

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: [EXTERNAL] Support for Judge Brown

From: Brianna Anderson <brianderson406@gmail.com>
Sent: Wednesday, October 2, 2024 5:19 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Support for Judge Brown

Beth,
It looks like I may have submitted my comments in support of Judge Brown's application for Chief Water Judge to the wrong place. See below. Thank you!

I am writing in support of Judge Steve Brown's application to the position of Chief Water Judge. Judge Brown is the definition of humble excellence. I had the great fortune to be taught by Judge Brown at the Alexander Blewett III School of Law in torts and oil & gas. The dedication that Judge Brown gives his role as an adjunct professor, in addition to his work on the Water Court, is truly inspiring. I can say with confidence that he is one of the best educators I have had the pleasure to learn from. Judge Brown has also been a great mentor to be personally and I'm so grateful for his influence in my life as a new attorney. Without Judge Brown's fair and balanced approach to teaching natural resources law, I would not have ended up practicing in energy law. His even-handed and thoughtful approach to all things qualifies him for the role of Chief Water Judge. Steve Brown is respected by all and a pleasure to know. He will be fantastic in this important role and deserves to make history as Montana looks to complete its statewide water rights adjudication.

Sincerely,
Brianna Anderson, Esq.

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Judge Brown Public Comment

From: Weisz, Madeleine <MWeisz@mt.gov>
Sent: Monday, October 7, 2024 8:16 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: Judge Brown Public Comment

Dear Beth,

I am writing to recommend Judge Stephen R. Brown for the position of Chief Water Judge. I have worked with Judge Brown at the Water Court since 2019, when he was first appointed Associate Water Judge. Having had the opportunity to witness his leadership style, his legal expertise, and his approach to managing a challenging caseload, I am confident that he will make an excellent Chief Water Judge.

Judge Brown exemplifies the qualities of a distinguished leader. His ability to remain impartial and fair, while also demonstrating compassion and understanding, has earned him the respect of colleagues, staff, and those who appear before the court. In the Courtroom, Judge Brown ensures all parties are heard, all perspectives are considered, and everyone receives their day in court, which can be uniquely challenging at the Water Court where many of the litigants are self-represented. He consistently delivers well-reasoned opinions that are clear, practical, and grounded in the law.

In addition to his legal expertise, Judge Brown is a welcome and active member of the larger Water Court team. He regularly participates in Water Court team building activities such as our lunchtime potlucks and the Water Masters' monthly check-ins. His commitment to the Court as an institution is evident and he fosters a culture of continuous learning and open communication.

I consider myself fortunate to have had the opportunity to work with Judge Brown and look forward to his continuing leadership at the Water Court.

Sincerely,

Madeleine Weisz
Montana Water Court
Senior Water Master

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment re: Stephen R. Brown, Chief Water Judge Applicant

From: Calkins, Sara <Sara.Calkins@mt.gov>
Sent: Monday, October 7, 2024 2:26 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: Public Comment re: Stephen R. Brown, Chief Water Judge Applicant

Dear Beth,

I am writing to enthusiastically recommend Judge Stephen R. Brown for the position of Chief Water Judge. In my role as Court Administrator, I have had the privilege of working closely with Judge Brown, and I greatly appreciate his problem-solving approach and calm demeanor, especially during challenging times. His ability to remain unflappable is inspiring, often encouraging not just me but the entire team. With firsthand experience observing Judge Brown in action, I can confidently attest to his exceptional skills, unwavering dedication, and commitment to impartiality. His remarkable fairness, wisdom, and ability to navigate complex legal issues have earned him the respect and admiration of his peers and those who have appeared before him. His leadership qualities, combined with his expertise in water law, make him an outstanding candidate for this vital role, and I firmly believe he will excel as the Chief Water Judge.

Thank you so much for your consideration,

Sara Calkins
Administrator/Clerk of Court
Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
Sara.Calkins@mt.gov

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment for Judge Brown

From: Nordlund, Julia <julia.nordlund@mt.gov>
Sent: Thursday, October 10, 2024 11:54 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: Public Comment for Judge Brown

Ms. McGlaughlin and Justice McGrath,

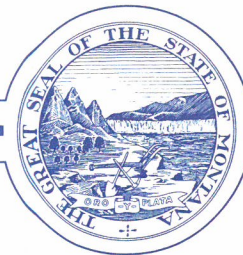
I strongly support the appointment of Stephen Brown to Chief Judge of the Water Court. I have known Judge Brown since he was my professor in law school. He was an excellent mentor at that time and has since filled the same role as a mentor to myself and others who work at the Water Court.

Judge Brown is fair, kind, intelligent, and perfectly-suited to become the next Chief Judge.

