

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

**Cause:**

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GERALD R. BROWE,

Petitioner

v.

THE TWENTY-FIRST JUDICIAL DISTRICT OF THE STATE OF  
MONTANA, IN AND FOR THE COUNTY OF RAVALLI, THE  
HONORABLE JUDGE HOWARD F. RECHT PRESIDING JUDGE,

Respondent.

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**ORIGINAL PROCEEDING ON APPLICATION FOR WRIT OF  
SUPERVISORY CONTROL**

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## I. STATEMENT OF THE CASE

In Montana, district court supervision of a water commissioner is essential to prevent discretionary or arbitrary administration and to ensure that a commissioner distributes water according to the enforceable decree and the prior appropriation doctrine. When a district court appoints a commissioner, the court's jurisdiction is invoked and it assumes ongoing supervisory authority over the distribution of water. *See* Mont. Code Ann. §85-2-406(1). "It then becomes obvious that the decree must be the yardstick by which the commissioner shall proceed[.]" *Quigley v. McIntosh*, 110 Mont. 495, 103 P.2d 1067, 1069 (1940).

Applicant Gerald Browe ("Browe") owns water rights from Canyon Creek and receives water from the Canyon Creek Reservoir. Browe has been subject to the whims of a rogue water commissioner, Rick Yerger ("Yerger"), who testified repeatedly that he does not measure and allocate water, does not record water use, and does not file any record with the clerk of court.

This Application for Supervisory Control arises from District Court Judge Howard F. Recht's failure to exercise supervisory authority to ensure Yerger complies with the Montana Water Use Act ("WUA"),

resulting in a gross injustice to Browe. Judge Recht has failed to provide seemingly any level of supervision, despite the water commissioner's open refusal to follow the law. Browe respectfully requests, therefore, that this Court exercise its constitutional authority of supervisory control to provide necessary direction to the District Court pursuant to Article VII, Section 2 of the Montana Constitution and M. R. App. P. 14.

## **II. STATEMENT OF THE ISSUES**

1. Whether this Court should exercise Supervisory Control over Judge Howard F. Recht in order to provide instructions for exercising his supervisory authority over the distribution of water on Canyon Creek and over the water commissioner pursuant to Mont. Code Ann. § 85-2-406(1), Mont. Code Ann. §§ 85-5-101 to -301.
2. Whether this Court should exercise Supervisory Control over Judge Recht in order to provide instructions for the water commissioner to comply with the recording and billing process pursuant to Mont. Code Ann. § 85-5-107(1) and Mont. Code Ann. §§ 85-5-201 et seq.
3. Whether this Court should exercise Supervisory Control over Judge Recht in order to provide instructions for exercising his supervisory authority over Browe's dissatisfied water use complaint pursuant to Mont. Code Ann. § 85-5-301.

## **III. STANDARD OF LAW**

Article VII, Section 2 of the Montana Constitution provides that the Supreme Court of Montana has “general supervisory control over all other courts.” The Montana Supreme Court has promulgated guidelines in the Montana Rules of Appellate Procedure for its use of the supervisory power, providing in relevant part that supervisory control may be:

justified when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when one or more of the following circumstances exist:

(a) The other court is proceeding under a mistake of law and is causing a gross injustice[.]

M. R. App. P. 14(3).

This Court has exercised its constitutional power of supervisory control in a variety of circumstances where the normal appeal process is inadequate or unavailable.<sup>1</sup> *See Baker Ditch Co. v. Dist. Ct. of Eighteenth Jud. Dist., In & For Cnty. of Gallatin*, 251 Mont. 251, 252, 824 P.2d 260, 260 (1992) (holding supervisory control is proper “in order to promote judicial economy and eliminate needless litigation, and to resolve procedural entanglements[.]” (Citations omitted).

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<sup>1</sup> See, e.g., *Fouts v. Montana Eighth Judicial District Court*, 407 Mont. 166 (2022); *Montana Democratic Party v. Montana First Judicial District Court*, 418 Mont. 100 (2024)

Importantly, this Court has granted a writ of supervisory control in a similar circumstance as here—on a dissatisfied water user petition where a district court has repeatedly failed to correct a water commissioner’s refusal to uphold his duties under Montana law or otherwise adhere to the prior appropriation doctrine. *See Baker Ditch Co*, 251 Mont. at 253-54, 824 P.2d at 261.

