

## **Stephen R. Brown**

Montana Water Court  
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### **PROFESSIONAL EXPERIENCE**

#### **Montana Water Court**

- Associate Water Judge  
February 2019 to present

#### **Garlington, Lohn & Robinson PLLP, Missoula, MT**

- Partner and Managing Partner  
June 1994 to February 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**

- Oregon State Bar – 1989 (inactive)
- Montana State Bar – 1994
- Ninth Circuit Court of Appeals
- 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 journal *Environmental Law*

### **Whitworth College, Spokane, WA**

- B.S. in Geology – 1983

## PUBLICATIONS AND PRESENTATIONS

### **Selected 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 *ENVTL. L.* 571 (1989)

### **Selected 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 – federal litigation update presentation (April 2023)
- 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" presented at Oil and Gas Rights in Montana seminar (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)

- “Montana Water Rights Sales and Transfers,” Lorman Ed. Services (Dec. 2009)
- “Wetlands Mitigation: Are There Rules and Do They Reflect Good Science?” American Bar Association 34th Conference on Environmental Law, Keystone, CO (Mar. 2005)

### **Law School Service**

- Adjunct professor - Alexander Blewett III Law School, University of Montana
- Law school teaching and other activities: Various environmental and natural resources 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
  - *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 (order denying 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 resolve more than 1000 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 9<sup>th</sup> and 12<sup>th</sup> Jud. Dist.)
  - *Rainbow Lake, LLC et al. v. DBCO, LLC et al.*, DCERT-0001-WC-2020 (Aug. 18, 2021) (final order on certification from 17<sup>th</sup> Jud. Dist.)
  - *Herman v. Gleason*, 2021 Mont. Water LEXIS 158 (Feb. 10, 2021) (final order on certification from 21<sup>st</sup> Jud. Dist.)
  - Others pending
  
4. Montana Administrative Procedures Act appeals
  - *Centennial Livestock Inc. v. Mont. Dep't of Nat. Res. & Conservation*, 2021 Mont. Water LEXIS 266
  - *DeBuff v. Mont. Dep't of Natural Res. & Conservation*, 2019 Mont. Water LEXIS 114, *aff'd in part*, 2021 MT 68
  - Others pending
  
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)
- *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)
- *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