



Russell Johnson

Partner

600 Congress Ave., Ste. 2100
Austin, TX 78701

512 495-6074 **O**
512 505-6374 **F**

rjohnson@mcginnislaw.com
mcginnislaw.com

PRACTICE AREAS

Water Law

Environmental

Oil & Gas / Energy Litigation

*Legislative & Governmental
Relations*

Russell Johnson has a multifaceted water law practice, with an emphasis on matters involving land use, water rights and the Endangered Species Act (ESA). His clients are generally landowners, industries, mineral owners and developers seeking to acquire, safeguard, develop or convey water resources. Russ advocates on their behalf before the courts, the Texas Legislature and administrative agencies.

Navigating the rules and regulations imposed on landowners by governmental agencies can be a major challenge. Because Russ holds a B.A. in biology and chemistry, in addition to his law degree, he fully understands the technical and scientific complexities his clients face and can help them work more effectively towards achieving their goals.

Over the years, Russ has participated extensively in legislation related to groundwater management. Prior to joining the firm, he represented a large municipal water system in a variety of matters, including legislative efforts to create the Edwards Aquifer Authority, modernize Texas water law with Senate Bill 1 (1997) and Senate Bill 2 (2001) and subsequent legislation related to groundwater management. He continues these efforts at each legislative session.

Representative Experience

Water Law

Russ' comprehensive water law experience centers around preserving and protecting property rights and ownership. Russ has defended landowners' property rights in matters before groundwater districts and in court, including the Supreme Court of Texas. In addition, Russ has represented clients in numerous transactions involving water, and defended clients' water use and rights against regulatory impact. He also advises and represents clients on the use and disposal of water in oil and gas hydraulic fracturing ("fracking") operations.

His general water law experience has included:

- Participating in the development of state legislation for the management of the Edwards Aquifer and representing a large municipal water system in the development of SB-1 and SB-2, the Legislature's efforts to update the Texas water law.
- Representing a municipal client in protecting its right to franchise commercial operations on state surface water.

- Representing a municipal client in litigation under the Endangered Species Act which threatened access to its principal water supply.
- Representing the Guitar family in *Guitar Holding Co. v. Hudspeth County Underground Water District*, seeking to protect the family's groundwater rights challenging a groundwater district's rules, which was decided by the Texas Supreme Court in favor of the family in 2008.

Environmental

Russ' experience in environmental matters is focused on the Endangered Species Act (ESA). His work has included:

- Representing a municipal client in litigation related to the Edwards Aquifer and playing a major role in drafting the Edwards Aquifer Authority legislation, which prevented the Sierra Club from obtaining injunctive relief limiting the client's water use.
- Advising clients on emerging issues relating to pre- and post-listing strategies and ESA compliance.
- Assisting in efforts to prevent the U.S. Fish and Wildlife Service from listing the Dune Sagebrush Lizard as an endangered species, by creating and implementing a pre-listing plan to diminish threats in connection with oil and gas operations.
- Serving as counsel for a municipality in ESA litigation cases.

Oil & Gas Energy/Litigation

Oil and gas clients often need assistance concerning the use and disposal of water in connection with fracking. Russ' expertise and advice has proven invaluable for clients concerning exemptions from and compliance with the regulation of groundwater usage, involving various groundwater districts in the Eagle Ford Shale area.

Russ has also represented an oil and gas operator in water-use disputes in the Barnett Shale, as well as issues with drilling ordinances adopted by various municipalities.

Publications & Presentations

- Presenter, *An Update from the Courthouses*, CLE International, Water Law Institute Conference, San Antonio, Texas (September 19, 2019)
- Author & Presenter, *Texas Water Law Overview: Boundaries and Easements*, Half Moon Seminars, Corpus Christi, Texas (July 17, 2019)
- Co-Speaker, *Common Issues in Water Transactions*, Texas Rural Water Association & Texas Water Conservation Association, Water: Past, Present & Future, Austin, Texas (January 10-11, 2019)
- Author & Presenter, *Your Land, Your Water?*, Texas Water Law 9th Annual Conference, Water Law Institute, San Antonio, Texas (October 22, 2018)
- Author & Presenter, *Can Policy Save Us?*, Texas Water Law 8th Annual Conference, Water Law Institute, San Antonio, Texas (June 5, 2017)
- Panelist, "Water Resources Issues in Energy Production", 8th Energy Law Symposium: The Future of

Energy, Texas A&M University School of Law, Fort Worth, Texas (March 23, 2017)