#### **IV. STATEMENT OF FACTS**

##### **A. Procedural Background**

On May 17, 2024, four alleged water users filed a *Petition to Appoint Water Commissioner* and requested the appointment of Rick Yerger. (Ex. 1). On May 17, 2024, the District Court granted the petition and issued an Order appointing Rick Yerger as Water Commissioner. (Ex. 2). The District Court’s caption for the Order stated “CANYON CREEK-PUTNAM DITCH.”

On August 28, 2024, Yerger provided a *Notice* suspending Browe’s water rights. (Ex. 3). On September 20, 2024, Browe and Randall English filed a Dissatisfied Water User’s Complaint. (Ex. 4). The court held a hearing on November 27, 2024, and dismissed the complaint as moot. (Ex.5, Transcript, p. 6, lines 21-25, p. 8, lines 3-7).

On January 28, 2025, Robert McKee, et al. filed a *Petition to Appoint Water Commissioner*, requesting Rick Yerger. (Ex. 6). The next day, other users filed a *Joint Petition* requesting English and Browe be appointed. (Ex. 7). The court issued an *Amended Order Appointing Water Commissioner*, naming Rick Yerger. (Ex. 8).

On July 10, 2025, Browe filed an “Objection” to the invoice he had received for the 2024 irrigation season. (Ex. 9). The court ordered Browe to pay most of the bill. (Ex. 10, Transcript, July 30, 2025 Hearing, p. 14).

On August 19, 2025, Browe filed a *Petition For Appointment of Water Master*. (Ex. 11). Browe then filed a *Motion To Set Hearing On Dissatisfied Water User Complaint* based on the Petition allegations, and a hearing was held on October 2, 2025. (Ex. 12); (Ex. 13, Transcript October 2, 2025). The court denied Browe’s request to remove Yerger as commissioner and issued minutes and a one-page Order on October 28, 2025. (Ex. 14, 15). On November 3, 2025, Browe filed a Notice of Appeal from the court’s Order and has received a 30-day extension. For the reasons set forth in this Petition, an appeal of this Order is insufficient to address procedural entanglements warranting Supervisory Control.

## **B. Factual Background**

The Montana Water Court issued a *Preliminary Decree* for the Westside Subbasin, Bitterroot River (76HF) on January 14, 1998.

Within this subbasin, Browe and his wife purchased eleven acres of property. (Ex. 13, p 5, lines 21-25, p. 6, lines 19-22); (Exhibit 16, Oct. 2<sup>nd</sup> Hearing Ex.'s: B1, Map). Browe co-owns two decreed surface water rights from Canyon Creek:

- Water Right No. 76H 133492-00: June 1, 1887, 112.2 gpm, April 1 through October 19<sup>th</sup>
- Water Right No. 76H 133493-00: July 1, 1886, 88.12 gpm, April 1 through October 19<sup>th</sup>

(Ex. 16: B2, B3) (Ex. 13, p 7-9)

Browe is also entitled to receive 72 gpm of water from the Canyon Lake Reservoir for eleven taxable acres from the Canyon Creek Irrigation District (“District”). (Ex. 13, p. 9-10, 25); (Ex. 16: B-4a). Browe’s acres are included in the District’s place of use for its water rights. (Ex. 13, p. 10-11); (Ex. 16: B4b, c).

Browe’s point of diversion is located where the Putnam Ditch taps Canyon Creek, and there is no measuring device near this location. (Ex. 13, p. 12-13, 45); (Ex. 16: B-5a). Browe has a headgate on the ditch and a Cutthroat Flume (Ex. 13, p. 15, 16). (Ex. 16: B-7). Prior to the October

hearing, Browe's staff gauge reflected a flow rate of only 22.1 gpm. (Ex. 13, p. 16-17). There are numerous other water rights, with varying priority dates, for the Putnam Ditch (Ex. 16: B-12b).

