

**STATE OF NEW MEXICO  
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES  
OIL CONSERVATION DIVISION**

**APPLICATION OF OVERFLOW ENERGY, LLC  
FOR APPROVAL OF SALT WATER DISPOSAL WELL,  
EDDY COUNTY, NEW MEXICO.**

**CASE NO. 20964**

**PRE-HEARING ORDER**

This Pre-Hearing Order follows a status conference held on November 5, 2020, and the submission of a proposed stipulated pre-hearing order via email to the Examiner by the parties.

**APPEARANCES**

**APPLICANT**

OVERFLOW ENERGY, LLC

APPLICANT'S ATTORNEYS:

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**OPPONENTS**

MARATHON OIL PERMIAN LLC

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### **PROCEDURES**

1. The continued hearing in this case, to take evidence regarding the potential for induced seismicity related to Overflow's proposed Rita salt water disposal well, will commence on December 18, 2020, at 8:30 a.m., following the regular docket set on that date, and continue as necessary through completion.

3. The hearing will be recorded and transcribed by a court reporter.

4. The hearing will be conducted using the Webex meeting platform; sign-in information will be sent to the parties closer to the date of hearing.

5. The parties shall file with the pre-hearing statement required by 19.15.4.13(B) NMAC the following additional information, all of which is due by 5:00 p.m. on December 11, 2020.

- a. list of material undisputed and disputed facts;
- b. identification of the witnesses and their qualifications; and
- c. a full narrative of the direct testimony and exhibits for each witness.

6. Any evidentiary objections to the filed direct testimony or any exhibit shall be filed by 5:00 p.m. on December 15, 2020. Responses to objections shall be filed by 5:00 p.m. on December 16, 2020. Any evidentiary objections will be addressed at the commencement of the hearing.

7. All witnesses filing direct testimony shall attend the hearing and will be subject to cross-examination by counsel for the parties and the Division Examiners.

8. A courtesy copy of all documents filed with the Division Hearings staff shall also be sent to the Hearing Officer via email.

9. Notwithstanding anything herein to the contrary, each party retains its respective right following entry of an order of the Division in these matters to a de novo hearing before the Oil Conservation Commission pursuant to 19.15.4.23 NMAC.

10. Notwithstanding the deadline to file evidentiary motions regarding exhibits and witnesses, no party is prohibited from objecting at hearing to discrete aspects of a witness's written or oral testimony,

11. The Division's Guidelines for Presentation of Cases by Witnesses, paragraphs 1 through 6, are applicable.

12. Presentation at hearing will proceed pursuant to 19.15.4 NMAC, except as modified below. Notwithstanding the presentation outlined below, each party will have an opportunity to cross-examine an individual witness directly following oral testimony of that witness, with re-direct to follow cross-examination, before a party moves to the direct testimony of a new witness.

- a. Opening statements by all parties;
- b. Case-In-Chief by Applicant (including possible additional oral testimony of Applicant's witnesses);
- c. Cross-examination by Marathon;
- d. Re-direct by Applicant;
- e. Case-In-Chief by Marathon (including possible additional oral testimony of Marathon's witnesses;
- f. Cross-examination by Applicant;
- g. Re-direct by Marathon;
- h.. Rebuttal by Applicant and Marathon;
- i. Closing Statement of Applicant; and
- j. Closing Statement of Marathon

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FELICIA L. ORTH  
HEARING EXAMINER

Date: 11/12/20