

## **Mono Lake Public Trust Suit**

The National Audubon Society suit over the diversion of water from Mono Lake resulted in the following decision:

In discussing the applicability of the public trust doctrine to the relief sought by plaintiffs, the court stated: *"The principal values plaintiffs seek to protect...are recreational and ecological--the scenic views of the lake and its shore, the purity of the air and the use of the lake for nesting and feeding by birds. It is clear that protection of these values is among the purposes of the public trust."*

The Audubon decision examined the relationship between the public trust doctrine and the California appropriative water rights system. The Court recognized that in some cases the public interest served by water diversions may outweigh harm to public trust resources, but it held that harm to public trust resources should be avoided or minimized if feasible.

The Court went on to state that under Article X, Section 2 of the California Constitution: "All uses of water, including public trust uses, must conform to the standard of reasonable use." The Court concluded that Los Angeles' water rights were granted without consideration of the effects of the diversions on the public trust resources of the Mono Basin and that, therefore, a responsible body should reconsider the allocation of water from the Mono Basin streams. (The Court also ruled that the SWRCB and the courts have concurrent jurisdiction to consider the effect of water diversions on public trust resources.)