

Stephen R. Brown

Montana Water Court
P.O. Box 1389
Bozeman, MT 59771-1389
(406) 577-7743
stephen.brown@mt.gov

PROFESSIONAL EXPERIENCE

Montana Water Court

- Chief Water Judge – January 2025 to present
- Associate Water Judge – 2019 to 2024

Garlington, Lohn & Robinson PLLP, Missoula, MT

- Partner and Managing Partner – 1994 to 2019

Stoel Rives LLP, Portland, OR

- Associate and summer intern – 1988 to 1994

Washington State Attorney General's Office, Olympia, WA

- Summer intern – Department of Natural Resources – 1987

BAR MEMBERSHIPS AND PROFESSIONAL RECOGNITIONS

Bar and Court Memberships

- Montana State Bar – 1994
- Ninth Circuit Court of Appeals
- Oregon State Bar – 1989 (inactive)
- Confederated Salish & Kootenai Tribal Court (inactive)

Recognitions

- American College of Environmental Lawyers – elected fellow (2008 to present)
- National Judicial College – Dividing the Waters Convenor (appointed 2024)
- Martindale-Hubbell Rating – peer rated AV Preeminent
- Best Lawyers in America (1995 to 2019)
- Chambers & Partners – Natural Resources & Environment Band 1 (highest)
- Rocky Mountain Super Lawyers – top environmental attorneys
- American Bar Ass'n Section on Environmental, Energy and Resources – Water Quality and Wetlands Subcommittee vice chair and national chair (2004 to 2006)

EDUCATION

Lewis & Clark Law School, Portland, OR

- Juris Doctor – 1989, Certificate in Environmental and Natural Resource Law
- Graduated *cum laude*; Cornelius Honor Society (selected by the law faculty based on distinguished scholarship, leadership, and contribution to the law community); Bernard F. O’Rourke Award Recipient (recognition of outstanding written scholarship in the environmental and natural resources field during law school)
- Articles Editor for the journal *Environmental Law*

Whitworth College, Spokane, WA

- B.S. in Geology – 1983

PUBLICATIONS AND PRESENTATIONS

Publications

- MONTANA WATER LAW, Rocky Mountain Mineral Law Foundation treatise (2021), (co-author with Michelle Bryan and Russ McElyea)
- Am. Bar Ass’n Section on Environmental, Energy and Resources, “Year-in-Review – Water Resources” (Montana chapter), annually since 2021
- Texas A&M Law Review, Annual Survey on Oil and Gas Law (Montana and Northern Rocky Mountains chapters), periodically since 2012
- “*Implementing Institutional Controls at Brownfields and Other Contaminated Sites*,” (Am. Bar. Ass’n, Amy L. Edwards ed., 2012) – book chapter author
- “*Pluralism and the Environment: The Role of Comment Agencies in NEPA Litigation*,” 14 *Harvard. Env’tl. L. Rev.* 277 (1990) (co-author)
- “*Breathing Life Back into a Drowned Resource: Mitigating Wildlife Losses in the Columbia Basin Under the Northwest Power Act*,” 18 *Env’tl. L.* 571 (1989)

Presentations

- “Montana Water Law Seminar,” The Seminar Group – updates on various water law topics (annually 2019 through 2024)
- Montana State Bar Trends in Environmental Law CLE – litigation update presentations (2023 and 2024)
- Gallatin County Bar Ass’n – Water Court presentation (Jan. 2023)
- Montana State Bar, Water Law Section – several presentations
- “Natural Resources & the Law,” The Seminar Group – presentation on natural resource issues involving ranches (Nov. 2014)
- “Surface Owner – Mineral Owner Disputes” presentation (July 2014)
- “Oil and Gas Development in Montana,” The Seminar Group – presentation on due diligence and risk reduction in oil and gas development (Oct. 2013)

Law School Service

- Adjunct professor - Alexander Blewett III Law School, University of Montana
- Law school teaching and other activities: Various environmental, natural resources and energy law courses; Remedies; Torts; Professional Responsibility; Water Court clinic mentor; guest lecturer in various other classes; moot court judge

REPRESENTATIVE CASES

Judicial decisions and proceedings (examples):

