

# **Bond Case Briefs**

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## **EMINENT DOMAIN - CALIFORNIA**

### **Williams v. Moulton Niguel Water District**

**Court of Appeal, Fourth District, Division 3, California - May 3, 2018 - Cal.Rptr.3d - 2018 WL 2057534**

Homeowners brought putative class action against water districts, alleging copper piping in homes was damaged by water districts' addition of chloramines to tap water.

After bifurcated bench trial on certain legal issues, the Superior Court made findings and entered judgment in favor of districts. Homeowners appealed.

The Court of Appeal held that:

- Districts' addition of chloramines to tap water was done under authority of statute, and thus districts had immunity from homeowners' nuisance claim, and
- Homeowners' theory of liability under purported inverse condemnation claim was in fact a claim for tort liability, precluding recovery under just compensation provision of state constitution.

Water districts' addition of chloramines to tap water was done under authority of statute, and thus districts had immunity from homeowners' putative class action asserting nuisance claim based on alleged damage to copper piping from addition of chloramines to tap water, where districts had permit from Department of Health Services expressly allowing chloramines in water, and regulations issued pursuant to statutory authority expressly authorized the use of chloramines in the amount used by districts.

Homeowners' theory of liability against water districts, though purportedly an inverse condemnation claim, was in fact a claim for tort liability, precluding recovery under just compensation provision of state constitution, in case in which homeowners alleged damage to copper piping from districts' addition of chloramines to tap water; homeowners were among the millions of people receiving the same treated water, and homeowners had invited the water into their plumbing systems.