§ 15-1509. Approval of plans for forest preserve reservoir projects; petition; proceedings.

1. Any publicly owned water supply project involving the construction of a reservoir on forest preserve lands must be submitted for approval to the department as provided in sections 15-1501 and 15-1503 of this article, and the procedure on such an application shall be as therein set forth except as to the additional requirements and further procedure required by this section.

2. The petition for approval of such a project must state that it is desired to construct a reservoir on state owned forest preserve lands, giving a description of the location and extent of the lands to be occupied or flooded, and shall be accompanied by a map, based on accurate surveys, showing the boundaries of such land and the high flow line of the water to be impounded thereon. The public notices of the hearing shall state that the reservoir proposed to be constructed is on state owned lands within the forest preserve.

3. In addition to the findings required by section 15-1503 of this article, the department in such cases shall also determine whether the needs of the applicant for water are such as require the proposed public use of the land involved, whether the constitutional limitation as to the amount of such land that can be used for reservoir purposes will not be exceeded, and whether the plans are such that unsanitary conditions will not be created by the proposed project.

4. If the application is approved, the department shall apportion all the expenses of the proposed project upon the municipalities which it may find to be benefited thereby, to the extent of the benefits received; it shall also fix the amount to be paid to the state by the municipalities benefited. Such amount to be paid to the state is to be computed as follows:

a. The value of the state owned timber and other forest products to be removed during the construction of the project, such amounts to be due on the cutting of such timber or other products. Such material shall

become the property of the applicant on the payment of such amount to the state. The department may direct that the amount due be paid in one lump sum or may permit partial payments to be made in such amounts and at such times as may be specified.

b. A charge of six per centum per annum on the value of the state owned lands and rights used, unimproved and bare of timber. This value shall be determined by the department and be redetermined by it at intervals of ten years from the date of approval of the application. The amount of this charge for any year shall be due and payable on the first day of January of the succeeding year and shall be computed from the day of the actual entry of the applicant or the department on the state owned land for the purpose of beginning the clearing or the construction work.

c. An annual charge, to be determined, redetermined and payable as provided in paragraph b above, as a reasonable return to the state for its services rendered.

5. A statement of all these matters shall be included in the decision of the department approving the application.