

Testimony on HB 1353  
Before the House Appropriations Committee  
By  
David Sprynczynatyk, PE  
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Good morning Mr. Chairman and members of the House Appropriations Committee. My name is David Sprynczynatyk, and I am a registered Professional Engineer in the state of North Dakota, #1936. I am testifying in opposition to HB 1353, which abolishes the Office of State Engineer in North Dakota. I served as the fifteenth North Dakota State Engineer from September 1989 through December 2000.

The Office of the State Engineer was established in 1905 by the 9<sup>th</sup> Legislative Assembly. Attached is a history of the Office of the State Engineer, prepared in 2005 to celebrate the 100<sup>th</sup> 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 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 professional, technically trained and experienced 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 engineer address the availability of water in a water system so as not to impact prior water rights, and to ensure 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 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 is able to properly manage the state's water resources for the benefit of the people.

I ask that you vote do not pass on HB 1353. 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.

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