Thank you for your time.
Sincerely,

Julia J. Nordlund
Senior Water Master
Montana Water Court
P.O. Box 1389
Bozeman, MT 59771-1389
406-577-7746

MONTANA WATER COURT



STATE OF MONTANA

(406) 586-4364
1-800-624-3270 (In-State only)
FAX: (406) 522-4131

PO BOX 1389
Bozeman, MT 59771-1389

October 10, 2024

Dear Justice McGrath:

My purpose in writing is to recommend Judge Stephen Brown for the position of Chief Water Judge.

I've had the privilege of working with Judge Brown at the Montana Water Court for several years. Prior to that, we often worked together in the private sector. Judge Brown is perfectly qualified to lead the water court. In addition to his mastery of water law, he understands the adjudication process and how to manage it effectively. Judge Brown has testified often before the legislature and worked extensively with the DNRC.

Judge Brown possesses fine judicial temperament, humility, and an ongoing curiosity about the law. He is thoughtful, fair, and impartial and has a strong work ethic. He treats everyone with courtesy and is well respected inside and outside the court. Appointing Judge Brown to serve as the Chief Water Judge will ensure the ongoing success of the adjudication.

I recommend him without reservation.

Sincerely,

A handwritten signature in blue ink that reads "Russ McElyea".

Russ McElyea

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment on Stephen R. Brown nomination for Chief Water Judge

From: Ryan McLane <ryan@franzdriscoll.com>
Sent: Tuesday, October 15, 2024 3:48 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Public Comment on Stephen R. Brown nomination for Chief Water Judge

October 15, 2024

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator

Re: Nomination of Stephen R. Brown as Chief Water Court Judge

Your Honor:

I respectfully submit this letter of recommendation in support of Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court. I can truly think of no one better suited to be Montana's next Chief Water Judge.

I have had the privilege of appearing in front of Judge Brown during his tenure as the Associate Water Judge. I am primarily a water attorney, and I appear in water matters frequently. From personal experience I can attest that Judge Brown is knowledgeable, well-prepared, and fair. Most importantly, he shows genuine respect to those appearing and practicing before him. His performance as a judge has been exemplary.

Judge Brown's experience from private practice has also improved his role as a judge. The practice of water law is procedurally complex, often relies on long-stale or incomplete facts, and usually involves multiple parties (frequently *pro se*). Thus, the nature of the Water Court appears to be mostly triage, with frequent bouts of intense, complex, and precedent-setting litigation. While understanding the internal Water Court process and the general adjudication of water rights is incredibly important, a water judge who also understands the other side of the bar, and what water users have to navigate has been invaluable. This is seen in many of the orders Judge Brown has issued during his tenure as Associate Water Judge, which frequently exist at the intersection of a water adjudication and either a district court enforcement action or a DNRC permitting decision. Judge Brown's deep experience is self-evident in his case management and orders as a water judge.

I unreservedly recommend Judge Brown for appointment as Chief Water Judge.

Sincerely,
Franz & Driscoll, PLLP



Ryan McLane

Franz & Driscoll, PLLP
P.O. Box 1155
21 N. Last Chance Gulch, Ste. 210
Helena, MT 59624
406-442-0005 phone
ryan@franzdriscoll.com

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment in Support of Judge Stephen R. Brown

From: Bina Peters <bina@riverandrangelaw.com>
Sent: Tuesday, October 22, 2024 8:26 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Public Comment in Support of Judge Stephen R. Brown

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator

Re: Nomination of Stephen R. Brown as Chief Water Judge

Your Honor:

Please accept this letter in support of Judge Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court.

Judge Brown is the ideal person to lead the Water Court as Chief Water Judge. Judge Brown comes from an accomplished, distinguished career as a private attorney practicing water law. Judge Brown understands not only the complex, procedural aspects of Water Court proceedings, but also the more practical constraints on water users. There are many practical and procedural hurdles in water law, such as trying to procure often century-old evidence, navigating a maze of venues and rules, and absorbing the costs associated with necessary participation in proceedings. Judge Brown's depth of knowledge and understanding of these complexities has been evident in his management of cases, decisions, and communications with the Water Bar.

Judge Brown is extremely well respected within the Water Bar. He shows respect and fairness to the attorneys and parties who appear in front of him. His quiet, calm demeanor is accompanied by mental toughness, self-efficacy, and quick intellect that many of us aspire to.

Thank you for your consideration.

Sincerely,

Bina R. Peters

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment on Stephen Brown's Appointment to Chief Water Judge - Todd Netto

From: Netto, Todd <TNetto@mt.gov>
Sent: Wednesday, October 23, 2024 4:32 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: Public Comment on Stephen Brown's Appointment to Chief Water Judge - Todd Netto

Chief Justice Mike McGrath,

I have had the privilege of working with Judge Stephen Brown in two different professional capacities for the Department of Natural Resources and Conservation (DNRC or Department). The Department is statutorily obligated to provide technical assistance to the Montana Water Court under § 85-2-243, MCA.

