

MINUTES OF A WORKSHOP OF THE TOWN OF SINCLAIR, WYOMING HELD AT 5:30 P.M. ON THURSDAY, NOVEMBER 02, 2022, IN THE CONFERENCE ROOM OF THE SINCLAIR TOWN OFFICE BUILDING.

COUNCIL MEMBERS PRESENT: Mayor Leif Johansson, Councilmembers Michelle Serres, Brennan Dunlap, Phyllis McWhorter, and Vicki Gabelson.

TOWN EMPLOYEES PRESENT: Assistant Treasurer Izabela Tysver, and Jon Nelson and Kassey Westring with North Fork Engineering.

GUESTS: Phil Stump with HDR Engineering from Omaha, NE, Rex Johnson, the Attorney of Law from Wheatland, WY, and Matt Capeland with BigFoot99 Radio station from Rawlins, WY.

Mayor Leif Johansson called the workshop to order at 5:30 pm to discuss the water rights and water agreement with City of Rawlins.

Sinclair and Rawlins are in the middle of a 50-year water agreement. Rawlins provides treated water to Sinclair's tank in exchange for use of a North Platte River water right. Recent water infrastructure problems in Rawlins put a spotlight on the contract, now in its 20th year.

Earlier this year, a series of water main breaks, and leaks, caused Rawlins to issue rationing and boil advisories to its citizens. Since Sinclair gets its potable water from Rawlins, the town was asked to also cut back on usage. A water rights agreement, signed on October 17th, 2002, stipulates Rawlins must provide Sinclair with 543 gallons of clean water per minute.

Rex Johnson, an attorney familiar with water rights law, said Sinclair's town attorney, Mike Roberts, asked him to study the agreement and see if the town was legally obligated to comply with the restrictions.

According to the 50-year contract Sinclair would allow Rawlins to use the town's water rights on the North Platte River. In exchange, Rawlins would build and maintain the necessary framework to supply Sinclair with potable water, including a 500,000-gallon tank. Rawlins is entitled to divert 1.21 cfs (cubic feet per second) from the North Platte River so long as they supply Sinclair with the required amount of clean, drinkable water.

The town contracted with Rex Johnson to review their agreement in hopes of finding a legal loophole that would allow them to get out of the contract early. The water rights attorney asked the council if Rawlins had ever failed to supply the town with the contractually required water flow. Sinclair Mayor Leif Johansson said yes. The mayor added that engineers from Rawlins quickly fixed the problem. His concern was that no one from the city had contacted anyone in Sinclair about the water shortage. Johnson said the town can use that as an example of how Rawlins is failing to uphold their side of the contract.

The attorney said fighting the contract in court would be extremely costly. After careful consideration of the agreement, Johnson said the town probably shouldn't be trying to get out of it. Johnson said Sinclair does not have a strong legal reason to cancel the agreement. Also, they have no backup plan. Sinclair dismantled their water treatment infrastructure when they signed the contract with Rawlins. Jon Nelson explained to the town they need a plan before they consider cutting ties with Rawlins. Attorney Johnson told the council they need to start planning for the end of the contract now. While it may seem like they have plenty of time, the remaining years will go by quickly, leaving Sinclair without a reliable source of drinking water. Johnson said the town needs to think farther ahead. Instead of looking at ways to break the water rights agreement, Johnson suggested the town communicate their concerns to Rawlins. Nelson agreed that Johnson's idea was, in his opinion, the best course of action.

The Sinclair Town Council said they would work on educating Rawlins staff about their agreement. It was decided to further address the matter at Thursday's council meeting. During that time, the town would discuss how to make sure the city of Rawlins understands its contractual duties and plan for the future of Sinclair's water usage.

Mayor Leif Johansson adjourned the meeting at 6:47 pm.

Leif Johansson, Mayor
TOWN OF SINCLAIR

ATTEST: CLERK/TREASURER