**1. 2025 - Browe Did Not Receive the Water to Which He Was Entitled Pursuant to the Decree.**

In 2025, Browe did not receive water to which he was entitled pursuant to the *Preliminary Decree*. Browe testified that the combined flow rate for his two decreed rights is "200.33 gallons per minute," but that his infrastructure limits his maximum diversion to "56 GPM." (Ex. 13, p. 19, 21).

Browe communicated with Yerger on July 31, 2025, to inquire about receiving no water and Yerger responded "I measured water at headgate and determined your share at 25 GPM." (Ex. 13, p. 24). (Ex. 16, B-10a). Browe requested, but never received any measurement from Yerger. (Ex. 13, p. 25). Browe testified "so whether it's my decreed right and/or my lake shares, [25 gpm is] nowhere near it." (Ex. 13, p. 25, 26). Further, when storage water was available, Browe did not receive any more than 25 gpm and on many days had less. (Ex. 13, p. 27, 28).

During the October 2, 2025, *Dissatisfied Water User* hearing,

Yerger confirmed his duties as a water commissioner:

**BY MR. FERGUSON**

**Q.** So your duties include both measurement?

**A.** Correct.

**Q.** And they include distribution?

**A.** Correct.

**Q.** Okay. And it includes distribution according to the water rights as they've been decreed?

**A.** Priority dates.

**Q.** And those priority dates as set forth in the most recent decree, correct?

**A.** I believe so.

(Ex. 13, p. 52-53).

Mr. Yerger then testified as to the commissioner's duty to measure water and keep records:

**BY MR. FERGUSON:**

**Q.** And you don't measure water that's diverted from Canyon Creek through this ditch, correct?

**A.** For the most part, no.

. . . .

**Q.** ...So you don't know how much water has been diverted into the ditch all of 2025, correct?

**A.** All the years I've done this, correct.

(Ex. 13, p. 58-60);(Ex. 16: B-5a) (emphasis added).

Yerger testified that he originally "was appointed by Judge

Langton...and he told me my job was to put out fires...He didn't specify to measure. He didn't specify to keep records." (Ex. 13, p. 57)(emphasis added). Yerger stated Judge Recht "did not tell me to do anything different than what I've been doing for the last several years." (Ex. 13, p 57, 58).

Mr. Yerger then testified as to his duty to distribute water:

**BY MR. FERGUSON:**

**Q.** So you agree that you don't allocate water, correct?

**A.** Correct.

**Q.** And that's true for Putnam Ditch?

**A.** Correct. I was appointed on Blodgett Creek to do the same duties as Putnam Ditch, put out fires.

(Ex. 13, p. 65)(emphasis added)

Mr. Yerger then testified as to his duty to distribute water according to the decree:

**BY MR. FERGUSON:**

**Q.** So if you don't measure water and you don't distribute water, how could you distribute water according to the rights fixed by the Decree? You can't, correct?

**A.** ...Now, in the beginning, I told Mr. Browe, as I've told everybody, I don't care how much water you take as long as everybody gets what they need. ...

**Q.** How many water rights on the Putnam Ditch?

...

**A.** 27 users.

**Q.** 27 users, so there could be more water rights?

**A.** There could be less. I don't know.

(Ex. 13, p.65-66)(emphasis added).

Yerger also agreed he had no idea what portion of water in the ditch was Canyon Creek versus stored water. (Ex. 13, p.75) Yerger agreed he operated without a water court tabulation and vaguely referred to documents he reviewed from the DNRC. (Ex. 13, p. 66-67). Yerger further admitted he does not have any measurement data to ensure that whatever water is diverted from Canyon Creek into the Putnam Ditch is sufficient for the decreed water rights. (Ex. 13, p. 59). Finally, Yerger confirmed he did not file any measurement records with the Clerk of Court in 2024 or 2025. (Ex. 13, p 54)(Ex. 17, p. 19, 21).

At the conclusion of the hearing, District Court Judge Recht refused to remove Yerger:

THE COURT: So that remedy is denied. Mr. Yerger has served as a water commissioner doing what he thought he was instructed to do by a former judge and did it for over 15 years without a complaint.

...

And if we want a water commissioner to do all of the things that it sounds like you want, you are going to have to pay a whole lot more for a water commissioner[.]

(Ex. 13, p. 83, 84)(emphasis added).

