

# FRANKLIN MOUNTAIN ENERGY

Before the Oil Conservation Division  
Examiner Hearing Jan 18th, 2024  
Compulsory Pooling

**Case No. 24108:** Alpha State Com 301H  
Alpha State Com 501H  
Alpha State Com 601H

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

**IN THE MATTER OF THE APPLICATION OF**

**FRANKLIN MOUNTAIN ENERGY 3, LLC  
FOR COMPUSLORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 24108**

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# COMPULSORY POOLING APPLICATION CHECKLIST

**ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS**

<b>Case: 24108</b>	<b>APPLICANT'S RESPONSE</b>
<b>Date</b>	<b>January 18, 2024</b>
Applicant	Franklin Mountain Energy 3, LLC
Designated Operator & OGRID (affiliation if applicable)	Franklin Mountain Energy 3, LLC OGRID No. 331595
Applicant's Counsel:	Modrall, Sperling, Roehl, Harris, & Sisk, P.A.
Case Title:	Application of Franklin Mountain Energy 3, LLC for Compulsory Pooling, Lea County, New Mexico.
Entries of Appearance/Intervenors:	None.
Well Family	Alpha State
<b>Formation/Pool</b>	
Formation Name(s) or Vertical Extent:	Bone Spring
Primary Product (Oil or Gas):	Oil
Pooling this vertical extent:	Bone Spring
Pool Name and Pool Code:	Scharb; Bone Spring Pool (Code 55610)
Well Location Setback Rules:	State-Wide Rules Apply
<b>Spacing Unit</b>	
Type (Horizontal/Vertical)	Horizontal
Size (Acres)	319.70-acres
Building Blocks:	40-Acres (Note: OCD pool code spreadsheet states that the Scharb; Bone Spring Pool has 80-acre building blocks, which is likely superceded by statewide rules. In any event, even with the 80-acre building blocks, the unit is standard.)
Orientation:	North/South
Description: TRS/County	W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico.
Standard Horizontal Well Spacing Unit (Y/N), If No, describe <u>and is approval of non-standard unit requested in this application?</u>	Yes.
<b>Other Situations</b>	
Depth Severance: Y/N. If yes, description	N/A
Proximity Tracts: If yes, description	N/A
Proximity Defining Well: if yes, description	N/A
Applicant's Ownership in Each Tract	See Exhibit B.3
<b>Well(s)</b>	
Name & API (if assigned), surface and bottom hole location, footages, completion target, orientation, completion status (standard or non-standard)	Add wells as needed
Well #1: Alpha State Com 301H	SHL:320' FNL & 1516' FWL, Section 9, T19S, R35E BHL: 100' FNL & 800' FWL, Section 33, T18S, R35E Completion Target: First Bone Spring (Approx. 9,437' TVD)



OCD Examiner Hearing  
No. 24108

Well #2: Alpha State Com 501H	SHL:320' FNL & 1456' FWL, Section 9, T19S, R35E BHL: 100' FNL & 360' FWL, Section 33, T18S, R35E Completion Target: Second Bone Spring (Approx. 10,044' TVD)
Well #3: Alpha State Com 601H	SHL:320' FNL & 1546' FWL, Section 9, T19S, R35E BHL: 100' FNL & 800' FWL, Section 33, T18S, R35E Completion Target: Third Bone Spring (Approx. 10,367' TVD)
Horizontal Well First and Last Take Points	See Exhibit B.2
Completion Target (Formation, TVD and MD)	See Exhibit B.6
<b>AFE Capex and Operating Costs</b>	
Drilling Supervision/Month \$	\$9,000.00
Production Supervision/Month \$	\$900.00
Justification for Supervision Costs	See Exhibit B Paragraph 24
Requested Risk Charge	200%
<b>Notice of Hearing</b>	
Proposed Notice of Hearing	Exhibit D
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit D
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit D
<b>Ownership Determination</b>	
Land Ownership Schematic of the Spacing Unit	Exhibit B.3
Tract List (including lease numbers and owners)	Exhibit B.3
If approval of Non-Standard Spacing Unit is requested, Tract List (including lease numbers and owners) of Tracts subject to notice requirements.	N/A
Pooled Parties (including ownership type)	Exhibit B.5
Unlocatable Parties to be Pooled	N/A
Ownership Depth Severance (including percentage above & below)	N/A
<b>Joinder</b>	
Sample Copy of Proposal Letter	Exhibit B.6
List of Interest Owners (ie Exhibit A of JOA)	Exhibit B.3
Chronology of Contact with Non-Joined Working Interests	Exhibit B.4
Overhead Rates In Proposal Letter	Exhibit B.6
Cost Estimate to Drill and Complete	Exhibit B.7
Cost Estimate to Equip Well	Exhibit B.7
Cost Estimate for Production Facilities	Exhibit B.7
<b>Geology</b>	
Summary (including special considerations)	Exhibit C
Spacing Unit Schematic	Exhibit C.1
Gunbarrel/Lateral Trajectory Schematic	Exhibit C.1
Well Orientation (with rationale)	Exhibit C.15
Target Formation	Exhibit C.3 to C.6; C.7 to C.10; C.11 to C.14
HSU Cross Section	Exhibit C.4, C.8; C.12

Depth Severance Discussion	N/A
<b>Forms, Figures and Tables</b>	
C-102	See Exhibit B.2
Tracts	Exhibit B.3
Summary of Interests, Unit Recapitulation (Tracts)	Exhibit B.3
General Location Map (including basin)	Exhibit C.1
Well Bore Location Map	Exhibit C.2
Structure Contour Map - Subsea Depth	Exhibit C.3, C.7, and C.11
Cross Section Location Map (including wells)	Exhibit C.4, C.8, and C.12
Cross Section (including Landing Zone)	Exhibit C.5, C.9, and C.13
<b>Additional Information</b>	
Special Provisions/Stipulations	N/A
<b>CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.</b>	
Printed Name (Attorney or Party Representative):	Deana M. Bennett
Signed Name (Attorney or Party Representative):	/s/ Deana M. Bennett
Date:	1/16/2024

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24108

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DENVER )

AFFIDAVIT OF DON JOHNSON

Don Johnson, being duly sworn, deposes and states as follows:

1. I am over the age of 18, I am a landman for Franklin Mountain Energy 3, LLC (“Franklin”), and I have personal knowledge of the matters stated herein. I have previously testified before the Oil Conservation Division (“Division”) and my credentials as an expert petroleum landman were accepted by the Division as a matter of record.

2. My area of responsibility at Franklin includes the area of Lea County in New Mexico.

3. I am familiar with the application filed by Franklin in this case, which is attached as **Exhibit B.1**.

4. I am familiar with the status of the lands that are subject to the application.

5. I submit the following information pursuant to NMAC 19.15.4.12.A(1) in support of the above referenced compulsory pooling application.

6. The purpose of the application is to force pool all uncommitted interests into the horizontal spacing unit described below, and in the wells to be drilled in the unit.



7. No opposition is expected because the interest owners being pooled have been contacted regarding the proposed wells, but have failed or refused to voluntarily commit their interests in the wells.

8. In this case, Franklin seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico.

9. This spacing unit will be dedicated to the **Alpha State Com 301H, Alpha State Com 501H and Alpha State Com 601H wells**, to be horizontally drilled.

10. Attached as **Exhibit B.2** are the proposed C-102s for the wells.

11. The C-102s identify the proposed surface hole locations and the bottom hole locations, and the first take points. The C-102s also identify the pool and pool code.

12. The wells will develop the SCHARB; BONE SPRING pool, Pool Code 55610.

13. According to the OCD pool code spreadsheet this pool is an oil pool with 80-acre building blocks.

14. The state-wide rules provide for 40-acre building blocks for oil pools.

15. This pool is governed by the state-wide horizontal well rules.

16. The spacing unit is expected to be standard even if it is subject to 80-acre building blocks.

17. The producing areas for the wells are expected to be orthodox.

18. There are no depth severances within the proposed spacing unit.

19. **Exhibit B.3** includes a lease tract map outlining the unit being pooled. Exhibit B.3 also includes the parties being pooled, the nature, and the percent of their interests.

20. I have conducted a diligent search of the public records in the county where the wells are located, and conducted phone directory and computer searches to locate contact information for parties entitled to notification, and mailed the working interest owners well proposals, including the Authorizations for Expenditure.

21. In my opinion, Franklin has made a good faith effort to obtain voluntary joinder of the unleased mineral interest owners in the proposed wells.

22. **Exhibit B.4** is a summary of my contacts with the working interest owners.

23. **Exhibit B.5** is a list of the parties being pooled for this case.

24. **Exhibit B.6** is a sample of the well proposal letter that was sent to all working interest owners. The proposal letter identifies the proposed surface hole and bottom hole locations and approximate TVD/MD for the wells.

25. **Exhibit B.7** contains the Authorizations for Expenditure for the proposed wells. The estimated cost of the wells set forth therein is fair and reasonable, and is comparable to the costs of other wells of similar depths and length drilled in this area of New Mexico.

26. Franklin requests overhead and administrative rates of \$9,000 month for drilling the wells and \$900 month for the producing wells. These rates are fair, and comparable to the rates charged by other operators for wells of this type in this area of Southeastern, New Mexico. Franklin requests that these rates be adjusted periodically as provided in the COPAS Accounting Procedure.

27. Franklin requests the maximum cost plus 200% risk charge be assessed against non-consenting working interest owners.

28. Franklin requests that it be designated operator of the wells.



29. The parties Franklin is seeking to pool were notified of this hearing.

30. Franklin seeks to pool overriding royalty interest owners, and they were also provided notice of this hearing.

31. The attachments to this affidavit were prepared by me, or compiled from company business records, or were prepared at my direction.

32. In my opinion, the granting of this application is in the interests of conservation and the prevention of waste.

*[Signature page follows]*

Dated: December 28, 2023

Don Johnson  
Don Johnson

State of Colorado

County of Denver

This record was acknowledged before me on December 28, 2023, by Don Johnson.

[Stamp]

CRYSTAL MCCLAIN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20234007312  
MY COMMISSION EXPIRES FEBRUARY 23, 2027

Crystal McClain  
Notary Public in and for the  
State of Colorado  
Commission Number: 20234007312

My Commission Expires: 2/23/27

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24108

APPLICATION

Franklin Mountain Energy 3, LLC (“Franklin”), OGRID Number 331595, through its undersigned attorneys, hereby files this application with the Oil Conservation Division (“Division”) pursuant to the provisions of NMSA 1978, § 70-2-17, for an order pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. In support of this application, Franklin states as follows:

1. Franklin has an interest in the subject lands and has a right to drill and operate a well thereon.
2. Franklin seeks to dedicate the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico to form a standard 319.70-acre, more or less, Bone Spring horizontal spacing unit.
3. Franklin plans to drill the **Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells** to a depth sufficient to test the Bone Spring formation. The wells will be horizontally drilled, and the producing area for the wells are expected to be orthodox.



4. Franklin sought, but has been unable to obtain, a voluntary agreement from all interest owners in the Bone Spring formation underlying the proposed spacing unit to participate in the drilling of the wells or to otherwise commit their interests to the wells.

5. The pooling of all interests in the Bone Spring formation underlying the proposed unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

WHEREFORE, Franklin requests this application be set for hearing before an Examiner of the Oil Conservation Division on January 4, 2024 and after notice and hearing as required by law, the Division enter its order:

A. Pooling all uncommitted interests in the Bone Spring formation underlying a horizontal spacing unit within W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico;

B. Designating Franklin as operator of this unit and the wells to be drilled thereon;

C. Authorizing Franklin to recover its costs of drilling, equipping and completing the wells;

D. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure; and

E. Setting a 200% charge for the risk involved in drilling and completing the wells in the event a working interest owner elects not to participate in the wells.

