

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

Case No. 24211

Docket No.
10-24

VIDEOCONFERENCE HEARING

DATE: Thursday, March 28, 2024

TIME: 9:01 a.m.

LOCATION: Remote Proceeding

Santa Fe, NM

REPORTED BY: James Cogswell

JOB NO.: 6613506

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A P P E A R A N C E S

ON BEHALF OF FRANKLIN MOUNTAIN ENERGY 3:

DEANA M. BENNETT, ESQUIRE (by videoconference)
Modrall Sperling
500 4th Street Northwest #1000
Albuquerque, NM 87102
deana.bennett@modrall.com
(505) 848-1800

ALSO PRESENT:

Gregory A. Chakalian, Hearing Examiner - Oil
Conservation Division (by videoconference)
Leonard Lowe, Technical Examiner - Oil
Conservation Division (by videoconference)
Freya Tschantz, Law Clerk - Oil Conservation
Division (by videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Exhibit 1	Tab A: Amended Compulsory Pooling Checklist	14/14
Exhibit 2	Tab B: Amended Affidavit of Don Johnson, Land Professional	14/14
Exhibit 3	Tab C: Affidavit of Ben Kessel, Geologist	14/14
Exhibit 4	Tab D: Declaration of Deana M. Bennett	14/14

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P R O C E E D I N G S

THE HEARING EXAMINER: It is 9:01 a.m.
Let's go on the record. In -- let me find the case
number, give me a moment. In Case Number 24211, this
case began -- the hearing began, the evidentiary
record was opened on March 21st, but there were some
additional exhibits required and amendments to
exhibits, so I instructed Party to submit a revised or
amended exhibit packet, which has been done. It
includes a cover letter to outline the amendments that
we have in the record. And at this point let's get an
entry of appearance.

MS. BENNETT: Good morning, Mr.
Examiner and Mr. Lowe. Deana Bennett on behalf of
Franklin Mountain Energy 3 in Case 24211.

THE HEARING EXAMINER: Okay, very good.
And, Ms. Bennett, who do you have as a witness present
to be questioned?

MS. BENNETT: For land matters, we have
Mr. Don Johnson available. And Mr. Johnson has
previously testified before the division, and his
credentials have been accepted as a matter of record.

THE HEARING EXAMINER: Okay. Do you
want to, Ms. Bennett, at this point -- since there are
really no other parties here today, do you want to

1 give us a short statement of why we're back today, and
2 set it up for Mr. Lowe?

3 MS. BENNETT: Yes, that would be great.
4 So the reason we are here today is because shortly
5 before the March 21st hearing -- so on Wednesday,
6 March 20th, in reviewing the materials in preparation
7 for the hearing, we realized that there were two pools
8 for the Wolfcamp wells. And up until that point, we
9 had only thought there was a single pool. And when
10 there are two pools for a well, the division's
11 preference is to have one C-102 for each pool. So
12 each well ends up having two C-102s. So we needed to
13 obtain and then submit revised and additional C-102s,
14 one for each pool.

15 The pool and pool codes are also
16 included in our compulsory pooling checklist. And
17 there's a description of the pool and pool codes in
18 the landman's affidavit. And so we also revised the
19 compulsory pooling checklist and the landman's
20 affidavit to reflect the updated information we had
21 about the pools -- the pool and pool code.

22 And if the division would like, I'm
23 happy to walk through the places where the amendments
24 are and our materials, so that Mr. Lowe can see what
25 was amended, the particular cells of the compulsory

1 pooling checklist, if that's helpful. Otherwise, that
2 pretty much covers why we're here.

3 THE HEARING EXAMINER: Okay. Very
4 good. And, Mr. Cogswell, can you swear in Mr. Johnson
5 again?

6 THE REPORTER: Yes, I can. Are you
7 ready to do that now?

8 THE HEARING EXAMINER: I am.

9 THE REPORTER: Okay, Mr. Johnson.
10 Please raise your right hand.

11 WHEREUPON,

12 DON JOHNSON,
13 called as a witness and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 THE HEARING EXAMINER: Okay, Mr. Lowe.
17 With that introduction, do you need Ms. Bennett to
18 point out exactly where the amendments took place, or
19 are you ready to question Mr. Johnson?

20 THE TECHNICAL EXAMINER: I -- good
21 morning. I just want to have Deana do a quick run
22 through of amendments, just so I can reassure my
23 inquiries, if I have any, is justified pertaining to
24 what we saw initially for this case.

25 MS. BENNETT: That sounds good. Would

1 it -- do you have our exhibit packet in front of you,
2 Mr. Lowe?

3 THE TECHNICAL EXAMINER: Yes, ma'am.

4 MS. BENNETT: So if you turn to
5 Exhibit A, which is the Compulsory Pooling Checklist.

6 THE TECHNICAL EXAMINER: Okay.

7 MS. BENNETT: And I'm going to open up
8 the PDF of the exhibits and the case file so I can
9 direct you to page numbers. So that will take me just
10 a second here.

