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VIA EMAIL ONLY

June 7, 2021

Water Court Judge Public Comment
c/o Beth McLaughlin
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005
bmclaughlin@mt.gov

Re: Letter of Support – Chief Water Judge Russ McElyea

Dear Chief Justice McGrath:

I fully support the re-appointment of Judge McElyea for another term as Chief Judge of the Montana Water Court. He has served the Water Court and citizens of Montana well during his tenure and I have no doubt he will continue to do so if re-appointed. He has always been well prepared for matters coming before him and his decisions are thoughtful and well written. His attention to detail is excellent which is of great importance in water rights cases. Finally, his experience on the bench to date will be invaluable as the Water Court begins to issue final decrees across the state.

I hope you will re-appoint Judge McElyea as Montana's Chief Water Judge for another term.

Thank you for your time and consideration.

Sincerely,

W. Carl Mendenhall

Cook, Kevin

Subject: FW: [EXTERNAL] Chief Water Judge

From: McLaughlin, Beth <bmclaughlin@mt.gov>
Sent: Monday, June 7, 2021 8:19 AM
To: Cook, Kevin <kcook@mt.gov>
Subject: FW: [EXTERNAL] Chief Water Judge

From: Cindy Younkin <cyounkin@bozeman.legal>
Sent: Wednesday, May 5, 2021 6:04 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Chief Water Judge

Dear Clerk and Chief Justice McGrath,

I write in support of Russ McElyea's re-appointment as Chief Water Judge. I read in the *Bozeman Chronicle* recently that he was up for re-appointment. Russ and I practiced law together for 17 years (approximately) at Moore, O'Connell & Refling in Bozeman, starting in 1989. A significant portion of my law practice has been before the Water Court over the last 32 years. Even though I have cut back significantly since the end of 2019 in an attempt to "be retired" (a somewhat relative term), I continue to assist a few clients in winding up their Water Court matters.

After Russ became the Chief Water Judge I found his efforts to get the Water Court into the 21st Century with updated technology and scheduling practices to be outstanding. While the overall adjudication is a monumental task, I have been impressed with Judge McElyea's efforts to get things moving along efficiently without compromising accuracy in the details. He has always, both as a practitioner and as a Judge, been mindful of how the Water Court process effects the water right owners, at any and all levels, whether that be a little mom and pop shop or a large corporation. He has apparently perfected the art of staffing as all water masters and administrative staff are always consummate professionals and appear to do their jobs well. Of course, at the bottom of it all and most importantly, he is fair and impartial and relies upon the law, whether that be case law or statute, to make decisions.

I could go on at greater length, rather I will leave it at that and strongly encourage you to re-appoint Judge McElyea as Chief Water Judge. Should you have any questions, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,



Cindy E. Younkin
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June 7, 2021

Water Court Judge Public Comment
C/o Beth McLaughlin
Office of Court Administrator
P.O. Box 203005
Helena, MT. 59620-3005

Via email: bmclaughlin@mt.gov

Re: Application of Russ McElyea for Chief Water Judge

Dear Chief Justice McGrath:

I write to support of the application of Russ McElyea for a new term as Chief Water Judge of the Montana Water Court. I have worked closely with Judge McElyea for more than two years at the Water Court and believe unequivocally that he is more than qualified to continue his service.

Judge McElyea cares deeply about the Water Court and its important role in conducting Montana's water right adjudication fairly, efficiently and accurately. He holds the court and its staff to high standards, yet strives to ensure the court operates collegially and professionally. It's a privilege to work with him.

In addition to being a colleague, I also know Judge McElyea from several other contexts, including appearing before him as an attorney, working with him and against him in negotiation and advocacy roles while he practiced, and collaborating with him as a co-author. In every role he has been a prepared and thoughtful professional.

Judge McElyea is an incredible asset to Montana's judiciary and I strongly endorse his appointment to another term.

Sincerely,



Stephen R. Brown

DMS Natural Resources, LLC
Deborah Stephenson, M.B.A.
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
406-600-1422
stephenson@dmsnaturalresources.com



June 12, 2021

Beth McLaughlin, Court Administrator
301 S Park Ave, Suite 328
PO Box 203005
Helena, MT 59620-3005
bmclaughlin@mt.gov

Re: Letter of Recommendation for Chief Water Judge Russ McElyea

Dear Beth McLaughlin,

Please accept this letter of recommendation for the re-appointment of Chief Water Judge Russ McElyea to the Montana Water Court.

