



## Water Damage

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-1306

Takings have been found where the construction or operation of a public improvement resulted in recurring flooding of private property <sup>[36]</sup> or increased the amount of storm water runoff that caused erosion. <sup>[37]</sup> A taking has also been found where water was regularly discharged from water treatment facilities across adjoining private property, <sup>[38]</sup> where a public improvement altered the flow of a stream and caused erosion, <sup>[39]</sup> and where the construction of a public improvement diverted a stream that previously flowed across private property. <sup>[40]</sup>

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**Notes:**

[36] *Knox County v. Moncier, supra; Monday v. Knox County, supra; Burchfield v. State, supra; Jones v. Cocke County, supra; Jones v. Hamilton County, supra.*

[37] *Hollers v. Campbell County, supra.*

[38] *Pleasant View Utility District v. Vradenburg, supra; Murphy v. Raleigh Utility District of Shelby County, supra.*

[39] *Barron v. City of Memphis, supra.*

[40] *Evans v. Wheeler, supra; Piercy v. Johnson City*, 130 Tenn. 231, 169 S.W. 765 (1914).

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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