- Partner Russ Johnson Addresses Texas Population Explosion Impact on Water Resources. (October 25, 2016)
- Presenter, *Top 10 Things You Need to Know About Water*, Texas Advanced Paralegal Seminar TAPS on Track Journey to Excellence, Paralegal Division of the SBOT, San Antonio, Texas (September 28, 2016)
- Partner Russ Johnson talks about the impact the abundance of water has had on Texas after years of drought in the Lone Star State. (June 15, 2016)
- Important Decisions in Water (May 31, 2016)
- Speaker and Co-Author, *Ethical Issues in Water Law & Regulation*, Half Moon Seminar: Water Laws & Regulations, San Antonio, Texas (February 24, 2016)
- Speaker, *Emerging Issues in Water Law*, Texas Tech Water Law Symposium, Lubbock, Texas (February 26, 2016)
- Speaker and Author, *Texas Water Law Overview: Water Marketing & Water Transactions, Water Use for Oil & Gas Recycling/Reuse and Frac Water*, Half Moon Seminar: Water Laws & Regulations, San Antonio, Texas (February 24, 2016)
- "Water for Dummies", Texas CEO Magazine (March 2015)
- Co-Author, *Acquisition, Recycling and Disposal of Water for Fracturing in Texas*, Water for Texas and Beyond Seminar, HalfMoon Education, Inc., Arlington, Texas (June 2014); Development Issues in Major Shale Plays Seminar, Rocky Mountain Mineral Law Foundation, Pittsburgh, Pennsylvania (May 2014); 40th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute, Texas Bar CLE, San Antonio, Texas (January 2014) (2014)
- Co-Author, *Prop 6 Water For Texas and Beyond*, Water for Texas and Beyond Seminar, HalfMoon Education, Inc., Arlington, Texas (June 2014)
- Environmental Impacts of Oil and Gas 2014, The University of Texas School of Law, Houston, Texas (March 2014)
- Co-author, *The Water-Energy Nexus: Why Your Power Supply May Not be as Safe as you Think*, Texas CEO Magazine (May 2013)
- Co-author, *A New Day? Two Interpretations of the Texas Supreme Court's Ruling in "Edwards Aquifer Authority v. Day and McDaniel"*, Texas Water Resources Institute, Texas Water Journal, Vol. 4, No. 1 (2013)
- Speaker, *Water Acquisition and Disposition in Hydraulic Fracturing*, Water Law Institute 2nd Annual Conference, Houston, Texas (June 2013)
- Co-author, *Texas Water Law: 2012 Update*, State Bar of Texas Environmental Superconference, Austin, Texas (August 2012)
- Co-author, *Acquisition of Water for Fracking-Western States*, 3rd Law of Shale Play Conference, Fort Worth, Texas (June 2012)
- Panelist, *Groundwater for Texans; A discussion of the recent ruling of the highly publicized Day case, how it affects all stakeholders and our complex water policy framework in Texas*, Texas Water Symposium, Trinity University, San Antonio, Texas (May 2012)
- Author and Speaker, *Texas Water Law 101*, Estate Planning Council of Central Texas, Austin, Texas (April 2012)
- Co-author, *Endangered Species Act Versus Texas Water Law*, State Bar of Texas Water Law

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- Conference, San Antonio, Texas (February 2012)
 - Panelist and Speaker, *Balancing Water Demand at the Interface of Agriculture and Urban Growth*, American Agricultural Law Conference, Austin, Texas (October 2011)
 - Program Co-Chair, 21st Annual Conference Texas Water Law, Water Law Institute - CLE International, Austin, Texas (September 2011)
 - Co-author and Speaker, *Acquisition and Disposal of Water and Wastewater*, The Center for American and International Law – 2nd Conference on the Law of Shale Plays, Institute for Energy Law, Fort Worth, Texas (September 2011)
 - Author and Speaker, *Ethical Issues in Water Law and Regulation*, Texas Water Laws and Regulations, HalfMoon Seminars, San Antonio, Texas (May 2011)
 - Speaker, *Industry Discussion: Eagle Ford and Other Shale Plays, Drilling, & Water Issues*, 2011 Energy Symposium, South Texas Money Management, Ltd., San Antonio, Texas (April 2011)
 - Author and Speaker, *Water Rights, 2010*, Texas Land Title Institute, San Antonio, Texas (December 2010)
 - Co-author and Co-speaker, *EAA v. Day Impact on Groundwater Management*, 2010 Texas Water Law Institute, The University of Texas School of Law, Austin, Texas (December 2010)
 - Author and Speaker, *Water Law and Regulation - Why it Matters to Clients*, Texas Advanced Paralegal Seminar (TAPS), Austin, Texas (September 2010)
 - Author and Speaker, *Groundwater Issues Affecting Property Owners in Texas*, 4th Annual Agricultural Law Course, TexasBarCLE, Lubbock, Texas (May 2010)
 - Author and Speaker, *Protecting Landowner Groundwater Rights*, The Changing Face of Water Rights Course, Texas BarCLE, Austin, Texas (April 2010)
 - Author and Speaker, *Protecting Landowner Groundwater Rights*, 2010 Real Estate, Oil and Gas Conference, Texas Bankers Association, San Antonio, Texas (April 2010)
 - Co-author and Speaker, *Litigation Update*, Texas Water Law Conference, CLE International, San Antonio, Texas (March 2010)
 - Speaker, *Current Issues in Water Marketing - Groundwater Conservation Districts after Guitart*, 19th Annual Outlook for Texas Land Markets, San Antonio, Texas (April 2009)
 - Author and Speaker, *Ethics Issues Related to Water*, Texas Water Laws and Regulations, HalfMoon Seminars, Austin, Texas (April 2009)
 - Author and Speaker, *Impact of the GMA Process on Landowners and Opportunities to Influence and Challenge Decisions*, The Changing Face of Water Rights in Texas, TexasBarCLE, Austin, Texas (April 2009)
 - Speaker, *Groundwater Property Rights*, Texas & Southwest Cattle Raisers Association Annual Meeting, Fort Worth, Texas (March 2009)
 - Co-author, *Exempt Uses of Groundwater and Surface Water*, Oil, Gas, and Energy Resources Law Section Report, State Bar of Texas, Vol. 33, Number 3 (March 2009)
 - Speaker, *Panel Discussion: Groundwater Ownership and the Consequences*, 2009 TWCA 65th Annual Convention, Austin, Texas (February 2009)
 - Co-author and Speaker, *Water Marketing*, Texas Water Laws and Regulations, Arlington, Texas (February 2009)
 - Keynote Speaker, *Groundwater Law and Groundwater Districts*, South Texas Irrigation Conference and Trade Show, Hondo, Texas (January 2009)
 - Author, *Chapter 4, Groundwater Law and Regulation - Essentials of Texas Water Resources*,

