

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

RESOLUTION NO. 2020-01

**A RESOLUTION TO ESTABLISH RULES FOR NOXIOUS WEED
ABATEMENT.**

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 authorized to remove and eradicate noxious weeds, shrubs, grasses and vines in the District pursuant to A.R.S. 48-2997 and 48-2998; and

WHEREAS, the District has entered into an Extraordinary Conservation Intentionally Created Surplus (EC-ICS) program with the United States Bureau of Reclamation that involves the fallowing of certain lands within the District and the obligation to control weeds and other noxious plants on the fields selected for fallowing; and

WHEREAS, the District has determined that it is in the best interest of the District to adopt rules for the District as provided for in A.R.S. 48-2997 to set forth the specific actions to be taken by the District for the identification and eradication of noxious weeds, shrubs, grasses and vines (herein "Noxious Weeds") in the District, and to control spread of such Noxious Weeds within the District, whether or not such fields or lands are enrolled in the EC-ICS program;

WHEREAS, the District Board has reviewed and considered the draft rule, a copy of which is attached to this resolution, at its May, 2020 Regular Meeting and has posted notice of the proposed rules as required by A.R.S. § 48-2976.

NOW, THEREFORE, BE IT RESOLVED:

1. That the District does hereby adopt the proposed draft rule attached to this resolution and directs the Chairman and Secretary to sign and attest the rule in final form.

2. The Rule for Identification and Eradication of Noxious Weeds shall be effective immediately upon signature and attestation.
3. Nothing herein or in the adoption of these rules shall prevent the District, if so determined by the Board, from proceeding to eradicate Noxious Weeds under the alternative plan provisions of A.R.S. § 48-2998.

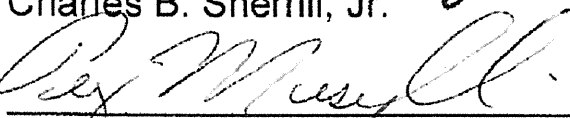
DATED: June 2, 2020

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


Directors Voting IN FAVOR thereof:



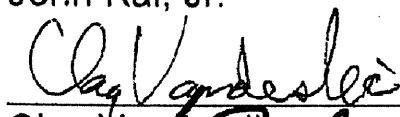
Charles B. Sherrill, Jr.



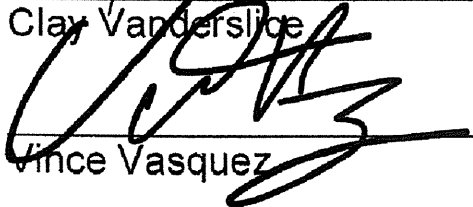
Perry Muscelli



John Kai, Jr.



Clay Vanderslice



Vince Vasquez

Directors voting AGAINST thereof:

Charles B. Sherrill, Jr.

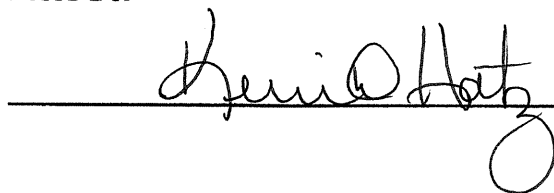
Perry Muscelli

John Kai, Jr.

Clay Vanderslice

Vince Vasquez

Attest:



Date: 6-2-20

Mohave Valley Irrigation & Drainage District
District Rules for Identification and Eradication of Noxious Weeds


The Mohave Valley Irrigation & Drainage District (District) has adopted these Rules in accordance with A.R.S. §§ 48-2997 and 48-2976 to set forth the mandatory District Policy for abating the presence of noxious weeds, shrubs, grasses and vines (Noxious Weeds) within the District. All landowners within the District are expected to use all commercially reasonable means to stop the germination and propagation of Noxious Weeds upon their property and to take pro-active measures to prevent the District from having to take action under these Rules. Repeated or flagrant violation of the need to control Noxious Weeds by a landowner shall be grounds for Board Action against the landowner under the terms of the water use contract, if applicable.

