

Bond Case Briefs

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INVERSE CONDEMNATION - CALIFORNIA

Rio Linda Elverta Community Water District v. United States

United States Court of Federal Claims - January 31, 2018 - Fed.Cl. - 2018 WL 651659

Community water district sued United States, claiming \$289,535,380 in damages for alleged inverse condemnation resulting from manufacturing activities on Air Force base that purportedly caused chromium contamination of aquifer from which district supplied public drinking water.

Government moved to dismiss for lack of subject matter jurisdiction.

The Court of Federal Claims held that claim was not ripe for adjudication.

Community water district's inverse condemnation claim seeking \$289,535,380 in damages, for expenses incurred in shutting down two wells and installing pollution equipment on other wells to safeguard public drinking water from chromium contamination of aquifer allegedly caused by manufacturing activities on Air Force base, did not present case or controversy, and thus, claim was not ripe for adjudication, since state regulations limiting amount of chromium contamination in district's water source were not currently in effect and would only become effective, if at all, two years later, so any possibility that district's water source could be damaged in future was speculative, and district's expenses were voluntarily incurred.