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CAFO scraps plan to draw water from Lamoine River

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off of their property.

Robert Hirschfeld, coalition organizer at the Prairie Rivers Network, said while the state of water law in Illinois is quite vague, his understanding is that under riparian water law, a riparian land owner - someone who owns property along a river - does not own the water, but has the right to use that water on their land.

While other states have amended the statutes, Illinois continues to rely on riparian law principles. Hirschfeld added that through his understanding of the law and the facts presented to him in this case, it seems unlikely that the facility would have been legally able to draw water from the river, even with permission from a riparian land owner. Hirschfeld also said that the Illinois Department of Agriculture and the Illinois Department of Natural Resources do not have much oversight power regarding this type of use, due to the age of the statute and the fact that the statute has not been challenged in court for some time.

Schauble said he is concerned about the ability of the river to sustain the amount of water required to service the confinement facility, which he said requires thousands of gallons to replenish its reservoirs.

Certain parts of the river, which Schauble said would normally be waist-deep, are currently bone-dry due to the severe drought conditions, with a few pockets of water less than a foot deep in select spots.

"The river isn't flowing hardly at all," Schauble said, adding that other property owners who have the right to draw water from the river have not done so due to low water levels and lack of rain. The Lamoine River is entirely ground-fed, relying on rainfall to sustain its levels, Schauble said.

As of Wednesday, the temporary lines were removed, and Wilson said the facility will be moving forward using other contingencies that are in place in order to replenish its water reserves. Wilson would not comment on the nature of these plans, however.

Calls placed to the Department of Water Resources Management, at the Illinois Department of Natural Resources, were not immediately returned as of press time Thursday.

A history of controversy

Large-scale hog confinement facilities have been a point of contention among residents in McDonough County and elsewhere in West-Central Illinois. Recently, South Morgan Acres, LLC., a proposed hog confinement facility planned for Blandinsville, filed a

A Confined Animal Feeding Operation has abandoned attempts to draw water from the Lamoine River, due to an number of issues, such as opposition raised by various property owners in the area.

Scott Schauble, a property owner with a farm bordering the river near Tennessee, Ill., said he was recently approached by a neighbor who offered him compensation in return for allowing the facility to run water lines through his property to the Lamoine River. Schauble said the purpose of the operation was to attempt to replenish the confinement's water reserves, which have been adversely affected by the summer's harsh drought conditions.

According to Schauble - who said he has been largely neutral on the issue of large-scale hog confinements until now - his neighbor offered him money, hunting rights and even a pig for slaughter if he agreed to allow the confinement to draw water through his property.

Schauble said he declined the initial offer, but returned home from work late last week to find temporary lines running across his driveway. Schauble asserted the lines were on his property.

Bill Hollis, executive director of Professional Swine Management said the decision to move away from drawing water from the Lamoine River was due to neighbor opposing the facility wishes to remain on good terms with the neighbors of the facility.

Hollis also noted that the facility does have a number of wells on site.

Henry Wilson, of Professional Swine Management, said the confinement believed it had permission from the Illinois Department of Agriculture to draw the water and that although the temporary lines did run across Schauble's driveway, they were not on his property, but on the right of way.

Wilson added that the confinement had permission from the township's roads commissioner to run the temporary lines. Both Wilson and Hollis declined to comment on other plans that are in place to replenish the facility's water supply.

However, Schauble said the operation presented more than a property dispute, reaching into common law enacted in the 19th century that governs the use of river water. Under the common law, residents with property bordering the river may draw water from it for use in watering crops and livestock on their own property. They may not, however, sell the water or otherwise transport it

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lawsuit against the Blandinsville Township Road District and Roads Commissioner William Callahan, citing lost revenues due to a weight limit recently imposed on North 2300 Road. The case is currently being litigated as attorneys representing South Morgan Acres had until Wednesday to file amended complaints with the McDonough County Courthouse.

Residents opposed to these facilities have cited pollution, noise and odor concerns as driving forces for their opposition.

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