

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

**APPLICATION FOR SURFACE COMMINGLING  
SUBMITTED BY FRANKLIN MOUNTAIN ENERGY, LLC**

**ORDER NO. PLC-729**

**ORDER**

The Director of the New Mexico Oil Conservation Division (“OCD”), having considered the application and the recommendation of the OCD Engineering Bureau, issues the following Order.

**FINDINGS OF FACT**

1. Franklin Mountain Energy, LLC (“Applicant”) submitted a complete application to surface commingle and off-lease measure the oil and gas production ("Application") from the pools, leases, and wells identified in Exhibit A.
2. To the extent that ownership is identical, Applicant submitted a certification by a licensed attorney or qualified petroleum landman that the ownership in the pools, leases, and wells to be commingled is identical as defined in 19.15.12.7(B) NMAC.
3. Applicant proposed a method to allocate the oil and gas production to the pools, leases, and wells to be commingled.
4. To the extent that ownership is diverse, Applicant provided notice of the Application to all persons owning an interest in the oil and gas production to be commingled, including the owners of royalty and overriding royalty interests, regardless of whether they have a right or option to take their interests in kind, and those persons either submitted a written waiver or did not file an objection to the Application.
5. Applicant provided notice of the Application to the Bureau of Land Management (“BLM”) or New Mexico State Land Office (“NMSLO”), as applicable.
6. Applicant certified the commingling of oil and gas production from the pools, leases, and wells will not in reasonable probability reduce the value of the oil and gas production to less than if it had remained segregated.
7. Applicant in the notice for the Application stated that it sought authorization to add additional pools, leases, and wells and identified the parameters to make such additions.
8. Applicant submitted or intends to submit one or more proposed communitization agreement(s) (“Proposed Agreement(s)”) to the BLM or NMSLO, as applicable, identifying the leases to be consolidated into a single pooled area (“Pooled Area”), as described in Exhibit B.

## **CONCLUSIONS OF LAW**

9. OCD has jurisdiction to issue this Order pursuant to the Oil and Gas Act, NMSA 1978, §§ 70-2-6, 70-2-11, 70-2-12, 70-2-16, and 70-2-17, and 19.15.12 NMAC.
10. Applicant satisfied the notice requirements for the Application in accordance with 19.15.12.10(A)(2), (C)(4)(c), and (C)(4)(e) NMAC, as applicable.
11. Applicant's proposed method of allocation, as modified herein, complies with 19.15.12.10(B)(1) or (C)(1) NMAC, as applicable.
12. Commingling of oil and gas production from state, federal, or tribal leases shall not commence until approved by the BLM or NMSLO, as applicable, in accordance with 19.15.12.10(B)(3) and (C)(4)(h) NMAC.
13. Applicant satisfied the notice requirements for the subsequent addition of pools, leases, and wells in the notice for the Application, in accordance with 19.15.12.10(C)(4)(g) NMAC. Subsequent additions of pools, leases, and wells within Applicant's defined parameters, as modified herein, will not, in reasonable probability, reduce the commingled production's value or otherwise adversely affect the interest owners in the production to be added.
14. By granting the Application with the conditions specified below, this Order prevents waste and protects correlative rights, public health, and the environment.

## **ORDER**

1. Applicant is authorized to surface commingle and off-lease measure oil and gas production from the pools, leases, and wells identified in Exhibit A.
2. For each Pooled Area described in Exhibit B, Applicant shall submit a Proposed Agreement to the BLM or NMSLO, as applicable, prior to commencing oil and gas production. If Applicant fails to submit the Proposed Agreement, this Order shall terminate on the following day.
3. No later than sixty (60) days after the BLM or NMSLO approves or denies a Proposed Agreement, Applicant shall submit Form C-103 to OCD with a copy of the decision and a description of the approved lands, as applicable. If Applicant withdraws or the BLM or NMSLO denies a Proposed Agreement, this Order shall terminate on the date of such action, and Applicant shall cease commingling the production from the Pooled Area. If the BLM or NMSLO approves but modifies the Proposed Agreement(s), Applicant shall comply with the approved Agreement(s), and no later than sixty (60) days after such decision, Applicant shall submit a new surface commingle application to OCD to conform this Order with the approved Agreement(s). If OCD denies the new surface commingle application, this Order shall terminate on the date of such action.
4. Applicant shall allocate the oil and gas production to each lease within a Pooled Area in proportion to the acreage that each lease bears to the entire acreage of the Pooled Area described in Exhibit B.