My first role was as the Special Water Process Manager (SWPM), a special assignment dedicated to overhauling the Department's Adjudication and Distribution procedures. This role began in September 2023 and concluded in July 2024. During this time, I collaborated with the DNRC's Water Rights Bureau Chief (who oversaw the Adjudication Program), Chief Judge Russ McElyea, Associate Judge Brown, and Water Court Administrator Sara Calkins. Throughout our interactions, Judge Brown was consistently responsive, practical, and articulate. He remained open and receptive to new ideas and perspectives while working with me to address the difficult topics at play.

In July 2024, I became the Bureau Chief of the DNRC's Adjudication, Enforcement, and Distribution Bureau (AED). In this capacity, I now serve as the primary point of contact and oversee the Department's technical assistance to the Water Court. I have been meeting with Judge Brown to develop and implement what we both hope will be lasting solutions to legacy issues. Together, we have been strengthening communication channels, streamlining existing procedures, better defining our shared responsibilities to the citizens of the State, and working to alleviate longstanding tensions between the Department and Water Court.

Based on my personal experience, I believe the appointment of Judge Brown as Chief Water Judge would greatly benefit the State of Montana and its citizens.



Todd Netto | Adjudication, Enforcement, & Distribution Bureau Chief
Water Resources Division
Montana Department of Natural Resources and Conservation
1424 Ninth Avenue, Helena MT 59620
DESK: 406-444-6614 **EMAIL:** tnetto@mt.gov
Website | Facebook | X (Twitter) | Instagram
How did we do? Let us know here: [Feedback Survey](#)

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Judge Brown as Chief Water Judge

From: Miller, Letty <Elizabeth.Miller@mt.gov>
Sent: Friday, October 25, 2024 9:41 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: Judge Brown as Chief Water Judge

Dear Chief Justice Mike McGrath,

I strongly urge Judge Brown to be installed as the Chief Water Judge to the Montana Water Court. I have been employed by the DNRC for 6.5 years, having spent 6 of those years in Water Adjudication. During my time with Adjudication, I found Judge Brown to be very knowledgeable and wise in his decisions. He considers all aspects of a case and makes conscientious rulings.

When I have not agreed with a ruling, Judge Brown has been very approachable by those in adjudication to discuss his ruling. He is willing to teach and help others understand why a ruling must be the direction he has chosen. Following discussion, I have found his rulings to be correct and my disagreement stemmed from my lack of knowledge.

I continue to work with water rights for the DNRC Trust Lands causing me to work closer with the Water Court system. I strongly endorse Judge Brown as Chief Water Judge as he brings great knowledge and gives confidence to the decree process and future distribution process.

Please install Judge Brown as the next Chief Water Court Judge.

Thank you for your time.



Elizabeth (Letty) Miller | Water Rights Specialist
Agriculture and Grazing Management Bureau
Montana Department of Natural Resources and Conservation
1539 11th Ave, Helena, MT 59620
DESK: 406-444-5484 **EMAIL:** Elizabeth.Miller@mt.gov
Website | **Facebook** | **X (Twitter)** | **Instagram**
How did we do? Let us know here: [Feedback Survey](#)

bmclaughlin@mt.gov
Montana Water Court
State of Montana

Date: Nov. 23, 2024

In accordance with the notice of October 1, 2024, this comment regards Judge Stephen Brown and his appointment as the Chief Water Judge.

We, the undersigned, support the appointment of Judge Stephen Brown without reservation for the following reasons:

1). Judge Brown has been in charge of the review of the CSKT Water Compact since the process began. Changing his ability to continue with that, or appointment of a different Chief Water Judge, may jeopardize the ongoing process. As a result, we may face delays or changes in direction relating to the review process. This will be a detriment to Montana.

2). Judge Brown has demonstrated his extraordinary ability to successfully and efficiently accommodate Pro-Se, as well as Lawyers represented parties through a very complicated and controversial water compact process. This skill and his focus on preserving and providing a procedure that is fair to all involved is in and of itself a good reason to appoint him to the Chief Judge position.

3). In all of the instances we have seen in the Compact review, Judge Brown's demeanor and patience in dealing with all of the parties appearing has been admirable and appropriate in all instances. This includes his willingness to explain the process and procedure, while expressing good reasons why the review process works the way it does, and why the directions of the court need to be adhered to by all.

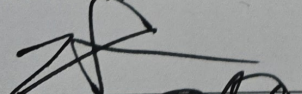
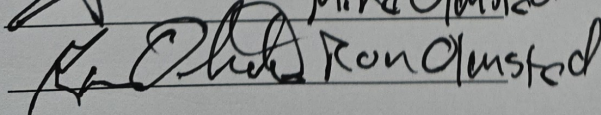
4). Judge Brown's approach with Pro-Se parties is in, in our opinion, a good reason for him to move up and continue on. In this regard, the legislature contemplated many Pro-Se litigants in Water Court proceedings. Previously, Judge WW Lesley, Judge Bruce Lobel and Judge Russ McElyea have all acknowledged and respected that reality and circumstance. Judge Brown has demonstrated his willingness to accomplish and excel at accommodating this circumstance.