1. Water Court Adjudication Cases
 - *Parrot Ditch Co. v. Ashcraft*, 2023 Mont. Water LEXIS 909, *aff'd*, 2024 MT 272 (service area and other objection issues)
 - *In re Schutter*, 2023 Mont. Water LEXIS 443, *aff'd*, 2024 MT 88 (water rights on state trust land)
 - *In re Town of Manhattan*, 2023 Mont. Water LEXIS 1004 (municipal water rights)
 - *In re Brewer Ranch LLC*, 2023 Mont. Water LEXIS 393 (order on objection to water master order)
 - *In re Dinosaur Ranch LLC*, 2021 Mont. Water LEXIS 999 (motion to amend final decree)
 - *Twin Creeks Farm & Ranch LLC v. Petrolia Irrigation Dist.*, 2021 Mont. Water LEXIS 425, *aff'd*, 2022 MT 19 (abandonment and implied claims)
 - Approval of Milk River Basin federal-irrigation district settlement agreements:
 - *Alfalfa Valley Irrigation Dist. v. United States (Bureau of Reclamation)*, 2021 Mont. Water LEXIS 956
 - *In re Paradise Valley Irrigation Dist.*, 2020 Mont. Water LEXIS 306
 - *In re United States (Bureau of Reclamation)*, 2020 Mont. Water LEXIS 302
2. Tribal Compacts
 - Blackfeet Tribe Compact and related proceedings
 - *In re Blackfeet Tribe Compact*, 2020 Mont. Water LEXIS 770 (compact approval order)
 - *In re Blackfeet Tribe*, 2021 Mont. Water LEXIS 288 (Rule 54(b) order)
 - *United States (BIA) v. Pondera County Canal & Reservoir Co.*, 2020 Mont. Water LEXIS 399 (off-reservation settlement agreement approval)
 - Confederated Salish and Kootenai Tribe Compact proceedings
 - Ongoing proceedings to address motions and objections
 - Status summarized on website: <https://courts.mt.gov/courts/water/CSKT/>

3. District Court Certification Cases
 - *Hill v. Ellinghouse*, 2023 Mont. Water LEXIS 638, *aff'd* 2024 MT 158
 - *In re Distribution of Water in Basin 410*, 2024 Mont. Water LEXIS 62 (Jan. 26, 2024) (final order on certification from 9th and 12th Jud. Dist.)
 - *Rainbow Lake, LLC et al. v. DBCO, LLC et al.*, DCERT-0001-WC-2020 (Aug. 18, 2021) (final order on certification from 17th Jud. Dist.)
 - *Herman v. Gleason*, 2021 Mont. Water LEXIS 158 (Feb. 10, 2021) (final order on certification from 21st Jud. Dist.)

4. Montana Administrative Procedures Act appeals
 - *Town of Kevin v. Mont. Dep't of Nat. Res. & Conservation*, 2023 Mont. Water LEXIS 299, *aff'd in part*, 2024 MT 210 (service area change application appeal)
 - *Centennial Livestock Inc. v. Mont. Dep't of Nat. Res. & Conservation*, 2021 Mont. Water LEXIS 266 (marketing for mitigation change application appeal)
 - *DeBuff v. Mont. Dep't of Natural Res. & Conservation*, 2019 Mont. Water LEXIS 114, *aff'd in part*, 2021 MT 68 (permit application appeal)

5. Statewide Orders
 - *Statewide Order Regarding Water Rights Tabulations*, 2024 Mont. Water LEXIS 222 (Apr. 26, 2024)
 - *Statewide Order Regarding Interbasin Transfer Claims*, 2022 Mont. Water LEXIS 991 (Dec. 9, 2022)
 - *Statewide Order Regarding Contract for Deed Purchasers*, 2022 Mont. Water LEXIS 981 (Dec. 9, 2022)

Selected water and natural resource cases while in practice:

- *Montanore Minerals Corp. v. Bakie*, 867 F.3d 1160 (9th Cir. 2017) (argued) (*Colorado River* abstention)
- *Danreuther Ranches v. Farmers Coop. Canal Co.*, 2017 MT 241 (appeal and cross-appeal of adjudication decision)
- *Clark Fork Coalition v. Tubbs*, 2016 MT 229 (argued for intervenor) (exempt well rule)
- *Kelly v. Teton Prairie LLC*, 2016 MT 179 (futile call doctrine; call procedures)
- *Eldorado Coop Canal Co. v. Hoge*, 2016 MT 145 (preliminary decree enforcement)
- *In re Eldorado Coop Canal Co.*, 2016 MT 94 (appeal of adjudication decision)
- *Eldorado Co-Op Canal Co. v. Lower Teton Joint Objectors*, 2014 MT 272 (Bateman Ditch administration)
- *Giese v. Blixrud*, 2012 MT 170 (argued) (Water Court jurisdiction)

INTERESTS

Trail running, skiing, hiking, fishing and floating, traveling, reading, and spending time with family and friends