
BWJ
BLANKENAU WILMOTH
JARECKE LLP

Don Blankenau
Direct: 402-475-7081
don@aqualawyers.com

December 18, 2018

Via Electronic Mail - MOnnen@LittleBlueNRD.org

Mike Onnen
Little Blue Natural Resources District
P.O. Box 100
Davenport, NE 68335

RE: Request for Legal Services

Dear Mr. Onnen:

It has been our great pleasure to provide legal services to the Little Blue Natural Resources District (“District”) for the past nine years. At your request, we are offering to continue providing our services under our existing terms. As you are aware, we are a full-service firm with attorneys available to assist with employment, taxation, real estate, and litigation issues. My personal focus is on constitutional, water and natural resources related issues. I have served as the legal counsel, assistant director, and interim director of the Nebraska Department of Water Resources and, as a result, I am particularly sensitive to the needs of Nebraska’s natural resources districts (“NRDs”).

Because Nebraska’s NRDs are political subdivisions of the State of Nebraska, we are always attentive to the rates we charge. To that end, we will continue through 2019 with our existing rate structure which is: \$205/hour for partners, and \$125 to \$165 for associates. Because of our familiarity with the issues confronted by NRDs, the time required for our work tends to be much less than any of our competitors. We believe the reduced time needed to sort through the unique issues encountered by NRDs, allow our clients to enjoy a significant cost savings over our competition. Enclosed for your review are the bios for our firm members, including my own.

Please let me know if you require any additional information. Again, it has been our pleasure to work for the District and hope to continue our excellent relationship.

Best regards in your retirement,

/s/ Donald G. Blankenau

Attachments



Donald G. Blankenau
402-309-3242
don@aqualawyers.com

ADMISSIONS

- Nebraska Supreme Court 1987
- U.S. Supreme Court 1999
- U.S. Court of Appeals, District of Columbia Circuit 2003
- U.S. Court of Appeals, Eighth Circuit 2002
- U.S. Court of Appeals, Eleventh Circuit 2001
- U.S. District Court, District of Columbia 2007
- U.S. District Court, District of Nebraska 1987
- U.S. District Court, District of North Dakota 2003
- U.S. District Court, Northern District of Florida 2006

EDUCATION

- **Juris Doctorate**, 1987
University of Nebraska - Lincoln
- **Bachelor of Science, Water Resources Management** – 1983
University of Nebraska - Lincoln

PUBLICATIONS

- “War and Peace Over the Niobrara River”, *The Water Report*, Issue #142, December 2015.
- “Republican River Litigation: Clearing the Waters”, *The Nebraska Lawyer*, Vol. 13, No. 7, July/August 2010.
- *Water and Water Rights, Volume 6, “Nebraska Water Law”*, The Michie Company, 2009.
- *Water and Water Rights, Volume 6, “Nebraska Water Law”*, The Michie Company, 2007.
- “Ecosystem Protection Versus Immigration: The Coming Conflict”, *Great Plains Natural Resources Journal*, Fall 2007.
- *Spear T Ranch v. Knaub: The Reincarnation of Riparianism in Nebraska Water Law*, 38 Creighton L. Rev. 1203, 2005.
- *Water and Water Rights, Volume 6, “Nebraska Water Law”*, The Michie Company, 2005.

SPEAKING ENGAGEMENTS

- *Interstate Water Disputes: Mississippi v. Tennessee and Memphis Light, Gas & Water Division*. American Bar Association, Section of Environment, Energy, and Resources in Orlando, Florida. April 19, 2018.
- Western South Dakota Hydrology Conference. 2016.
- University of Nebraska Water Law Conference. 2016, 2015, 2014, 2013, 2012.
- *Nebraska's Changing Water Law*, NSBA Annual Meeting in Omaha, Nebraska. October 2015.
- *Spring 2012 Water Seminar Series*. April 2012 in Lincoln, Nebraska.
- *Greater Platte River Basin Symposium*. October 2010, Lincoln, Nebraska.
- *Nebraska Water Law*. September 2010 in Lincoln, Nebraska.
- *Nebraska Water Laws and Regulations*. July 2010 in Omaha, Nebraska.
- *Renewable Energy*. May 2010 in Lincoln, Nebraska.
- *Nebraska Water Law*. June 2009 in Lincoln, Nebraska.
- *Nebraska Water Law*. May 2008 in Lincoln, Nebraska.
- *Western Water Law*. September 2004 in Denver, Colorado.
- *Water Rights, Allocation and Resource Management in Nebraska*. June 2004 in Omaha, Nebraska.
- *Eastern Water Resources: Law, Policy and Technology*. May 2004 in Hollywood, Florida.
- *Water Law – Water Regulation, Quality and Use in the Midwest*. November 2002 in Lincoln, Nebraska.

