

1975 WL 29769 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 29, 1975

*1 Mr. Robert L. Stephenson
Director
Institute of Archeology and Anthropology
University of South Carolina
Columbia, South Carolina 29208

Dear Mr. Stephenson:

You have requested the opinion of this office as to whether or not it would be necessary for a person to request a license from your department prior to salvaging in Lake Murray. South Carolina Code of Laws 1962, as amended, Section 54-321 grants title to the State to all bottoms of navigable waters and to all

. . . shipwrecks, vessels and all things therein, including but not limited to cargos, tackle, and underwater archeological artifacts or any other thing of value which have remained unclaimed for more than ten years on such bottoms . . .

Black's Law Dictionary defines 'navigable' as
capable of being navigated; that may be navigated or passed over in ships or vessels.

The rules and regulations filed by the Institute of Archeology and Anthropology pursuant to Section 54-322 defines 'navigable waters' as

. . . a stream in which the tide ebbs and flows, for as far as the tide ebbs and flows, as well as those non-tidal waters of the State which are navigable in fact.

Therefore, Lake Murray would be considered to be a navigable lake pursuant to legal definitions of this term. The problem arises due to the fact that Lake Murray is a lake that is privately owned, but in which a natural river flows along the bottom.

It is therefore the opinion of this office that the natural river flowing along the bottom of this lake belongs to the State and salvaging in this area must be licensed. However, if a person desires to salvage in an area not in this natural river area, they would be on private property and not need prior permission of the State.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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