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## 2 years later: Water fight continues on

By [Eric Deines](#) | Independent Tribune

CONCORD — Nearly two years after the cities of Concord and Kannapolis received a state license to draw water from neighboring water basins, the fight over the matter goes on.

Two lawsuits were filed over the matter.

Neither was against the Cabarrus cities.

In January 2007, the state awarded Concord and Kannapolis a certificate to draw up to 10 million gallons a day from both the Catawba and Yadkin river basins.

The Catawba portion of the certificate found great opposition from jurisdictions and groups along the Catawba River — including South Carolina.

South Carolina sued North Carolina for what it claims are insufficient Catawba water levels reaching the state boarder. While the City of Charlotte joined North Carolina in that litigation, Concord and Kannapolis did not.

And a group called the Protect the Catawba Coalition — made of several Catawba river basin jurisdictions — appealed the decision of the N.C. Environmental Management Commission to grant the certificate to Concord and Kannapolis. And Concord has joined the litigation, which is in the "discovery phase," said Concord city attorney Al Benshoff.

"It's quite lengthy reviewing a six-year process with lots and lots of documents," Benshoff said.

The discovery phase, in which both parties produce relevant documents for the case, has gone over its initial deadline because of the wealth of material.

Benshoff said he expects the discovery phase of the litigation to wrap up in the first quarter of 2009.

Concord Mayor Scott Padgett said the case was wasting public funds in that the real concern of people along the Catawba were future interbasin water transfers, and that the state had tightened its regulations for jurisdictions seeking such certificates in the future.

"I think it's a waste of taxpayer money on attorneys. Especially now, when money is so tight and our local budgets are hurting," Padgett said. "It's getting more expensive by the day — it just grinds on and on legally. And a lot of the issues have been settled."

Concord and Kannapolis sought the interbasin transfer for six years based on a 22 million gallon water shortfall expected by the year 2035.

In its approval of the interbasin transfer certificate, the Environmental Management Commissioner pared down the cities' request to allow 26 million gallons a day to be drawn from the Catawba.

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