INTERSTATE WATER CONFLICT EXPERIENCE

- Provides legal counsel regarding the Republican River Compact litigation involving the States of Colorado and Kansas to the State of Nebraska.
- Assists City of Memphis, Tennessee regarding interstate ground water conflict with State of Mississippi.
- Provided legal counsel to the State of Florida regarding the Apalachicola-Chattahoochee-Flint River litigation, *Florida v. Georgia*, No. 142 Original.
- Assisted the State of Florida in drafting an interstate water sharing formula pursuant to the Apalachicola-Chattahoochee-Flint Rivers Compact.
- Provided legal counsel to the State of Nebraska and Nebraska Public Power District concerning the management of the Missouri River in multiple jurisdictions. See *South Dakota v. Ubbelohde*, 330 F.3d 1014 (8th Cir. 2003), *In re Operation of Missouri River System*, 421 F.3d 618 (8th Cir. 2005), cert. denied 547 U.S. 1097 (2006).
- Provided legal counsel to the State of Nebraska concerning the management of the North Platte River in a case before the United States Supreme Court, *Nebraska v. Wyoming*, No. 108 Original.
- Provided legal counsel regarding the Blue River Compact to the State of Nebraska.

INTRASTATE WATER CONFLICT EXPERIENCE

- Presently provides legal counsel to Natural Resource Districts relative to water management issues in the Platte, Little Blue and Niobrara Rivers Basins.
- Presently provides legal counsel to various municipalities regarding water management issues.
- Presently assists environmental organizations in assessing flow needs.
- Presently assists various individuals with conflicts concerning competing users.
- Served as administrative law judge in over 100 hearings concerning water use.
- Provided legal counsel to Canadian corporation in Arizona general stream adjudication.

RELATED ACTIVITIES

- Assistant Director and General Counsel to NDWR from 1993 to 1999. Duties included: Supervision of all NDWR staff, management of NDWR budget, serve as tribal liaison, and development and implementation of state water policies and laws.
- General Counsel to the Nebraska Department of Water Resources (“NDWR”) from 1991 to 1993.
- Planning chairman for the 2004 American Bar Association Water Law Conference held in San Diego, California.
- Chairman of the Nebraska Bar Association’s Natural Resources and Environmental Law Section.
- Frequent lecturer at water policy conferences and at universities.



Thomas R. Wilmoth
402-475-7082
tom@aqualawyers.com

ADMISSIONS

- District of Columbia 2008
- Nebraska 2002
- U.S. Supreme Court 2004
- U.S. Court of Appeals, District of Columbia Circuit 2003
- U.S. Court of Appeals, Eighth Circuit 2003
- U.S. Court of Appeals, Ninth Circuit 2002
- U.S. Court of Appeals, Tenth Circuit 2002
- U.S. Court of Appeals, Eleventh Circuit 2006
- U.S. District Court, District of Nebraska 2002

EDUCATION

- **Juris Doctorate**, 1996
Northwestern School of Law at Lewis and Clark College
- **Bachelor of Arts** – 1993
Tufts University

PRACTICE HIGHLIGHTS

- Listed in The Best Lawyers in America®, 2008-2015
- Counsel for State of Florida; *Florida v. Georgia*, No. 148 Orig. (S.Ct.)
- Counsel for State of Nebraska; *Kansas v. Nebraska and Colorado*, No. 126 Orig. (S.Ct.)
- Counsel for coalition of twelve states *amici curiae*; *Nat'l Ass'n of Homebuilders v. Defenders of Wildlife*, 127 S.Ct. 2518 (2007)
- Represents public and private interests in administrative and judicial proceedings involving natural resource allocation decisions at the State and Federal level
- Helps clients ensure compliance with federal and state environmental laws, including the Endangered Species Act and the Clean Water Act
- Assists municipal and industrial clients in acquiring and protecting long-term water supplies