Notably, Judge Recht failed to provide findings of fact or conclusions of law on the “whole” question in a dissatisfied water user

hearing, appearing to justify non-compliance with the WUA based on speculative monetary reasons. Judge Recht then stated “We are, as a practical matter, essentially at the end of the irrigation season anyway.” (Ex. 13, p. 85) (emphasis added).

**2. 2025 – At the Hearing on Browe’s Objection to Yerger’s Invoice, Browe was Required to Pay for Work Unrelated to a Water Commissioner’s Duties.**

The court held a hearing on Browe’s objection to Yerger’s invoice, where Yerger admitted he does not do any water administration. (Ex. 10, p. 4). When asked how much time he spends allocating water, Yerger stated “[h]opefully none.” (Ex. 10, p. 5). As for the line item on the invoice entitled “Water distribution and headgate adjustments,” Yerger stated this is for “[a]ttending lake meetings, dealing with water issues between individual that are resolved easily.” (Ex. 10, p. 6). He stated, “I don’t allocate water to anybody. I just settle disputes between water users. None of the disputes we have had in the past have been about amounts of water.” (Ex. 17, p. 7)(Ex. 13, p. 65).

In the related hearing that same day, Judge Recht held:

There’s a complaint that the bill came directly from the water commissioner rather than through the Clerk of Court's Office as directed by statute. The [c]ourt is aware that on this

district and many districts in the Bitterroot, that process has not been followed and hasn't, on this district, for years.

(Ex. 17, Transcript DV-98-957 p. 22, 23) (emphasis added).

The court stated “[s]o the fact that it came from the water commissioner instead of through the Clerk of Court is really beside the point[.]” (Ex. 17, p 3). Prior counsel was concerned about Yeger double-dipping with no transparency. (Ex. 17, p. 7). The Court admitted, “I don’t have that information...but what...I have before me is a quibble about the process[.]” (Ex. 17, p. 7, 8). The court required Browe to pay the majority of Yerger’s invoice.

### **3. At the 2024 Dissatisfied Water User Hearing, the Court Dismissed Browe’s Complaint as Moot.**

Browe and Randall English filed a *Dissatisfied Water User’s Complaint* on September 20, 2024. (Ex. 16: B2, B3). A hearing was held on November 27, 2024 where the following exchange occurred:

THE COURT:

So my question... why is this matter not now moot?

..

MR. BROWE: ... I'm not quite sure what the Court's capacity is as far as being able to provide assistance in the fact that this has been a continuous ongoing issue, and my fear is that next irrigation season I'm going be dealing with the same issue, Your Honor.

THE COURT:

So specifically what issue?

MR. BROWE:  
With Mr. Yerger denying me water.

(Ex. 5, p. 2, 3).

At the hearing, Judge Recht stated, “The Court finds that this particular Complaint is now moot[.]” (Ex. 5, p 5).

## V. ARGUMENT

### A. Supervisory Control is Warranted Due to Judge Recht’s Failure to Supervise the Water Commissioner.

The first issue for decision by this Court is whether to take supervisory control over Judge Recht’s failure to properly supervise the water commissioner.

#### 1. The District Court Orders Appointing Yerger Cannot Enlarge the Commissioners Authority Under the Applicable Statutes.

The District Court in 2024 and 2025 appointed Yerger as water commissioner to admeasure and distribute water (including storage) according to the decree from the source. (Ex. 2); (Ex. 8). These Orders, however, did not authorize Yerger to exercise control over the Putnam Ditch. *See* Mont. Code Ann. §§ 85-5-106, 85-5-401.<sup>2</sup>

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<sup>2</sup> § 85-5-106, MCA (requiring 51% of the owners to appoint for the ditch); § 85-5-401, MCA (requiring a separate action be commenced and then a commissioner may be appointed for the ditch).

“When a commissioner acts outside the authority delegated by statute and decree, the action is legally infirm regardless of administrative convenience or perceived fairness.” *In The Matter For Petition of Water Commissioner*, 2026 MT 16, ¶ 15. “The water commissioner's duties typically end at the point of diversion.” *Henwood v. Hodson*, No. 2717, 2017 WL 2619044, at 3 (Mont. Water Ct. May 22, 2017). Here, Judge Recht allowed Yerger to exercise significant control over the Putnam Ditch and its users and likely will again in 2026.