5). It is my understanding that Judge Brown's opinions and decisions in contested cases are well founded, reasonable and respected by both successful and unsuccessful litigants.

6). We believe his appointment will ensure that the groundwork set by his predecessors in that position will be preserved, respected and perhaps better memorialized by him, while educating future Water court personnel regarding these circumstances.

We support his appointment and hope you will do so for all of these reasons.

Signed:

 Mike Olmsted
 Ron Olmsted

bmclaughlin@mt.gov
Montana Water Court
State of Montana

Date: 10/24/24

In accordance with the notice of October 1, 2024, this comment regards Judge Stephen Brown and his appointment as the Chief Water Judge.

I support the appointment of Judge Stephen Brown without reservation for the following reasons:

1). Judge Brown has been in charge of the review of the CSKT Water Compact since the process began. Changing his ability to continue with that, or appointment of a different Chief Water Judge, may jeopardize the ongoing process. As a result, we may face delays or changes in direction relating to the review process. This will be a detriment to Montana.

2). Judge Brown has demonstrated his extraordinary ability to successfully and efficiently accommodate Pro-Se, as well as Lawyer represented parties through a very complicated and controversial water compact process. This skill and his focus on preserving, and providing a procedure that is fair to all involved is in and of itself a good reason to appoint him to the Chief Judge position.

3). In all of the instances we have seen in the Compact review, Judge Brown's demeanor and patience in dealing with all of the parties appearing has been admirable and appropriate in all instances. This includes his willingness to explain the process and procedure, while expressing good reasons why the review process works the way it does, and why the directions of the court need to be adhered to by all.

4). Judge Brown's approach with Pro-Se parties is in, in our opinion, a good reason for him to move up and continue on. In this regard, the legislature contemplated many Pro-Se litigants in Water Court proceedings. Previously, Judge WW Lesley, Judge Bruce Lobel and Judge Russ McElyea have all acknowledged and respected that reality and circumstance. Judge Brown has demonstrated his willingness to accomplish and excel at accommodating this circumstance.

5). It is my understanding that Judge Brown's opinions and decisions in contested cases are well founded, reasonable and respected by both successful and unsuccessful litigants.

6). I believe his appointment will ensure that the groundwork set by his predecessors in that position will be preserved, respected and perhaps better memorialized by him, while educating future Water court personnel regarding these circumstances.

I support his appointment and hope you will do so for all of these reasons.

Signed: Sheila M. C. Vallejo

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment in Support of Judge Stephen R. Brown

From: Abby Brown <abbybrown@parsonsbehle.com>
Sent: Tuesday, October 29, 2024 9:52 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Public Comment in Support of Judge Stephen R. Brown

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator
bmclaughlin@mt.gov

Re: Nomination of Stephen R. Brown as Chief Water Judge

Your Honor:

I submit this letter in support of Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court. Judge Brown is exceptionally well-suited for this position.

I am a water attorney in private practice who regularly appears in front of the Montana Water Court and in water administration/enforcement matters before state district courts. As such, I have had the privilege of appearing in front of Judge Brown on a multitude of matters. I have also been opposing counsel to Judge Brown during his time as a private practice water attorney that preceded his appointment to the bench.

In his current role as Associate Water Judge, Judge Brown is knowledgeable on the substantive and the procedural issues, well-prepared for each proceeding, and fair-minded in his approach to the litigants, whether licensed attorney or self-represented person. Judge Brown's courtroom demeanor is always respectful of members of the bar, holding each member to the same standards of conduct and expectations. Importantly, Judge Brown does not shy away from making difficult decisions in cases where available evidence is limited or lost to history, little to no precedent exists, and the decision is tethered to complex procedural and jurisdictional issues that also require resolution.

It is Judge Brown's experience as a private practice attorney—representing Montana water users—that makes him an exceptional candidate for Chief Water Judge. Judge Brown's abilities to address matters on his docket efficiently and effectively underscores his deep experience in both substantive water law and the practice of litigating water rights matters in the Water Court, the district courts, and administrative agency proceedings. His judicial approach is not merely academic: it is grounded in an understanding that only comes from the hours spent counseling water users on limited budgets about their options, digging through historical documents, negotiating with opposing counsel, and trying to piece together a patchwork of ancient documents with fading memories of historical water use. Understanding how a case arrives at the Water Court for a decision, and that a Water Court decision is often just the beginning for a water rights matter, is critical knowledge for an effective Water Court judge. Judge Brown unequivocally demonstrates that he holds this understanding.

I recommend Judge Brown for appointment as Chief Water Judge without reservation.

