FILED
10/30/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
76I-0005-R-2026
Thompson, Eliot
5.00

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MONTANA WATER COURT
CLARK FORK DIVISION
FLATHEAD RIVER, MIDDLE FORK
BASIN 76I
PRELIMINARY DECREE

* * * * * * * * * * * * * * * * * * * *

CLAIMANTS: Lynn Faccenda; Phil Faccenda; Jolene Howard; Preston Marshall; Aimee Wallace

OBJECTOR: United States, DOI National Park Service

CASE 76I-0005-R-2026
76I 39778-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The above-captioned claim appeared in the Preliminary Decree for the Middle Fork of the Flathead River (Basin 76I) issued on December 6, 2024.

FINDINGS OF FACT

1. The record owners of claim 76I 39778-00 are Lynn Faccenda, Phil Faccenda, Jolene Howard, Preston Marshall, and Aimee Wallace (collectively the "Claimants"). The claim was decreed with a volume of 8.00 acre-feet per year.

2. The United States Department of the Interior – National Park Service (the "United States") objected to claim 76I 39778-00, stating that "the claimed volume exceeds the maximum feasible volume based on the flow rate and period of use, and therefore should be reduced."

3. The claim also received the following issue remarks from the Montana Department of Natural Resources and Conservation ("DNRC"):

> AN AMENDMENT WAS SUBMITTED ON 10/30/2024 REQUESTING TO AMEND THE VOLUME. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.
>
> THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 7.55 ACRE-FEET PER YEAR.

4. The amendment submitted on October 30, 2024 indicated the Claimants intended to amend the volume to 7.55 acre-feet per year.[1]

5. On July 22, 2026, the United States filed a status report indicating that claimants Lynn Faccenda, Phil Faccenda, Jolene Howard, and Aimee Wallace support modifying the volume of claim 76I 39778-00 to 7.55 acre-feet per year pursuant to the amendment to statement of claim filed prior to issuance of the preliminary decree. The status report also noted that the United States had not received feedback from the Claimants on a draft of its status report and that the United States had no contact from claimant Preston Marshall. The status report further stated that the proposed volume modification resolves the United States' objection to claim 76I 39778-00.

5. On September 4, 2026, the Claimants were ordered to file a statement indicating whether they agree or disagree with reducing the volume of claim 76I 39778-00 to 7.55 acre-feet per year from 8.00 acre-feet per year. The order stated that if nothing

[1] The amendment, as well as the objections, are viewable in the claim files for Claim 76I 39778-00.

was filed by the deadline, the court will conclude that the claimants agreed with the proposed volume reduction.

6. Nothing was filed by the deadline.

PRINCIPLES AND CONCLUSIONS OF LAW

1. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

2. The water court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.

3. The proposed reduction in volume to 7.55 acre-feet per year from 8.00 acre-feet per year resolves the United States' objection.

4. The proposed volume reduction resolves both issue remarks, and no unresolved issue remarks remain.

RECOMMENDATIONS

1. The volume for claim 76I 39778-00 should be reduced to 7.55 acre-feet.

2. The issue remarks should be removed from claim 76I 39778-00.

A Post Decree Abstract of Water Right Claim reflecting these recommendations is served with this Report.

Electronically Signed By:
Hon. Judge Eliot Thompson
Fri, Oct 30 2026 08:50:40 AM

Service via USPS Mail

Lynn Faccenda
Phil Faccenda
2926 4th Ave N
Great Falls, MT 59401

Jolene Howard
Aimee Wallace
5808 Tillery Ln
Fayetteville, NC 28314

Preston Marshall
7600 West Tidwell, Suite 800
Houston, TX 77040

Service via Electronic Mail

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POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

FLATHEAD RIVER, MIDDLE FORK

BASIN 76I

Water Right Number: **76I 39778-00** STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners:

LYNN FACCENDA
2926 4TH AVE N
GREAT FALLS, MT 59401-2914

PHIL FACCENDA
2926 4TH AVE N
GREAT FALLS, MT 59401-2914

JOLENE HOWARD
5808 TILLERY LN
FAYETTEVILLE, NC 28314-1395

PRESTON MARSHALL
7600 WEST TIDWELL, SUITE 800
HOUSTON, TX 77040

AIMEE WALLACE
5808 TILLERY LN
FAYETTEVILLE, NC 28314-1395

Priority Date: AUGUST 23, 1965

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 7.00 GPM

Volume: 7.55 AC-FT

Source Name: UNNAMED TRIBUTARY OF LAKE MCDONALD

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		S2NWNW	15	33N	18W	FLATHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: FLOWING

Period of Use: APRIL 1 TO NOVEMBER 30

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		2	NESWNW	15	33N	18W	FLATHEAD