Respectfully submitted,

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

By: /s/ Deana M. Bennett  
Earl E. DeBrine, Jr.  
Deana M. Bennett

Yarithza Peña  
Post Office Box 2168  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505.848.1800  
[edebrine@modrall.com](mailto:edebrine@modrall.com)  
[deana.bennett@modrall.com](mailto:deana.bennett@modrall.com)  
[yarithza.pena@modrall.com](mailto:yarithza.pena@modrall.com)  
*Attorneys for Applicant*

**CASE NO. 24108: Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

District I  
1625 N. French Dr., Hobbs, NM 88240  
Phone: (575) 393-6161 Fax: (575) 393-0720  
District II  
871 S. First St., Artesia, NM 88210  
Phone: (575) 748-1283 Fax: (575) 748-9720  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
Phone: (505) 334-6178 Fax: (505) 334-6170  
District IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505  
Phone: (505) 476-3460 Fax: (505) 476-3462

State of New Mexico  
Energy, Minerals & Natural Resources Department  
OIL CONSERVATION DIVISION  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Form C-102  
Revised August 1, 2011  
Submit one copy to appropriate  
District Office

AMENDED REPORT

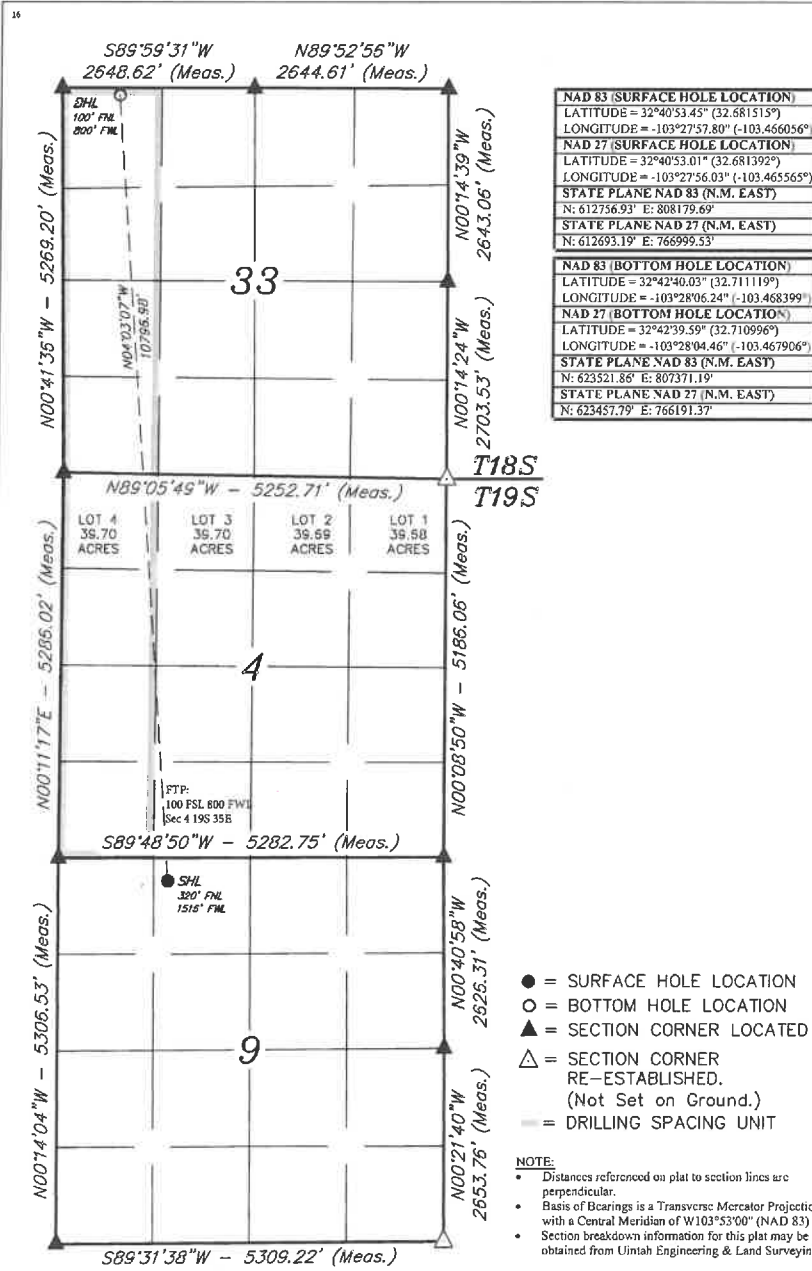
WELL LOCATION AND ACREAGE DEDICATION PLAT

1 APT Number		2 Pool Code 55610		3 Pool Name SCHARB; BONE SPRING	
4 Property Code		5 Property Name ALPHA STATE COM		6 Well Number 301H	
7 OGRID No. 331595		8 Operator Name FRANKLIN MOUNTAIN ENERGY 3, LLC		9 Elevation 3,858.3'	

10 Surface Location									
UL or lot no. C	Section 9	Township 19S	Range 35E	Lot Idn	Feet from the 320	North/South line NORTH	Feet from the 1516	East/West line WEST	County LEA

11 Bottom Hole Location If Different From Surface									
UL or lot no. D	Section 33	Township 18S	Range 35E	Lot Idn	Feet from the 100	North/South line NORTH	Feet from the 800	East/West line WEST	County LEA
12 Dedicated Acres 319.70		13 Joint or Infill		14 Consolidation Code		15 Order No.			

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.



NAD 83 (SURFACE HOLE LOCATION)	
LATITUDE = 32°40'53.45" (32.681515°)	LONGITUDE = -103°27'57.80" (-103.466056°)
NAD 27 (SURFACE HOLE LOCATION)	
LATITUDE = 32°40'53.01" (32.681392°)	LONGITUDE = -103°27'56.03" (-103.465565°)
STATE PLANE NAD 83 (N.M. EAST)	
N: 612756.93' E: 808179.69'	
STATE PLANE NAD 27 (N.M. EAST)	
N: 612693.19' E: 766995.53'	
NAD 83 (BOTTOM HOLE LOCATION)	
LATITUDE = 32°42'46.03" (32.711119°)	LONGITUDE = -103°28'06.24" (-103.468399°)
NAD 27 (BOTTOM HOLE LOCATION)	
LATITUDE = 32°42'39.59" (32.710996°)	LONGITUDE = -103°28'04.46" (-103.467906°)
STATE PLANE NAD 83 (N.M. EAST)	
N: 623521.88' E: 807371.19'	
STATE PLANE NAD 27 (N.M. EAST)	
N: 623457.79' E: 766191.37'	

**17 OPERATOR CERTIFICATION**  
I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order previously entered by the division.

*Michael Overbey*  
Signature: \_\_\_\_\_ Date: 1/9/2024

Michael Overbey  
Printed Name  
roverbey@finell.com  
E-mail Address

**18 SURVEYOR CERTIFICATION**  
I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.

January 5, 2024  
Date of Survey  
Signature and Seal of Professional Surveyor:



- = SURFACE HOLE LOCATION
- ▲ = BOTTOM HOLE LOCATION
- ◻ = SECTION CORNER LOCATED
- △ = SECTION CORNER RE-ESTABLISHED. (Not Set on Ground.)
- = DRILLING SPACING UNIT

**NOTE:**

- Distances referenced on plat to section lines are perpendicular.
- Basis of Bearings is a Transverse Mercator Projection with a Central Meridian of W103°53'00" (NAD 83)
- Section breakdown information for this plat may be obtained from Uintah Engineering & Land Surveying.



Certificate Number:

**EXHIBIT**  
**B.2**

**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  
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1000 Rio Brazos Road, Aztec, NM 87410  
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State of New Mexico  
Energy, Minerals & Natural Resources Department  
**OIL CONSERVATION DIVISION**  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Form C-102  
Revised August 1, 2011  
Submit one copy to appropriate  
District Office

AMENDED REPORT

**WELL LOCATION AND ACREAGE DEDICATION PLAT**

<sup>1</sup> API Number	<sup>2</sup> Pool Code 55610	<sup>3</sup> Pool Name SCHARB; BONE SPRING
<sup>4</sup> Property Code	<sup>5</sup> Property Name ALPHA STATE COM	
<sup>7</sup> OGRID No. 331595	<sup>8</sup> Operator Name FRANKLIN MOUNTAIN ENERGY 3, LLC	<sup>6</sup> Well Number 501H <sup>9</sup> Elevation 3,859.4'

<sup>10</sup> Surface Location

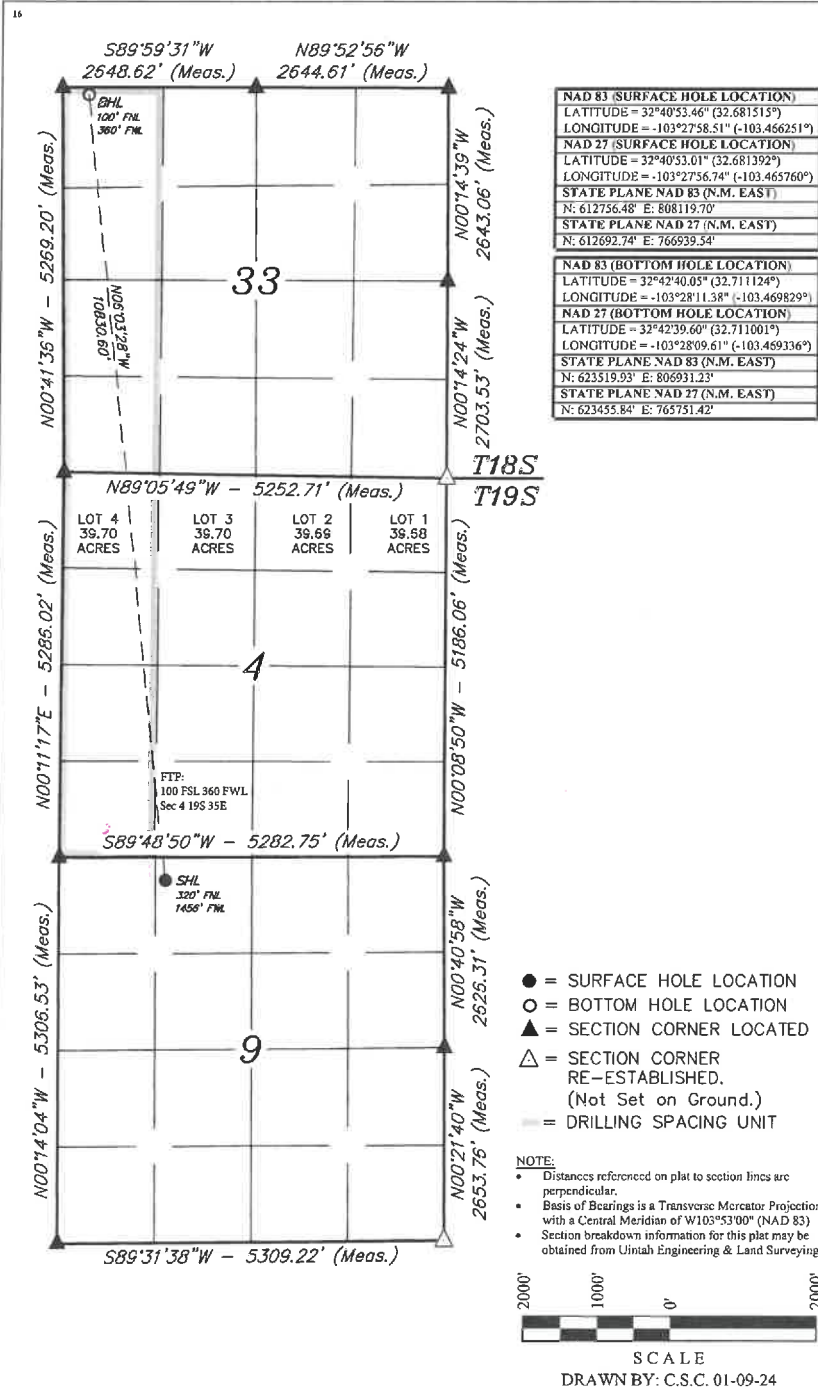
UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
C	9	19S	35E		320	NORTH	1456	WEST	LEA

<sup>11</sup> Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
D	33	18S	35E		100	NORTH	360	WEST	LEA

<sup>12</sup> Dedicated Acres 319.70	<sup>13</sup> Joint or Infill	<sup>14</sup> Consolidation Code	<sup>15</sup> Order No.
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No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.



**<sup>17</sup> OPERATOR CERTIFICATION**  
 I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore approved by the division.

