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December 20, 2024

Hon. Chief Justice Cory Swanson
Montana Supreme Court
c/o Robert Bird, Office of the Court Administrator
PO Box 203005
Helena, MT 59620-3005

Via e-mail only to: rbird@mt.gov

Re: Appointment of Bina R. Peters as Associate Water Court Judge

Your Honor:

I respectfully submit this letter of recommendation in support of Bina R. Peters' appointment to the position of Associate Water Judge of the Montana Water Court. Mrs. Peters is supremely suited to be Montana's next Associate Water Judge.

I have been working in water rights and water resources for about 20 years. I have been practicing water law, as the majority of my legal practice, for about 13 years.

I have had the privilege of knowing Bina Peters for close to a decade. As my opportunities to work with Bina have, thus far, been limited to opposing counsel, my use of the term "privilege" should not be taken lightly. She is unflappable, fair, intelligent, extremely hard-working, and represents her clients well. In short, she earns the respect she is due.

However, her strongest attribute is her impeccable character. Bina is impartial, even-tempered, fair, and respectful. I am not just referring to her demeanor. I truly believe that if you are looking for a knowledgeable water law attorney who will give every party a fair-shake, then Bina Peters should be your nominee.

While, Bina Peter's prior experience as a Water Master is beneficial, her experience in private practice is more important. The cornerstone issue of Montana water law is the 'historical beneficial use' of a water right. But, the vast majority of water rights have little or no documentary history. Thus, water cases rely upon an immense amount of work between the individual water users and their legal counsel; gathering, preparing, and presenting long-stale and scant evidence of historical water use so it can be presented to the Water Court. That experience is only learned, and only

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understood, by actually doing it. While understanding the law, and the internal Water Court process is important, a water judge who contextualizes the immense amount of work that has occurred on the other side of the bar is invaluable. While I respect the other applicants for this position, Bina Peters stands out when it comes to this issue.

Finally, Bina Peters also possesses a phenomenal work ethic and ability to complete projects quickly and correctly. Bina's ability to get things done is remarkable. She is well-organized, she does not get bogged-down, and she stays focused on the ultimate end. Having been on the other side of this work-ethic is daunting, and I would much prefer seeing it set loose on a court docket.

I unreservedly recommend Bina Peters for appointment as Associate Water Judge.

Sincerely,
Franz & Driscoll, PLLP

A handwritten signature in blue ink, appearing to read "Ryan McLane", with a stylized flourish extending to the right.

Ryan McLane