

**RULES FOR THE LEASING OF RIGHT-OF-WAY
TO SALTWATER PIPELINE OPERATORS
ESTABLISHED BY AND THROUGH
COMMISSIONERS COURT ORDER NO. 2025 - 005**

Purpose

1. The County of De Witt may lease any county-maintained right-of-way not currently needed for roadway purposes to a saltwater pipeline operator.
2. The Commissioners Court shall determine the rental rate and terms of a lease to be used in the process under the statutory authorities provided through the Texas Transportation Code, the Local Government Code, Natural Resources Code, and Texas Administrative Code where such authority is applicable and the practice is not prohibited.
3. The rules establish leasing requirements and procedures for lease of right-of-way by saltwater pipeline operators and relies on Natural Resources Code, Chapter 91 Subchapter T. These rules apply only to leasing and not to other permissive uses of right-of-way.

Terms

1. County – The County of De Witt, Texas.
2. Court or Commissioners Court – The governing body of the County of De Witt, Texas.
3. County Judge – The signature authority and chief budget officer of the County.
4. County Commissioner – An elected official representing the precinct.
5. Precinct – The geographic jurisdiction of the county commissioner.
6. Premises – The area within a right-of-way being leased by a saltwater pipeline operator for the installation, operation, and maintenance of a surface saltwater pipeline facility.
7. Rental rate – The fee assessed by the County for the lease of the Premises which may be adjusted by a majority vote of the Commissioners Court from time to time and incorporated into the fees of the County’s fiscal year budget.
8. Right-of-way -- An interest in real property that is held or controlled by the county for travel and transportation purposes.
9. Saltwater pipeline operator – A person who owns, installs, manages, operates, leases, or controls a saltwater pipeline facility.
10. Saltwater pipeline facility – A pipeline facility that conducts water that contains salt and other substances and that is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations, or that is produced during drilling or operating an oil, gas, or other type of well. The term includes a pipeline facility that conducts flowback and produced water from an oil or gas well on which a hydraulic fracturing treatment has been performed to an oil and gas waste disposal well for disposal.

Conditions

- a) The County Judge may execute the lease of the premises for the installation, operation, and maintenance of a saltwater pipeline facility if the County Judge finds that:

1. there is sufficient area within the right-of-way to accommodate the saltwater pipeline facility;
 2. the area proposed as the premises will not be needed for roadway purposes during the term of the lease; and
 3. the lessee's use of the right-of-way will be consistent with safety, maintenance, operation, and beautification of the county road system.
 4. the Commissioners Court has reviewed the application and exhibits, deliberated, and approved the execution of the lease in a public meeting conforming to the Texas Open Meetings Act.
- b) The lessee is required to pay to the county an amount determined by the Commissioners Court that is not less than fair market value of the premises. The Commissioners Court may consider its costs of administering the lease in establishing the amount charged.
 - c) Changes to an approved application are subject to an additional \$100 fee and approval of the Commissioners Court.
 - d) The term of the lease for the installation of an above-ground saltwater pipeline facility may not exceed ninety (90) days.
 - e) The lease may be extended from time to time up by ninety (90) days by paying an additional rental fee equal to the original rental fee.

These rules and provisions are to be effective October 1, 2024 in accordance with the Commissioners Court Order adopted the 10th day of February, 2025 and may be amended thereafter by subsequent Commissioners Court Orders.