

**MOHAVE VALLEY IRRIGATION AND DRAINAGE DISTRICT  
COUNTY OF MOHAVE, STATE OF ARIZONA**

**RESOLUTION NUMBER 2018-01**

**RESOLUTION OF THE BOARD OF DIRECTORS QUALIFICATION FOR  
BECOMING AN ELECTOR IN THE DISTRICT**

**WHEREAS**, Mohave Valley Irrigation and Drainage District, Mohave County, Arizona (District) is an irrigation district organized under Title 48, Chap. 19 of the Arizona Revised Statutes (A.R.S.); and

**WHEREAS**, the District is vested with the authority to make, amend or repeal resolutions, bylaws and rules necessary for the government of the District;

**WHEREAS**, the District wishes to establish the procedures and processes for an individual or entity to become an elector in the District;

**NOW, THEREFORE, BE IT RESOLVED** that the District, in compliance with state statutes, establishes the following requirements to become an elector in the District;

**Qualifications for Becoming an Elector**

The qualifications for becoming an elector of the District can be found in Arizona Revised Statutes (A.R.S.) Chapter 48, Title 19, Article 1, § 48-2917. The statute states in general that the elector must meet the following requirements:

1. Must own land within the District and be able to provide proof of title or evidence of title to the land for at least 90 days preceding the election
2. Must have resided continuously within the county for six months (exceptions apply for estates, trusts, corporations and partnerships);
3. Must be eighteen years of age; and
4. Must be registered to vote within the District as provided in A.R.S. § 48-3015.

The Arizona Supreme Court has ruled that within an irrigation district, an elector must also own “agricultural land” within the district. *Hancock v. Bisnar*, 212 Ariz 344, 350, 132 P.3d 283, 289 (2006). The Court did not define “agricultural land” but that term is defined in state statutes relating to property tax.

The definition of a qualified elector is thus further clarified by A.R.S. § 42-12151 and 42-12152 which define agricultural real property and state the criteria for determining

whether land is eligible for classification as property used for agricultural purposes. From these criteria, and existing policies within MVIDD on the use of agricultural water, MVIDD will use the following criteria in determining the qualification of a potential elector based on ownership of agricultural land within the district:

1. The agricultural land within the District must be commercially farmed for profit.
2. The agricultural land must be actively cultivated (farmed) 3 out of every 5 years once elector status is obtained in order to keep elector status. The definition of actively cultivated refers to lands which have been cultivated. Lands subject to a rotational land fallowing program approved by the District, or fallowed pursuant to another legitimate farming purposes such as participation in an Agricultural Stabilization and Conservation Service or other agricultural governmental program qualify as lands actively cultivated.. For lands without an agricultural history, the land must be actively cultivated for one year before it can qualify for elector status.
3. Non-contiguous parcels of less than the required acreage, as described below, must be managed and operated as one operation to qualify as the minimum total acreage.
4. The land must have an agricultural water entitlement within the District.
5. The minimum number of agricultural land acres must be 15 acres for seasonal crops.
6. The minimum number of agricultural land acres must be 10 acres for permanent crops.
7. For high density crops to qualify as agricultural land, the following are the requirements for High Density farming:
  - a. Must be in the primary full-time business of farming.
  - b. Must be in business a minimum of three (3) years before acquiring a high density designation.
  - c. Must prove income from High density farming.
  - d. Must have a High Density farming property tax status from the County.

**BE IT FURTHER RESOLVED** that District adopts the above criteria for becoming an elector within the Mohave Valley Irrigation and Drainage District.

**DATED:** \_\_\_\_\_

**MOHAVE VALLEY IRRIGATION AND  
DRAINAGE DISTRICT  
Mohave County, Arizona**

Directors Voting in Favor:

\_\_\_\_\_  
Charles B. Sherrill

\_\_\_\_\_  
Perry Muscelli

\_\_\_\_\_  
John Kai

\_\_\_\_\_  
Clay Vanderslice

\_\_\_\_\_  
Vince Vasquez

Directors Voting against:

\_\_\_\_\_  
Charles B. Sherrill

\_\_\_\_\_  
Perry Muscelli

\_\_\_\_\_  
John Kai

\_\_\_\_\_  
Clay Vanderslice

\_\_\_\_\_  
Vince Vasquez

**Attest:**

\_\_\_\_\_ Date: \_\_\_\_\_