



LOUISIANA WILDLIFE FEDERATION

The voice of Louisiana's wildlife and natural resources since 1940.

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Crooks v. State Department of Natural Resources

Trial Court (2006-2016)

- Filed in 2006 as a class action lawsuit, alleging that:
 - Catahoula Lake was a river, not a lake;
 - As a river, the banks (between ordinary high and ordinary low water marks) are privately owned;
 - The State was required to obtain servitudes from the adjacent landowners as part of the obligations of the nonfederal sponsor in the Ouachita-Black River navigation project, which includes the Jonesville Lock and Dam;
 - The State “took without compensation” (i.e. inversely condemned) servitudes from adjacent landowners to increase the natural water levels on the lake; and
 - The State owed compensation to the adjacent landowners, which were broken into two sub-classes: Plaintiffs who owned property adjacent to the lake and Plaintiffs who owned swampland near the lake.
- In 2016, following a bench trial (i.e. the judge, not a jury, decided the questions of fact in addition to questions of law), the trial court rendered a judgment in favor of the Plaintiffs, declaring that the body of water in the Catahoula Basin in 1812 was a permanent river that seasonally overflowed and covered its banks; the riparian landowners, i.e., the Lake Plaintiffs, are the owners of these river banks; and the State is liable for the inverse condemnation of these lands because of the significant obstruction of the natural servitude of drainage.
 - As a navigable river under Louisiana law, the State in its public capacity only owns the waterbody up to the ordinary low water mark (“OLWM”). The trial court held that the acreage between the ordinary high and ordinary low water marks was riverbank owned by the adjacent landowners (i.e. the riparian landowners). While the boundaries of the riparian landowners’ land patents (i.e. the metes and bounds of their title) only go to the OHWM of Catahoula Lake, under Louisiana law, riparian landowners also own the riverbank down to the OLWM as part of the ownership of the land adjacent to the river
- Based on its findings, the trial court awarded expropriation damages of \$28,745,438.40 to the Lake Plaintiffs and \$9,550,800.00 to the Swamp Plaintiffs, as owners of the overflow lands. The trial court also awarded the Lake Plaintiffs \$4,694,309.68 for oil and gas royalties attributable to mineral production from the riparian lands from May 2003 to trial. The trial court also awarded the Plaintiffs attorneys’ fees, expert witness fees and costs in the amount of \$22,075,843.77, 75% of which was to be paid by the State and 25% of which was to be paid out of the Plaintiffs’ award.

Third Circuit Court of Appeal, No. 17-750 (12/28/18)

- In a 2-1 decision, the appellate court found no manifest error in the trial court's determination that Catahoula Lake is a river.
- It also agreed with the trial court's analysis that the State was responsible for acquiring a servitude from the adjacent property owners. It rejected the State's claims that the federal government was a necessary party and/or responsible for modifying the water levels and that the Plaintiffs' claims had prescribed (i.e. that they waited too long to bring their claims).
- The appellate court modified the trial court's ruling with respect to attorneys' fees, expert fees, and costs, assessing 100% of those fees to be paid out of the Plaintiffs' award.
- Judge Amy dissented, agreeing with the State's arguments that the Plaintiffs' claims were barred by liberative prescription (i.e. statute of limitations). Judge Amy also agreed with one of the State's alternative arguments that even if Catahoula Lake is a river, the State has possessed and asserted ownership over the whole waterbody for more than thirty years and therefore has acquired ownership through acquisitive prescription.

La. Supreme Court, No. 2019-C-0160 (01/29/20)

- After reviewing the evidence in the record, the La. Supreme Court also found "no manifest error with regard to the following factual findings by the trial court: the body of water in the Catahoula Basin in 1812 was a permanent river that seasonally overflowed and covered its banks; the riparian landowners, i.e. the Lake Plaintiffs, own the land between the ordinary low and ordinary high marks of the river's bank; and the man-made structures installed in and around the Catahoula Basin caused significant flooding of both the riparian and overflow lands, which obstructed the natural servitude of drainage in the area."
- Reversing the Third Circuit's decision in part, the La. Supreme Court held that the State had inversely condemned the servitude of drain but that the Plaintiffs' claims for compensation were barred by liberative prescription. The Plaintiffs' claims for compensation should have been filed more than thirty years before their class action petition was filed in 2006.

