Court of Appeals Finds Diversion for Endangered Species to be Physical Taking
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Article


Attorneys in Brownstein’s Water Group author the monthly “Law & Water” column in the American Water Works Association Journal. Each column provides valuable legal insight in the form of case summaries of interest to water utilities across the U.S.

The December column discusses how when the government causes water to be diverted from a reclamation project for the benefit of an endangered species, the diversion is a physical taking of property that is per se compensable under the Fifth Amendment of the US Constitution. The column highlights cases related to the aforementioned US Constitution Amendment.

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