11 So yes. On page -- it's page 4 of the
12 PDF, there are about 10 rows down, it says "pool name
13 and pool code."

14 THE TECHNICAL EXAMINER: Yes.

15 MS. BENNETT: In the right. And then
16 we've added -- originally it said "Pearl Wolfcamp
17 South" with the pool code, and we added Lea Wolfcamp
18 Gas with the pool code.

19 THE TECHNICAL EXAMINER: Okay. I see
20 that.

21 MS. BENNETT: Okay. And if you go down
22 about four more rows it says "building blocks." And
23 the Pearl Wolfcamp South pool is an oil pool with 40
24 acre building blocks, and the Lea Wolfcamp Gas pool is
25 either 160 or 320, depending on how you read the

1 horizontal well rule.

2 So that's why I said I would answer any
3 questions about the building blocks. According to
4 OCD's spreadsheet on pools and pool codes, that
5 denotes this pool as having 320 acre building blocks,
6 but the horizontal well rule also superseded -- at
7 least that's my understanding -- any rules or special
8 pool rules that are inconsistent with the horizontal
9 well rule. Which would mean that this is 160 acre
10 building blocks. But as we noted either way, if it's
11 160 or 320 it's standard. So that's really more of
12 theoretical question than a question with practical
13 implications. So that's the change to the compulsory
14 pooling checklist.

15 The next change is on page 8 of the
16 PDF. Where in paragraph 12, which is page 2 of Mr.
17 Johnson's declaration, we updated paragraph 12 to
18 identify both pools in his affidavit. We also added
19 paragraph 15, which is on page 3. Which says to the
20 extent necessary, Franklin will apply administratively
21 for nonstandard location approval for the 703 and 804H
22 wells. And the reason I added that is because those
23 wells, as you'll see on the C-102s, are closer than
24 330 feet from the outer boundary of the spacing unit.
25 And under the horizontal well rule for a gas pool, the

1 setbacks are 660 feet from the outer boundary.

2 And so if -- I think -- yeah, so if
3 necessary, Franklin will apply for an administrative
4 approval of a nonstandard location for those two
5 wells. Their intent is to drill them at the setbacks
6 that apply to the oil well -- the oil to oil wells. I
7 mean, that was the goal all along was -- or the
8 thought all along was that this was going to be
9 governed by the oil well rule, which has a 100 and 330
10 feet setback.

11 And so, when -- on Wednesday, when we
12 realized that this other pool was a gas pool, we
13 realized that we may need to apply for nonstandard
14 location approval for the bottom hole. And the
15 portion of the lateral in that gas pool. So we will
16 do that administratively.

17 And the next change is to the C-102s,
18 which begin on page 16 of the PDF. Mr. Lowe, you look
19 like you're in Close Encounters of the Third Kind.

20 THE TECHNICAL EXAMINER: When I get
21 idle a lot, the lights turn off I guess, so I got to
22 keep moving around.

23 MS. BENNETT: Ok, okay. So starting on
24 page 16, we've included two C-102s for each well. So
25 just an example on page 16 of the PDF is a C-102 for

1 the 703H well, and you can see that section 2 is the
2 Pearl Wolfcamp South pool and pool code, which we've
3 identified here, and that kind of tan or beige shading
4 is the part of the well bore and part of the spacing
5 unit that's governed by that pool and pool code.

6 And then turning to page 17, that's the
7 second C-102 for the same well. And the portion in
8 beige now is for section 11, which is subject to the
9 Lea Wolfcamp Gas pool. And we've noted that in the
10 pool and pool code area on the C-102. And we've
11 recreated this same approach for each well, so there's
12 two C-102s for each well, broken down by section 2 and
13 then also section 11. And those are the only changes
14 we made.

15 THE TECHNICAL EXAMINER: May I ask a
16 question now?

17 THE HEARING EXAMINER: Please.

18 THE TECHNICAL EXAMINER: Okay. So for
19 this particular case only, it covered how many wells?

20 MS. BENNETT: Four wells.

21 THE TECHNICAL EXAMINER: Four wells.
22 And for two of the four you indicated in your updated
23 exhibits are needing an NSL, and that would be the 703
24 and 804?

25 MS. BENNETT: Yes. Mm-hmm.

1 THE TECHNICAL EXAMINER: Kind of get to
2 that 704 [sic]. The NSL portion of what pertained to
3 the gas requirements setbacks; right?