Respectfully,

Abby Brown



[\[parsonsbehle.com\]](http://parsonsbehle.com)

A Professional
Law Corporation

Abby Brown

Attorney at Law

Parsons Behle & Latimer

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Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Letter of Support for Appointment of Judge Stephen Brown to Chief Judge Position on MT Water Court

From: amanda knutesonlaw.com <amanda@knutesonlaw.com>
Sent: Tuesday, October 29, 2024 1:44 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Letter of Support for Appointment of Judge Stephen Brown to Chief Judge Position on MT Water Court

October 29, 2024

To: Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Court Administrator
bmclaughlin@mt.gov

Re: Letter in Support of Judge Stephen R. Brown's Appointment as Chief Judge of the Montana Water Court

Dear Justice McGrath:

I am writing in support of Judge Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court. I previously sent a similar letter in support of Judge Brown's reappointment as Associate Water Judge last spring; for the same reasons I offered originally, detailed below, I believe Judge Brown would make an outstanding Chief Water Judge.

While Judge Brown's accomplishments in private practice, as a long-time law professor and legal scholar, and as a Judge on the Water Court stand on their own, I am grateful to have this opportunity to share some of the reasons I hold Judge Brown in such high regard and why I believe he should be appointed to the Chief Judge position now.

I have known Judge Brown for thirteen years, first as my law professor, then as an advocate, mentor, and friend who on countless occasions has generously shared the benefit of his extensive experience and wise counsel on matters both personal and professional over my first decade+ in the legal profession. In all roles, Judge Brown has demonstrated unrelenting integrity, patience, fairness, and steadfast adherence to the highest ethical standards both in private practice and in his recent years of public service as a Judge. He has a rare gift for bringing out the best in others, and for effectively guiding others toward reason, even under the most stressful and contentious circumstances. This latter trait is one of the most critically important for any Judge, but one which can be elusive in our competitive profession. I have never known another attorney to demonstrate this specific kind of leadership more effectively or consistently than Judge Brown.

Judge Brown's technical and hard science background, expertise in natural resources and environmental law in general, and in water law in particular, is widely recognized on a national scale. Montana is fortunate that a respected legal scholar and water law expert such as Judge Brown has elected to serve our community and

our environment as a Judge on our Water Court these past several years, particularly when his expertise would be in such high demand in the private sector as Montana experiences unprecedented growth and mounting pressures on our treasured--and finite--water resources.

While I do not practice before the Water Court, I am a longstanding member of the Montana State Bar's Water Law Section and have attended most, if not all, water-related CLEs offered in Montana over the past decade. Judge Brown has freely given his time to educating his colleagues at nearly every Water Law Section meeting and event; his presentations are always extremely well organized, timely and relevant. I also read Water Court decisions, as water rights matters are tangential to my practice, so I have some familiarity with Judge Brown's work as a water Judge. I am aware that he has distinguished himself in that capacity just as he did as an expert water attorney in private practice, and as he continues to do as a law professor at University of Montana School of Law, and I appreciate his thoughtful, concise, and articulate opinions.

From a practical perspective, Judge Brown has promoted and implemented many innovations and improvements within the Water Court which have enhanced interactions both for attorneys and for members of the public. His dedication to adapting the Water Court to the most current software, technology, legal databases, and digital practices has increased transparency and accessibility of filings and decisions on issues of statewide importance. Water Court case information and decisions are no longer the domain of the relatively few water law experts in Montana, but are now accessible to all of us with properties, businesses and recreation interests subject to the Court's rulings. These advances, which have occurred primarily during Judge Brown's tenure as Associate Water Judge, have undoubtedly helped unrepresented parties in their efforts to understand and to more effectively participate in proceedings related to their water rights, to the benefit of all. I am certain Judge Brown would continue to research and implement technologies and court practices that would further enhance access to Water Court proceedings and documents, should he be appointed Chief Water Judge.

Finally, I would like to emphasize Judge Brown's even-keeled temperament and commitment to fairness in all his dealings. I had many opportunities to witness Judge Brown's aptitude for managing even the most difficult or antagonistic personalities when he was in private practice, in the years preceding his transition to the Water Court. Judge Brown simply does not abide gossip, pettiness, incivility, or other antics geared toward distracting him from the legally relevant facts and issues at hand. I imagine his reputation for impassivity even when confronted with provocative behavior serves the Water Court well, as tensions can run high where such critical property rights are concerned and so many are now competing for limited water resources.

For all the reasons above and for many more I wish I had time to share, I wholeheartedly support Judge Brown's appointment as Chief Water Judge, and I sincerely hope you will allow him to continue in his expert service to our beautiful state and water resources through this distinguished judicial leadership role.

