

CASE LAW UPDATE

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Lake of the Woods

Bremen, IN

Houins
v.
Indiana
DNR



Google Earth



Houins v. IDNR

FACTS

- Long history
- DNR assumed dam control
- Kept it closed
- Raised lake
- Caused flooding

COUNTS

- Nuisance
- Negligence
- Trespass
- Taking

Houins v. IDNR



January 2021 Marshall County trial



IDNR Appeal



June 14, 2022 Court of Appeals decision



IDNR Motion to Reconsider



August 10, 2022 Court of Appeals decision

Questions

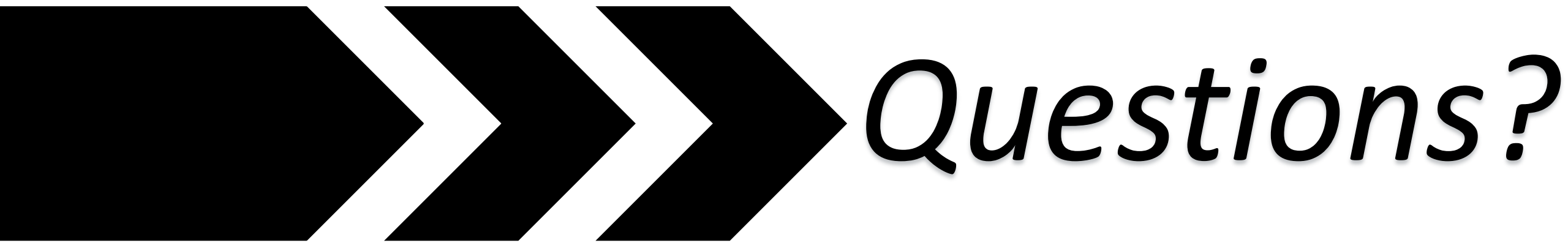
Torts against state

DNR immunity

Types of takings

Government-induced temporary flooding as a taking

Damages



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