**2. Yerger Failed to Ensure that Distribution of Stored Water Did Not Interfere with Decreed Surface Water Rights.**

The District Court’s Orders appointing Yerger “include measurement and distribution of any storage water distributed by means of the said streambed.” (Ex. 8). Pursuant to Mont. Code Ann. § 85-5-105, Yerger had an obligation to ensure the measurements and distribution of stored water “[do] not interfere with decreed water rights.” *Id.* Yerger, however, agreed during his testimony that he has “no idea what portion of that [flow] is Canyon Lake water versus decreed source water [.]” (Ex. 13, p.75). Indeed, Yerger had never even seen the Canyon Creek Irrigation District Water Rights, and directly

violated this statutory duty and Order of the court. (Ex. 13, p. 72)(Ex. 16: B4b, B4c).

**B. The District Court Failed to Require Yerger to Comply with the Billing and Recording Statute.**

The second issue for decision by this Court is whether to take supervisory control over the filing of measurement records and the billing procedure. *See* Mont. Code Ann. §§85-5-107, 85-5-204. Judge Recht plainly stated “that process has not been followed and hasn't, in this district, for years.” (Ex. 17, p. 23).

Yerger admitted he did not keep or file any measurement records in 2024 or 2025. These commissioner obligations, however, are non-discretionary. The court has discretion to authorize the timing of filing of a water distribution report, but not to excuse the requirement altogether. *See* Mont. Code Ann. § 85-5-107 (using word “shall”). These records are critical to ensure that the commissioner measures and distributes water according to the decree and for accurate billing. Based on the filing of the record, the clerk of court is required to send a letter informing the users of the report and their respective amount owed liable by the report. *See* Mont. Code Ann. § 85-5-204(1).

## **C. This Court Should Exercise Supervisory Control Over Browe’s Dissatisfied Water User Complaint**

### **1. The District Court Failed to Address the “Whole Question.”**

The third issue is whether this Court should exercise supervisory control over Browe’s dissatisfied water user complaint. This Court recently stated “that the ‘whole question’ in a §85-5-301, MCA, proceeding is whether the water commissioner followed the controlling decree.” *In The Matter of the Petition for Water Commissioner*, 2026 MT 16, ¶15.

Browe testified that he did not receive the water to which he was entitled pursuant to the decree or to the stored water. Yerger unabashedly admitted he does not measure and distribute according to the decree. He even testified that “I don't know how many acres [Browe] irrigates.” (Ex. 13, p. 82. Despite this admission, Yerger testified that “I believe there's 300 acres below Mr. Browe of water use. I'd just divide the water in the ditch by the number of acres and that's how I came up with he is entitled to 25 gallons per minute.” (Ex. 13, p. 67, 68). Yerger’s simplistic math fails to account for the varying priorities of the water

rights diverted into the ditch and how that relates to the addition of stored water.

Instead of providing findings on the “whole” question, the court stated, “[i]f we want a water commissioner to do all of the things that it sounds like you want, you are going to have to pay a whole lot more for a water commissioner[.]” (Ex. 13, p. 84). The relevant question, though, was whether Yerger had distributed water according to the decree, and the answer was **no**.

Importantly, the limited scope of the dissatisfied water user hearing also highlights the ineffectiveness of appeal in this case, which would likely result in a remand to the court to provide findings and conclusions, but does not address the procedural entanglements described herein.

## **2. The District Court’s Actions Are Capable of Repeating and of Evading Review.**

At the 2025 hearing, Judge Recht stated that “as a practical matter,” the irrigation season was “essentially” over. (Ex. 13, p. 84, 85). The court in 2024 dismissed Browe’s complaint as moot. Browe has no reason to believe Judge Recht will not repeat the cycle or properly exercise his supervisory authority.

A case may be dismissed as moot if “the controversy presented at the outset of the litigation has ceased to exist or is no longer ‘live.’”

*Meyer v. Jacobsen*, 2022 MT 93, ¶ 8, 408 Mont. 369, 510 P.3d 52.