Sincerely,

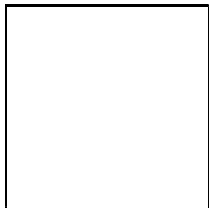
Amanda R. Knuteson

Amanda R. Knuteson, Esq.
Knuteson Law, PLLC

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Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: [EXTERNAL] Public Comment on Stephen R. Brown's nomination for Chief Water Judge

From: william@fanninglawpllc.com <william@fanninglawpllc.com>
Sent: Tuesday, October 29, 2024 3:31 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Public Comment on Stephen R. Brown's nomination for Chief Water Judge

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator
Re: Nomination of Stephen R. Brown as Chief Water Judge

Your Honor:

Please accept this letter in support of Judge Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court. Judge Brown is eminently qualified to lead the Water Court because of his experience, knowledge, temperament, and commitment to water law.

I have seen Judge Brown in a variety of professional roles, and he has excelled in all of them. First as an oil and gas law professor, he took an extremely complicated subject matter and made it understandable and interesting. Then as an attorney in private practice, I found myself litigating against him where I was deeply impressed by his mastery of the procedural and substantive law. Although he was a formidable opponent, his professional demeanor was always pleasant, to the point, and straightforward. Watching him take a deposition, and politely and thoroughly elicit the information that he needed, was a masterclass in that practical skill.

In his role as a judge, I have tried cases before him where I found him fair and thoughtful. Judge Brown's decisions show respect for the parties and their arguments and have done much to advance the law with clarity. Additionally, Judge Brown's experience practicing law gives him the context to appreciate what happens outside of the courtroom and how to craft solutions to complex disputes that will hold up under administration of water rights.

I unreservedly support Judge Stephen Brown to be the next Chief Water Judge of the Montana Water Court.

Sincerely,

William Fanning, Esq.
Fanning Law PLLC
william@fanninglawpllc.com
406.220.2805

15 S. Idaho St. Ste. #4

Dillon, MT 59725

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Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Letter of Support for Stephen R. Brown

From: Dana Pepper <dana@riverandrangelaw.com>
Sent: Wednesday, October 30, 2024 11:11 AM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Letter of Support for Stephen R. Brown

Your Honor:

I am writing in support of Associate Water Judge Stephen R. Brown's application to be Chief Water Judge for the State of Montana. Over the course of the last five years, Judge Brown has proven himself to be a thoughtful, fair, and objective judge. He has provided the water bar of this state with well thought through, consistent, legally grounded orders. It is clear that Judge Brown's career in private practice has led to an understanding of the importance of well-reasoned opinions based on the law. I am confident Judge Brown will be an exceptional Chief Water Judge.

Additionally, as evidenced by the letter of support he has received from both members of the Water Court and water lawyers throughout the state, Judge Brown is well liked and respected. His quiet, but strong leadership style will make him an effective leader of the Water Court. As the Chief Water Judge he will not only have his own case load to manage, but he will also be responsible to manage an office of water masters and staff. With his superior management skills and his experience as a judge, a private practice attorney, and managing partner of a large law firm, Judge Brown will be an effective leader of the Water Court.

Best Regards,

Dana Elias Pepper

River and Range Law, PLLC

P.O. Box 477

Bozeman, MT 59771

Phone: 406.599.7424

Email: dana@riverandrangelaw.com

Website: riverandrangelaw.com [riverandrangelaw.com]

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Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: [EXTERNAL] Chief Water Judge - Public Comment

From: Mitch WerBell <werbellml@gmail.com>
Sent: Wednesday, October 30, 2024 12:01 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Chief Water Judge - Public Comment

Dear Ms. McLaughlin,

I write to support Judge Stephen Brown's application without any reservation. I've known Judge Brown since Fall 2018, when he was a partner at Garlington, Lohn & Robinson, PLLP and taught me Oil & Gas Law as an adjunct professor. Not only is he an outstanding instructor, mentor, and member of the judiciary, he's a genuinely kind person I know to be dedicated to furthering the rule of law and advancing justice expeditiously.

Thank you for the opportunity to comment.

Mitch L. WerBell V
Phone: (406) 544-1128 |
E-mail: werbellml@gmail.com

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Please excuse any typographical errors in this e-mail sent by mobile device.

October 30, 2024

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator



RE: Judge Stephen R. Brown's Appoint to Chief Water Judge

Dear Chief Justice McGrath,

On behalf of the Montana Stockgrowers Association (MSGA), please accept this note of support for Judge Stephen R. Brown for appointment to the Chief Water Judge position with the Montana Water Court. MSGA, and our members, has a long-standing history with water in Montana and having a knowledgeable, thoughtful, and fair judge over the Water Court is critical to our membership. Judge Brown holds all three of these attributes.

Judge Brown is a well-respected member of the water community and has substantial experience of water law. He has a demonstrated commitment to the Water Court and the adjudication process and would be an exceptional Chief Water Judge.

We support Judge Stephen R. Brown to be the next Chief Water Judge.

Sincerely,

A handwritten signature in black ink, reading "Raylee A. Honeycutt". The signature is written in a cursive, flowing style.

