

KELLY HART

ATTORNEYS AT LAW

MONICA M. JACOBS Partner

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Austin



BIOGRAPHY

Monica M. Jacobs has been practicing Texas water law for more than twenty years. She focuses her practice on strategic water supply planning and water asset management for both surface water and groundwater rights. Ms. Jacobs chairs Kelly Hart's Water Law practice group, and is a registered lobbyist. Her experience includes:

Water Resources: water supply and water rights management for large landowners, industrial users and major Texas municipalities; surface water permitting at TCEQ; groundwater permitting at various groundwater conservation districts throughout Texas; project development and long-term planning; pre-transaction due diligence regarding water rights and water supply; water rights sales and leases; enforcement actions involving water assets; advocacy regarding the development of Texas water law and policy in a variety of contexts, including at the Texas legislature

Contested Case Hearings/Litigation: first-chairing numerous complex contested case hearings from the application stage through live hearing and post-hearing briefing; served as co-counsel in related lawsuits and appeal

EXPERIENCE AND HIGHLIGHTS

- Permitted dozens of groundwater wells with groundwater conservation districts, followed by long-term monitoring of districts' actions for ongoing water asset protection, planning, and management
- Represented landowner in TCEQ surface water enforcement action and subsequent permitting of lakes and dams on large ranch
- Performed pre-transaction due diligence on surface water and groundwater rights associated with purchases of large tracts of land, followed by management of post-closing permitting/permit amendments
- Retained as water rights/supply advisor regarding strategic expansion of client's Texas footprint
- Negotiated/drafted long-term surface water lease between a large power plant and major municipality
- Advised regarding partial reservation of groundwater rights and maintenance of access rights for future production by Seller during sale of farm
- Assisted in estate planning by strategically amending various surface water rights and access to lakes on ranch to be divided among heirs
- Retained to provide guidance regarding Army Corps enforcement action involving creation of instream lake by landowner on private property
- Counsel for industry (oil and gas/mining) in multiple alleged groundwater contamination lawsuits
- Lead counsel for private-equity-backed midstream energy company in large-scale \$500 million acquisition of groundwater portion of surface estate and related assets in the Permian Basin

- Negotiated and drafted numerous short-term and long-term water supply and disposal agreements on behalf of companies serving Permian Basin oil and gas operators
- First Chair in Texas Commission on Environmental Quality (TCEQ) contested case hearing regarding a Class III injection well area permit application, aquifer exemption and application for a production area authorization for new in situ uranium mine; received favorable decision from Commission on all issues
- First Chair in TCEQ contested case hearing regarding applications to amend uranium mining production area groundwater restoration tables; received favorable decision from Judge and Commission on all issues
- First Chair in TCEQ enforcement contested case involving a water main break; after the conclusion of the live hearing, TCEQ requested that the case be remanded prior to the issuance of the Judge's decision
- First Chair in TCEQ contested case hearings on landfill applications in which water issues were a predominant focus; achieved favorable outcomes and decisions from Commission
- Drafted substantial revisions to Chapter 131 of the Natural Resources Code and Chapter 27 of the Water Code regarding groundwater use; worked with legislative and agency staff and other stakeholders; both bills were passed unanimously by both the Texas House and Senate

AFFILIATIONS AND HONORS

AFFILIATIONS

- Texas Association of Groundwater Districts (TAGD), Associate Member, Legislative Committee
- Texas Water Conservation Association (TWCA), Member of Surface Water Committee and Groundwater Committee
- Permian Basin Petroleum Association (PBPA), Water Committee, Member
- Texas Bar Foundation, Life Fellow
- Austin Bar Association; Environmental, Natural Resources and Water Law Section Chair, 2005-2008
- Briefing attorney for Texas Supreme Court, 1998-1999

HONORS

- Best Lawyers in America®, *U.S. News & World Report*, 2022-2023
 - Litigation | Environmental
- Energy/Environmental Trailblazer, *National Law Journal*, 2021
- Top Attorney, *360 West* magazine, 2021
 - Land Use | Environment
- Texas Super Lawyers Rising Star, Thomson Reuters, 2004-2013
 - Environmental Law
- Outstanding Young Alumni Award from University of Houston Honors College, 2000

EDUCATION

- The University of Texas School of Law, J.D., with honors, 1998
 - Order of the Coif (top 10% of class)
 - *Texas Law Review*
- The University of Houston, B.S., with honors, *summa cum laude*, 1995

ADMISSIONS

- State Bar of Texas, 1998
- U.S. District Court, Western District of Texas, 2010
- U.S. District Court, Northern District of Texas, 2010
- U.S. District Court, Southern District of Texas, 2011

SPEECHES & PUBLICATIONS

- Speaker, Water Rights/Supply Due Diligence in Real Estate Transactions, July 2022
- Speaker, Permian Basin Produced Water Management Council Webcast, February 2021
- Co-Chair for Programs and Advisory Board Member for Permian Basin Water in Energy Conference (PBWIEC), 2019-2020
- Texas Water Conservation Association (TWCA) Groundwater Committee Member and Subcommittee Co-Chair, 2019 Legislative Session
- Co-Chair, Advisory Board Member, and Speaker for Inaugural Permian Basin Water in Energy Conference (PBWIEC) in Midland & Odessa, Texas, 2017-2018
- Organizer/Moderator for Water Panel, Permian Basin Petroleum Association (PBPA) Annual Meeting, 2018
- "Texas Water Rights," Permian Basin Petroleum Association's (PBPA) Water Committee Meeting, March, 2018
- "Overview of Key Issues in Texas Surface Water and Groundwater," presented to team of financial advisors, March, 2018
- "Oil & Water: Comparison of Water Law in Texas and New Mexico," Permian Basin Water in Energy Conference, February 20-23, 2018