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April 14, 2009

By E-Mail and First Class Mail

Special Master Kristin L. Myles
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, California 94105

Re: *South Carolina v. North Carolina*, No. 138, Original:
South Carolina's Thirteenth Progress Report

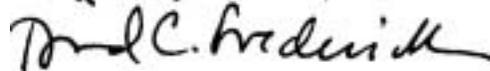
Dear Special Master Myles:

In advance of the telephonic hearing scheduled for Thursday, April 16, 2009, we respectfully submit South Carolina's thirteenth progress report concerning events that have occurred since the twelfth progress report dated March 10, 2009.

Document discovery is ongoing. South Carolina has twice requested of North Carolina (by letter of February 11, 2009, and again by letter of March 3, 2009) a list of Catawba tributaries in North Carolina that the defendant State proposes to use in searching electronic documents responsive to South Carolina's document requests. South Carolina responded to a similar request by North Carolina on February 11, 2009, and requested a response to its parallel request by March 10, 2009. North Carolina has not yet responded to either of South Carolina's letters.

On March 23, 2009, South Carolina filed its Sur-Reply Brief in Support of Exceptions to the Special Master's First Interim Report. On the same day, proposed intervenors and North Carolina filed a motion for divided argument (the United States having previously filed its own motion on March 10, 2009, to participate in divided argument as *amicus curiae*). On March 30, 2009, the Supreme Court issued an order stating that "[t]he Exceptions to the Report of the Special Master are set for oral argument in due course."

Respectfully submitted,



David C. Frederick
*Special Counsel to the
State of South Carolina*

cc: Case Management Plan, Appendix A, Service List