Raylee A. Honeycutt
Executive Vice President | Montana Stockgrowers Association



**MONTANA
FARM BUREAU
FEDERATION**

100 Red Mountain Drive, Suite 101
Bozeman, MT 59718
406-587-3153
info@mfbf.org | mfbf.org

October 29, 2024

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator

Re: Nomination of Stephen R. Brown as Chief Water Court Judge

Dear Chief Justice McGrath:

The Montana Farm Bureau Federation would like to express sincere support for Judge Stephen Brown's appointment as Chief Water Judge of the Montana Water court. Montana Farm Bureau Federation (MFBF) is the state's largest agricultural organization representing nearly 20,000 member families.

Ensuring that senior water rights holders private property rights are protected has been and continues to be a priority of our membership. It is critical to our industry that the chief water judge understand the importance of their decisions on Montana farmers and ranchers. We appreciate the wealth of Judge Brown's experience, as well as knowledge and expertise that he will bring to the position.

We deeply value the information and perspective that Judge Brown has provided throughout the Comprehensive Water Review. His willingness to engage in that process as a member of the public demonstrates his true commitment to the functionality of our water rights system. Our interactions with him have always been positive. He is humble and approachable.

Judge Brown's experience, knowledge and commitment to his work is exemplary. For these reasons, we are honored to support him for Chief Water Judge. Thank you for the opportunity to comment and your consideration of our support.

Sincerely,

Scott Kulbeck

We Care for the Country



COLLINS LAW PLLC

October 30, 2024

Sent via Email Only to: <bmclaughlin@mt.gov>

Chief Justice Mike McGrath
c/o Beth McLaughlin
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

Re: Water Court Chief Water Judge Vacancy—Public Comment in Support of Applicant
Stephen R. Brown

Dear Chief Justice McGrath,

I willingly write in support of applicant Stephen (Steve) R. Brown for the Water Court Chief Water Judge vacancy position. As a former Montana Supreme Court Law Clerk and a former Water Master at the Montana Water Court I am familiar with the qualities necessary that make a “good judge.” It is my sincere belief that current Associate Water Judge (AWJ) Steve Brown has the experience, temperament, integrity, intelligence, and administrative experience that are required to be successful in the role he seeks.

I first met and know AWJ Brown from my years as a law student, prior to working with him directly at the Water Court or experiencing his work as a private practitioner. He approached his teaching responsibilities with respect for the law and the students, and importantly with kindness. He has demonstrated in his prior private practice that he is knowledgeable of a breadth of legal topics that interweave with water law. Upon working at the Montana Supreme Court, I had the experience to delve into the record of a case on appeal where AWJ Brown served as counsel to one of the parties. His representation of the party in a water dispute was memorable, even these many years later. He demonstrated passionate, knowledgeable, but measured advocacy. He has brought his wealth of experiences to the role of judge.

AWJ Brown possesses the appropriate demeanor for a judge. He is calm, thoughtful, thorough, poised, and demonstrates confidence in his decisions. He has also always shown good humor, a kind spirit, and respectful listening of others. As a managing partner of a law firm, he has demonstrated the ability to manage multiple responsibilities at once, which provides confidence that he will be a fine chief administrator of the Water Court. His written decisions in his current role as an Associate Water Judge with the Water Court show diligent research and preparation in order to render measured and careful decisions that advance water law for our state.

I believe leadership is essential for a judge. It is important to continue to further the judiciary so that it can best serve society. In his career AWJ Brown has been willing to take on challenges with efficiency and accountability. I believe he will continue to be a genuine asset to the State of Montana and continue to pursue the Water Court’s charter with great thought and responsibility in the important role as Chief Water Judge.

I do not hesitate to support AWJ Steve Brown to succeed Hon. Chief Water Judge Russ McElyea. As such, I respectfully ask that you appoint him as the Water Court's Chief Water Judge. If you should have any questions in this regard, please do not hesitate to contact me at your convenience. Your attention to this matter is appreciated.

Sincerely,
COLLINS LAW PLLC

A handwritten signature in blue ink, appearing to read "Andrea Collins", with a stylized flourish at the end.

[electronically signed]
Andrea Collins

bmclaughlin@mt.gov
Montana Water Court
State of Montana

Date: 10/31/24

In accordance with the notice of October 1, 2024, this comment regards Judge Stephen Brown and his appointment as the Chief Water Judge.