Signature: *Rachael Overbey* Date: 1/9/2024  
 Printed Name: Rachael Overbey  
 E-mail Address: roverbey@fmellc.com

**<sup>18</sup> SURVEYOR CERTIFICATION**  
 I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.

January 5, 2024  
 Date of Survey  
 Signature and Seal of Professional Surveyor:

**PAUL BUCHELE**  
 NEW MEXICO  
 23,822  
 01-09-24  
 PROFESSIONAL SURVEYOR

Certificate Number:



District I  
1625 N. French Dr., Hobbs, NM 88240  
Phone: (575) 393-6161 Fax: (575) 393-0720  
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State of New Mexico  
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1220 South St. Francis Dr.  
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Form C-102  
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AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

1 APT Number		2 Pool Code 55610		3 Pool Name SCHARB; BONE SPRING	
4 Property Code		5 Property Name ALPHA STATE COM		6 Well Number 601H	
7 OGRID No. 331595		8 Operator Name FRANKLIN MOUNTAIN ENERGY 3, LLC		9 Elevation 3,858.2'	

10 Surface Location

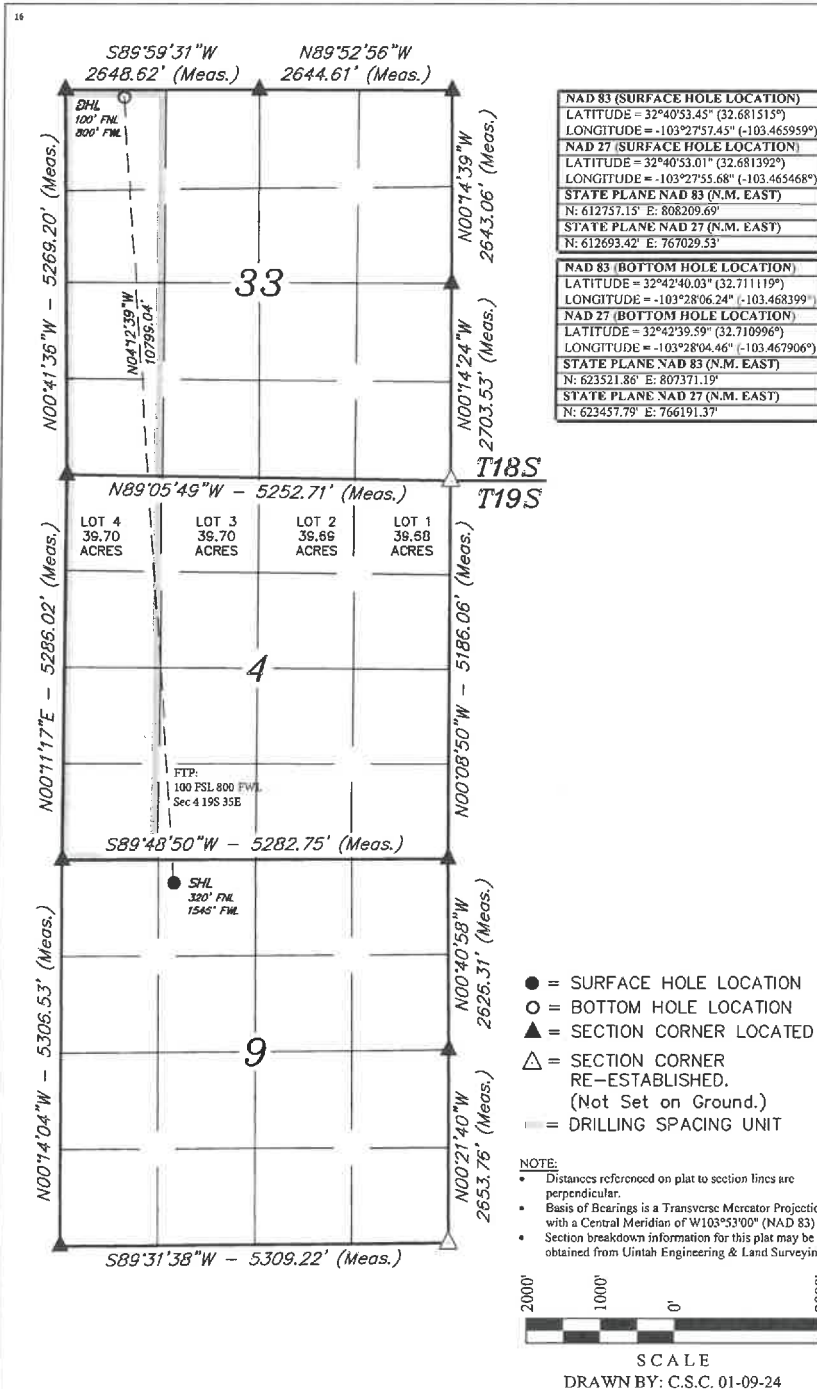
UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
C	9	19S	35E		320	NORTH	1546	WEST	LEA

11 Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
D	33	18S	35E		100	NORTH	800	WEST	LEA

12 Dedicated Acres 319.70	13 Joint or Infill	14 Consolidation Code	15 Order No.
------------------------------	--------------------	-----------------------	--------------

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.



<b>NAD 83 (SURFACE HOLE LOCATION)</b>	
LATITUDE = 32°40'53.45" (32.681515°)	
LONGITUDE = -103°27'57.45" (-103.465959°)	
<b>NAD 27 (SURFACE HOLE LOCATION)</b>	
LATITUDE = 32°40'53.01" (32.681392°)	
LONGITUDE = -103°27'55.68" (-103.465468°)	
<b>STATE PLANE NAD 83 (N.M. EAST)</b>	
N: 612757.15' E: 808209.69'	
<b>STATE PLANE NAD 27 (N.M. EAST)</b>	
N: 612693.42' E: 767029.53'	
<b>NAD 83 (BOTTOM HOLE LOCATION)</b>	
LATITUDE = 32°42'40.03" (32.711119°)	
LONGITUDE = -103°28'06.24" (-103.468399°)	
<b>NAD 27 (BOTTOM HOLE LOCATION)</b>	
LATITUDE = 32°42'39.59" (32.710996°)	
LONGITUDE = -103°28'04.46" (-103.467906°)	
<b>STATE PLANE NAD 83 (N.M. EAST)</b>	
N: 623521.88' E: 807371.19'	
<b>STATE PLANE NAD 27 (N.M. EAST)</b>	
N: 623457.79' E: 766191.37'	

**17 OPERATOR CERTIFICATION**  
I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.

Signature: *Rachael Overbey* Date: 1/9/2024  
Printed Name: Rachael Overbey  
E-mail Address: roverbey@fmellc.com

**18 SURVEYOR CERTIFICATION**  
I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.

January 5, 2024  
Date of Survey  
Signature and Seal of Professional Surveyor:

NOTE:  
• Distances referenced on plat to section lines are perpendicular.  
• Basis of Bearings is a Transverse Mercator Projection with a Central Meridian of W103°53'00" (NAD 83)  
• Section breakdown information for this plat may be obtained from Uintah Engineering & Land Surveying.

SCALE  
DRAWN BY: C.S.C. 01-09-24

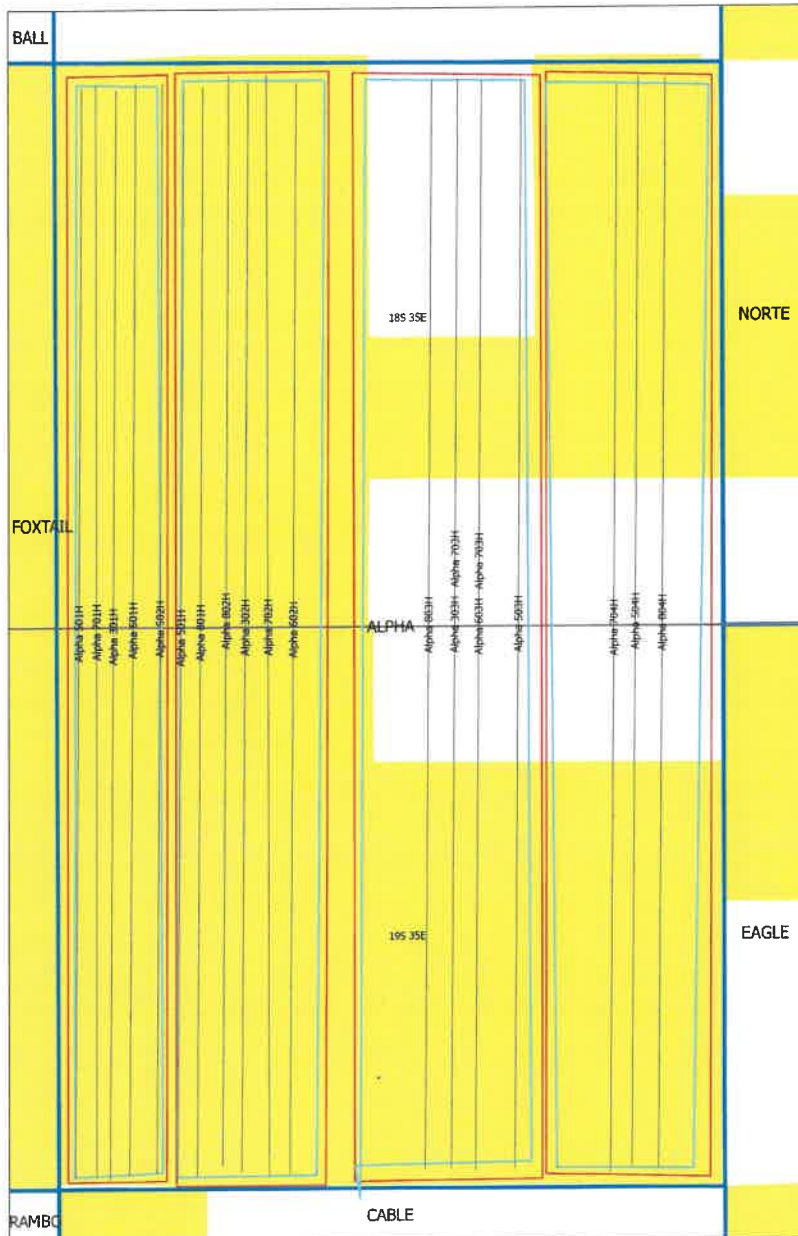
Certificate Number:




OCD Examiner Hearing

No. 24108

# Development Overview

Case Nos. 24108



-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit
-  Wolfcamp Spacing Unit

1 Mile



**Lease Tract Map**  
**Case No. 24108**  
**W/2W/2 of Sections 33-T18S-35E & Section 4-T19S-R35E**  
**319.70 Acres**  
**Alpha State Com 301H**  
**Alpha State Com 501H**  
**Alpha State Com 601H**



**Summary of Interests**  
**Case No. 24108**  
**W/2W/2 of Sections 33-T18S-35E & Section 4-T19S-R35E**  
**319.70 Acres**  
**Alpha State Com 301H**  
**Alpha State Com 501H**  
**Alpha State Com 601H**

<b>Committed Working Interest</b>	
Franklin Mountain Energy 3, LLC	96.872068%
<b>Uncommitted Working Interest</b>	
TH McElvain Oil & Gas, LLLP	3.127932%
<b>Total:</b>	<b>100.000000%</b>



**Unit Recapitulation**  
**Case No. 24108**  
**W/2W/2 of Sections 33-T18S-35E & Section 4-T19S-R35E**  
**319.70 Acres**  
**Alpha State Com 301H**  
**Alpha State Com 501H**  
**Alpha State Com 601H**

<b>Committed Working Interest</b>	
Franklin Mountain Energy 3, LLC	96.872068%
<b>Uncommitted Working Interest</b>	
TH McElvain Oil & Gas, LLLP	3.127932%
<b>Total:</b>	<b>100.000000%</b>

		33	
L4 (39.70)	L3 (39.70)	L2 (39.69)	L1 (39.68)
		4	

Tract	Lease	%
1	VB-1359	50.0469%
2	A0-4096	49.9531%

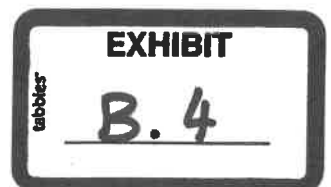


### Summary of Contacts

#### (Case No. 24103, 24104, 24105, 24106, 24107, 24108, 24109)

- Franklin retained a broker who conducted extensive title work to determine the working interest owners and other interest owners.
- Franklin sent well proposal letters to the working interest owners on or around August 24<sup>th</sup>, 2023.
- Franklin proposed general terms of a Joint Operating Agreements (JOA) within the well proposal letters sent to working interest owners.
- Franklin had multiple communications with the uncommitted working interest owners, which I have outlined in the chart below.
- Franklin filed the application to force pool uncommitted working interest owners who had not entered in to an agreement.
- Franklin’s counsel sent notices of the force pooling applications to the addresses of record for the uncommitted interest owners and also for overriding royalty interest owners.
- Franklin also published notice in a newspaper of general circulation in the county where the wells will be located.

