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EMINENT DOMAIN - FEDERAL

Etchegoinberry v. United States

United States Court of Federal Claims - May 19, 2023 - Fed.Cl. - 2023 WL 3574352

Landowners filed class action against United States, claiming that failure of Bureau of Reclamation, Department of Interior (DOI), to comply with statutory obligation, under San Luis Act, to provide irrigation drainage for owners' farmlands in water district resulted in gradual physical taking of property without just compensation.

Government moved to dismiss for failure to state claim.

The Court of Federal Claims held that takings claims were time barred.

Landowners' takings claims for just compensation, based on Bureau of Reclamation's failure to provide drainage for water district and owners' irrigated and drainage-impaired farmland within district, accrued, under six-year statute of limitations for claims against United States under Tucker Act, when landowners should have been aware that their claims had stabilized given numerous actions and decisions by government and extensive litigation history over several decades regarding government's failure to provide solution to drainage problem that should have alerted owners as to permanency of alleged taking and ended any justifiable uncertainty they had about accrual of their claims.