



Develop Regional Report

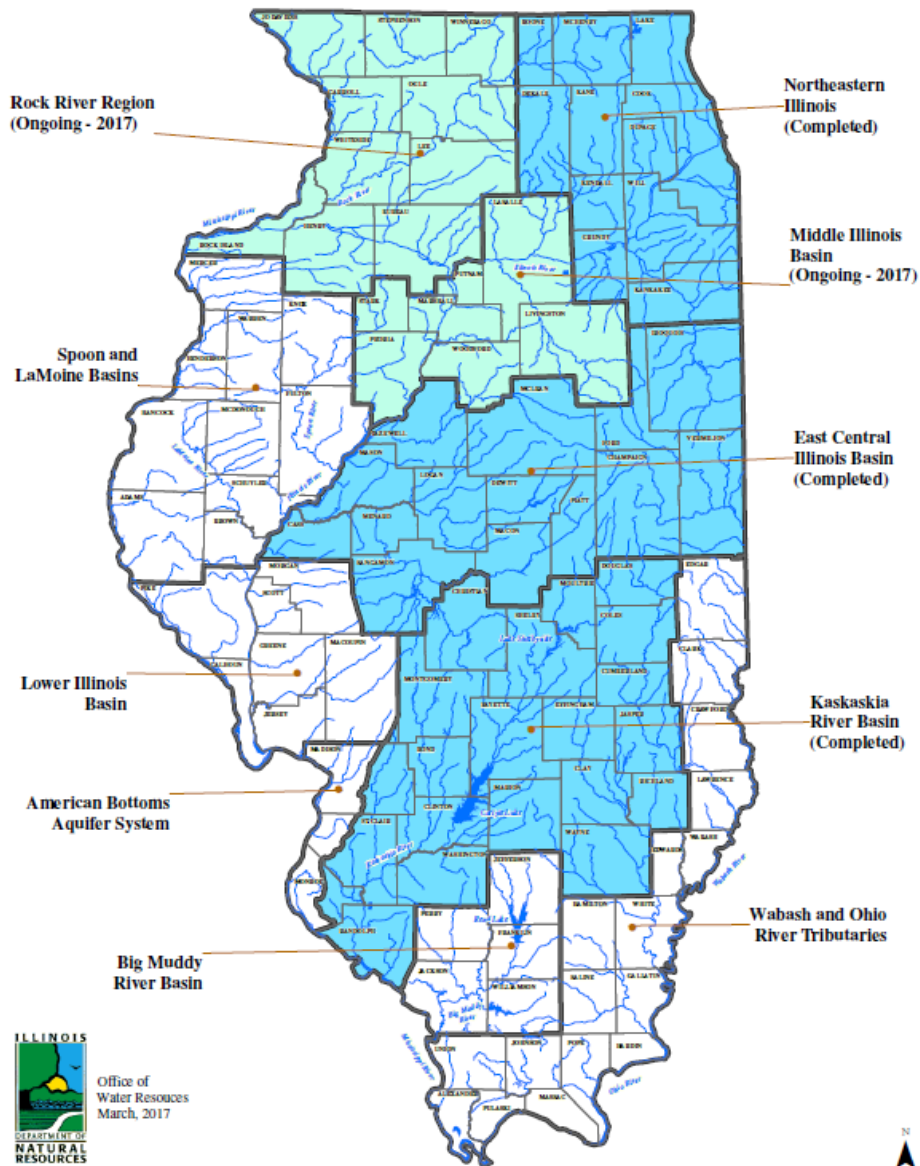


Implement Recommendations



Re-evaluate

Regional Water Supply Planning Areas



RWSPA	Initial Report	Revise Report
American Bottoms	7/1/2023	7/1/2033
Big Muddy	7/1/2021	7/1/2031
East Central	8/29/2008	7/1/2026
Kaskaskia	11/9/2010	7/1/2027
Lower Illinois	7/1/2024	7/1/2034
Middle Illinois	7/1/2019	7/1/2029
Northeastern	6/15/2008	7/1/2025
Rock River	7/1/2020	7/1/2030
Spoon and LaMoine	7/1/2022	7/1/2032
Wabash and Ohio	7/1/2024	7/1/2034

