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Wednesday, Nov 12, 2008

Posted on Wed, Oct. 15, 2008

## McMaster expects S.C. to win water fight

### Decision in dispute with North Carolina could take years

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**NORTH CHARLESTON** — S.C. Attorney General Henry McMaster expects the state will win its water rights lawsuit against North Carolina but acknowledges the Supreme Court's decision could take years.

In the meantime, events such as the state's first Water Resources Conference, which began Tuesday, are important because they encourage solutions to water issues outside the court setting, McMaster said.

"We will always need more water," McMaster said in his keynote presentation to the gathering of scientists, government administrators and water experts. "We've got to find ways to do this better. This is one that's going to take an awful lot of work and an awful lot of thinking."

Presentations at the two-day conference deal with ensuring clean rivers, getting the most out of existing water systems and managing future water needs. Veterans in the water policy realm noted how much has changed during a decade that featured eight drought years and rapid population growth in South Carolina.

"Where we used to only worry about water quality, water quantity now is the most important question in front of us," said David Wilson, water bureau chief at the S.C. Department of Health and Environmental Control.

Any discussion on water quantity leads back to South Carolina v. North Carolina, the lawsuit that went straight to the U.S. Supreme Court last year. The suit contends North Carolina officials didn't have the right to approve a shift of 10 million gallons of water per day from the Catawba River system to the towns of Kanapolis and Concord, N.C.

Technically, that would be an interbasin transfer, because whatever water used by those cities that returned to the ground would end up in the Yadkin/Pee Dee River system. McMaster filed suit after negotiations with North Carolina failed. ("They told us to go jump in a lake," he said.)

"We contend that as a river runs from one state to another, it doesn't belong just to the first state," McMaster said.

Noting the precedent-setting potential of the case, the Supreme Court made the rare exception of taking the case directly before it had been heard in lower courts. Special Master Kristin Myles was appointed to handle the case.

But that doesn't mean a decision should be expected soon. McMaster originally hoped a ruling could be made in two years, but Myles allowed the addition of other parties in the case, including Duke Energy and the city of Charlotte. That all but ensures a drawn-out process.

Clemson professor Caitlin Dyckman made a presentation Tuesday comparing and contrasting South Carolina v. North Carolina with the ground-breaking 1963 Arizona v. California decision that set Western water policy. The Western case was decided 11 years after the naming of a special master.

South Carolina can't wait. It has another water battle looming with Georgia.

"Everybody is going after the water," McMaster said. "It won't be long before the city of Atlanta will try to run a line to the Savannah" River.

Discussions with Georgia have more promise than did those with North Carolina, McMaster said. Carol Couch, head of the Georgia Environmental Protection Division, will take part in a panel discussion today on Savannah River challenges.

McMaster sees that discussion, as well as the presentations on water issues during the conference, as reason for hope.

"We have a great opportunity now. We're right at the beginning of what could be a crisis."

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