

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**YANKTON COUNTY, SOUTH DAKOTA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2018-1566

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Appeal from the United States Court of Federal Claims  
in No. 1:17-cv-00488-MMS, Chief Judge Margaret M.  
Sweeney.

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**JUDGMENT**

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CHRISTOPHER HEALY, Healy Law PLLC, Carmen, ID,  
argued for plaintiff-appellant. Also represented by MARK  
V. MEIERHENRY, Meierhenry Sargent LLP, Sioux Falls, SD.

JOAN M. PEPIN, Environment and Natural Resources  
Division, United States Department of Justice, Washing-  
ton, DC, argued for defendant-appellee. Also represented  
by JEFFREY H. WOOD, ERIC GRANT, JOHN LUTHER  
SMELTZER; STACY K. BIRKEL, Office of Counsel, United  
States Army Corps of Engineers, Omaha, NE.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, REYNA, and STOLL, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

February 8, 2019  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court