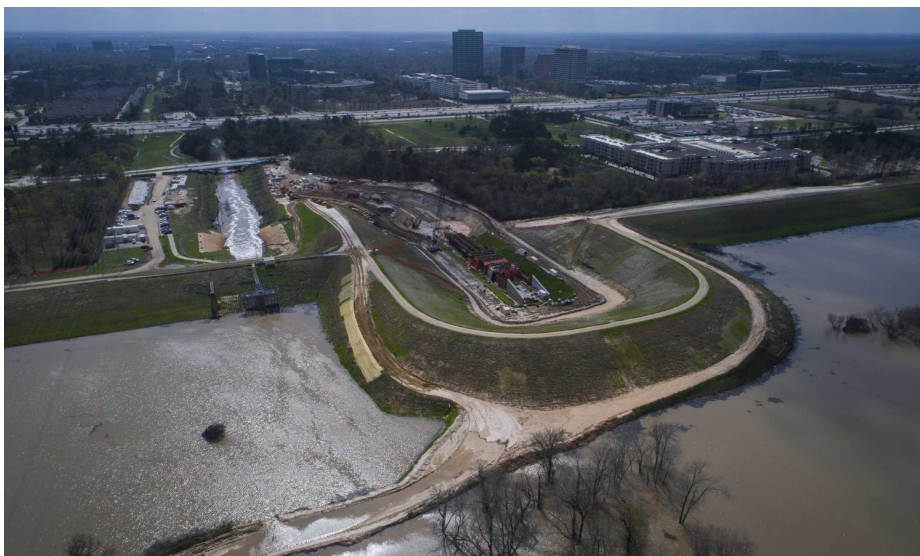


November 8, 2022 ([/real-estate-damage-news/2022/11/8/flowage-easement-ruling-upstream-addicks-and-barker-reservoirs-hurricane-harvey](#))

FLOWAGE EASEMENT RULING: UPSTREAM ADDICKS AND BARKER RESERVOIRS, HURRICANE HARVEY ([/REAL-ESTATE-DAMAGE- NEWS/2022/11/8/FLOWAGE-EASEMENT- RULING-UPSTREAM-ADDICKS-AND- BARKER-RESERVOIRS-HURRICANE- HARVEY](#))



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Starting Aug. 28, 2017, Hurricane Harvey hit the Houston area. Addicks and Barker flood reservoirs, on either side of Interstate 10, fill (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>) during Harvey. The floodwater they retained caused widespread flooding of homes and businesses. After the storm, more than 1,600 businesses and homeowners sued the Army Corps in the U.S. Court of Federal Claims (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>), contending the government intentionally planned for the reservoirs to flood their land (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>).

In December 2019, the court ruled that the flooding of properties upstream constitutes a taking and that a permanent flowage easement will be taken up to the flooded elevations. More recently, in late October 2022, court ruled that six of the upstream properties that flooded during Hurricane Harvey will collectively receive \$550,000. (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>) It is estimated that between 10,000 and 12,000 upstream homes were impacted during Harvey (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>) and it is estimated that the total compensation could be roughly \$1.67 billion before interest (<https://www.houstonpublicmedia.org/articles/news/flooding/2022/11/02/436618/upstream-addicks-and-barker-reservoir-homeowners-win-550000-in-damages-in-lawsuit-over-harvey-flooding/>).

For the upstream property owners who intend to file a claim, they have until August 2023, the sixth anniversary of Hurricane Harvey, to do so (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>). Furthermore, a ruling is still pending for separate group of residents and business owners located downstream whose properties flooded when the U.S. Army Corps of Engineers opened the Addicks and Barker floodgates (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Properties-upstream-of-Addicks-Barker-reservoirs-17554181.php>).

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