Name	Ownership Type	Date Proposal Letter Sent	Proposal Letter Received	Follow Up
Marathon Oil Permian, LLC	WI	10/6/2023	10/10/2023	Email exchanged on 10/30/2023 about MRO interest and estimated spud dates
TH McElvain Oil & Gas LLLP	WI	10/6/2023	10/7/2023	Email Exchange on 10/9/2023 about interest and estimated spud dates. JOA negotiations



**Parties To Be Pooled  
Case No. 24108**

T.H. McElvain Oil & Gas, LLLP	WI
Luckaloy Limited Company, A New Mexico Limited Liability Company	ORRI
Susannah D. Adelson, Trustees of James Adelson & Family 2015 Trusts	ORRI
Thomaston, LLC	ORRI
William J. McCaw	ORRI
XTO Holdings, LLC	ORRI
Zunis Energy, LLC	ORRI





Sent via USPS: 9405509205568859565811

October 6, 2023

T.H. McElvain Oil & Gas LLLP  
 1819 Denver West Drive, Suite 260  
 Lakewood, CO 80401  
 Attn: Land Dept, Permian Basin

RE: **Well Proposals**  
 Township 19 South, Range 35 East  
 Section 4: W2W2  
 Township 18 South, Range 35 East  
 Section 33: W2W2  
 Lea County, New Mexico  
 320.00 acres, more or less

Dear Working Interest Owner:

Franklin Mountain Energy 3, LLC ("FME3"), as Operator, hereby proposes the drilling and completion of the following wells:

Well Name	Target Formation	Total Vertical Depth	Measured Depth	SHL	BHL	Total AFE	Order
Alpha State Com 301H	1BS	9,437'	19,437'	Sec 9-T19S-R35E 310 FNL 1470 FWL	Sec 33-T18S-R35E 100 FNL 800 FWL	\$11,355,549.08	N/A
Alpha State Com 501H	2BS	10,044'	20,044'	Sec 9-T19S-R35E 310 FNL 1410 FWL	Sec 33-T18S-R35E 100 FNL 360 FWL	\$11,355,549.08	N/A
Alpha State Com 601H	3BS	10,367'	20,367'	Sec 9-T19S-R35E 310 FNL 1500 FWL	Sec 33-T18S-R35E 100 FNL 800 FWL	\$11,650,592.43	N/A

44 Cook Street | Suite 1000 | Denver, CO 80206

OCD Examiner Hearing  
 No. 24108







Alpha State Com 701H	WCA	10,939'	20,939'	Sec 9-T19S-R35E 310 FNL 1440 FWL	Sec 33-T18S-R35E 100 FNL 360 FWL	\$11,650,592.43	N/A
Alpha State Com 801H	WCB	11,363'	21,363'	Sec 9-T19S-R35E 310 FNL 1530 FWL	Sec 33-T18S-R35E 100 FNL 800 FWL	\$11,783,083.07	N/A

FME3 reserves the right to modify the locations and drilling plans described above in order to comply with any requirements from a governing regulatory agency or to address any topography, environmental and/or cultural concerns.

FME3 is proposing to drill and complete the aforementioned wells under the terms of a modified, wellbore specific 1989 AAPL form Operating Agreement with the following general provisions:

- 100/300% Non-Consenting Penalty
- \$9,000/\$900 Drilling and Producing Rate
- Franklin Mountain Energy 3, LLC designated as Operator

Should you be interested in participating under an Operating Agreement, with your working interest, FME3 will send you our proposed form.

Please indicate your election in the space provided on the following page, sign and return this letter, along with a signed copy of the enclosed AFE. If you do not wish to participate, FME3 proposes a term assignment or lease at the following terms:

- - -

The foregoing offer is non-binding in nature until a definitive agreement and/or conveyance documents are negotiated and agreed to by each party. FME3 is under no obligation to negotiate, lease or purchase your interest.

Please return your signed documents to Jon Rutledge at [jrutledge@fmellc.com](mailto:jrutledge@fmellc.com) or to the address provided below at your earliest convenience.

FME3 looks forward to working with you or your company on this proposed development and encourages you to call with any questions pertaining to these plans. However, please be advised that, in the near term, FME3 will file an application for compulsory pooling to pool any uncommitted owners.

44 Cook Street | Suite 1000 | Denver, CO 80206



Should you have any questions, please do not hesitate to contact the undersigned at (303) 709-7007.

Respectfully,

Franklin Mountain Energy 3, LLC

A handwritten signature in dark ink, appearing to read "Jon Rutledge". The signature is written in a cursive, flowing style.

Jon Rutledge  
Landman



**Alpha State Com 301H:**

\_\_\_\_\_ I/We hereby elect to participate in the **Alpha State Com 301H** well.  
 \_\_\_\_\_ I/We hereby elect **NOT** to participate in the **Alpha State Com 301H** well.

**Alpha State Com 501H:**

\_\_\_\_\_ I/We hereby elect to participate in the **Alpha State Com 501H** well.  
 \_\_\_\_\_ I/We hereby elect **NOT** to participate in the **Alpha State Com 501H** well.

**Alpha State Com 601H:**

\_\_\_\_\_ I/We hereby elect to participate in the **Alpha State Com 601H** well.  
 \_\_\_\_\_ I/We hereby elect **NOT** to participate in the **Alpha State Com 601H** well.

**Alpha State Com 701H:**

\_\_\_\_\_ I/We hereby elect to participate in the **Alpha State Com 701H** well.  
 \_\_\_\_\_ I/We hereby elect **NOT** to participate in the **Alpha State Com 701H** well.

**Alpha State Com 801H:**

\_\_\_\_\_ I/We hereby elect to participate in the **Alpha State Com 801H** well.  
 \_\_\_\_\_ I/We hereby elect **NOT** to participate in the **Alpha State Com 801H** well.

Owner: T.H. McElvain Oil & Gas, LLLP

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



Franklin Mountain Energy 3, LLC
44 Cook Street, Suite 1000
Denver, CO 80206
Phone: 720-414-7868
franklinmountainenergy.com

Well Name: Alpha State Com 301H
Location: SHL: Sec 9-T19S-R35E 310 FNL 1470 FWL
Operator: BHL: Sec 33-T18S-R35E 100 FNL 800 FWL
Purpose: Drill and complete a 10,000' IBS well.

Well #: 301H
County/State: Lea Co., NM
Date Prepared: 10/5/2023
AFE #: DCE231001

Table with 3 columns: Major, Minor, Description, Amount. Title: Intangible Drilling Costs. Lists various drilling expenses like administrative overhead, casing crew, cementing, etc.

Table with 3 columns: Major, Minor, Description, Amount. Title: Intangible Completion Costs. Lists completion expenses like administrative overhead, casing crew, coiled tubing, etc.

Table with 3 columns: Major, Minor, Description, Amount. Title: Tangible Drilling Costs. Lists tangible drilling expenses like intermediate casing, packers, etc.

Table with 3 columns: Major, Minor, Description, Amount. Title: Tangible Completion Costs. Lists tangible completion expenses like artificial lift, flowlines, etc.

Table with 3 columns: Major, Minor, Description, Amount. Title: Tangible Facility Costs. Lists facility expenses like pipe/valves, containment, etc.

Table with 3 columns: Major, Minor, Description, Amount. Title: Intangible Facility Costs. Lists intangible facility expenses like consulting, company direct labor, etc.

Summary table with 2 columns: Description, Amount. Totals for Drilling, Completion, Facility, and AFE.

Office Use Only section, mostly blank.

THIS AUTHORITY FOR EXPENDITURE IS BASED ON COST ESTIMATES. BILLING WILL REFLECT YOUR PROPORTIONATE SHARE OF THE ACTUAL INVOICE COSTS.

Operator: Franklin Mountain Energy 3, LLC
Approved By: Craig Walters, Chief Executive Officer
WI Owner:
Approved By:
Printed Name:

Date: 10/5/2023
Date:
Title:

ALL PARTICIPANTS MUST CARRY THEIR OWN CONTROL OF WELL INSURANCE AND ATTACH A CERTIFICATE OF INSURANCE TO THIS ELECTION OR INSURE WITH FME





Franklin Mountain Energy 3, LLC
44 Cook Street, Suite 1000
Denver, CO 80206
Phone: 720-414-7868
franklinmountainenergy.com

Well Name: Alpha State Com 501H
Location: SHL: Sec 9-T19S-R35E 310 FNL 1410 FWL
BHL: Sec 33-T18S-R35E 100 FNL 360 FWL
Operator: Franklin Mountain Energy 3, LLC
Purpose: Drill and complete a 10,000' 2BS well.
TVD 10,044', MD 20,044'.

Well #: 501H
County/State: Lea Co., NM
Date Prepared: 10/5/2023
AFE #: DCE231003

Summary table with columns: Major, Minor, Description, Amount. Includes sub-sections for Intangible Drilling Costs, Intangible Completion Costs, Tangible Drilling Costs, Tangible Completion Costs, Intangible Facility Costs, and Tangible Facility Costs. Total AFE: \$11,355,349.00

THIS AUTHORITY FOR EXPENDITURE IS BASED ON COST ESTIMATES. BILLING WILL REFLECT YOUR PROPORTIONATE SHARE OF THE ACTUAL INVOICE COSTS.

Operator: Franklin Mountain Energy 3, LLC
Approved By: Craig Walters, Chief Executive Officer
Date: 10/5/2023
WI Owner:
Approved By:
Date:
Printed Name:
Title:

ALL PARTICIPANTS MUST CARRY THEIR OWN CONTROL OF WELL INSURANCE AND ATTACH A CERTIFICATE OF INSURANCE TO THIS ELECTION OR INSURE WITH FME



Franklin Mountain Energy 3, LLC
44 Cook Street, Suite 1000
Denver, CO 80206
Phone: 720-414-7868
franklinmountainenergy.com

Well Name: Alpha State Com 601H
Location: SHL: Sec 9-T19S-R35E 310 FNL 1500 FWL
Operator: Franklin Mountain Energy 3, LLC
Purpose: Drill and complete a 10,000' 3BS well.
Well #: 601H
County/State: Lea Co., NM
Date Prepared: 10/5/2023
AFE #: DCE231005

Table with columns: Major, Minor, Description, Amount. Title: Intangible Drilling Costs. Lists various drilling-related expenses such as administrative overhead, casing, cementing, and drilling bits.

Table with columns: Major, Minor, Description, Amount. Title: Intangible Completion Costs. Lists various completion-related expenses such as casing crew, coiled tubing, and electrical power.

Table with columns: Major, Minor, Description, Amount. Title: Tangible Drilling Costs. Lists expenses for intermediate casing, packers, and surface casing.

Table with columns: Major, Minor, Description, Amount. Title: Tangible Completion Costs. Lists expenses for artificial lift, flowlines, and production processing.

Table with columns: Major, Minor, Description, Amount. Title: Tangible Facility Costs. Lists expenses for facility pipes, containment, and various equipment.

Table with columns: Major, Minor, Description, Amount. Title: Intangible Facility Costs. Lists expenses for consulting, company labor, and damages.

Summary table with columns: Total Drill, Total Completion, Total Facility, Total Intangible, Total Drilling, Total Tangible, Total AFE.

Office Use Only section with a large empty box for internal use.

THIS AUTHORITY FOR EXPENDITURE IS BASED ON COST ESTIMATES. BILLING WILL REFLECT YOUR PROPORTIONATE SHARE OF THE ACTUAL INVOICE COSTS.

Operator: Franklin Mountain Energy 3, LLC
Approved By: Craig Walters, Chief Executive Officer
Date: 10/5/2023
WI Owner:
Approved By:
Date:
Printed Name:
Title:

ALL PARTICIPANTS MUST CARRY THEIR OWN CONTROL OF WELL INSURANCE AND ATTACH A CERTIFICATE OF INSURANCE TO THIS ELECTION OR INSURE WITH FME

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24108

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DENVER )

AFFIDAVIT OF BEN KESSEL

Ben Kessel, being duly sworn, deposes and states as follows:

1. I am over the age of 18, I am a geologist for Franklin Mountain Energy 3, LLC (“Franklin”), and have personal knowledge of the matters stated herein. I have previously testified before the Oil Conservation Division (“Division”) and my credentials as an expert petroleum geologist were accepted by the Division as a matter of record.

2. My area of responsibility at Franklin includes the area of Lea County in New Mexico.

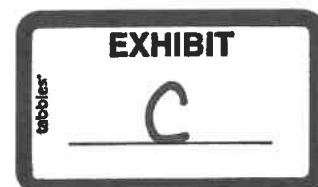
3. I am familiar with the application filed by Franklin in this case.

4. **Exhibit C.1** is a locator map showing the approximate location of the proposed unit in relation to the Capitan Reef.

5. **Exhibit C.2** is a wellbore schematic showing Franklin’s development plan.