4 MS. BENNETT: That's right.

5 THE TECHNICAL EXAMINER: And that would
6 be the -- pool code would that be pertaining to?

7 MS. BENNETT: That's the 80060 pool
8 code.

9 THE TECHNICAL EXAMINER: So the setback
10 requirement would pertain to only section 11 --

11 MS. BENNETT: That's right.

12 THE TECHNICAL EXAMINER: -- 704 [sic],
13 I think it is. Or 703; right?

14 MS. BENNETT: Uh-huh. It's only
15 section 11.

16 THE TECHNICAL EXAMINER: Okay. And the
17 images are basically the west half of section 11?

18 MS. BENNETT: Right. You mean for the
19 offsetting tracks that we would need to notify --

20 THE TECHNICAL EXAMINER: Yes.

21 MS. BENNETT: Yeah. Mm-hmm.

22 THE TECHNICAL EXAMINER: And the track
23 location, are they all the working interest all --
24 different?

25 MS. BENNETT: I'm not sure that we've

1 looked into that yet because --

2 THE TECHNICAL EXAMINER: Okay. That's
3 fine.

4 MS. BENNETT: Yeah. Of the newest of
5 this situation arising.

6 THE TECHNICAL EXAMINER: Yeah. I
7 understand that. Okay. According to what was
8 submitted, it looks like everything is in accordance
9 to what I was requested --

10 MS. BENNETT: Thank you.

11 THE TECHNICAL EXAMINER: Of what was
12 there. If you could fix that line 12 portion of your
13 recent exhibits. But I guess any detail pertaining to
14 the DSL request -- yeah, request I can look into
15 detail at the time the application is submitted.

16 MS. BENNETT: Yes, that's correct. You
17 will be the reviewer of that, and we will submit the
18 administrative applications consistent with what the
19 requirements are for those types of applications.

20 THE TECHNICAL EXAMINER: Okay. Now,
21 according to my notes, the time as scattered as it
22 was, everything is -- was completed for this case only
23 my -- my question is -- thought, does the same thing
24 pertain to the other case that was associated with
25 this one, 24213? Was that not the case, or was that

1 as well? Do you recall?

2 MS. BENNETT: That case involved the
3 Bone Spring only.

4 THE TECHNICAL EXAMINER: Okay.

5 MS. BENNETT: And so there was no issue
6 with that case, and that case was taken under
7 advisement.

8 THE TECHNICAL EXAMINER: Okay. That
9 was my error on my side. Okay. And according to what
10 exhibits have been submitted, everything is -- seems
11 is in accordance from what I've seen.

12 MS. BENNETT: Thank you.

13 THE HEARING EXAMINER: Mr. Lowe, do you
14 have any questions for the landman?

15 THE TECHNICAL EXAMINER: No, I do not.

16 THE HEARING EXAMINER: Okay. Do you
17 have any further questions for Ms. Bennett?

18 THE TECHNICAL EXAMINER: I do not.

19 THE HEARING EXAMINER: Do you want me
20 to take this case under advisement at this point?

21 THE TECHNICAL EXAMINER: Yes, sir.

22 THE HEARING EXAMINER: Okay, very good.
23 Ms. Bennett, we will take this case under advisement.
24 And unless there's anything else from you, we will go
25 off the record.

1 MS. BENNETT: Thank you very much. I
2 appreciate the division's time today.

3 THE HEARING EXAMINER: Thank you. And
4 thank you, Mr. Johnson.

5 Okay. So Freya, will you stop the
6 recording? And we will take a look at it later.

7 (Off the record.)

8 THE HEARING EXAMINER: Let's go back on
9 the record. The law clerk at the OCD pointed out that
10 we have not admitted the amended exhibit packet.

11 So, Ms. Bennett?

12 MS. BENNETT: Thank you, Examiner. At
13 this time, I would request that the amended exhibit
14 packet in Case 24211 with all of its subparts be
15 admitted into the record and that the case be taken
16 under advisement.

17 THE HEARING EXAMINER: Are there any
18 objections? Not hearing any, the amended exhibit
19 packet is received into evidence in its entirety.

20 (Exhibit 1 through Exhibit 4 were
21 marked for identification and received
22 into evidence.)

23 MS. BENNETT: Thank you.

24 THE HEARING EXAMINER: And we are back
25 off the record again.

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MS. BENNETT: Thank you very much.

THE HEARING EXAMINER: Thank you.

Thank you, Freya.


MS. BENNETT: Yes, thank you very much.

(Whereupon, at 9:30 a.m. the proceeding
was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAMES COGSWELL

April 11, 2024

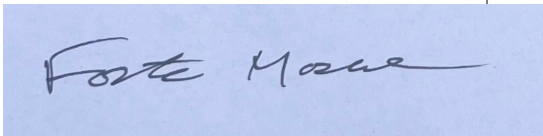
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, FOSTER MOSEDALE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

April 11, 2024

A blue rectangular box containing a handwritten signature in black ink that reads "Foster Mosedale".

FOSTER MOSEDALE

[1 - began]

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[examiner - lights]

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[line - pool]

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