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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE GILA
RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-1255

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Elmer and Cleo Pirrmann*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 7, 2021 at 2:00 p.m.**
NUMBER OF PAGES: 15
DATE OF FILING: August 12, 2021

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by Ian A. and Michelle L. Lamma. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water.

1 Other cases in which claims have been made for legal rights to water in the San Pedro River
2 Watershed have been completed, are in the process of determining water rights, or awaiting
3 initiation. The purpose of the General Adjudication is to determine the rights of those persons
4 who filed statements of claimant for rights to use appropriable water in the San Pedro River
5 Watershed. The General Adjudication will also determine water rights in the Upper Salt,
6 Verde, Upper Gila, Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.

7 In this case, Elmer and Cleo Pirrmann (“Claimants”) filed Statement of Claimant 39-
8 5769 on June 26, 1980 for rights to water for use on land in NESW Section 6 Township 23S
9 Range 23E. The Arizona Department of Water Resources (“ADWR”) investigated the claim,
10 which it characterized as a claim for irrigation and domestic uses, and prepared a report known
11 as Watershed File Report No. 111-24-BD-008 (“WFR”) published in the Final San Pedro River
12 Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment
13 A.

14 The WFR found no irrigation or domestic use on the land described in the WFR. After
15 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
16 of this case is to consider the claims made for water rights that are the subject of the WFR and
17 resolve the objections to the WFR.
18

19 **Claimant & Landowners**

20
21 The WFR identified one Statement of Claimant (“SOC”) relevant to the potential water
22 right: 39-5769. Elmer and Cleo Pirrmann filed the SOC claiming a need for water in the future
23 for domestic and irrigation uses. The WFR lists Elmer W. and Cleo J. Pirrmann as the owners
24 of the property described as located in the northeast quarter of the southwest quarter of Section
25 6 Township 23S Range 23E. The public records maintained by ADWR do not include an
26 assignment of the SOC from the Claimants to the successor landowners.

27 The records of the Cochise County Recorder include a warranty deed from Cleo J.
28 Pirrmann to Jeffrey E. Hill, Emily A. Noble, Kathryn E. Randon, and Lawrence D. Schoonover

1 in 1999, recorded as document 1999-14542 and listed as parcel no. 103-43-007. Jeffrey E. Hill
2 transferred his interest in the property by quit claim deed to Emily A. Noble, Kathryn E.
3 Randon, and Lawrence D. Schoonover in 2000, recorded as document 2000-08813. On
4 January 20, 2021, the property was foreclosed upon by Tax Lien Due Diligence, LLC. Tax
5 Lien Due Diligence, LLC conveyed the property known as tax parcel no. 103-43-007 to Ian A.
6 and Michelle L. Lamma, recorded as document 2021-08993 on April 2, 2021. The Cochise
7 County Assessor lists Ian A. and Michelle L. Lamma as the current owners of tax parcel 103-
8 43-007. A copy of a map prepared by the Cochise County Assessor showing tax parcel 103-
9 43-007 is attached as Attachment B. The public records of ADWR do not include a Statement
10 of Claimant filed by anyone other than Elmer and Cleo Pirrmann for this property.

11
12 **IT IS ORDERED:**

13 1. Contested Case. This contested case shall be known as *In re Elmer and Cleo*
14 *Pirrmann* and it will determine appropriable water rights asserted in the Statement of Claimant
15 and objections that were filed to Watershed File Report 111-24-DB-008 published in the Final
16 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
17 found under the case name and number on the following website:
18 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
19 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

20 2. Litigants. The litigants in this contested case are the Claimants, the current
21 landowners, all persons who filed objections to the WFR, and parties who are allowed to
22 intervene by order.

23
24 3. Court-Approved Mailing List.

