



McGinnis Lochridge has decades of experience in all water-related issues from identifying, procuring, protecting, securing and transferring or leasing water.

## Water Law Practice Group

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The laws related to water ownership, permitting, use, and conveyance are complex and rapidly evolving. McGinnis Lochridge has decades of experience in all water-related issues from identifying, procuring, protecting, securing and transferring or leasing water. We also guide clients in obtaining and revising permits and complying with a myriad of regulatory requirements. With drought as a constant threat in Texas and with increasing demand for water, our lawyers are skilled at assisting clients with water supply constraints that often arise during times of shortage, including developing strategies for monetizing and re-use of treated or reclaimed water. Our attorneys represent clients before local, state and federal regulatory and administrative agencies, the Texas legislature and the courts.





## **SURFACE WATER ISSUES**

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Under Texas law, with limited exception, surface water is owned by the State of Texas and regulated by the Texas Commission on Environmental Quality (TCEQ). We have extensive experience with all types of surface water rights issues. Our client work related to surface water has included obtaining, purchasing, amending and contracting for surface water rights. We have also assisted clients with determining the applicability of exemptions from surface water permitting requirements for domestic, livestock or wildlife purposes. We also regularly assist with issues relating to jurisdictional waters of the U.S. which are regulated by the U.S. Army Corps of Engineers.

## **GROUNDWATER ISSUES**

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Under Texas law, landowners own the groundwater under their property. However, in areas where groundwater is available and usable, Texas has established groundwater conservation districts with authority to permit, regulate and limit groundwater production. Our attorneys have represented clients on groundwater matters before these districts in virtually all areas of the state.

We have also successfully represented clients in litigation arising out of the use and regulation of groundwater at the administrative, trial and appellate court levels.

## **WATER ISSUES FOR MUNICIPAL, REAL ESTATE, INDUSTRIAL, AND OIL AND GAS CLIENTS**

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We represent clients in matters related to acquisition, maintenance, protection and disposal of water supplies vital to municipal, real estate, industrial and oil and gas operations. We have also assisted clients in acquiring supplies from additional sources, and with the planning and development of infrastructure to transport water to the place of use. Our attorneys have experience in water reuse and recycling, decimation, aquifer storage and recovery, ground and surface water permitting and transactions, water supply contracts, and all manner of water rights transfers, sales, leases and acquisitions. We frequently represent clients regarding water quality permitting and compliance matters regulated by the TCEQ, including representation of clients in contested case hearings for TCEQ wastewater permits.

## **UTILITIES AND SPECIAL DISTRICTS**

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Our attorneys have extensive experience representing landowners and both public and private water utilities in all issues related to the business of supplying water. Texas water utilities operate under Certificates of Convenience and Necessity (CCNs), which protect their right to serve defined areas. We have experience in obtaining, amending, protecting and transferring CCNs, as well as in water utility regulation, water supply contracts and the acquisition and sale of systems, as well as in financing and ratemaking proceedings at the Public Utility Commission. We have also represented clients in the formation, organization, regulatory compliance and operation of special purpose districts (including municipal utility districts and special utility districts). We provide a full range of services for utilities from interaction with the TCEQ to service and extension policies, compliance with open government requirements, election laws, and employment matters.

## OUR WATER LAW PRACTICE GROUP



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