

Fanning Law PLLC

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December 4, 2024

Chief Justice, Mike McGrath
Montana Supreme Court
215 North Sanders Street
Helena, MT 59601

Re: Application for Associate Water Judge

Dear Chief Justice McGrath:

It is with enthusiasm and respect for the role of the Associate Water Judge (AWJ) at the Montana Water Court that I submit my application. My passion for water law, coupled with my professional background, equip me with a comprehensive understanding of this vital role, making me an ideal candidate for this position.

I regularly practice in the Water Court and appreciate the Court's role in adjudicating these important property rights. I also understand the need for consistent application of the law, given reliance interests and the evolving body of both water and general law.

My journey with the Water Court began as a second year law student in 2013 when I first worked with then AWJ Russ McElyea to initiate a summer internship program. I was immediately captivated by the complexity of water law and its deep-rooted connection to Montana's history and development. This interest led to a project for the Montana Supreme Court the following year during my clinic placement at the University of Montana School of Law. The result was a detailed report for the Court, comparing Montana's system to those of other Western states, and recommending several changes that are currently being considered by the legislature.

After graduation, I served as a Water Master at the Water Court in Bozeman, building relationships and immersing myself in the Court's history, procedures, and practice.

After the Water Court, I entered private practice, first as a partner and then on my own, establishing a busy statewide water and property law firm. There, I faced fresh challenges, requiring me to balance legal developments, client needs, finances, and firm management.


Since leaving the Court, I have been involved in approximately 90 Water Court cases, representing a diverse range of water users, from individuals to irrigation companies and districts. In District Court, I have litigated and resolved issues related to water rights enforcement, as well as ditch and easement rights.

Additionally, I have represented clients in other areas such as land use, subdivision review, easements, ditch interference, and marital asset distribution as it pertains to water rights. Water intersects with many other aspects of property law such as contracts, deeds, and property sales and I hope that my broad practical experience will be an asset to the Court if I am chosen as a judge.

My aspiration to serve as a judge is fueled by my desire for professional growth and challenge. In doing so, I bring a wealth of experience and a deep understanding of the Water Court's history, procedures, and culture. I am confident in my ability to fill the shoes of my predecessors, leveraging my unique qualifications and experiences to provide leadership as the Court advances Montana's adjudication to a timely and accurate conclusion.

As the AWJ, I would be committed to issuing timely, fair, and impartial decisions that align with established Montana law. I understand the far-reaching implications of the Water Court's decisions on property rights and the future of water use and allocation.

Thank you for considering my application. I am eager to serve Montana as a water judge and am available to provide any additional information or answer any questions you may have. Please find my resume enclosed.

Sincerely,

William Fanning