5. The oil and gas production for each well identified in Exhibit A shall be separated and metered prior to commingling.
6. Applicant shall measure the commingled oil at a central tank battery described in Exhibit A in accordance with 19.15.18.15 NMAC or 19.15.23.8 NMAC.
7. Applicant shall measure the commingled gas at a central delivery point or central tank battery described in Exhibit A in accordance with 19.15.19.9 NMAC, provided however that if the gas is flared, and regardless of whether OCD has granted an exception pursuant to 19.15.18.12(B) NMAC, Applicant shall report the gas in accordance with 19.15.18.12(F) NMAC.
8. Applicant shall calibrate the meters used to measure or allocate oil and gas production in accordance with 19.15.12.10(C)(2) NMAC.
9. If the commingling of oil and gas production from any pool, lease, or well reduces the value of the commingled oil and gas production to less than if it had remained segregated, no later than sixty (60) days after the decrease in value has occurred Applicant shall submit a new surface commingling application to OCD to amend this Order to remove the pool, lease, or well whose oil and gas production caused the decrease in value. If Applicant fails to submit a new application, this Order shall terminate on the following day, and if OCD denies the application, this Order shall terminate on the date of such action.
10. Applicant may submit an application to amend this Order to add pools, leases, and subsequently drilled wells with spacing units adjacent to or within the tracts commingled by this Order by submitting a Form C-107-B via the OCD Fee Portal in accordance with 19.15.12.10(C)(4)(g) NMAC.
11. Applicant shall not commence commingling oil or gas production from state, federal, or tribal leases until approved by the BLM or NMSLO, as applicable.
12. OCD retains jurisdiction and reserves the right to modify or revoke this Order as it deems necessary to prevent waste or protect correlative rights, public health, or the environment.

**STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION**

  
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**ADRIENNE SANDOVAL**  
**DIRECTOR**  
AS/dm

**DATE:** 4/16/2021

State of New Mexico  
Energy, Minerals and Natural Resources Department

## Exhibit A

Order: **PLC-729**

Operator: **Franklin Mountain Energy, LLC (373910)**

Central Tank Battery: **Carnival Central Tank Battery**

Central Tank Battery Location (NMPM): **Lots 2 & 3, Section 2, Township 25 South, Range 35 East**

Gas Custody Transfer Meter Location (NMPM): **Lots 2 & 3, Section 2, Township 25 South, Range 35 East**

### Pools

Pool Name	Pool Code
<b>WC-025 G-09 S253502B; LWR BONE SPRIN</b>	<b>98185</b>
<b>WC-025 G-09 S253502D; UPR WOLFCAMP</b>	<b>98187</b>

### Leases as defined in 19.15.12.7(C) NMAC

Lease	Location (NMPM)	
<b>VB 21173</b>	<b>E/2</b>	<b>Sec 2-T25S-R35E</b>
<b>NMNM 101608</b>	<b>E/2 E/2</b>	<b>Sec 11-T25S-R35E</b>
<b>Fee</b>	<b>W/2 E/2</b>	<b>Sec 11-T25S-R35E</b>
<b>VB 21213</b>	<b>W/2</b>	<b>Sec 2-T25S-R35E</b>
<b>NMNM 101608</b>	<b>N/2 NW/4, SW/4 SW/4</b>	<b>Sec 11-T25S-R35E</b>
<b>Fee</b>	<b>S/2 NW/4, N/2 SW/4, SE/4 SW/4</b>	<b>Sec 11-T25S-R35E</b>

