



January 15, 2009

Executive Session of the Board of Directors

Directors Present: Alan Berryman, Dennis Bode, Lisa Darling, Greg Dewey, Dennis Harmon, John Kolanz and Kevin Urie

Others Present: Austin Hamre, legal counsel for SPWRAP, and Jon Altenhofen as an agent of SPWRAP

The Executive Session began at 9:00 am in the board lunch room of Northern Water and concluded at 10:00 am. The purpose was to get legal advice on specific legal questions.

January 15, 2009

Meeting Minutes of the Board of Directors

Directors Present: Alan Berryman, Dennis Bode, Lisa Darling, Greg Dewey, Dennis Harmon, Kim Hutton, John Kolanz and Kevin Urie

Directors Absent: Randy Rhodes

1. CALL TO ORDER / INTRODUCTIONS

Lisa Darling, President of SPWRAP, called the SPWRAP Board of Directors Meeting to order at 10:10 am at the Shadow Mountain Room of Northern Water. There was a quorum of Directors.

2. ADDITIONS/CHANGES TO THE AGENDA

There were no additions/changes to the agenda.

3. MINUTES FROM THE NOVEMBER 20, 2008 BOARD MEETING

MOTION: Kevin Urie moved that the board approve the minutes from the November 20, 2008 board meeting. Dennis Bode seconded the motion and it was approved unanimously by the directors present.

4. FINANCIAL REPORT

Dennis Harmon presented the SPWRAP financial report, including a financial statement from beginning of fiscal year through December 31, 2008. Dennis also said the following bills needed to be paid:

- Hunt, Spillman & Assoc. for monthly bookkeeping (November) -- \$95.00
- Trout, Raley, Freeman, et al. for legal services (November) -- \$4,182.40
- Duncan, Ostrander & Dingess for legal services (November) -- \$1,501.72

MOTION: Greg Dewey moved that the board approve payment of the bills listed in the financial report. John Kolanz seconded the motion and it was approved unanimously by the directors present.

5. UPDATE ON PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP) ACTIVITIES

- Funding

Alan Berryman reported on the State of Colorado funding for the PRRIP. The source is the Species Conservation Trust Fund (SCTF). The State had earmarked \$7.7 million to be paid in three installments. The first payment of \$3 million was made to the Nebraska Community Foundation, but the remaining funding is uncertain given the State's budget shortfall. The State sees the \$7.7 million as its commitment and still hopes to fulfill its commitment. Funding for the SCTF comes from the State's revenue for the Deep Underground Science and Engineering Laboratory (DUSEL).

There may be issues with the federal funding. Discussion ensued about whether or not SPWRP should fund a lobbyist to secure the federal funding. So far, no other state or water user group has come forward to contribute funding to such an effort.

MOTION: Lisa Darling moved that the board authorize Alan Berryman to contact Alan Freemyer and ask for a scope of work for lobbying services not to exceed \$60,000 for one year. Dennis H. seconded the motion. The vote of the directors present resulted in a 4-4 tie and the motion was tabled until the next board meeting. Austin Hamre will research the issue of whether the restrictions imposed on a § 501(c)(3) non-profit corporation preclude SPWRAP from paying for lobbying services in connection with the approval of federal budget authorizations for the \$173M funding component of the federal agencies involved in PRRIP.

- Governance Committee

Boyle Engineering developed alternative should money be used to build a re-regulation reservoir in Nebraska. Water releases from the new reservoir could be made in coordination with those from Lake McConaughy. Preliminary costs for a new reservoir were about \$20,000 per acre-foot.

The U.S. Fish and Wildlife Service has said the most important aspect to them is pulse flows. However, there is a need to eliminate phragmites from the river or the pulse flows are ineffective.

Additional progress continues to be made in land acquisition. Two recent sales were for \$2,000 per acre and \$3,000 per acre.

Nebraska's depletions plan is still to come.

Don Ament will be the new chair of the Governance Committee.

6. SPWRAP ADMINISTRATIVE & CORPORATE ISSUES

- Election of Officers

MOTION: Dennis Bode moved that the board retain in 2009 the current slate of officers. Those are:

- Lisa Darling, President
- Alan Berryman, Vice-president
- Greg Dewey, Secretary
- Kevin Urie, Assistant Secretary
- Dennis Harmon, Treasurer

John Kolanz seconded the motion and it was approved unanimously by the directors present.

- Extent of requirement for SPWRAP to comply with Colorado Open Records Act. John Kolanz and Austin Hamre are still researching this issue and report back to the board at a future meeting.

7. AGREEMENTS WITH THE STATE OF COLORADO

- SPWRAP-CDNR First Amendment to MOA

Austin reviewed the proposed changes from Alex Davis of CDNR. Austin recommended entering into the agreement, given his review of Alex's comments. At the October 16, 2008 SPWRAP board meeting, the board already approved entering into the agreement, given Austin's final review and recommendation. A final version will be posted to the SPWRAP website.

- SPWRAP-CDOW MOU

The document is awaiting final review from CDOW.

8. HEYBORNE RECHARGE PROJECT AGREEMENT

At the November 20, 2008, the SPWRAP board was in agreement with the concept of the project. Many of the issues presented to the board at that meeting have been resolved. Ducks Unlimited has received a favorable construction bid for the project, but needs to have the executed Heyborne Recharge Project Agreement in place prior to the end of January. Austin Hamre reviewed the proposed changes.

MOTION: Alan Berryman moved that the board authorize Lisa Darling, president of the board of SPWRAP, to execute the agreement, subject to the changes as discussed by Austin Hamre. Dennis H. seconded the motion and it was approved unanimously by the directors present.

Greg Kernohan (Ducks Unlimited) mentioned that there are other projects that DU would like SPWRAP to consider partnering on. Lisa Darling suggested that Greg provide any information he can at the earliest opportunity.

9. WATER SOURCE 2008 QUESTIONNAIRE

Jon Altenhofen reported that he still needs to receive many municipal members' questionnaires. He will use the information from the questionnaire in conjunction with the future depletion model. The information will be part of the depletions plan that is currently due March 31, 2009.

10. ADJOURN

The meeting adjourned at 12:00 pm.

Next Meeting of the Board of Directors:

February 19, 2009 – Denver Water

(Note: Please be prepared to calendar a meeting schedule for the rest of 2009.)

Respectfully submitted,

A handwritten signature in cursive script that reads "Greg Dewey".

Greg Dewey
Secretary, SPWRAP, Inc.