1. For purposes of describing the character and objectionable features of the noxious plants, the District shall rely on the list of Noxious Weeds published by the Arizona Department of Agriculture under A.A.C. R3-4-245, a copy of the current version of which is attached to these Rules, and as that list may be updated from time to time by the Arizona Department of Agriculture.
2. The District's General Manager shall serve as the District's Inspector to periodically inspect all lands and irrigation canals, ditches, rights-of-way and laterals within the District and all roads, highways, streets, alleys and other thoroughfares and premises in the District.
3. If, in the Inspector's judgement, Noxious Weeds are found in sufficient prevalence to be of concern to the District, the Inspector shall identify the type and location of the Noxious Weeds and photograph the premises where the weeds are located, noting the date thereof, to show the presence of such Noxious Weeds.
4. Upon identification of the presence of Noxious Weeds, the Inspector shall report to the District Board Chairman. In the event that the Noxious Weeds are located on land owned or leased or managed by the Chairman, the Inspector shall report to the District Board Secretary. On receiving the report, the Chairman, or Secretary as applicable, may call a Special Meeting or place the item on the Agenda for the next Regular Meeting of the Board, wherein the Board may elect to proceed under these Rules or, in the Board's discretion, under the alternative plan for eradication set forth in A.R.S. 48-2998. Due to the disruptive and harmful nature of Noxious Weeds, the Chairman or Secretary of the Board may call an emergency Special Meeting to consider action under these Rules.

5. If the Board elects to proceed under these Rules, the Inspector shall cause notice to be served on the owner, plus any lessee or tenant, or any person in charge of the infested lands or premises, as the Inspector may deem appropriate, that Noxious Weeds have been found to exist upon the lands or premises. The notice shall state that the Noxious Weeds must be fully and properly eradicated within five (5) calendar days of the notice, or the District shall act to eradicate the Noxious Weeds.
6. The notice provided under these rules shall be served upon the owner of the land in the same manner as a summons issued by the superior court in Arizona.
7. If five (5) days calendar days have passed after notice and the owner, lessee, tenant or person in charge of the infested land has failed to take adequate steps to eradicate, fully and properly, the Noxious Weeds, the Inspector shall be authorized under these Rules, without further Board action, to enter upon the land or premises, or to engage a licensed and properly qualified pest control business to enter upon the land or premises without further notice and perform the necessary actions to eradicate the Noxious Weeds.
8. Upon eradication, the Inspector shall bill the owner of the land for the cost of eradication and cost of service. The cost billed to the owner shall be the actual costs incurred by the District plus 10%. The invoice to the owner shall be due within ten (10) calendar days from the date of the invoice and shall be delivered to the owner by means determined by the Inspector to give adequate notice to the owner. If not timely paid, the amount outstanding shall accrue interest at the rate of 1% per month, compounded monthly, until paid in full.
9. The cost of eradication, plus interest if applicable, shall be a lien upon the land identified as infested, with priority over all other liens or obligations except liens for taxes. It shall also constitute a necessary payment by the owner to continue to receive water from the District. If payment is not timely made, the Board may elect to foreclose the lien on the land or premises by appropriate action in the Superior Court of Mohave County.

These Rules for Identification and Eradication of Noxious Weeds were duly adopted by the District Board of Directors on June 2, 2020 to be effective immediately.


Charles B. Sherrill, Chairman

Attest: 
Secretary

Noxious Weeds

R3-4-245. Noxious Weeds

A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following apply to this Section:

1. "Class A Noxious Weed" is categorized as a species of plant that is not known to exist or of limited distribution in the State and is a high priority pest for quarantine, control, or mitigation, Class A noxious weeds are listed in Table 4.
2. "Class B Noxious Weed" is categorized as a species of plant that is known to occur, but of limited distribution in the State and may be a high priority pest for quarantine, control or mitigation if a significant threat to a crop, commodity, or habitat is known to exist. Class B noxious weeds are listed in Table 5.
3. "Class C Noxious Weed" is categorized as a species of plant that is widespread but may be recommended for active control based on risk assessment. Class C noxious weeds are listed in Table 6.

