

TESTIMONY OF

Patrick Fridgen, Division Director, Planning and Education

Chairman Porter, and members of the House Energy and Natural Resources Committee – I am Patrick Fridgen, Director of the Planning and Education Division for the Department of Water Resources (DWR). I am here today to testify in support of Senate Bill (SB) 2065 related to requirements pertaining to the formation of irrigation districts.

As outlined in North Dakota Century Code (N.D.C.C.) § 61-05-08, in the beginning stages of forming a new irrigation district, a petitioning entity must first create a feasibility report that, among other elements, includes detailed maps of the proposed district and related features, water source information, applicable storage locations, preliminary designs of conveyance systems and other works, and soils compatibility. What is not required of the petitioner, is a probable cost estimation, which per North Dakota Century Code (N.D.C.C.) § 61-05-10 is currently the responsibility of the DWR.

Despite the detailed requirements included in the petitioning entity's feasibility report that is ultimately submitted to the DWR to make a determination on the proposed irrigation district, and before scheduling the public hearing, N.D.C.C. § 61-05-10 then also requires DWR to prepare "a summary report showing the probable cost of the proposed works."

Since the petitioning entity is already required to develop the feasibility report, it seems redundant to have DWR also develop a summary report. In addition, since the petitioning entity and their consultants will have completed preliminary designs of all proposed conveyance systems and other works in sufficient detail to show the methods of construction, they are far better suited to prepare probable costs than the DWR.

For these reasons, the proposed changes to N.D.C.C. § 61-05-10 would specify that DWR could make a determination regarding the feasibility of the proposed irrigation district based on the petitioner's already-completed report. In addition, the proposed modifications would place the requirement of estimating probable costs on the petitioning entity.

We believe these changes provide for a more appropriate and efficient process for petitioners seeking to establish irrigation districts. For these reasons, we respectfully request your support of SB 2065.

Mr. Chairman, and members of the committee, this concludes my testimony in support of SB 2065, and I will stand for any questions you might have.