

22601

STATEMENT OF LEGAL ISSUES

I

WHETHER THE PUBLIC TRUST DOCTRINE RECOGNIZES WATER AS A UNIQUE NATURAL RESOURCE HELD IN TRUST BY THE PUBLIC FOR USE BY THE PUBLIC?

The trial court held that the public trust was limited to lake beds.

II

WHETHER THE RECREATIONAL USE OF WATER BODIES CONTROLS PUBLIC ACCESS?

The trial court held that recreational use is controlled by private landowners.

III

WHETHER THE FEDERAL "NAVIGABILITY FOR TITLE" TEST IS APPLICABLE TO THIS CASE?

The trial court held in the affirmative.