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DONALD G. BLANKENAU

Of Counsel

SERVICES

Environmental
Water/Natural Resources

EDUCATION

University of Nebraska-Lincoln, B.S.
University of Nebraska College of Law, J.D.

BAR ADMISSIONS

Nebraska
U.S. Supreme Court
U.S. Court of Appeals, District of Columbia Circuit
U.S. Court of Appeals, Eighth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, District of Columbia
U.S. District Court, District of Nebraska
U.S. District Court, District of North Dakota
U.S. District Court, Northern District of Florida

Don Blankenau is a water, natural resources, and environmental law attorney. He works with clients on water rights issues, regulatory matters, and resource management concerns.

In his practice, Don represents private clients and public entities on intrastate and interstate water allocation, including litigation in federal courts and has assisted in six original actions before the United States Supreme Court.

Don has written for *The Water Report* and *The Nebraska Lawyer* and has contributed chapters to *Nebraska Water Law*. He also presents at regional and national conferences, including programs hosted by the American Bar Association and university water law forums.

In 2023, Don was named a Fellow of the American College of Environmental Lawyers. He serves as an Adjunct Professor of Water Law at Creighton University College of Law and the University of Nebraska College of Law.

AFFILIATIONS

Fellow of the American College of Environmental Lawyers
Nebraska State Bar Association

EXPERIENCE

INTERSTATE WATER CONFLICT EXPERIENCE

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 to the State of Florida regarding the Apalachicola-Chattahoochee-Flint River litigation, *Florida v. Georgia, No. 142 Original*
Assists City of Memphis, Tennessee regarding *Mississippi v. Tennessee and the City of Memphis, No. 143 Original*
Provides legal counsel regarding the Republican River Compact litigation involving the States of Colorado and Kansas to the State of Nebraska
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)*
Assisted the State of Florida in drafting an interstate water sharing formula pursuant to the Apalachicola-Chattahoochee-Flint Rivers Compact
Provided legal counsel regarding the Blue River Compact to the State of Nebraska
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.

PUBLICATIONS

Florida v. Georgia: The Long River to Nowhere, The Water Report, Issue #207, May 2021
Mississippi v. Tennessee and Memphis: Special Master's Report, The Water Report, Issue #202, December 2020
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
Ecosystem Protection Versus Immigration: The Coming Conflict, Great Plains Natural Resources Journal, Fall 2007
Water and Water Rights, Volume 6, Nebraska Water Law, The Michie Company, 2007
Spear T Ranch v. Knaub: The Reincarnation of Riparianism in Nebraska Water Law, 38 Creighton L. Rev. 1203, 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
Nebraska's Changing Water Law, NSBA Annual Meeting in Omaha, Nebraska, October 2015.
University of Nebraska Water Law Conference, 2012-2020.
Spring 2012 Water Seminar Series. April 2012 in Lincoln, Nebraska.
Greater Platte River Basin Symposium. October 2010, Lincoln, Nebraska.
Nebraska Water Law. June 2009 in Lincoln, Nebraska.
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.
Nebraska Water Law. September 2010 in Lincoln, Nebraska.
Nebraska Water Laws and Regulations. July 2010 in Omaha, Nebraska.
Nebraska Water Law. May 2008 in Lincoln, Nebraska.
Renewable Energy. May 2010 in Lincoln, Nebraska.
Western Water Law. September 2004 in Denver, Colorado.
Water Law – Water Regulation, Quality and Use in the Midwest. November 2002 in Lincoln, Nebraska.

RELATED ACTIVITIES

Adjunct Professor at Creighton University, College of Law teaching Water Law.
General Counsel to the Nebraska Department of Water Resources ("NDWR") from 1991 to 1993.
Assistant Director and General Counsel to NDWR from 1993 to 1999. Duties included supervision of all NDWR staff, management of NDWR budget, and development and implementation of state water policies and laws.
Planning chairman for the 2004 American Bar Association Water Law Conference held in San Diego, California.
Former Chairman of the Nebraska Bar Association's Natural Resources and Environmental Law Section.
Frequent lector at water policy conferences and at universities.