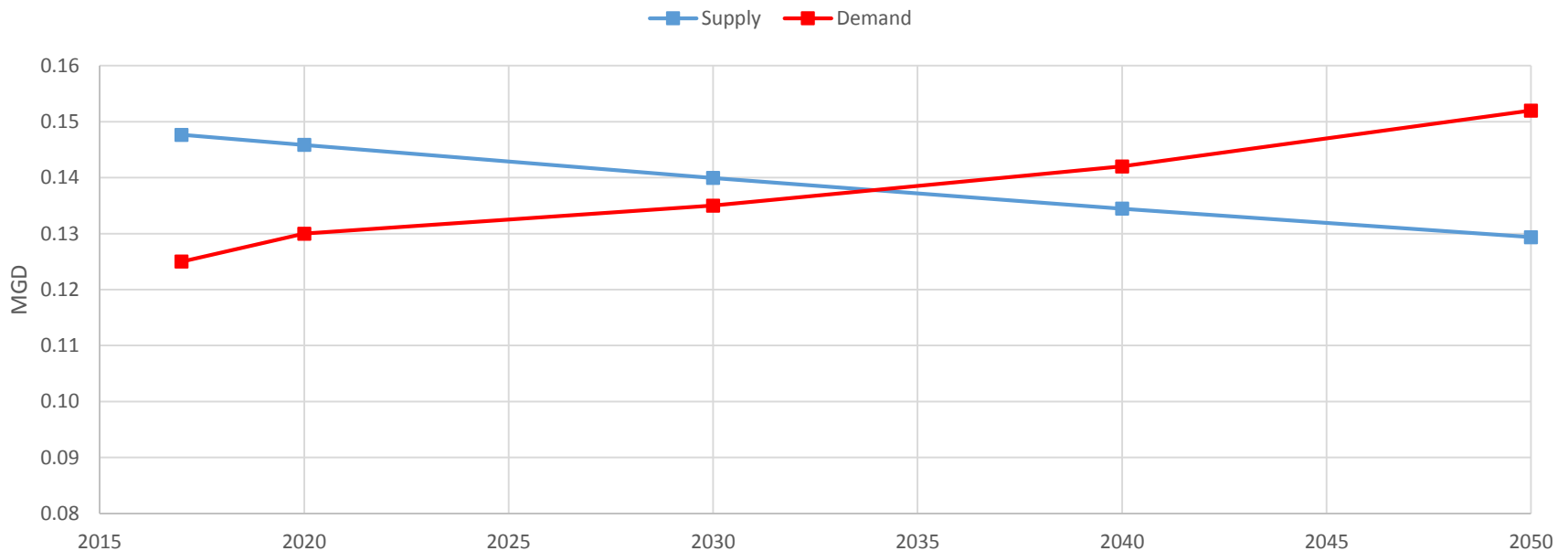


Office of
Water Resources
March, 2017



Purpose of Reports

- Water Needed?
- Water Available?
- Experienced and Forecasted Shortfalls or Conflicts?
- Recommended Solutions



When a Supply is at risk

- Additional research & survey needs
- Coordination meetings with at-risk water users
- Recommend alternative sources
- Conservation measures & public education
- Assist communities with ordinances or policies

Is Regulation a Solution?

- No Comprehensive or Statewide Statutes
- Laws Illinois has
 - Common Law Riparian Rights
 - “Rivers, Lakes and Streams Act”
 - “Water Use Act of 1983”
 - “Water Authorities Act”
 - Municipal Code and Special Districts
 - “Level of Lake Michigan Act”

“Riparian Rights” - “Rule of Reasonable Use”

- Evans v. Merriweather, 4 Ill. 492 (1842)
 - following a drought, Evans diverted **all** of the stream to his mill
- Court stated:
 - “There may be, and there must be, of that which is common to all, a **reasonable use**.”
 - The wants of man in regard to water are either:
 - **natural** - are absolutely necessary to be supplied, in order to his existence.
 - **artificial** - such only as, by supplying them, his comfort and propriety are increased.
 - After all natural wants along a natural water course are satisfied, the riparian proprietors may use the remaining water for artificial uses....but no more than their **just proportion**.

“Rivers, Lakes and Streams Act”

- DNR/OWR- Core Regulatory Authority
- Passed in 1911
- Authorizes
 - Public Waters Protection
 - Floodway Construction Permits
 - Dam Safety Permits
 - Regulates drawdown behind dams

“Water Use Act of 1983”

- Public Notice of Planned Withdrawals (>100,000gpd)
 - conflict resolution/impact analysis by SWS+SGS
- Groundwater emergency restrictions
 - applies only to Kankakee, Iroquois, Tazewell & McLean Counties
 - high capacity wells register with County SWCD
 - IDOA guidelines for well construction (adequacy stds.)
 - complaints, investigations & restrictions to protect impacted wells
 - district wide restrictions to preserve adequate water supply
- Unified Illinois’ groundwater and surface water law

What About Our Neighbors?

- **Iowa** - statewide for surface and groundwater
 - 25,000 gpd threshold
- **Minnesota** - statewide for surface and groundwater
 - 10,000 gpd threshold
- **Kentucky** - statewide for surface and groundwater
- **Wisconsin** - 2,000,000 gpd threshold for diversions
- **Indiana** - restricted use groundwater only
- **Missouri** - registration only
- **Michigan** - registration only

Not Covered in Illinois Water Law

- Instream Flow Protection - Statewide
- Drought and emergency management
- Groundwater development-domestic well impacts
- Recreational stream access
- Future needs for Public Water Systems
- “data” - hydrology, geology, mapping & models

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Thank you



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Wes.Cattoor@illinois.gov

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