La. Supreme Court, No. 2019-C-00160 (04/09/20)

- While both parties filed Applications for Rehearing, the La. Supreme Court only granted in part the Plaintiffs' Application to address an error in its original opinion with respect to attorneys' fees, expert witness fees and costs. No substantive change was made.

Trial Court (2020-2022)

- The State did not pay the Plaintiffs the mineral royalties that had previously been paid to the State when the mineral operators believed that all of Catahoula Lake was owned by the State.
- Plaintiffs filed a writ of mandamus to compel the State to pay the royalties. Plaintiffs also sought sanctions and attorneys' fees against the State for failure to pay those royalties.
- Trial court denied Plaintiffs' writ and other requests.
- Steve Crooks also filed a notice with the court that he terminated his contract with his attorneys in the case
- Following an August 10, 2021, hearing, the trial court rendered judgment finding the ordinary low-water mark of the Little River within the Catahoula Basin is 24.08 feet above mean sea level and adopted the contours identified in the Plaintiffs' expert witness's survey.

Third Circuit, No. 21-633 (03/16/2022)

- Reversed the trial court's denial of Plaintiffs' writ of mandamus and awarded attorneys' fees related to the writ of mandamus.

Trial Court (06/22/2022)

- Denied a motion by some of the Plaintiffs to reduce the attorneys' fees proportionally with the La. Supreme Court's reduction in monetary damages. The Plaintiffs were liable for over \$22 million in attorneys' fees but only recovered damages in the amount of \$4.69 million, plus interest, from past due mineral royalties.

Third Circuit, No. 21-716 (06/29/2022)

- Affirmed the judgment of the trial court setting the low-water mark boundary of the Little River at 24.08 feet and adopting the contours in the Plaintiffs' expert witness's survey.

La. Supreme Court, No. 2022-C-00625 (01/27/2023)

- Reversed the Third Circuit's decision and reinstated the trial court's order, denying the writ of mandamus.
- The Court reversed because it concluded that the Royalties Judgment is payable by the State only when funds are appropriated by the legislature.

Third Circuit, No. 23-478 (03/06/2024)

- Affirmed the trial court's decision denying the motion by some Plaintiffs to reduce the attorneys' fees.

La. Supreme Court. No. 2024-C-00432 (06/25/2024)

- Remanded to the district court for a hearing to determine reasonable attorneys' fees.

Trial Court (2024-present)

- Resolution relating to the attorneys' fees.
- The court appointed a surveyor to locate the ordinary high water mark for the non-public lands in the Catahoula Basin. The surveyor's report is expected to be finalized in the second half of 2025.

Louisiana Wildlife and Fisheries Commission and the Louisiana Department of Wildlife and Fisheries v. U.S. Dept. of the Interior; TDX Energy, LLC; Saline Point Hunting Club, LLC; and W.H. Ward Properties, Inc.

U.S. District Court for the Western District of La., No. 22-cv-2441 (08/05/2022-present)

- LDWF and LWFC (collectively "Wildlife") sought the Court's assistance in establishing the boundaries and quieting title with the Defendants that own property on Catahoula Lake neighboring the Dewey Wills Wildlife Management Area.
- In November 2022, outside of the court proceedings, LWFC adopted a resolution, expanding the boundaries of the WMA.
- On February 15, 2023, the Court granted a Motion to Stay Proceedings while the Parties Negotiate Amicable Resolutions, which was filed by Wildlife.
- On October 16, 2023, the Court approved a boundary agreement between Wildlife; TDX Energy, LLC; Saline Point Hunting Club, LLC; and W.H. Ward Properties, Inc. (i.e. all of the parties except for U.S. Dept. of the Interior ("DOI")). Those defendants were dismissed from the case. DOI is the only remaining defendant because its boundary with Wildlife has not been determined or agreed upon.
- Stay of proceedings still in place to allow for amicable negotiations between Wildlife and DOI, which appear to be on hold until DOI conducts and completes a survey of the Catahoula National Wildlife Refuge's new boundary. Wildlife has expressed interest in managing the additional acreage of the Catahoula NWR as a part of the Dewey Wills Wildlife Management Area once DOI completes its survey and finalizes its boundaries.