

# Federal Circuit Hears Oral Argument in Flood Easement Case

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The U.S. Court of Appeals for the Federal Circuit recently heard oral argument in *Stueve Brothers Farms, LLC v. United States*. In *Stueve Brothers*, the owners of farmland within the Prado Dam Flood Control Basin in California sued the Government alleging that a revised flood survey map took a flowage easement over their property. The revised flood survey map was based on the Corps' decision to increase the dam's capacity, which would increase the amount of land that would be flooded if the dam spilled. Argument was heard by Judges Prost, Bryson, and Reyna.

The Government argued that it should not be liable for the taking of a flowage easement until the land was actually flooded. Stueve Brothers Farms, however, argued that their land had been taken without payment of just compensation because of the Government's authorization of a flowage easement for impounded water from the newly-elevated Prado Dam and Reservoir made the vast majority of their land subject to flooding and unfit for use or development of any kind.

At oral argument, the panel posed many questions, with one judge asking “[H]asn’t the Government in effect gotten everything it would have gotten from a flowage easement—which you have had to pay for in a condemnation proceeding—for free?”

Listen to the oral argument [here](#).