

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

RESOLUTION NUMBER 2018-02

**RESOLUTION OF THE BOARD OF DIRECTORS REQUIREMENTS TO
ACQUIRE AND MAINTAIN AN AGRICULTURAL WATER ENTITLEMENT**

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 acquire and maintain an agricultural water entitlement;

NOW, THEREFORE, BE IT RESOLVED that the District, establishes that an individual or entity must meet the following requirements to acquire and maintain an agricultural water entitlement;

Agricultural Water Entitlement Requirements

In order to obtain an agricultural water entitlement from the District, an entity must meet the following requirements:

1. Must own land within the District that is suitable for irrigation.
2. Must be able to provide proof of title to the land.
3. All taxes must be paid current at the time of application.
4. A farm plan shall be provided showing the location of ditches, wells, roads, etc.
5. Must provide proof of a viable water source, including ADWR well registration number(s) if applicable.
6. Complete a District application for an agricultural water entitlement.
7. Pay all fees.
8. Water user shall have two (2) years from the date the District approved the new designation of irrigable acreage and granted the water entitlement for agricultural purposes to begin crop production.

Requirements to Retain an Agricultural Water Entitlement

In order to retain an agricultural water entitlement from the District, an entity must meet the following requirements:

1. The agricultural land within the District must be commercially farmed for profit. (Resolution 2010-02) & (A.R.S. 42-12152)
2. That the agricultural land must be actively cultivated (farmed) 3 out of every 5 years. Lands that are enrolled in a rotational land fallowing program approved by the District or fallowed pursuant to another legitimate farming purpose, such as participation in an Agricultural Stabilization and Conservation Service or other District approved agricultural governmental program, shall qualify as actively cultivated.

If the agricultural water user fails to meet the requirements stated above, the Board may determine, upon notice to the user and consideration of all facts, to revoke or reduce the water user's entitlement for lack of beneficial use, in accordance with the terms of the Agricultural Contract, with the following considerations:

3. If only a portion of the acreage within an agricultural water entitlement is actively cultivated (farmed) under the requirements described above, or only a portion of the water is being used, the District may reduce the entitlement in proportion to the lack of beneficial use.
4. If an agricultural water user elects to make capital investments for on-ground farming improvements that will increase farming efficiency and result in less water diverted, with the intent that such conserved water may be available to that agricultural user for beneficial use elsewhere within the District, such agricultural user shall first consult with the District concerning the use of the conserved water and the District shall consider reallocation of the conserved water to a potential new use on a case-by-case basis, to be determined by the District's Board of Directors. To qualify, a Farm Service Agency map depicting the new irrigable acreage may be required.

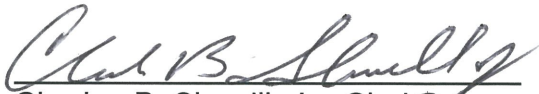
BE IT FURTHER RESOLVED that Item No. 2 above under Requirements to Retain an Agricultural Water Entitlement is different than, and inconsistent with, existing District Resolution No. 2010-02, Paragraph 3. The new requirement adopted under Paragraph 2 of this Resolution 2018-02 shall supersede and replace Paragraph 3 of Resolution 2010-02

BE IT FURTHER RESOLVED that the District adopts the above criteria for acquiring and maintaining an agricultural entitlement within the District.

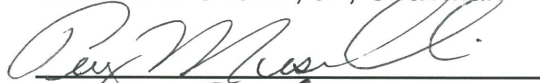
DATED: September 04, 2018

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

Directors voting IN FAVOR thereof:



Charles B. Sherrill, Jr., Chairman



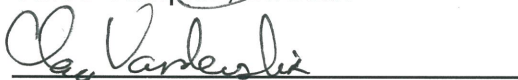
Perry Muscelli, Director



John Kai, Jr., Director



Vince Vasquez, Director



Clay Vanderslice, Director

Directors voting AGAINST thereof:

Charles B. Sherrill, Jr., Chairman

Perry Muscelli, Director

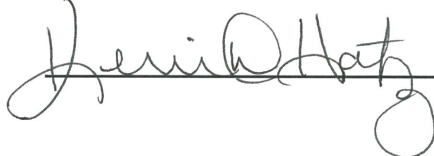
John Kai, Jr., Director

Vince Vasquez, Director

Clay Vanderslice, Director

Absent Directors:

Attest:



Date: 09-04-18