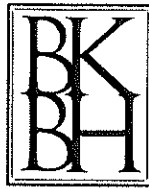
We, the undersigned, support the appointment of Judge Stephen Brown without reservation for the following reasons:

- 1). Judge Brown has been in charge of the review of the CSKT Water Compact since the process began. Changing his ability to continue with that, or appointment of a different Chief Water Judge, may jeopardize the ongoing process. As a result, we may face delays or changes in direction relating to the review process. This will be a detriment to Montana.
- 2). Judge Brown has demonstrated his extraordinary ability to successfully and efficiently accommodate Pro-Se, as well as Lawyers represented parties through a very complicated and controversial water compact process. This skill and his focus on preserving and providing a procedure that is fair to all involved is in and of itself a good reason to appoint him to the Chief Judge position.
- 3). In all of the instances we have seen in the Compact review, Judge Brown's demeanor and patience in dealing with all of the parties appearing has been admirable and appropriate in all instances. This includes his willingness to explain the process and procedure, while expressing good reasons why the review process works the way it does, and why the directions of the court need to be adhered to by all.
- 4). Judge Brown's approach with Pro-Se parties is in, in our opinion, a good reason for him to move up and continue on. In this regard, the legislature contemplated many Pro-Se litigants in Water Court proceedings. Previously, Judge WW Lesley, Judge Bruce Lobel and Judge Russ McElyea have all acknowledged and respected that reality and circumstance. Judge Brown has demonstrated his willingness to accomplish and excel at accommodating this circumstance.
- 5). It is my understanding that Judge Brown's opinions and decisions in contested cases are well founded, reasonable and respected by both successful and unsuccessful litigants.
- 6). We believe his appointment will ensure that the groundwork set by his predecessors in that position will be preserved, respected and perhaps better memorialized by him, while educating future Water court personnel regarding these circumstances.

We support his appointment and hope you will do so for all of these reasons.

Signed: Beth M Blewins

G. ANDREW ADAMEK
CHAD E. ADAMS
DANIEL J. AUERBACH
KIMBERLY A. BEATTY
TROY L. BENTSON
LEO BERRY
DASH H. DEJARNATT
MARK D. ETCHART
STEVE J. FITZPATRICK
HALLEE FRANDSEN
OLIVER H. GOE
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JUDD M. JENSEN
CATHERINE A. LAUGHNER
CHRISTY SURR MCCANN
EMILY MCCULLOCH
MICHAEL L. RAUSCH
BRIAN P. THOMPSON
EVAN M. THOMPSON
W. JOHN TIETZ
MICHAEL T. TROSPER
MEGAN E. WAMPLER
STEVEN T. WADE
LEO S. WARD
MORGAN M. WEBER
R. STEPHEN BROWNING (1940-2018)
STANLEY T. KALECZYC : OF COUNSEL

October 31, 2024

Chief Justice Mike McGrath
c/o
Beth McLaughlin, Court Administrator
bmclaughlin@mt.gov

RE: Statement of Support for Stephen Brown as Chief Judge of the Montana Water Court

Dear Chief Justice McGrath:

I am writing on behalf of the Senior Water Rights Coalition, an affiliation of senior water rights holders dedicated to upholding Montana's recognition and commitment to water rights in Montana. Our organization is committed to ensuring that water rights are administered fairly and in accordance with the law. It is with enthusiasm that we express our full support for the nomination of Mr. Stephen Brown to the Montana Water Court.

Mr. Brown's extensive expertise in water law, his unwavering impartiality, and his professional demeanor make him an exemplary candidate for the position. We believe his appointment will greatly benefit the judiciary and the citizens of Montana who rely on the fair adjudication of water rights.

Mr. Brown possesses a very accomplished understanding of water law, having dedicated decades of his legal career to this specialized field. His background, including his time as an Associate Water Judge, demonstrates his deep knowledge and commitment to furthering his expertise. More importantly, his practical experience attests to his comprehensive grasp of the complexities involved in water disputes.

In a field where decisions can significantly impact livelihoods, impartiality is paramount. Mr. Brown has consistently demonstrated an ability to navigate contentious cases with fairness and objectivity. His judicial temperament ensures that all parties are heard and that decisions are rendered based on the merits of each case.

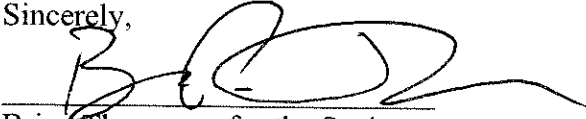
Additionally, Mr. Brown's professionalism is evident in every aspect of his work. He is known for his attention to detail, thorough preparation, and clear, well-reasoned decisions. His ability to communicate complex principles of water law in an accessible manner is particularly commendable. This skill not only aids in the resolution of disputes but also fosters a greater understanding of water law among the public.

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Above all, Mr. Brown's steadfast commitment to following the law makes him an ideal candidate for the Montana Water Court. He approaches each case with dedication to legal principles, ensuring that his decisions are firmly rooted in the law. His respect for precedent and his thoughtful consideration of the implications of his rulings exemplify the qualities we seek in a judge.

In conclusion, the Senior Water Right Coalition wholeheartedly supports the nomination of Stephen Brown as Chief Judge of the Montana Water Court. We are confident that his appointment will benefit the integrity and effectiveness of the court.

Sincerely,

A handwritten signature in black ink, appearing to be "Brian Thompson", written over a horizontal line.

Brian Thompson for the Senior
Water Rights Coalition