

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

**APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION TO AMEND
THE COMMISSION'S RULES FOR
PRODUCED WATER IN 19.15.2, 19.15.16, AND
19.15.34 NMAC; STATEWIDE**

CASE NO. 21281

MARATHON OIL PERMIAN LLC'S PRE-HEARING STATEMENT

Marathon Oil Permian LLC ("Marathon") submits this Pre-Hearing Statement for the above-referenced case pursuant to the rules of the Oil Conservation Commission and to provide notice that Marathon intends to present oral comments at the hearing.

I. STATEMENT OF CASE

In Case No. 21281, the New Mexico Oil Conservation Division (OCD) proposes to (1) amend 19.15.2.7 NMAC to conform the definition of "produced water" with the definition found in the Oil and Gas Act, NMSA 1978, §70-2-33(K) (2019); (2) amend 19.15.16 NMAC to add a section requiring the filing of a water use report for a hydraulically fractured well that provides the portion of the water used in fracturing which is potable, nonpotable, or recycled produced water; and (3) amend 19.15.34 NMAC to conform the language in 19.15.34 NMAC to the legislative changes in Laws 2019, chapter 197 (HB 546) concerning produced water.

II. ORAL COMMENTS

Jennifer Bradfute, Senior Attorney for Marathon intends to provide oral comments in support of the proposed rule amendments as well as to discuss the purpose and intent of the Produced Water Act. Ms. Bradfute was involved in the legislative process that culminated in the Produced Water Act. She does not intend to present any exhibits. Ms. Bradfute's comments are anticipated to take approximately 20 minutes.

Her name, telephone number, and email address are as follows:

Jennifer Bradfute
Marathon Oil Permian LLC
505-264-8740
Jbradfute@marathonoil.com

Respectfully submitted,

By: *Deana M. Bennett*

Deana M. Bennett
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.
Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
Deana.bennett@modrall.com

And

By: *s/Jennifer Bradfute*

Jennifer Bradfute
Marathon Oil Permian LLC
Senior Attorney
5555 San Felipe Street
Houston, TX 77506
505-264-8740
Jbradfute@marathonoil.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail on July 23, 2020:

The New Mexico Oil Conservation Division:

Cheryl Bada
Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
505-476-3214
Cheryl.bada@state.nm.us

New Mexico Oil and Gas Association:

Michael H. Feldewert
Adam G. Rankin
Kaitlyn Luck
PO Box 2208
Santa Fe, New Mexico 87504
mfeldewert@hollandhart.com
agrarkin@hollandhart.com
kaluck@hollandhart.com

WildEarth Guardians:

Daniel L. Timmons
Samantha Ruscavage-Barz
301 N Guadalupe St.
Santa Fe, NM 87504
dtimonns@wildearthguardians.org
ruscavagebarz@wildearthguardians.org

The Rio Grande Chapter of the Sierra Club:

Doug Meiklejohn
Charles de Saillan
Gail Evans
Eric Jantz
1405 Luisa Street, Suite # 5
Santa Fe, NM 87505
dmeiklejohn@nmelc.org
cdesaillan@nmelc.org

New Energy Economy:

Mariel Nanasi
343 East Alameda St.
Santa Fe, NM 87501-2229
mariel@seedsbeneaththesnow.com

By: Deana M. Bennett
Deana M. Bennett