25 A. The initial Court-approved mailing list for this case shall include all
26 persons listed on Attachment C to this order. The list may be modified
27 only by filing a motion with the Special Master to amend the Court-
28

1 approved mailing list. Litigants are responsible for using the current
2 Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County
4 Superior Court in this case shall be served upon each person listed on the
5 Court-approved mailing list.


6 C. Claimants wishing to be added or removed from the mailing list shall file
7 a motion with the Special Master. Parties allowed to intervene will be
8 automatically added to the Court-approved mailing list.

9 D. The Clerk of the Court will send copies of all minute entries and orders
10 issued in this case to the parties listed on the Court-approved mailing
11 list. Upon request, the Clerk of the Court will provide copies by email.
12 Parties may request emailed copies of minute entries and orders by
13 completing and submitting a CONSENT FOR ELECTRONIC RECEIPT
14 OF WATER CASE DOCUMENTS, which is attached as Attachment D.

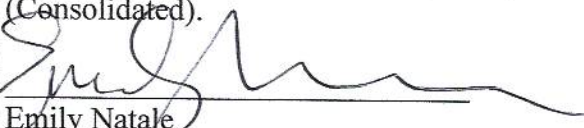
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17 4. Status Conference. An initial status conference shall be held to determine
18 whether the claimants or current landowners, Ian and Michelle Lamma, intend to pursue claims
19 for rights to appropriable water for domestic or irrigation use. If no person claiming a water
20 right appears at the Status Conference, then Statement of Claimant 39-5769 and this case will
21 be dismissed and no further action will be taken with respect to the WFR or the objections filed
22 to the WFR.

23
24 The Status Conference shall be held on **October 7, 2021 at 2:00 p.m.** The Status
25 Conference shall be held using the Court Connect program. Instructions for Court Connect are
26 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
27 Connect Hearing" on the attached instructions to make an appearance. If you do not receive
28

1 this Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
3 attend telephonically using the telephone number and access code included in the instructions
4 for Court Connect.

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8 SUSAN WARD HARRIS
9 Special Master

10 On August 12, 2021, the original of the foregoing was
11 delivered to the Clerk of the Maricopa County Superior
12 Court for filing and distributing a copy to all persons
13 listed on the Court-approved mailing list for this
14 contested case, a copy of which is attached hereto as
Attachment C, and to all persons listed on the Court-
approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
PIRRMANN, ELMER W.	111-24-BD-008
& CLEO J.	

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0005769		IRRIGATION DOMESTIC		NESW06	230S	230E	1976			

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0005769	IRRIGATION DOMESTIC	NONE NONE		