However, given the substantial delays involved in typical litigation, there is an exception to mootness for situations that are “capable of repetition, yet could evade review.” *Meyer*, ¶ 10 (providing two factors to consider).

Browe meets these requirements precisely because, first, Yerger’s failure to perform his duties under the WUA are of a “duration too short to be fully litigated prior to the cessation or expiration” of the season. *Meyer*, ¶ 10. As to the second factor, Browe has every reason to believe he will continue to be subjected to the same action. Yerger has openly testified as to his practices and Judge Recht has given no indication he intends to properly supervise the commissioner pursuant to the prior appropriation doctrine.

## **VI. SUPERVISORY CONTROL IS WARRANTED.**

Judge Recht has failed to properly supervise Yerger, instead choosing to openly ratify Yerger’s refusal to measure, record, distribute,

and submit records to the clerk of court. This failure merits exercise of this Court's power of supervisory control.

Whether § 85-5-406(1), MCA, mandates that a district court require a water commissioner to follow the law is a “purely legal question[,]” and the court's refusal to do so is a “mistake of law” that is causing “gross injustice” to Browe, who has had his water shut off without explanation, without adherence to the prior appropriation doctrine, and has been forced to pay for a water commissioner who openly does not do his job. M. R. App. P. 14(3).

Moreover, urgency exists as the typical appeal process will not render a result until well after the next irrigation season has come and gone. *See id.* (supervisory control justified “when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when . . . the other court is proceeding under a mistake of law and is causing a gross injustice[.]”).

Finally, both Yerger and Judge Recht's refusals to follow the law over the course of multiple seasons and multiple legal proceedings are multifarious. Browe seeks this Court's intervention through Supervisory Control to avoid a drawn-out, piecemeal process of

appealing each proceeding (i.e, the petition and order appointing process, billing and recording process, dissatisfied water users complaint) and ruling separately.

By exercising its supervisory authority, this Court can cut straight to the heart of the matter. *See Baker Ditch Co*, 251 Mont. at 252, 824 P.2d 260 (holding supervisory control is proper “in order to promote judicial economy and eliminate needless litigation, and to resolve procedural entanglements” (citations omitted)). Thus, Supervisory Control is warranted to:

1. Instruct the district court to supervise the water commissioner pursuant to Mont. Code Ann. §85-2-406(1) to distribute water according to the prior appropriation doctrine and the *Preliminary Decree* and to comply with the proper authority granted to a water commissioner pursuant to Mont. Code Ann. §85-5-101 to -301.
2. Instruct the district court to require the commissioner to comply with the recording and billing statutory provisions set forth in Mont. Code Ann. § 85-5-107(1) and Mont. Code Ann. §§ 85-5-201 et seq.
3. Instruct the district court to address the “whole” question in Browe’s dissatisfied water user complaint. §85-5-301.

## **VII. CONCLUSION**

For all the above reasons, Browe respectfully requests this Court exercise Supervisory Control to provide the District Court with instructions for supervising the water commissioner.

Dated this 9<sup>th</sup> day of March 2026.

Ferguson and Coppes, PLLC  
A Natural Resource Law Firm

/s/ John J Ferguson  
John J. Ferguson

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 11(4)(c) and 11(4)(e) of the Montana Rules of Appellate Procedure, I certify that this Brief is proportionately spaced, except for quoted materials and footnotes; Century Schoolbook text of 14 points; is double spaced; and the word count calculated by Microsoft Word is 3990, exclusive of the certificate of compliance, table of authorities, exhibit index and certificate of service.

DATED this 9<sup>th</sup> day of March, 2026.

By: /s/ John J. Ferguson

John J. Ferguson  
FERGUSON AND COPPES, PLLC

## CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of March, 2026, I have served true and accurate copies of the foregoing to the following via US mail:

Twenty-First Judicial District  
Court, Ravalli County  
Howard F Recht  
205 Bedford Street, Suites A & B  
Hamilton MT 59840

Rick Yerger  
Water Commissioner  
P.O. BOX 853  
Hamilton MT 59840

### All Putnam Ditch Water Users<sup>1</sup>

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<sup>1</sup> All the Putnam Ditch Water Users subject to the distribution action involving the Water Commissioner for the Canyon Creek/Putnam Ditch are included on the service list. Please note that the original parties, A King Bestic and Edward O Larsen no longer own water rights for diversion into the Putnam Ditch