6. **Exhibit C.3** through **Exhibit C.6** are the geology study I prepared for the **Alpha State Com 301H well**, which will target the First Bone Spring formation.

7. **Exhibit C.3** is a structure map of the First Bone Spring formation. The proposed spacing unit is identified by a pink box. The Alpha State Com 301H well proposed in this case is



identified by the black-dashed line. The contour interval used in this exhibit is 25 feet. This exhibit shows that the structure dips gently to the southwest.

8. **Exhibit C.4** is a cross-section reference map that identifies six wells in the vicinity of the proposed Alpha State Com 301H well, shown by a line of cross-section running from A to A'.

9. **Exhibit C.5** is a stratigraphic cross-section, and the well logs shown on the cross-section give a representative sample of the First Bone Spring formation in the area. The target zone is identified by a bracket and the words "Producing Interval." I have also identified where the proposed well falls within the wells I used for the cross-section.

10. **Exhibit C.6** an Isopach map of the First Bone Spring formation. The gross interval thickness increases slightly to the southeast.

11. **Exhibit C.7** through **Exhibit C.10** are the geology study I prepared for the **Alpha State Com 501H well**, which will target the Second Bone Spring formation.

12. **Exhibit C.7** is a structure map of the Second Bone Spring formation. The proposed spacing unit is identified by a pink box. The Alpha State Com 501H well proposed in this case is identified by the black-dashed line. The contour interval used in this exhibit is 25 feet. This exhibit shows that the structure dips gently to the southwest.

13. **Exhibit C.8** is a cross-section reference map that identifies six wells in the vicinity of the proposed Alpha State Com 501H well, shown by a line of cross-section running from A to A'.

14. **Exhibit C.9** is a stratigraphic cross-section, and the well logs shown on the cross-section give a representative sample of the Second Bone Spring formation in the area. The target



zone is identified by a bracket and the words "Producing Interval." I have also identified where the proposed well falls within the wells I used for the cross-section.

15. **Exhibit C.10** an Isopach map of the Second Bone Spring formation. The gross interval thickness increases slightly to the southeast and to the northwest.

16. **Exhibit C.11** through **Exhibit C.14** are the geology study I prepared for the **Alpha State Com 601H well**, which will target the Third Bone Spring formation.

17. **Exhibit C.11** is a structure map of the Third Bone Spring formation. The proposed spacing unit is identified by a pink box. The Alpha State Com 601H well proposed in this case is identified by the black-dashed line. The contour interval used in this exhibit is 25 feet. This exhibit shows that the structure dips gently to the southwest.

18. **Exhibit C.12** is a cross-section reference map that identifies six wells in the vicinity of the proposed Alpha State Com 601H well, shown by a line of cross-section running from A to A'.

19. **Exhibit C.13** is a stratigraphic cross-section, and the well logs shown on the cross-section give a representative sample of the Third Bone Spring formation in the area. The target zone is identified by a bracket and the words "Producing Interval." I have also identified where the proposed well falls within the wells I used for the cross-section.

20. **Exhibit C.14** is an Isopach map of the Third Bone Spring formation. The gross interval thickness increases slightly to the northeast.

21. I conclude from the geology studies referenced above that:
- a. The horizontal spacing unit is justified from a geologic standpoint.
  - b. There are no structural impediments or faulting that will interfere with horizontal development.

c. Each quarter-quarter section in the proposed unit will contribute more or less equally to production.

22. **Exhibit C.15** provides an overview of the stress orientation in the area based on the 2018 Snee-Zoback paper.

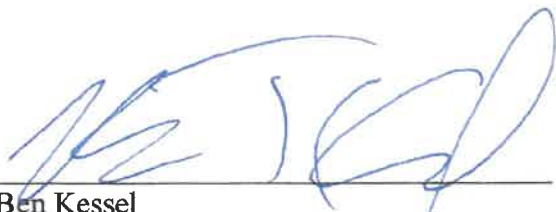
23. The preferred well orientation in this area is either north/south or south/north, nearly orthogonal to  $S_{Hmax}$ , optimal for induced fracture propagation. This is because the  $S_{Hmax}$  is at approximately 255 degrees ENE in this area of Lea County.

24. In my opinion, the granting of Franklin's application is in the interests of conservation and the prevention of waste.

25. The attachments to this affidavit were prepared by me, or compiled from company business records, or were prepared at my direction.

*[Signature page follows]*

Dated: January 2nd, 2024

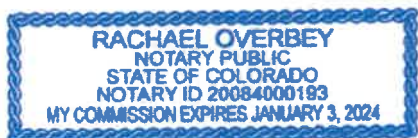
  
\_\_\_\_\_  
Ben Kessel

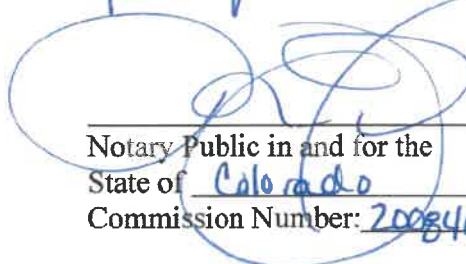
State of Colorado

County of Denver

This record was acknowledged before me on January 2nd, 202~~3~~<sup>4</sup>, by Ben Kessel.

[Stamp]



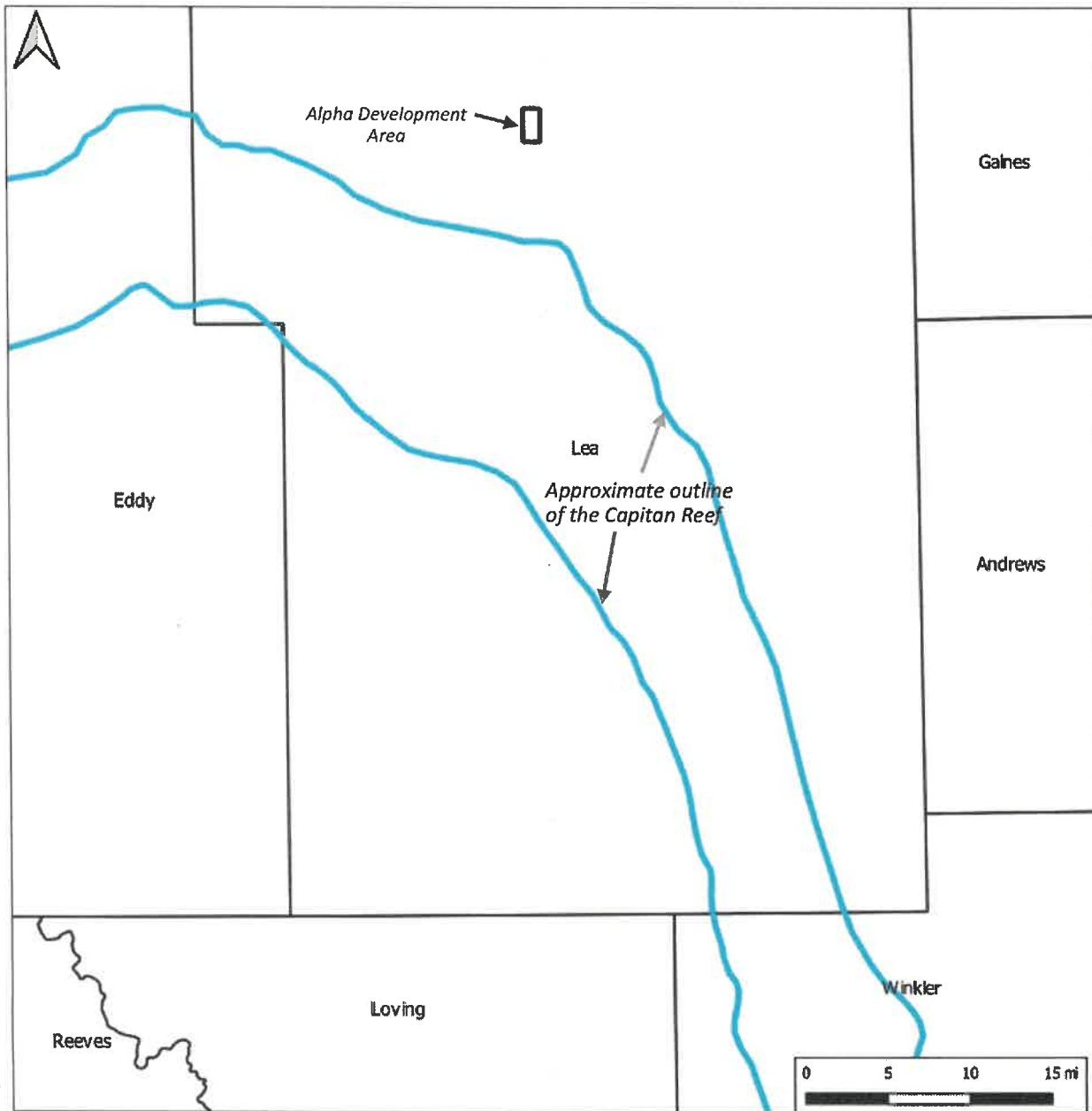
  
\_\_\_\_\_  
Notary Public in and for the  
State of Colorado  
Commission Number: 20084000193

My Commission Expires: 1/3/2024

# Alpha Development



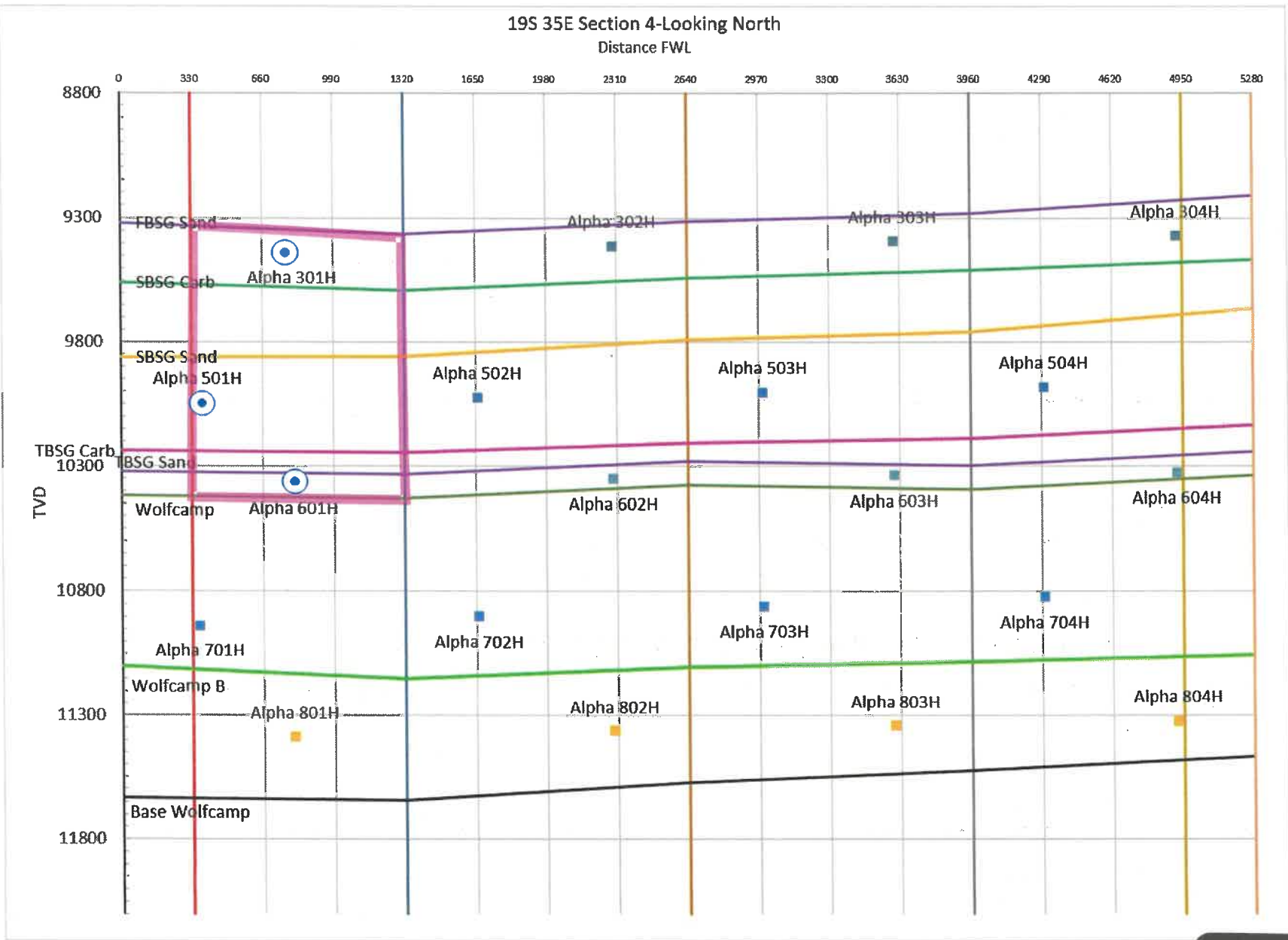
## Locator Map



- Black box shows the location of Alpha development area
- Planned wells are located outside of the eastern edge of the Capitan Reef