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0005769	NONE		

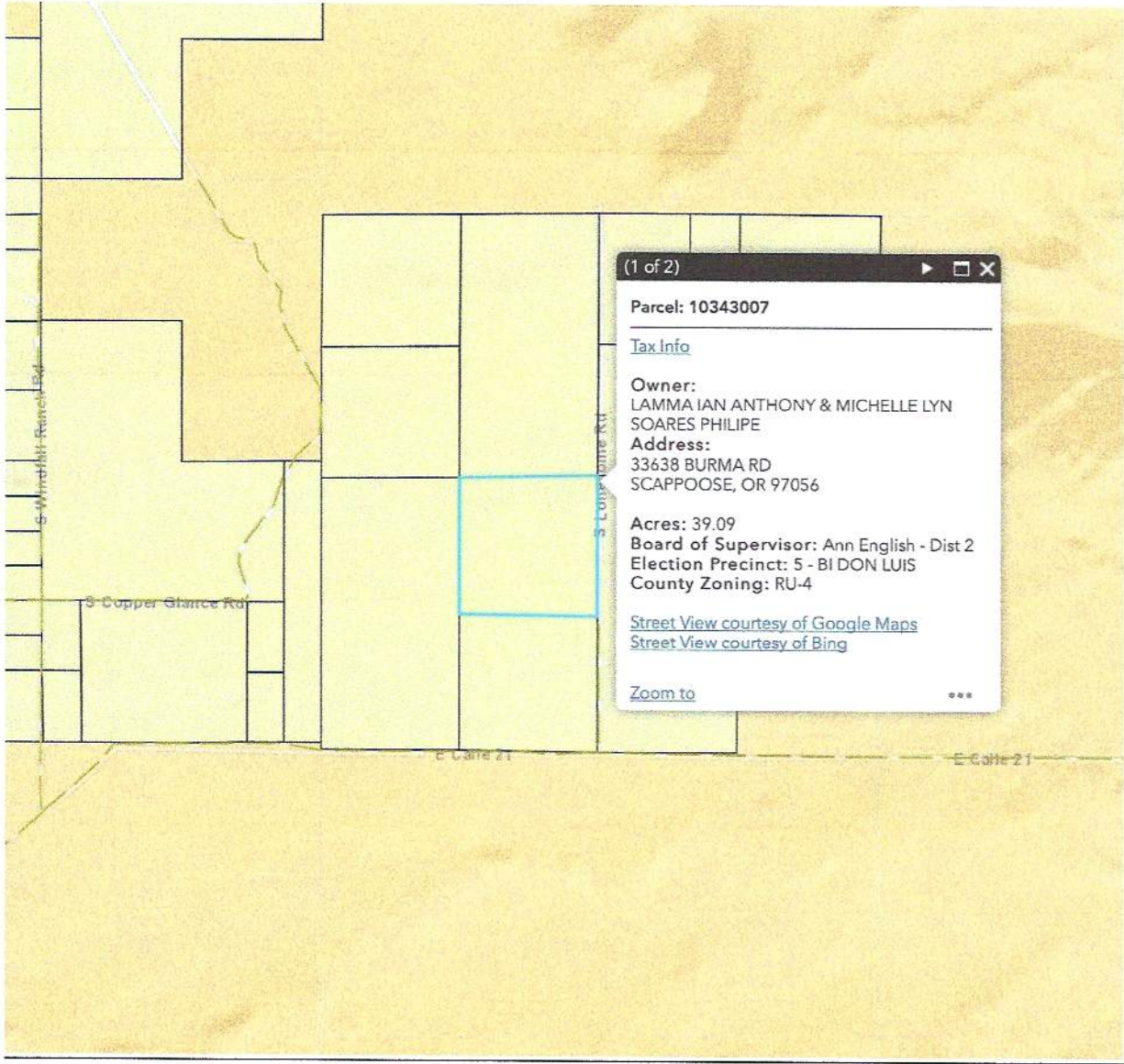
E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-5769 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

ATTACHMENT B

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ATTACHMENT C

1
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3 Arizona Department of Water Resources

4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

10 Elmer & Cleo Pirmann
11 P.O. Box 57B
Hereford, AZ 85615

12 Gila River Indian Community
13 Linus Everling and Thomas L. Murphy
14 Office of the General Counsel
15 P. O. Box 97
Sacaton, AZ 85147

16 Ian A. & Michelle L. Lamma
17 33638 Burma Rd.
Scappoose, OR 97056

18 Joe P. Sparks and Laurel A. Herrmann
19 The Sparks Law Firm, P.C.
20 7503 First Street
Scottsdale, AZ 85251-4573

21 Richard Palmer, Jr., Jeremiah Weiner
22 and Lauren Mulhern
23 Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

24 S. Montgomery, R. Interpreter, J. Tomkus
25 Montgomery & Interpreter, Plc
26 3301 E. Thunderbird Road
Phoenix, AZ 85032

27 Special Master Susan Ward Harris
28 Superior Court of Arizona
201 W. Jefferson Street

Courtroom 301
Phoenix, AZ 85003

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ATTACHMENT D

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT E



Court Connect Hearing Notice for In re Elmer and Cleo Pirmann

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Elmer and Cleo Pirmann, Contested Case No. W1-11-1255

Start Date/Time: October 7, 2021 at 2:00 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

