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Honorable Cory Swanson
Chief Justice Montana Supreme Court
c/o Rob Bird
rbird@mt.gov

Re: Associate Water Judge Candidate Bina Peters

Dear Chief Justice Swanson:

I am writing in support of the selection of Bina Peters for the position of Associate Water Judge at the Montana Water Court. Through her experience as a law clerk to Chief Water Judge C. Bruce Loble, as a Water Master at the Montana Water Court working under Judge Loble, Chief Water Judge Russ McElyea, and associate Water Judge Douglas Ritter, and as a legal practitioner specializing in water rights and water adjudication matters, Bina is uniquely qualified for the very important duties of the Associate Water Judge.

My own law practice over the past 35 years has been primarily focused on water rights and water adjudication. As a result, I first met Bina in my practice before the Water Court. As a Water Master, Bina was well schooled in the Montana Rules of Civil Procedure and their application in the context of Water Court proceedings. Her adherence to procedural rules provided guidance and clarity to the parties appearing before her, including the numerous *pro se* parties that often appear in Water Court proceedings. Bina's written decisions on both procedural and substantive issues were always well reasoned, practical and adhered to existing precedent.

I have gotten to know Bina better in recent years after she left the Water Court and became a partner in the Bozeman law firm of River and Range Law, PLLC. I quickly learned that if I had a conflict of interest in representing a particular client, as often arises in water cases due to a small water bar, I could refer a client or potential new client to Bina with the confidence that the client would receive quality and professional representation.

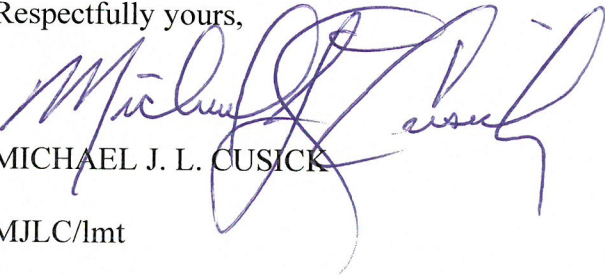
I have also been involved in cases with Bina as opposing counsel. I have always found her to be professional, respectful of opposing counsel and the Court, and a zealous advocate who is truly concerned for the interests of her clients. As opposing counsel, Bina is zealous and firm in her representation, but always approachable, thoughtful and collegial when it comes to discussing and analyzing the legal issues or nuances of a particular case. Her thoughtful and inquisitive approach to complex legal issues lends itself well to the type of mindful reflection required of a member of the judiciary.

During her professional career Bina has demonstrated a dedication to the field of water law in Montana. She is a past chair of the Montana Water Law Section of the Montana State Bar and continues to participate as a council member of the Water Law Section. She is a current member of the Water Adjudication Advisory Committee. Bina's efforts in facilitating interaction and collegiality among members of the Water Bar demonstrate she has a vision for the future of both the adjudication and the practice of water law in Montana.

Bina's current experience as a Water Law practitioner representing water user clients, and her past experience as a Water Master and law clerk for the Chief Water Judge, make her uniquely well qualified to serve as the Associate Water Judge.

Thank you for your consideration and the opportunity to provide these comments.

Respectfully yours,



MICHAEL J. L. CUSICK

MJLC/lmt