# Wellbore Schematic



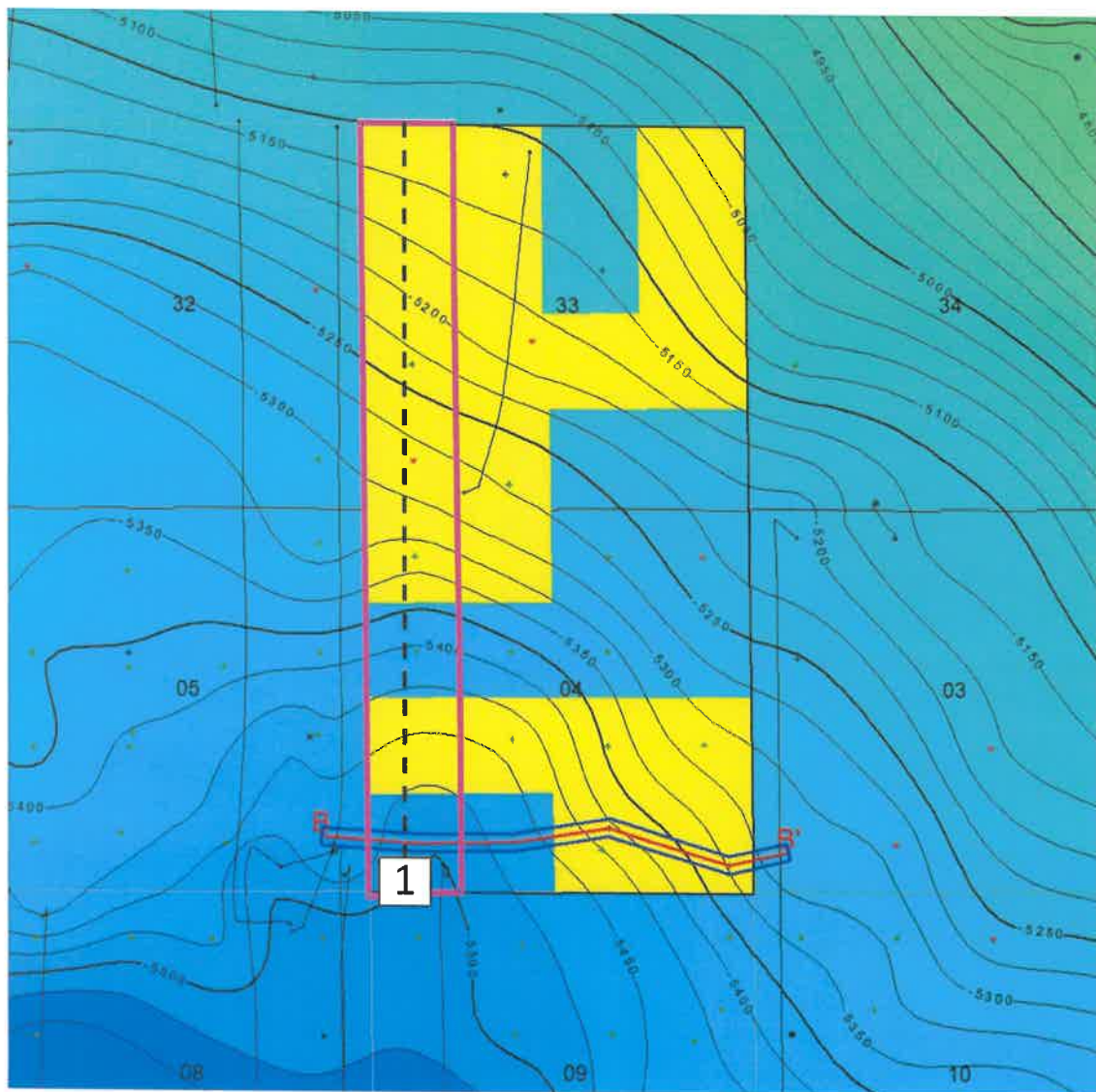
⊙ Proposed Lateral





Bone Spring Spacing Unit

**EXHIBIT**  
**C.2**

# First Bone Spring Structure



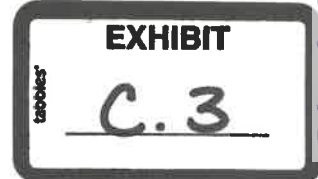
-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit

Proposed Horizontal Location

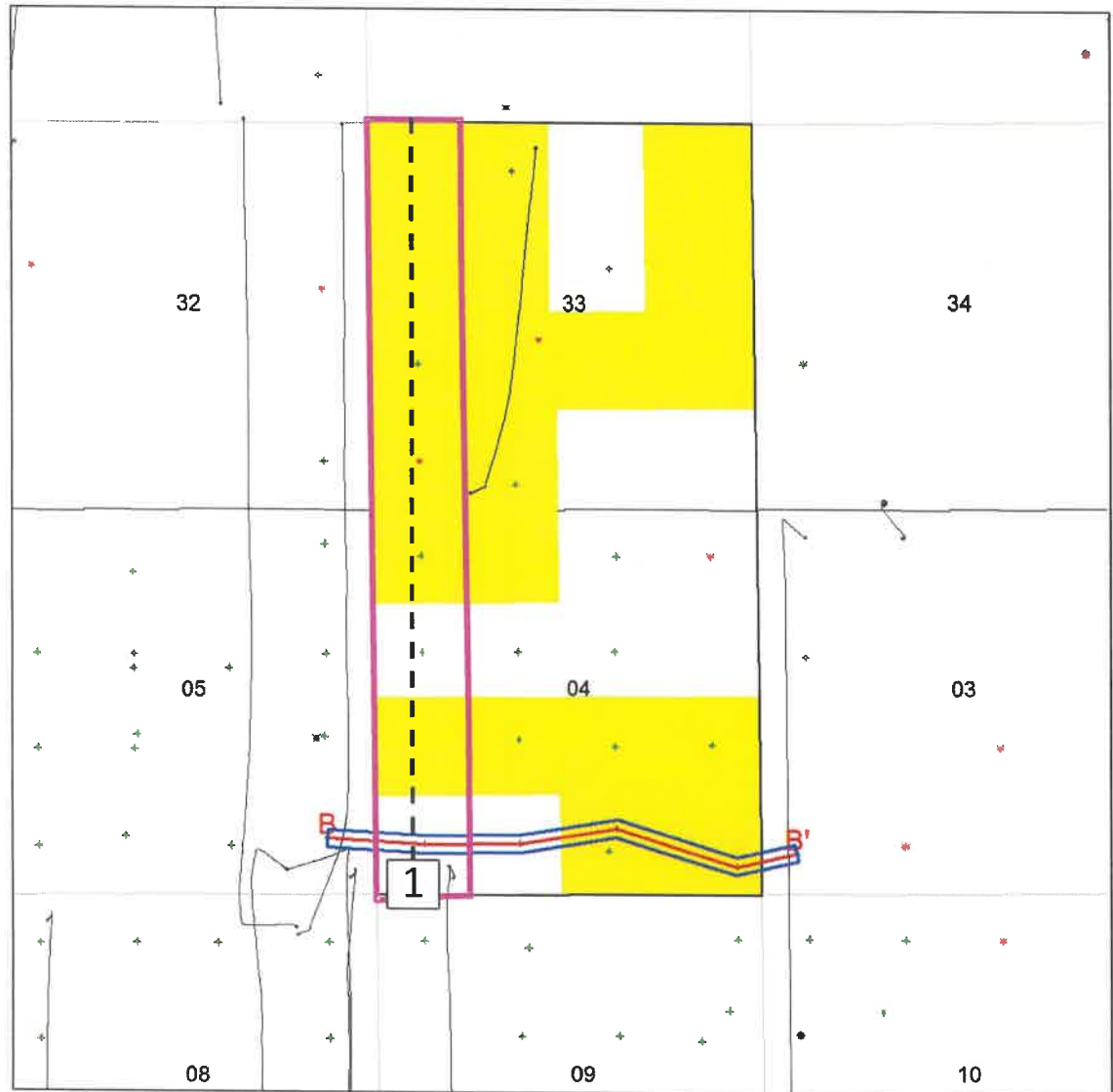
**1** Alpha State Com 301H



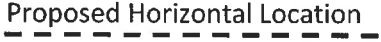
All wells shown

1 mile



# Cross Section Reference Map



-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit
-  Proposed Horizontal Location