Since he became Chief Water Judge, claimants and water users alike have been deeply satisfied with the level of sincerity and accessibility Chief Water Judge McElyea has offered. He possesses a deep understanding of the needs of claimants and water users, while remaining sensible toward all parties and pragmatic in his rulings.

Chief Water Judge McElyea manages a highly efficient and orderly court room. He has also done a fantastic job of moving the adjudication processes along at a fast pace.

DMS is greatly appreciative of the level of logic and attention Chief Water Judge McElyea exhibits in his decisions.

For these reasons, I am pleased to recommend Chief Water Judge McElyea for re-appointment.

Sincerely,

A handwritten signature in blue ink that reads "Deborah Stephenson".

Deborah Stephenson

P.O. Box 1182
Helena, Montana 59624
United States of America

7 W. Sixth Ave, Suite 40
Helena, Montana 59601



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abby@mtwaterlaw.com
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June 13, 2021

VIA EMAIL ONLY

Water Court Judge Public Comment
c/o Beth McLaughlin
Office of Court Administrator
bmclaughlin@mt.gov

Re: Letter in Support of Reappointment of Judge McElyea

Dear Chief Justice McGrath:

I write in support of the reappointment of Chief Water Judge Russ McElyea for another term. Under Judge McElyea's stewardship, the Water Court is making meaningful strides to complete the Statewide Adjudication and, in the last several years, the Court struck a balance between efficiency and accuracy that has modernized and streamlined the adjudication process.

As an attorney, I have appeared in front of Judge McElyea on several occasions. He is always prepared and thoughtful in his approach to a case, whether it is during a status conference, an oral argument, or in a written decision. He has a steadiness of temperament and an ability to be kind but firm when the law or facts lead to a particular conclusion. These characteristics make him particularly well-suited to serve as the Chief Water Judge because of the high number of self-represented water users trying to navigate a complex legal system.

During my tenure as the Chair of the Water Law Section of the State Bar, whenever I requested Judge McElyea's assistance to speak at a bench-bar event or contribute to a project in support of the advance the practice of water law in Montana, he offered his time and talent without hesitation.

Judge McElyea is an asset to the Montana judiciary, and his service thus far has greatly benefited the citizens of Montana. I urge you to reappoint him for another term as Chief Water Judge. Please do not hesitate to reach out to me for additional comments or information.

Sincerely,

Abigail R. Brown
Abigail R. Brown
Attorney at Law



*Montana
Water Resources
Association*

*P.O. Box 4927 • Helena, Montana 59604 • (406) 235-4555
Email: mwra_h2o@msn.com*

June 17, 2021

Water Court Judge Public Comment
Attention: Beth McLaughlin
Office of Court Administrator
PO Box 203005
Helena, MT 59620-3005

Honorable Chief Justice Mike McGrath:

It is a pleasure to express support on behalf of the Montana Water Resources Association for the re-appointment of the Honorable Judge Russ McElyea as Chief Water Court Judge.

As an organization and membership focused on irrigation and other water uses MWRA is extremely concerned with completion of Montana's water right adjudication process. Under Judge McElyea's leadership the Montana Water Court is making extensive progress in attaining that goal. Since appointment to the Montana Water Court, Judge McElyea has demonstrated a fair, articulate, and deliberative approach to dealing with and resolving Water Court related issues. We believe Judge McElyea would facilitate a continuation of a knowledgeable, fair, balanced, and thoughtful approach to completion of Montana's water right adjudication.

Again, it is our pleasure to express support for the re-appointment of the Honorable Judge Russ McElyea to the position of Montana Chief Water Court Judge.

Sincerely,

Michael E. Murphy
Executive Director

-----Original Message-----

From: Matthew Schmidt <matthewjoeschmidt@gmail.com>

Sent: Wednesday, July 7, 2021 8:05 PM

To: McLaughlin, Beth <bmclaughlin@mt.gov>

Subject: [EXTERNAL] Public Comment re: Judge McElyea

Based on a review of the audio, video and reading materials available on the Water Policy Interim Committee website, Russ McElyea appears to be a corrupt judge who makes decisions based on what will curry favor for his Water Court with politicians, the legal community of Montana, and the public at large.