

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-2734

Deltic Timber Corporation, formerly *
known as Deltic Farm & Timber Co.; *
Murphy Oil Corporation; Murphy *
Exploration and Production Company, *
*
Appellants, *

v. *

Great Lakes Chemical Corporation, *
*
Appellee. *

Appeals from the United States
District Court for the Western
District of Arkansas.

No. 99-1144

[UNPUBLISHED]

Deltic Timber Corporation, formerly *
known as Deltic Farm & Timber Co.; *
Murphy Oil Corporation; Murphy *
Exploration and Production Company, *
*
Appellees, *

v. *

Great Lakes Chemical Corporation, *
*
Appellant. *

Submitted: April 22, 1999

Filed: April 28, 1999

Before BOWMAN,* Chief Judge, ROSS, and FAGG, Circuit Judges.

PER CURIAM.

Deltic Timber Corporation (Deltic) brought this diversity-based action against Great Lakes Chemical Corporation (Great Lakes) for wrongfully removing bromine-rich brine from Deltic's properties. After a trial, the district court concluded that a portion of Great Lakes's taking was in good faith and a portion was in bad faith. The district court calculated the measure of damages for the bad faith taking based on the value of the brine at the wellhead. The district court denied prejudgment interest to Deltic and taxed certain costs to Great Lakes. Both sides appeal from the district court's decision.

Because this is a diversity case, we review de novo questions of state law. Having considered the record and the parties' briefs, we are satisfied the district court correctly applied the controlling law and the record supports the district court's state law-based decisions. We are also satisfied the district court correctly ruled on the issues of prejudgment interest and taxation of costs. Because a comprehensive opinion in this case would lack precedential value, we affirm on the basis of the district court's rulings without further discussion. See 8th Cir. R. 47B.

*The Honorable Pasco M. Bowman stepped down as Chief Judge of the United States Court of Appeals for the Eighth Circuit at the end of the day on April 23, 1999. He has been succeeded by the Honorable Roger L. Wollman.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.