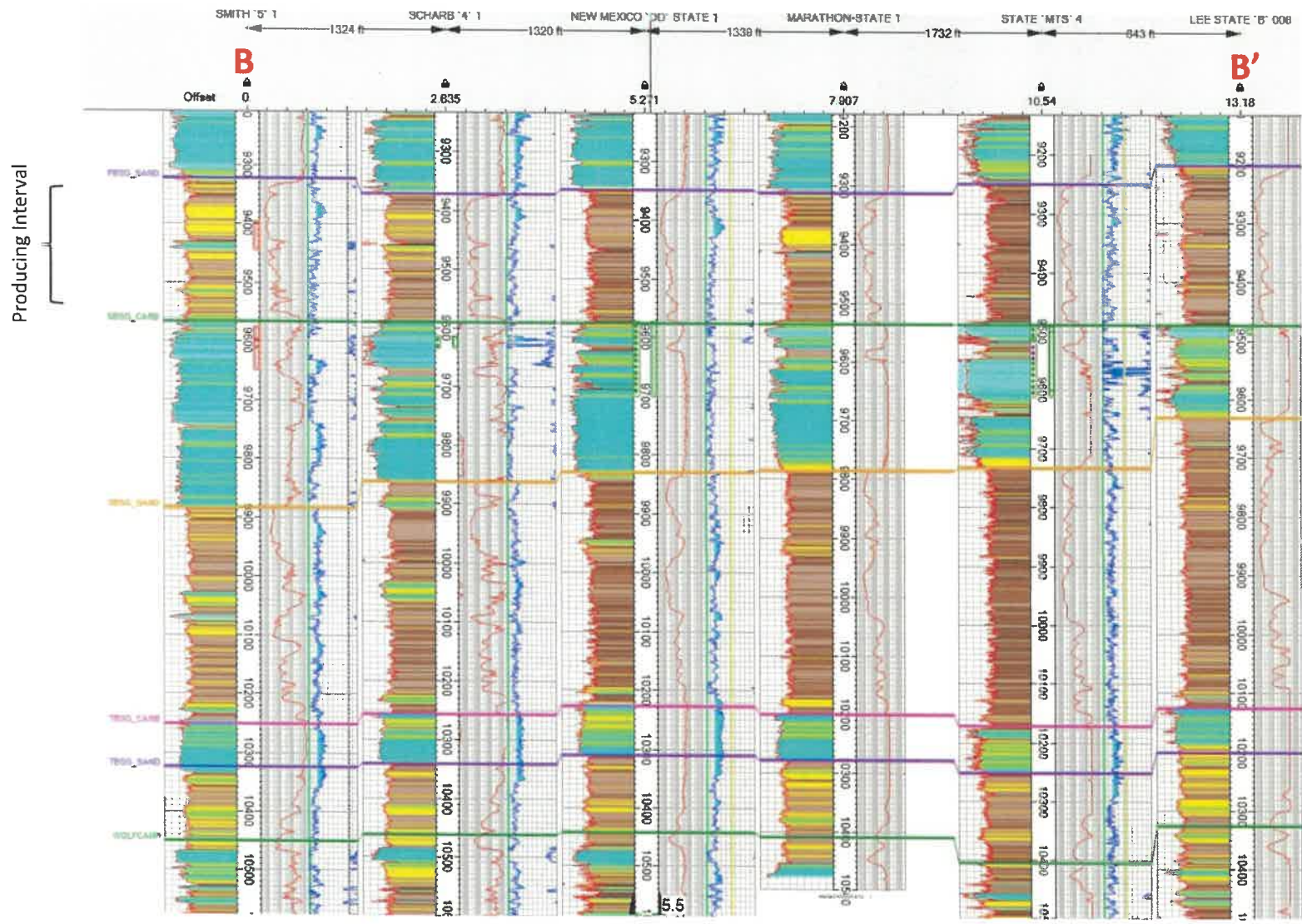
**1** Alpha State Com 301H

All wells shown

1 mile

**EXHIBIT**  
C. 4

# First Bone Spring Cross Section

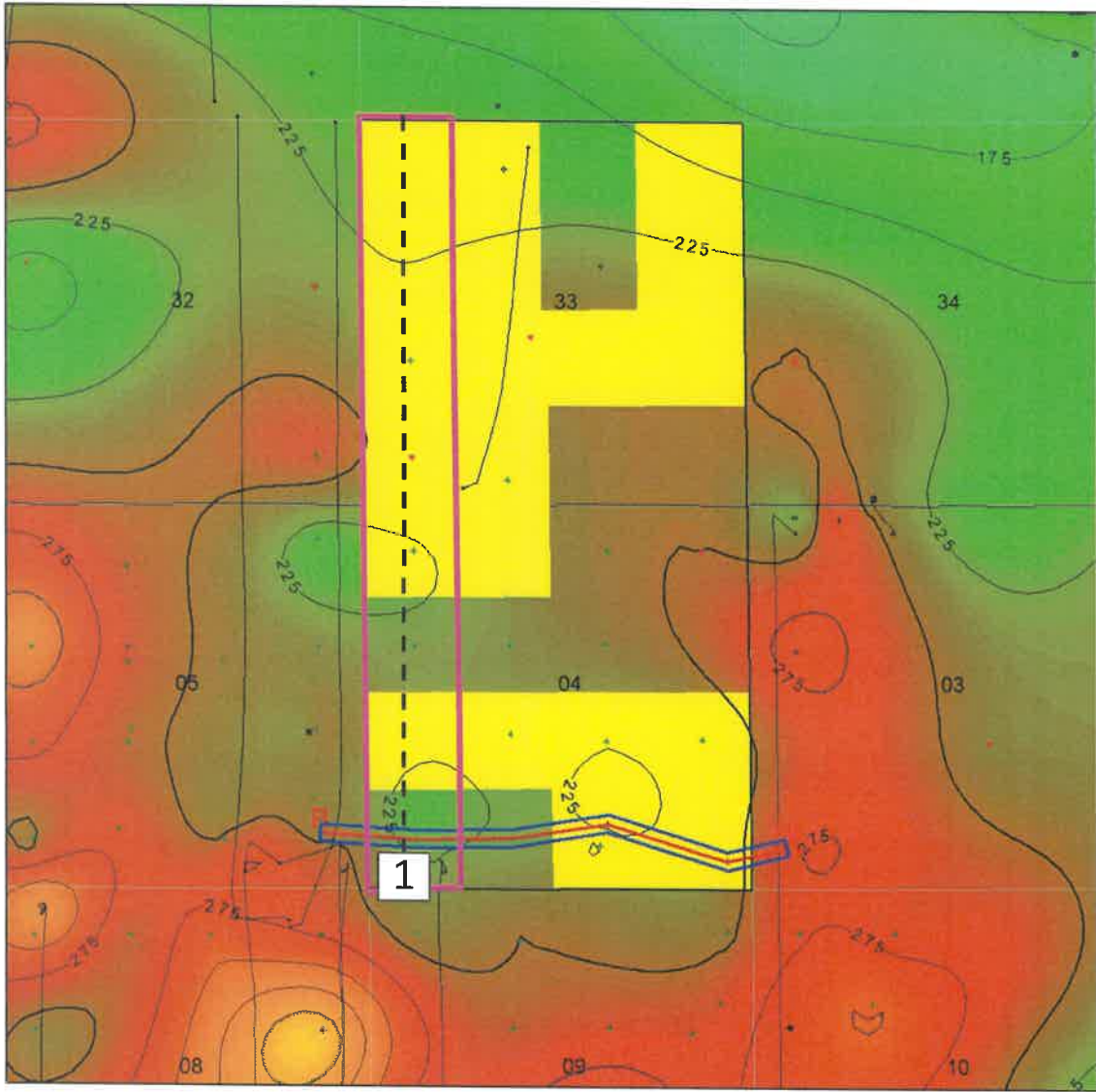


↑  
301H





# First Bone Spring Sand Isopach



- Franklin Mountain Acreage
- Bone Spring Spacing Unit
- Proposed Horizontal Location

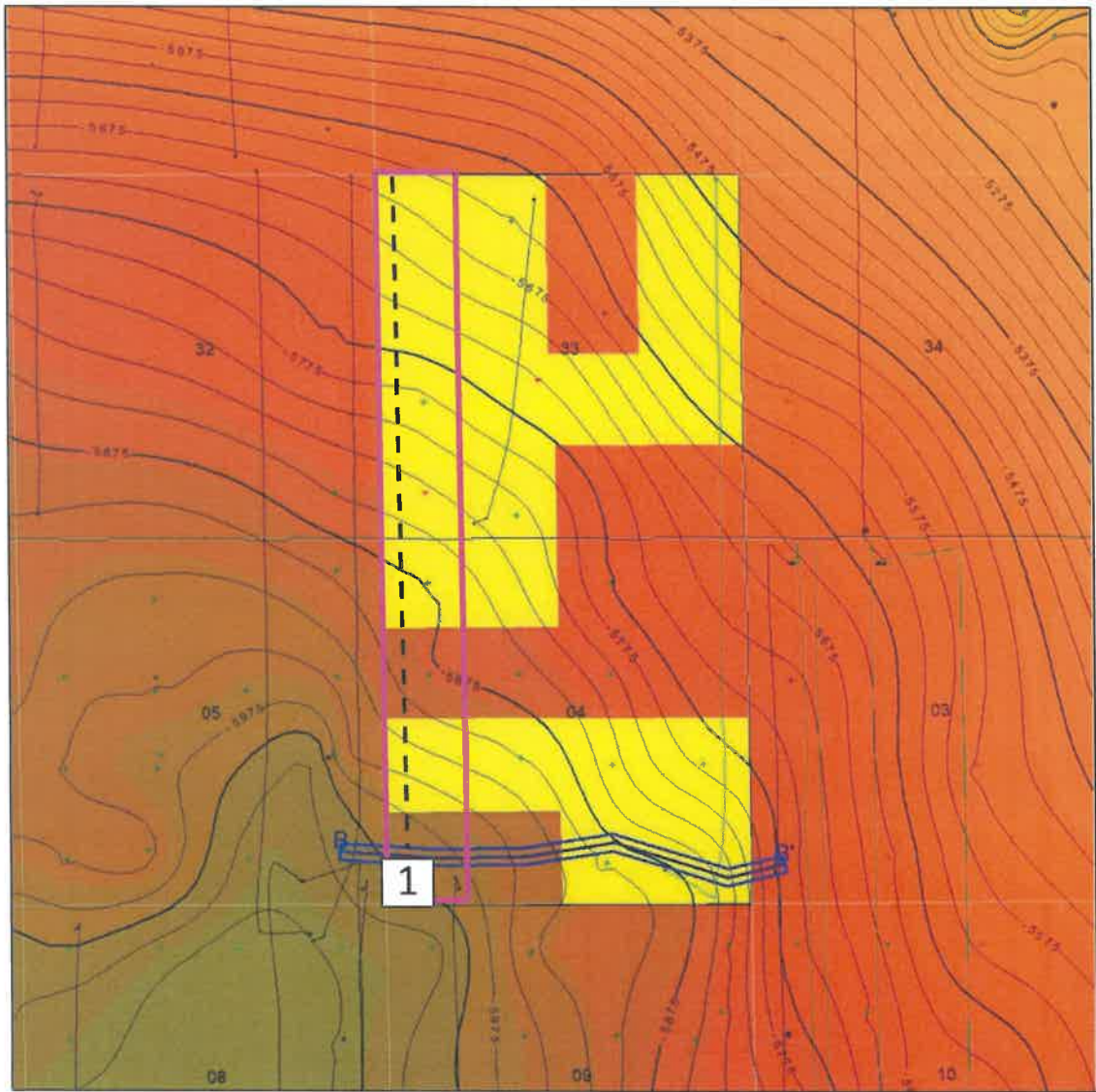
1 Alpha State Com 301H

All wells shown

1 mile



# Second Bone Spring Structure

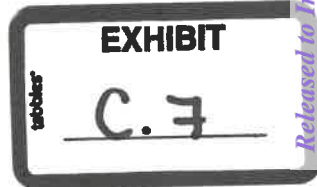


- Franklin Mountain Acreage
- Bone Spring Spacing Unit
- Proposed Horizontal Location

