

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 120
WATER WITHDRAWAL FROM STATE AREAS

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AUTHORITY: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [20 ILCS 840/5].

SOURCE: Adopted at 22 Ill. Reg. 2591, effective January 16, 1998.

Section 120.10 Purpose

- a) The water resources within or upon lands owned or managed by the Department of Natural Resources (Department) constitute a tremendous natural resource. It is the mission of the Department to manage the waters under its control for resource protection and outdoor recreation.
- b) Many Department-owned lakes were constructed utilizing federal grant-in-aid dollars. When uses other than those authorized under federal grant requirements are contemplated for these funded lakes, the Department must ensure that such uses are compatible with federal grant requirements.
- c) Withdrawal of water (including ponds, lakes, streams, wetlands, canals and groundwater) from properties owned by or under the control of the Department shall not be done without written approval from the Department. Requests for withdrawal of water will be evaluated by criteria set forth in this Part.
- d) This Part does not apply to Lake Michigan or any other public bodies of water administered under the Rivers, Lakes and Streams Act [615 ILCS 5]; Kaskaskia River below Carlyle Dam or water storage in Carlyle Lake and Lake Shelbyville administered under the Kaskaskia River Watershed and Basin Act [615 ILCS 75]; water storage in Rend Lake administered under the Rend Lake Dam and Reservoir on the Big Muddy River Act [70 ILCS 2115]; or water storage in Kinkaid Lake administered under the Big Kinkaid Creek Reservoir Act [615 ILCS 80].

Section 120.20**Water Withdrawal Criteria**

The following criteria will be used to evaluate requests for water withdrawal and failure to meet these criteria will result in rejection:

a) Demonstration of Need

The party requesting the use of water from a Department site must provide information which demonstrates that it has exhausted reasonable alternatives to satisfy its water needs.

b) Compatibility With Fish Management or Other Site Management Activities

For example: If a lake has a history of use or the need to utilize fishery management chemicals (aquatic herbicides or fish toxicants) these facts must be taken into consideration during the Department's review of water withdrawal requests. Information on the use of chemicals must be provided to the requestors in the interest of public health and safety. The District Fisheries Biologist will notify the Site Superintendent annually, by January 31, of all use of chemicals on waters of a site under his control. This notification will include the type of chemical, the date a chemical was applied, the purpose of the application and how many pounds/gallons were applied.

c) Compatibility With Migratory Bird Management Activities

For example: If a wetland has a history of being dewatered on a seasonal basis for the purpose of managing migratory birds, these factors must be taken into consideration during the Department's review of water withdrawal requests.

d) Overwintering and Summer Survival of Aquatic Life

In any water withdrawal situation, sufficient water depth must remain to allow overwintering and summer survival of the water area's aquatic life. Winter-kill risk must be minimized in case refilling prior to winter does not occur following withdrawal, and thermal refuges must be maintained throughout the summer.

e) Consideration of Federal Requirements

In all cases where federal funding was utilized in acquiring or developing a site/lake, the associated federal requirements must be considered in the review of water withdrawal requests and inherent obligations must be honored.

f) Physical Attributes of the Lake and Watershed

The morphological configuration of the lake in question should be analyzed to determine the amount of water which may be withdrawn. Factors such as the lake's maximum depth, average depth, ratio of littoral zone to total lake acreage, watershed to lake ratio, inflow/outflow hydrograph of the impoundment for water recharging, spawning requirements and the location of boat ramps and dockage all must be considered.

g) Presence of Endangered or Threatened Species

Water withdrawal from surface waters providing habitat for endangered or threatened species will require review by the Endangered Species Program Manager.

h) Proximity of a Withdrawal Request to or in a Designated Illinois Nature Preserve

A request of this nature will require coordination with, and concurrence by, the Illinois Nature Preserve Commission. Proximity of a withdrawal request to or in a natural area will require review to ensure there will be no negative impact on the natural area.

i) Withdrawal Method Impact

The method of water removal will be considered as a significant factor in the consideration of requests to withdraw water. Under certain circumstances, the method of water withdrawal could be more damaging to the resource and to Department programs than the loss of water itself. Consequently, Department staff involved in the review process will consider the impact of the requested withdrawal as follows:

1) Mobile tank:

- A) road conditions, weight limits and required permits (Department roads and local public roads);
- B) water loading point conflicts with Department programs;
- C) visitor, staff and permittee safety;
- D) method of filling tank (noise, aesthetic and storage impact); and
- E) need for Department supervision and impacts upon other activities.

- 2) Pipelines:
 - A) location must not impact roads, trails, other use areas or sensitive resources;
 - B) pipe intake must be constructed to avoid resource damage;
 - C) construction and removal activity must not impact other sites; and
 - D) permanent pipelines will require formal planning and licensing.
- 3) Spillway release from impoundment:
 - A) flow must be regulated and stopped as desired;
 - B) critical downstream activity must not be negatively impacted; and
 - C) adequate Department staff must be available to conduct operations.
- 4) Water Wells:
 - A) well location must not impact sensitive natural resources;
 - B) the drilling method employed should be chosen to avoid impacts on surrounding sensitive natural resources;
 - C) the construction, site clean-up, and removal activity must not impact surrounding sensitive natural resources; and
 - D) discharge of water from test pumping after well completion (such as for well development and yield determination) must be controlled to avoid impacts on surrounding sensitive natural resources.

Section 120.30**Restrictions and Special Considerations**

- a) If upon completion of an environmental review a request is approved, all water withdrawn, except as described in Section 120.30(c), shall be by contract. The contract shall be prepared by Department staff and signed by the Director or his designee.
- b) Withdrawers shall be charged a base fee of \$35 per permit issued, plus 15 cents per 1,000 gallons of water withdrawn, except for emergency use as defined in subsection

(c).

- c) Site superintendents may allow emergency withdrawal without a contract for situations which constitute an immediate peril to life or property, such as fire control.
- d) In no case should a water area be pumped dry without consultation with the DNR resource divisions of fisheries, forestry, wildlife and natural heritage.
- e) This Part shall have no effect on pre-existing contracts, nor shall such pre-existing contracts be deemed to affect this Part.
- f) A requestor will be provided information on the types of chemicals and the amounts utilized on the water area. The requestor will be required to sign a statement that he/she received this information.
- g) If, after a request for water withdrawal is approved, a situation arises in which further water withdrawal could prove to be detrimental to the resource, withdrawal may be halted at the discretion of the site superintendent with written notification provided to the requestor.