

Testimony of Ben Murphy
in opposition to
HOUSE BILL NO. 1510
Senate Energy and Natural Resources
March 30, 2023

Chairman Patten and members of the committee, my name is Ben Murphy and I am a landowner in Dunn County. I am writing to ask you to vote against HB 1510, which is a direct attack on landowner rights in North Dakota. I have negotiated dozens of easements, surface agreements, and other contracts for oilfield uses on my property. I am supportive of the industry and have allowed most kinds of development on my property.

We have serious concerns about produced water pipelines and spills, though. We are in a dispute with a major operator over a produced water line that we did not want. We asked them to bore it and they refused. They offered us \$25/rod for the pipeline when we are receiving hundreds and recently over \$1,000/rod for pipelines. So we sued, and two years into the litigation the company finally sent us an offer for the amount we had asked for initially, but it would not reimburse our attorneys' fees. That would have left us going backwards on compensation. This new law would have allowed the company to force us to lose what we gained in compensation by having to pay attorneys' fees. Companies should not be able to change the settlement dynamic and fee recovery dynamic in the middle of the game like this. The real reason for this legislation is to stop litigation under the surface damage act. The removal of the cap on fees at the level of the verdict was a good step, but the bill as it is still written is wrong and offensive to landowners. I urge you to vote DO NOT PASS on HB 1510 and stand with the landowners.

Thank you,
Ben Murphy