B. Restrictions:

1. No Class A, B, or C Noxious Weed, or commodity infested or contaminated with a Class A, B, or C Noxious Weed, shall be admitted into the state unless otherwise authorized by the Associate Director.
2. The Department may quarantine and abate an area infested or contaminated with a Class A or Class B Noxious Weed if it has been determined by the Associate Director that an imminent threat to agriculture or horticulture exists.

Class A Noxious Weeds

Common name	Scientific name
African rue	<i>Peganum harmala</i>
Canada thistle	<i>Cirsium arvense</i>
Dudaim melon	<i>Cucumis melo v. Dudaim Naudin</i>
Dyer's woad	<i>Isatis tinctoria</i>
Floating water hyacinth	<i>Eichhornia crassipes</i>
Giant salvinia	<i>Salvinia molesta</i>
Globe-podded hoary cress	<i>Cardaria draba</i>
Hydrilla	<i>Hydrilla verticillata</i>
Leafy spurge	<i>Euphorbia esula</i>
Plumeless thistle	<i>Carduus acanthoides</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Purple starthistle	<i>Centaurea calcitrapa</i>
Quackgrass	<i>Elymus repens (Elytrigia repens)</i>
Rush skeletonweed	<i>Chondrilla juncea</i>
Southern sandbur	<i>Cenchrus echinatus</i>
Spotted knapweed	<i>Centaurea stoebe ssp. micranthos</i>
Sweet resinbush	<i>Euryops subcarnosus</i>
Ward's weed	<i>Carrichtera annua</i>
Wild mustard	<i>Sinapis arvensis</i>

Class B noxious weeds

Common name	Scientific name
Black mustard	<i>Brassica nigra</i>
Branched broomrape	<i>Orobanche ramosa</i>
Bull thistle	<i>Cirsium vulgare</i>
Camelthorn	<i>Alhagi maurorum</i> (<i>A. pseudalhagi</i>)
Dalmatian toadflax	<i>Linaria dalmatica</i> (<i>L. genistifolia</i> v. <i>dalmatica</i>)
Diffuse knapweed	<i>Centaurea diffusa</i>
Field sandbur	<i>Cenchrus spinifex</i> (synonym: <i>C. incertus</i>)
Giant reed	<i>Arundo donax</i>
Halogeton	<i>Halogeton glomeratus</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Malta starthistle	<i>Centaurea melitensis</i>
Musk thistle	<i>Carduus nutans</i>
Natal grass	<i>Melinis repens</i>
Onionweed	<i>Asphodelus fistulosus</i>
Russian knapweed	<i>Acrotilon repens</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Saharan mustard	<i>Brassica tournefortii</i>
Stinknet (Globe chamomile)	<i>Oncosiphon piluliferum</i>
Scotch thistle	<i>Onopordum acanthium</i>
Yellow bluestem	<i>Bothriochloa ischaemum</i>
Yellow starthistle	<i>Centaurea solstitialis</i>

Class C noxious weeds

Common name	Scientific name
Buffelgrass	<i>Cenchrus ciliaris</i> (<i>Pennisetum ciliare</i>)
Field bindweed	<i>Convolvulus arvensis</i>
Fountain grass	<i>Pennisetum setaceum</i>
Garden or common morning glory	<i>Ipomoea purpurea</i>
Grannyvine	<i>Ipomoea tricolor</i>
Ivy-leaf morning glory	<i>Ipomoea hederacea</i>
Johnsongrass	<i>Sorghum halepense</i>
Kochia	<i>Kochia scoparia</i>
Morning glory	<i>Ipomoea triloba</i>
Morning glory	<i>Ipomoea x leucantha</i>
Puncturevine	<i>Tribulus terrestris</i>
Salt cedar	<i>Tamarix ramosissima</i>
Tree of heaven	<i>Ailanthus altissima</i>