James C Wingo  
Patricia L Wingo  
7201 Catherine Dr  
Lakeland, FL 33810-6339

Suzette M Delrae  
PO Box 853  
Hamilton, MT 59840

Erica Hurt  
Gabriel Hurt  
563 Blodgett Camp Rd  
Hamilton, MT 59840-9351

Beth D Holmes  
Brent C Holmes  
PO Box 2126  
Hamilton, MT 59840-4126

Kirsten M English  
Randall S English  
415 N 5th St  
Hamilton, MT 59840-2421

Karla J West  
Michael H West  
502 Snowberry  
Hamilton, MT 59840-9375

J William Peters  
Rebecca F Peters  
244 Katie Luise Ln  
Hamilton, MT 59840

Lukas Swanson  
Whitney Swanson  
234 Katie Luise Ln  
Hamilton, MT 59840

Ceceil M Rapalas  
Paul A Rapalas  
131 Hidden Meadow Ln  
Hamilton, MT 59840

Brenda S Maciel  
John AP Maciel  
130 Hidden Meadow Ln  
Hamilton, MT 59840-9394

David J Exner  
Jana K Exner  
127 Patrick Henry Ln  
Hamilton, MT 59840

Lyn J Mckee  
Robert R Mckee  
161 Westhills Way  
Hamilton, MT 59840

Elaine M Payne  
5731 W Joss Ln  
Spirit Lake, ID 83869-5701

Dorothy M Fagerstrom  
Harold G Fagerstrom  
NW 193 West Hills Way  
Hamilton, MT 59840

Brenda Gillie  
105 Liberty Ln  
Hamilton, MT 59840

Paul F Policastro  
Patricia A Rosa  
217 Westhills Way  
Hamilton, MT 59840

Karin J Wagner  
2101 N 1st St  
Hamilton, MT 59840

Larry D Wagner  
116 Liberty Ln  
Hamilton, MT 59840-9344

Shirly C Smith  
37 Ricketts Rd  
Hamilton, MT 59840

Recycled Homes, LLC  
6155 Kenwood Ave  
Kansas City, MO 64110-3347

Smith, Elizabeth A  
Revocable Trust  
Smith Elizabeth A Trustee  
37 Ricketts Rd  
Hamilton, MT 59840-9324

Sharon K Binder  
Timothy A Binder  
173 Blodgett Camp Rd  
Hamilton, MT 59840

Debra R Wright  
126 Patrick Henry Ln  
Hamilton, MT 59840-9318

John Mckee  
181 West Hills Way  
Hamilton, Mt 59840

Benakovich Family Trust  
Dated 7/19/1996  
Steven J & Lucy M Benakovich  
Trustees  
16200 De Witt Ave  
Morgan Hill, CA 95037-4707

Chad And Krista Symens  
Revocable Trust  
1767 Lakewood Ranch Blvd  
Box 174  
Bradenton, FL 34211

Newman Family 1999 Trust  
Dtd 04/28/1999  
Sonny L & Kelli R Newman  
Trustees  
9400 Timothy Ln  
Reno, NV 89511-9568

/s/ Taylor Haas  
Taylor Haas, Legal Assistant  
FERGUSON and COPPES, PLLC  
A Natural Resource Law Firm

## CERTIFICATE OF SERVICE

I, John J. Ferguson, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ to the following on 03-09-2026:

Howard F Recht (Respondent)  
205 Bedford Street  
Suites A & B  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Rick Yerger (Other)  
P.O. BOX 853  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Brent C Anderson (Other)  
2989 Brushpopper Ln  
Hamilton MT 59803  
Representing: Self-Represented  
Service Method: Conventional

Jennifer A Anderson (Other)  
2989 Brushpopper Ln  
Hamilton MT 59803  
Representing: Self-Represented  
Service Method: Conventional

E Marie Wingo Brown (Other)  
2747 Evergreen  
Great Falls MT 59404  
Representing: Self-Represented  
Service Method: Conventional

