

December 16, 2024

Chief Justice Cory Swanson
Office of Court Administrator
PO Box 203005
Helena, MT 59620-3005

Sent Via Email: rbird@mt.gov

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

Dear Chief Justice Swanson:

My purpose in writing is to recommend Bina R. Peters for the position of Associate Water Judge.

I have known Bina for almost 15 years and she has been my law partner for the past 9 years. I am certain Bina would be an outstanding judge. Bina would resolutely apply the facts to the law, act with integrity, and work well with others at the Water Court.

I have had the pleasure of working with Bina as law partner at River and Range Law, PLLC as well as a water master at the Water Court. As a water master, I saw Bina execute her judicial duties with precision. She understood, as an adjudicator of water rights, her role was to simply apply the law to the facts in making decisions.

Years ago when we were both water masters, I was struggling with writing an opinion. I consulted with Bina on the case and, in a straightforward manner, she opined that I should come to the opposite ruling than I had expressed to her. I went back to my desk and wrote the Master's Report in under an hour. I came to realize that I was having difficulty drafting the opinion as I had been emotionally drawn to the fact and was trying write an opinion that was not supported by the law. Bina's ability to be matter of fact and without hesitation apply the law as established by the Montana Supreme Court and supported by persuasive authority, will make her a superior judge.

As with every lawyer in private practice, Bina frequently has to grapple with ethical questions. She always faces these questions with integrity. As a private practitioner, Bina takes her responsibility to the Code of Professional Conduct seriously. I am certain, as a judge, she will take her ethical obligations seriously and faithfully serve the


people of Montana to accurately and efficiently adjudicate water users' historical water rights.

Lastly, Bina will be a great role model and mentor at the Water Court. As someone with 15 years of water law experience who will be present and available at the Water Court's Bozeman office, Bina will be a great resource for the water masters and other court staff. From her years at the Water Court, Bina already understands how the Water Court operates. Her years of private practice experience enable her to truly understand the real impact the Water Court's procedures and decisions have on water users across the state.

Bina and I discuss the law as it applies to our clients every day, often multiple times a day. She is a great resource to me both in terms of knowledge and perspective. I am certain that her presence at the Water Court will be an asset to all members of the Water Court including the clerks, Water Masters and the Chief Water Judge.

I will miss Bina dearly if she become the Associate Water Judge, but I know that my loss will be a gift to the people of Montana.

Sincerely,


Dana Elias Pepper