

1973 WL 26894 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 21, 1973

**\*1 re: Jefferies Creek Drainage District**

Mr. F. G. Scurry  
Assistant Director Resource Development  
Land Resources Conservation Commission  
1400 Lady Street  
P. O. Box 11708  
Columbia, South Carolina 29211

Dear Mr. Scurry:

You have requested that this office advise you as to whether a separate watershed conservation district may be organized within the area previously known as The Jefferies Creek Drainage Area. The Jefferies Creek Drainage Area was the drainage district in Darlington County established pursuant to law, and as such can only be destroyed according to law. I have been unable to find any statutory authorization for the elimination of Jefferies Creek as a drainage district, and as such it does appear that it is presently a legal entity under the law of this state. Being a legal entity, it can not be diminished not invaded by a separate legal entity being vested with some of the public preferences.

It is therefore the opinion of this office that a watershed conservation district can not be organized in the area which has the same metes and bounds as the old Jefferies Creek Drainage District, unless or until the prior drainage district is dissolved in accordance with the statutory authorization. I trust this has been a sufficient answer to the question which you posed, if we may be of any further assistance please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn  
Senior Assistant Attorney General

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