

The State of South Carolina



Office of the Attorney General

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March 10, 1987

Honorable William D. Boan
Member, House of Representatives
320-B Blatt Building
Columbia, South Carolina 29211

Dear Representative Boan:

You have requested an opinion as to whether the citizens of Lancaster County have a right of access to a watershed lake when the County owns property adjoining the lake.

It is our understanding, from discussing this with Mr. Russell Patrick as you suggested, that the lake in question is on Bear Creek, a stream denominated non-navigable by the Water Resources Commission. Lancaster County owns only land adjoining the lake and does not own any of the bed of the lake, i.e., the lands covered by the waters of the lake.

Under the above facts, this case is governed by the July 16, 1982, opinion which your letter mentions. That is, the title to lands submerged by impounding a stream remains unchanged, and only those individuals owning a portion of the bed of the lake may use the lake. See 93 C.J.S., Waters, § 146.

Moreover, even if Lancaster County owned a portion of the lakebed, its citizens would be entitled to use only that portion of the lakebed to which the County had title. Id.

I regret that this conclusion cannot be more favorable.

Sincerely yours,

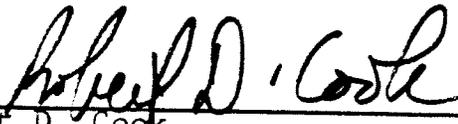
A handwritten signature in cursive script, appearing to read "Kenneth P. Woodington".

Kenneth P. Woodington
Senior Assistant Attorney General

KPW:jca

Honorable William D. Boan
Page 2
March 10, 1987

APPROVED:



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