

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

**APPLICATIONS OF FRANKLIN MOUNTAIN  
ENERGY, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 22447 & 22448**

**CONSOLIDATED PRE-HEARING STATEMENT**

Franklin Mountain Energy, LLC (“Franklin”) submits this Pre-Hearing Statement for the above-referenced cases pursuant to the rules of the Oil Conservation Division.

**APPEARANCES**

**APPLICANT**

**FRANKLIN MOUNTAIN ENERGY, LLC**

**ATTORNEY**

Deana M. Bennett  
Earl E. DeBrine  
Bryce H. Smith  
MODRALL, SPERLING, ROEHL,  
HARRIS & SISK, P.A.  
P. O. Box 2168  
Albuquerque, New Mexico 87103-  
2168  
(505) 848-1800

**OTHER PARTIES**

Tap Rock, LLC

**ATTORNEY**

Sharon T. Shaheen  
Ricardo S. Gonzales  
MONTGOMERY & ANDREWS,  
P.A.  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 986-2678  
[sshaheen@montand.com](mailto:sshaheen@montand.com)  
[rgonzales@montand.com](mailto:rgonzales@montand.com)

**STATEMENT OF CASES**

**APPLICANT:**

In Case No. 22447, Franklin seeks an order from the Division pooling all uncommitted interests within a Bone Spring horizontal spacing unit underlying the W/2W/2 of Sections 14 and 23, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico. This spacing unit will be dedicated to the Elevate Fed Com 601H well to be horizontally drilled. The producing area for the Elevate Fed Com 601H well will be orthodox. Also to be considered will be the cost of drilling, completing, and equipping said well, the allocation of these costs as well as the actual operating costs and charges for supervision while drilling and after completion, designation of Franklin Mountain Energy, LLC as operator of the well, and a 200% charge for risk involved in drilling said well. Said area is located approximately 16 miles Northwest of Jal, New Mexico.

In Case No. 22448, Franklin seeks an order from the Division pooling all uncommitted interests within a Wolfcamp horizontal spacing unit underlying the W/2 of Sections 14 and 23, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico. This spacing unit will be dedicated to the Elevate Fed Com 701H, Elevate Fed Com 702H, and Prevail Fed Com 703H wells to be horizontally drilled. The completed interval for the Elevate Fed Com 702H well will be within 330' from the adjoining tracts to allow inclusion of proximity tracts within the proposed standard horizontal spacing unit. The producing area for the wells will be orthodox. Also to be considered will be the cost of drilling, completing, and equipping said wells, the allocation of these costs as well as the actual operating costs and charges for supervision while drilling and after completion, designation of Franklin Mountain Energy, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles Northwest of Jal, New Mexico.

**PROPOSED EVIDENCE**

**APPLICANT:**

<b>WITNESS</b>	<b>ESTIMATED TIME</b>	<b>EXHIBITS</b>
Landman: TBD	Approx. 30 minutes	Approx. 8
Geologist: Ben Kessel	Approx. 30 minutes	Approx. 6

**PROCEDURAL ISSUES**

Franklin and Tap Rock, LLC are in discussions. If those discussions are fruitful, and if there is no other opposition to these cases, Franklin intends to move forward with the January 6 hearing in these matters and to present these cases by affidavit.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

By: Deana M. Bennett

Deana M. Bennett  
Earl E. DeBrine  
Bryce H. Smith  
Post Office Box 2168  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505.848.1800  
[Deana.Bennett@modrall.com](mailto:Deana.Bennett@modrall.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following counsel by electronic mail on December 30, 2021:

Sharon T. Shaheen  
Ricardo S. Gonzales  
MONTGOMERY & ANDREWS, P.A.  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 986-2678  
[sshaheen@montand.com](mailto:sshaheen@montand.com)  
[rgonzales@montand.com](mailto:rgonzales@montand.com)  
*Attorneys for Tap Rock Resources*

**District I**  
 1625 N. French Dr., Hobbs, NM 88240  
 Phone:(575) 393-6161 Fax:(575) 393-0720

**District II**  
 811 S. First St., Artesia, NM 88210  
 Phone:(575) 748-1283 Fax:(575) 748-9720

**District III**  
 1000 Rio Brazos Rd., Aztec, NM 87410  
 Phone:(505) 334-6178 Fax:(505) 334-6170

**District IV**  
 1220 S. St Francis Dr., Santa Fe, NM 87505  
 Phone:(505) 476-3470 Fax:(505) 476-3462

**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

QUESTIONS

Action 69770

**QUESTIONS**

Operator: Franklin Mountain Energy LLC 44 Cook Street Denver, CO 80206	OGRID: 373910
	Action Number: 69770
	Action Type: [HEAR] Prehearing Statement (PREHEARING)

**QUESTIONS**

<b>Testimony</b>	
<i>Please assist us by provide the following information about your testimony.</i>	
Number of witnesses	<i>Not answered.</i>
Testimony time (in minutes)	<i>Not answered.</i>