Environmental and Natural Resources Law Section, State Bar of Texas (2008-2009)

- Speaker, *Hot Water Issues Around the State*, 2008 Texas Water Law Institute, The University of Texas School of Law, Austin, Texas (December 2008)
- Co-author and Speaker, *Water 101 - What Everyone Needs to Know About Rights, Ownership and Projects Involving Water*, Texas Advanced Paralegal Seminar (TAPS), San Antonio, Texas (September 2008)
- Program Co-Chair, 18th Annual Texas Water Law Conference, CLE International, Austin, Texas (September 2008)
- Speaker, *Groundwater Law, Groundwater Planning and Groundwater Management*, Gillespie Board of Realtors, Fredericksburg, Texas (June 2008)
- Author and Speaker, *Groundwater Law, Groundwater Planning and Groundwater Management*, The Changing Face of Water Rights in Texas, TexasBarCLE, Bastrop, Texas (May 2008)
- Author and Speaker, *What the Seller Needs to Know/Water Prices*, Water Marketing Conference, CLE International, San Antonio, Texas (April 2008)
- Speaker, *Panel Discussion: The Status of Groundwater Law in Texas*, 2008 TWCA 64th Annual Convention, The Woodlands, Texas (March 2008)
- Speaker, *Short Course on Water*, 2008 Water Law Course, Texas Association of Realtors, Austin, Texas (February 2008)
- Author and Speaker, *Desired Future Condition versus Landowner Groundwater Rights*, 2008 TWCA/TRWA Water Law Seminar, Austin, Texas (January 2008)
- *Case Law Update: Groundwater and Surface Water*, Texas Bar CLE: The Changing Face of Water Rights in Texas (June 2007)
- *"Attorneys of Record" Discuss Major Texas Water Cases*, Texas Water Law, CLE International (April 2007)
- *The Law of Groundwater and Groundwater Districts*, Texas Realtors 2007 Winter Meeting (February 2007)
- *Buying and Selling Water: Understanding the Market and Competitive Pressures in Your Area and Documenting the Transaction*, 2006 Texas Water Law Institute, The University of Texas School of Law (December 2006)
- *Groundwater Use and Groundwater Districts; Water Rights Sales and Transfers*, Lorman - Water Rights Sales and Transfers in Texas (December 2006)
- *Groundwater Law and Groundwater Districts; The Water Market in Texas*, Water Rights Sales and Transfers in Texas (November 2006)
- *Precious, Worthless or Immeasurable: The Value and Ethic of Water*, Texas Tech University School of Law and the Center for Water Law and Policy (November 2005)
- *The Edwards Water Market*, 2005 Conference on the Edwards Aquifer, presented by the Witte Museum (March 2005)
- Program Co-Director, *Groundwater Districts: Evolution or Revolution?*, Texas Water Law, CLE International (2005)

Professional Associations & Community Involvement

- Texas Tech University School of Law, Center for Water Law and Policy (Board Member)
- Texas State University, Geography Department (Water Policy) (Adjunct Professor)

Court Admissions

- United States Supreme Court
- United States Court of Appeals for the Fifth Circuit
- United States District Courts for the Southern and Western Districts of Texas

Bar Admissions

- Texas

Education/Professional Background

- St. Mary's University School of Law, J.D., 1977 (with honors)
- Austin College, B.A., 1974