

Testimony on HB 1353
Before the Senate Energy and Natural Resources Committee
By
David Sprynczynatyk, PE
March 18, 2021

Good morning Mr. Chairman and members of the Senate Energy and Natural Resources Committee. My name is David Sprynczynatyk; I am a registered Professional Engineer in the state of North Dakota, #1936. I served as the fifteenth North Dakota State Engineer from September 1989 through December 2000. I am testifying in opposition to HB 1353 in its current form, which abolishes the responsibilities of the Office of State Engineer.

The Office of the State Engineer was established in 1905 by the 9th Legislative Assembly. Attached is a history of the Office of the State Engineer, prepared in 2005 to celebrate the 100th anniversary of the Office.

The primary purpose for the Office of the State Engineer in 1905 was the protection of water rights and appropriation of water for the safety and benefit of the people of North Dakota; that is still the case today. Since the beginning, the State Engineer has been required to be a technically trained and experienced water resources engineer, addressing myriad technical aspects of the regulatory management of water resources.

In North Dakota, a water right is a property right associated with the use of water and is linked to the title of the land. Thus, it is critical that a technically qualified professional engineer address the availability of water in a water system so as not to impact prior water rights, and to ensure the safety and benefit to the people of North Dakota.

North Dakota was the first state in the union to complete the County Ground Water Survey Program in 1985, allowing the State Engineer to carefully analyze the availability of ground water on the basis of first in time, first in right. The same is true of surface water rights within the state.

Since 1905, approximately 3,000 water permit holders in the state, some of which date back to before the establishment of the Office of the State Engineer in 1905, have been established based on an engineering analysis of the availability of water.

My concern is that without a requirement for a State Engineer—an individual properly qualified and certified as an engineer—the state will not have the technically trained person in authority who has the responsibility to properly manage the state's water resources for the safety and benefit of the people.

As it is currently written, it is my belief that HB 1353 will have far reaching consequences that impact the water rights and property rights of many people across the state of North Dakota. I ask that you vote do not pass on HB 1353 in its current form.

I understand there may be amendments to HB 1353 that attempt to rectify the situation created by HB 1353. Without seeing those amendments, it is hard to assess their impact. If the amendments maintain the regulatory decision-making authority for the State Engineer based upon an objective technical analysis, I could support them.

Thank you; I would be pleased to answer any questions that you might have.