David A. Jarecke
402-475-7084
dave@aqualawyers.com

ADMISSIONS

- U.S. Court of Appeals, Eighth Circuit 1993
- U.S. District Court, District of Nebraska 1993
- Nebraska Supreme Court 1993

EDUCATION

- **Juris Doctorate**, 1993
Creighton Law School, *cum laude*
- **Bachelor of Science**, 1987
University of Nebraska – Lincoln, College of Arts and Sciences

PUBLICATIONS AND PRESENTATIONS

- An Examination of the Statute of Repose: *Givens v. Anchor Packing, Inc.*, 25 Creighton L. Rev. 771 (1992)

RELATED ACTIVITIES

- General Counsel and Regulatory Counsel for the Nebraska Rural Electric Association.
- General Counsel for Burt County Public Power District, Cedar-Knox Public Power District, Custer Public Power District, Cuming County Public Power District, Elkhorn Public Power District, Loup Valleys Rural Public Power District, Norris Public Power District, Southern Public Power District, and Stanton Public Power District.
- Presently provides legal counsel to Natural Resources Districts relative to water management issues, dam construction and rehabilitation projects, condemnation and other broad legal issues.
- Litigation experience before each Judicial District Court within Nebraska.
- Administrative experience and hearings before the Department of Natural Resources, the Department of Environmental Quality, the Power Review Board, the Public Service Commission, the Department of Insurance, the Department of Revenue, Department of Agriculture, Department of Roads, the Department of Motor Vehicles, and the Tax Equalization and Review Commission.
- 2000 to present: Sponsor and Chairman of the annual Nebraska Rural Electric Legal Seminar.
- Frequent lecturer at agricultural, utility, and water policy conferences.
- Former Chairman of the Nebraska Bar Association for Natural Resources and Environmental Law Section and the Agricultural Law Section.

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS

- American Bar Association 1993
- Nebraska State Bar Association 1993
- Nebraska State Bar Foundation Fellow



Ellen C. Kreifels
402-476-0042
ellen@aqualawyers.com

ADMISSIONS

- Nebraska 2014
- U.S. District Court, District of Nebraska 2014

EDUCATION

- **Juris Doctorate**, 2014
University of Nebraska - Lincoln
- **Master of Science – Natural Resources Sciences**, 2014
University of Nebraska - Lincoln
- **Bachelor of Arts – Environmental Studies**, 2011
University of Kansas

PRACTICE AREAS

- Public Power
- Water
- Environmental
- Natural Resources
- Zoning and Land Use Planning
- Eminent Domain

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS

- Nebraska State Bar Association, 2014

Prior to graduation, Ellen worked as a law clerk for BLANKENAU WILMOTH JARECKE LLP, during which time she developed an understanding of the firm's primary practice areas of water law and public power. In addition, she participated in the representation of public and private interests in administrative and judicial proceedings involving natural resource allocation, regulatory enforcement, land use planning, and eminent domain. Ellen continues to represent governmental clients and political subdivisions in the areas of natural resources, public power, and eminent domain.



Kennon Meyer
402-904-4569
kennon@aqualawyers.com

ADMISSIONS

- Nebraska 2017
- U.S. District Court, District of Nebraska 2017

EDUCATION

- **Juris Doctorate**, 2017
University of Nebraska - Lincoln
- **Bachelor of Arts – Political Science**, 2014
DePaul University

PRACTICE AREAS

- Public Power
- Water
- Environmental
- Natural Resources
- Zoning and Land Use Planning
- Eminent Domain

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS

- Nebraska State Bar Association, 2017

Prior to graduation, Kennon worked as a law clerk for BLANKENAU WILMOTH JARECKE LLP, during which time she developed an understanding of the firm's primary practice areas of water law and public power. In addition, she participated in the representation of public and private interests in administrative and judicial proceedings involving natural resource allocation, regulatory enforcement, land use planning, and eminent domain. Kennon continues to represent governmental clients and political subdivisions in the areas of natural resources, public power, and eminent domain.