Courtney Child (Other)  
108 Meadow Dr  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Daniel Child (Other)  
108 Meadow Dr  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Robert A Heinzen (Other)  
128 Tawney View  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Shelly J Robertson (Other)  
128 Tawney View  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Charles L Larson (Other)  
510 S 8th St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Jessica Larson (Other)  
510 S 8th St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Kelsi M Sandoz (Other)  
614 S 3rd St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Heather Stotka (Other)  
3390 Southampton Dr  
Reno NV 89509  
Representing: Self-Represented  
Service Method: Conventional

Terry Stotka (Other)  
3390 Southampton Dr  
Reno NV 89509  
Representing: Self-Represented  
Service Method: Conventional

James C Wingo (Other)  
7201 Catherine Dr  
Lakeland FL 33810  
Representing: Self-Represented  
Service Method: Conventional

Patricia L Wingo (Other)  
7201 Catherine Dr  
Lakeland FL 33810  
Representing: Self-Represented  
Service Method: Conventional

Suzette Del Rae (Other)  
PO Box 853  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Erica Hurt (Other)  
563 Blodgett Camp Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Gabriel Hurt (Other)  
563 Blodgett Camp Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Beth D Holmes (Other)  
PO Box 2126  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Brent C Holmes (Other)  
PO Box 2126  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Kirsten M English (Other)  
415 N 5th St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Randall S English (Other)

415 N 5th St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Karla J West (Other)  
502 Snowberry  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Michael H West (Other)  
502 Snowberry  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

J William Peters (Other)  
244 Katie Luise Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Rebecca F Peters (Other)  
244 Katie Luise Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Lukas Swanson (Other)  
234 Katie Luise Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Whitney Swanson (Other)  
234 Katie Luise Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Ceceil M Rapalas (Other)  
131 Hidden Meadow Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Paul A Rapalas (Other)  
131 Hidden Meadow Ln

Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Brenda S Maciel (Other)  
130 Hidden Meadow Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

John AP Maciel (Other)  
130 Hidden Meadow Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

David J Exner (Other)  
127 Patrick Henry Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Jana K Exner (Other)  
127 Patrick Henry Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Lyn J McKee (Other)  
161 Westhills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Robert R McKee (Other)  
161 Westhills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Elaine M Payne (Other)  
5731 W Joss Ln  
Spirit Lake ID 83869  
Representing: Self-Represented  
Service Method: Conventional

Dorothy M Fagerstrom (Other)  
NW 193 West Hills Way  
Hamilton MT 59840

Representing: Self-Represented  
Service Method: Conventional

Harold G Fagerstrom (Other)  
NW 193 West Hills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Brenda Gillie (Other)  
105 Liberty Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Paul F Policastro (Other)  
217 Westhills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Patricia A Rosa (Other)  
217 Westhills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Karin J Wagner (Other)  
2101 N 1st St  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Larry D Wagner (Other)  
116 Liberty Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Shirley C Smith (Other)  
37 Ricketts Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Recycled Homes LLC (Other)  
6155 Kenwood Ave  
Kansas City MO 64110  
Representing: Self-Represented

Service Method: Conventional

Elizabeth A Smith Revocable Trust Elizabeth A Smith Trustee (Other)  
37 Ricketts Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Sharon K Binder (Other)  
173 Blodgett Camp Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Timothy A Binder (Other)  
173 Blodgett Camp Rd  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Debra R Wright (Other)  
126 Patrick Henry Ln  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

John McKee (Other)  
181 West Hills Way  
Hamilton MT 59840  
Representing: Self-Represented  
Service Method: Conventional

Benakovich Family Trust Dated 7/19/1996 Steven J & Lucy M Benakovich Trustees (Other)  
16200 De Witt Ave  
Morgan Hill CA 95037  
Representing: Self-Represented  
Service Method: Conventional

Chad And Krista Symens Revocable Trust (Other)  
1767 Lakewood Ranch Blvd  
Box 174  
Bradenton FL 34211  
Representing: Self-Represented  
Service Method: Conventional

Newman Family 1999 Trust Dtd 04/28/1999 Sonny L & Kelli R Newman Trustees (Other)  
9400 Timothy Ln  
Reno NV 89511  
Representing: Self-Represented

Service Method: Conventional

Electronically signed by Taylor Haas on behalf of John J. Ferguson  
Dated: 03-09-2026