### Wells

Well API	Well Name	Location (NMPM)	Pool Code	Train
<b>30-025-47492</b>	<b>County Fair Fed Com #602H</b>	<b>D-02-25S-35E</b>	<b>98185</b>	
<b>30-025-47493</b>	<b>County Fair Fed Com #701H</b>	<b>D-02-25S-35E</b>	<b>98187</b>	
<b>30-025-47662</b>	<b>Blue Ribbon Fed Com #702H</b>	<b>C-02-25S-35E</b>	<b>98187</b>	
<b>30-025-47663</b>	<b>Blue Ribbon Fed Com #703H</b>	<b>C-02-25S-35E</b>	<b>98187</b>	
<b>30-025-46505</b>	<b>Parade State Com #603H</b>	<b>B-02-25S-35E</b>	<b>98185</b>	
<b>30-025-46506</b>	<b>Parade State Com #704H</b>	<b>B-02-25S-35E</b>	<b>98187</b>	
<b>30-025-47889</b>	<b>Beauty Queen Fed Com #604H</b>	<b>A-01-25S-35E</b>	<b>98185</b>	
<b>30-025-47890</b>	<b>Beauty Queen Fed Com #705H</b>	<b>A-02-25S-35E</b>	<b>98187</b>	

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## Exhibit B

Order: **PLC-729**

Operator: **Franklin Mountain Energy, LLC (373910)**

### Pooled Areas

Pooled Area	Location (NMPM)		Acres	Pooled Area ID
CA BS BLM	E/2 E/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	641.66	A
CA WC BLM	E/2 E/2 E/2 E/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	320.81	B
CA WC BLM	E/2 W/2 E/2 W/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	320.87	C
CA BS BLM	W/2 W/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	641.78	D
CA WC BLM	W/2 W/2 W/2 W/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	320.91	E
CA BS SLO	W/2 E/2 W/2 E/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	320.85	F
CA WC SLO	W/2 E/2 W/2 E/2	Sec 2-T25S-R35E Sec 11-T25S-R35E	320.85	G

### Leases Comprising Pooled Areas

Lease	Location (NMPM)		Acres	Pooled Area ID
VB 21173	E/2	Sec 2-T25S-R35E	321.66	A
NMNM 101608	E/2 E/2	Sec 11-T25S-R35E	160	A
Fee	W/2 E/2	Sec 11-T25S-R35E	160	A
VB 21173	E/2 E/2	Sec 2-T25S-R35E	160.81	B
NMNM 101608	E/2 E/2	Sec 11-T25S-R35E	160	B
VB 21173	E/2 W/2	Sec 2-T25S-R35E	160.87	C
NMNM 101608	NE/4 NW/4	Sec 11-T25S-R35E	40	C
Fee	SE/4 NW/4, E/2 SW/4	Sec 11-T25S-R35E	120	C
VB 21213	W/2	Sec 2-T25S-R35E	321.78	D
NMNM 101608	N/2 NW/4, SW/4 SW/4	Sec 11-T25S-R35E	120	D
Fee	S/2 NW/4, N/2 SW/4, SE/4 SW/4	Sec 11-T25S-R35E	200	D
VB 21213	Lot 4, SW/4 NW/4, W/2 SW/4	Sec 2-T25S-R35E	160.91	E
NMNM 101608	NW/4 NW/4, SW/4 SW/4	Sec 11-T25S-R35E	80	E
Fee	SW/4 NW/4, NW/4 SW/4	Sec 11-T25S-R35E	80	E
VB 21173	Lot 2, SW/4 NE/4, W/2 SE/4	Sec 2-T25S-R35E	160.85	F
Fee	W/2 E/2	Sec 11-T25S-R35E	160	F
VB 21173	Lot 2, SW/4 NE/4, W/2 SE/4	Sec 2-T25S-R35E	160.85	G
Fee	W/2 E/2	Sec 11-T25S-R35E	160	G