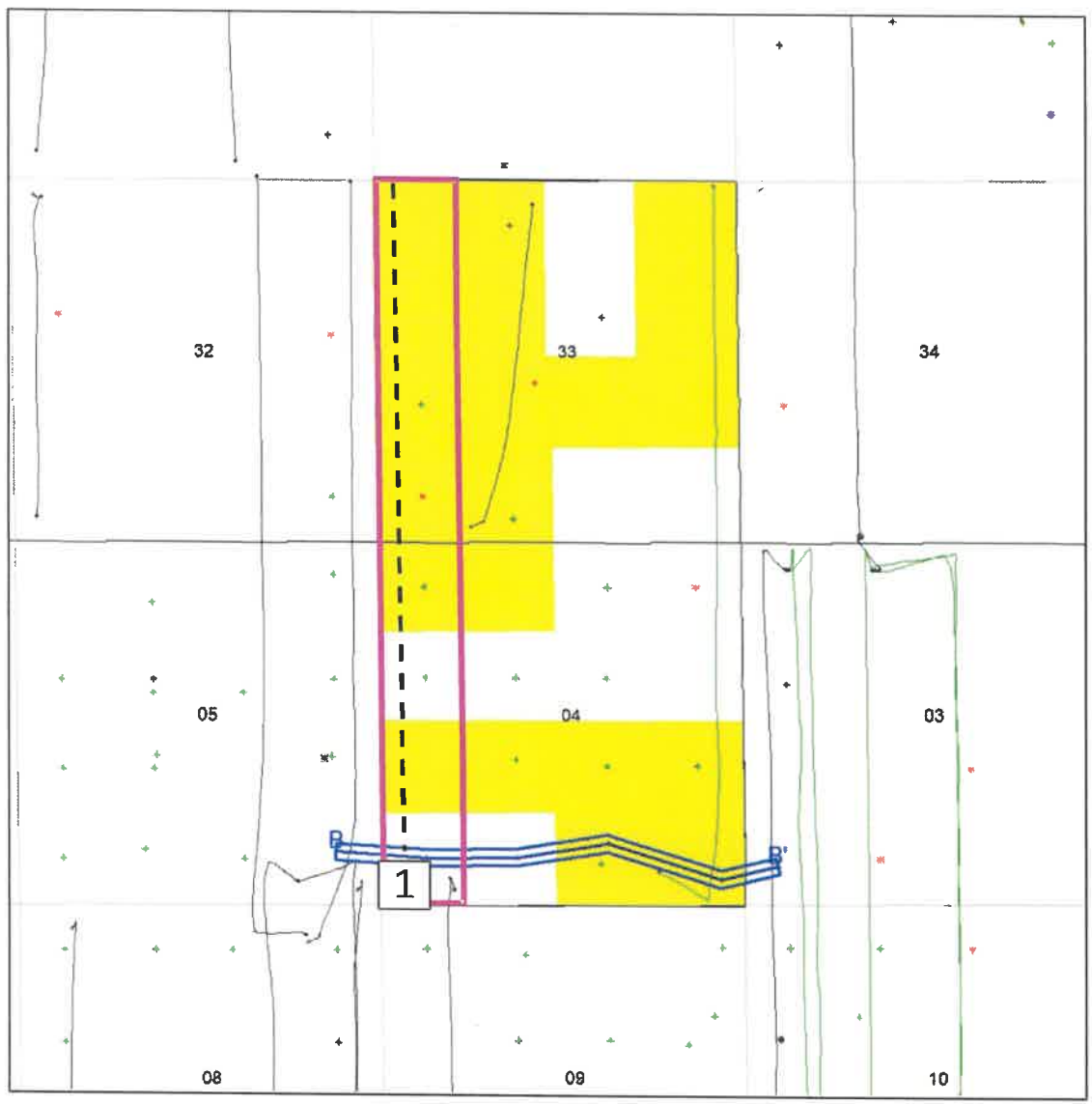
**1** Alpha State Com 501H

All wells shown

1 mile






# Cross Section Reference Map



All wells shown

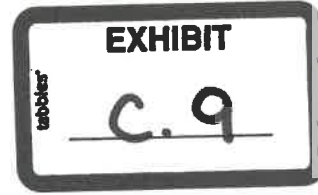
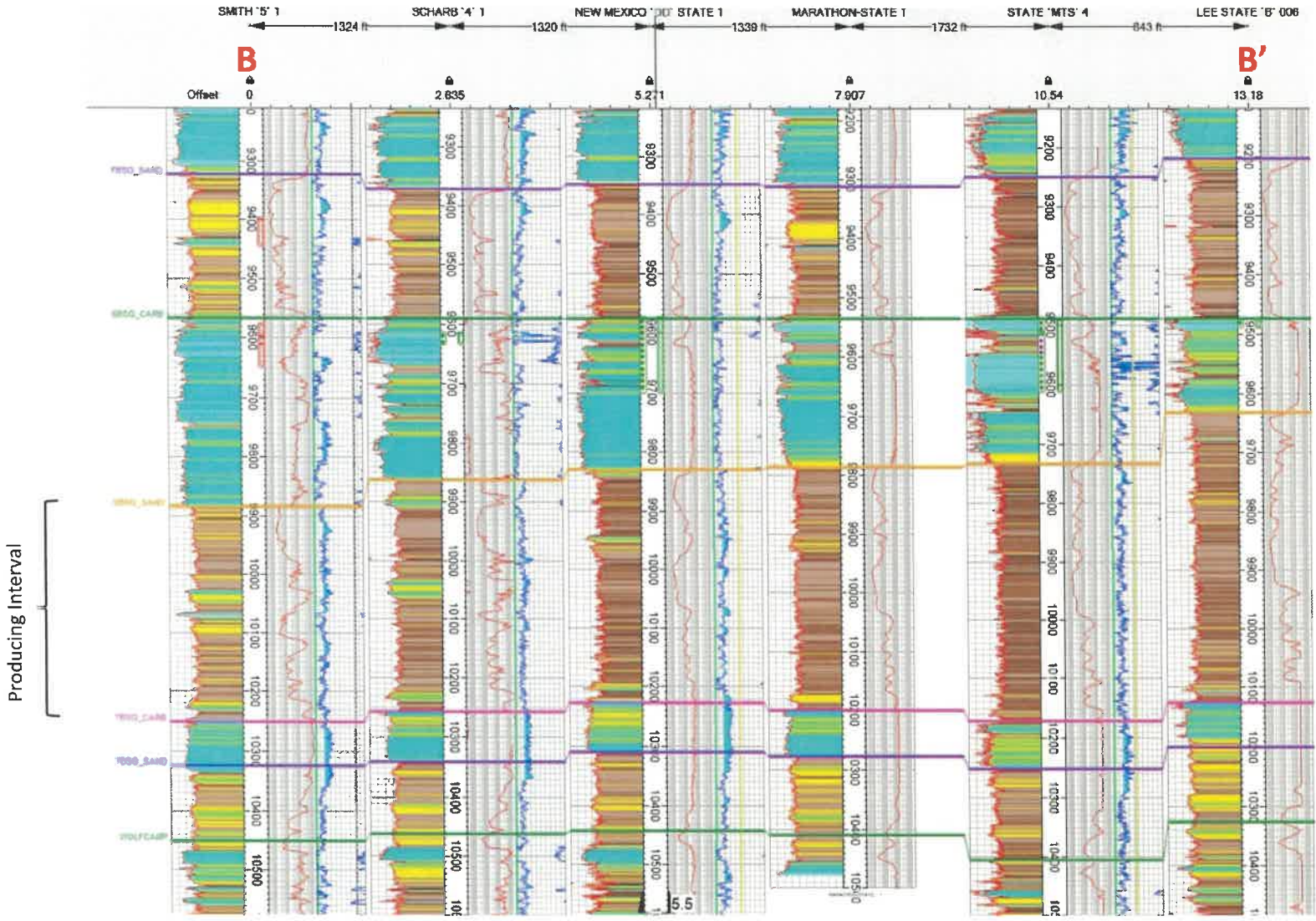
1 mile

-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit
-  Proposed Horizontal Location

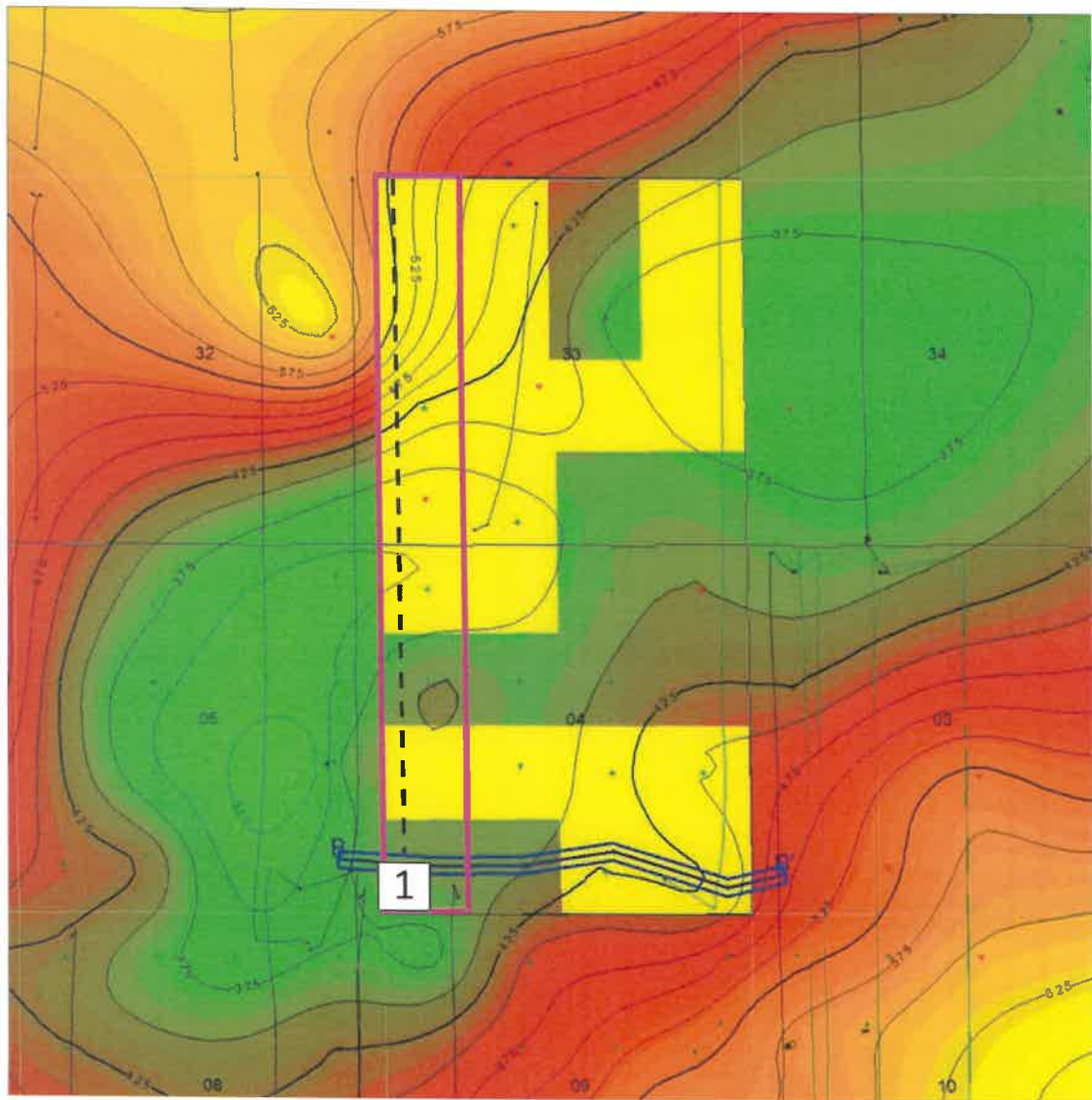
**1** Alpha State Com 501H



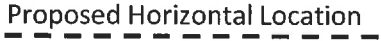


# Second Bone Spring Cross Section



# Second Bone Spring Isopach

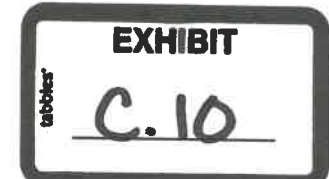


-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit
-  Proposed Horizontal Location

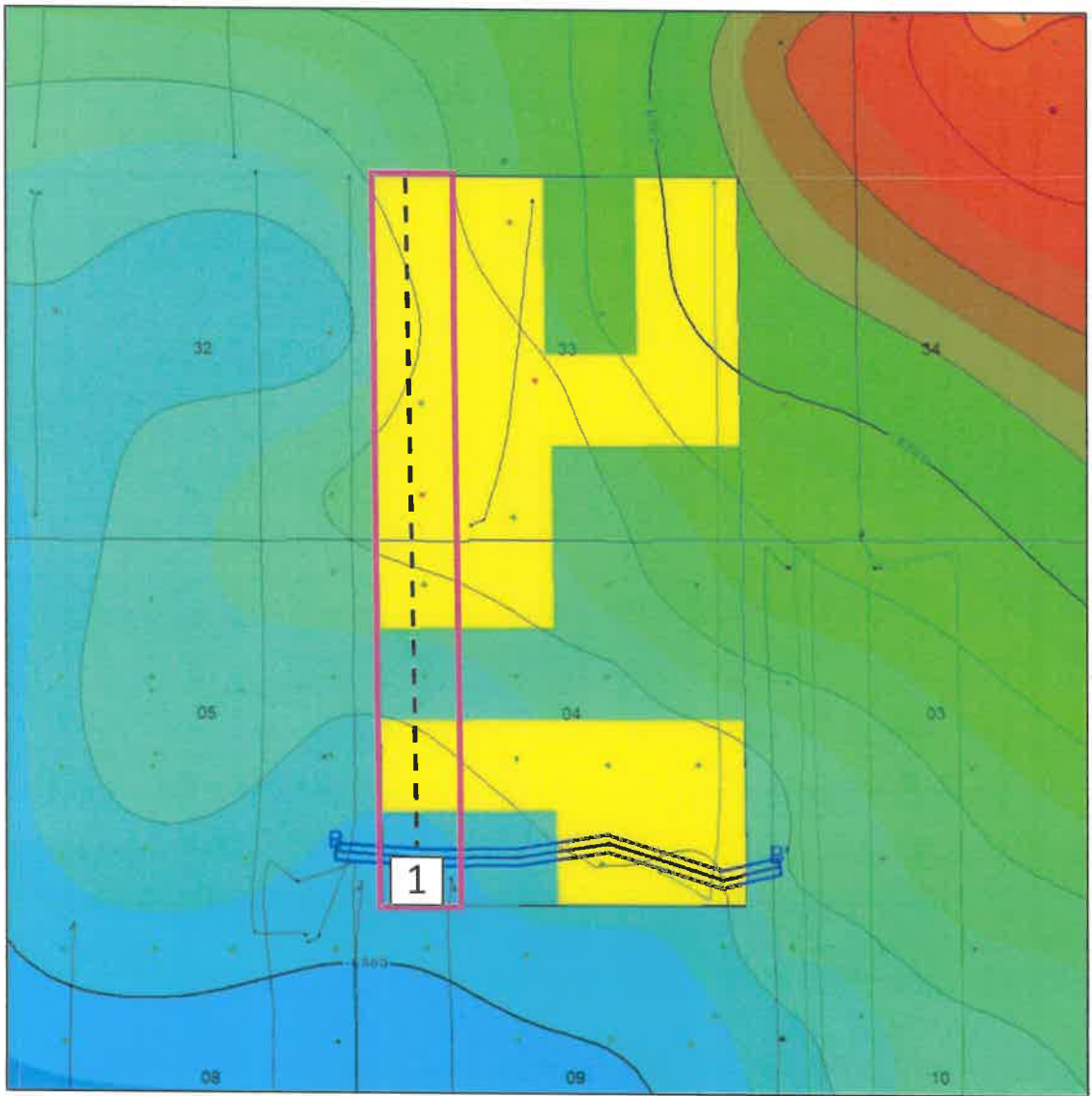
**1** Alpha State Com 501H

All wells shown

1 mile



# Third Bone Spring Structure



- Franklin Mountain Acreage
- Bone Spring Spacing Unit
- Proposed Horizontal Location

1 Alpha State Com 601H

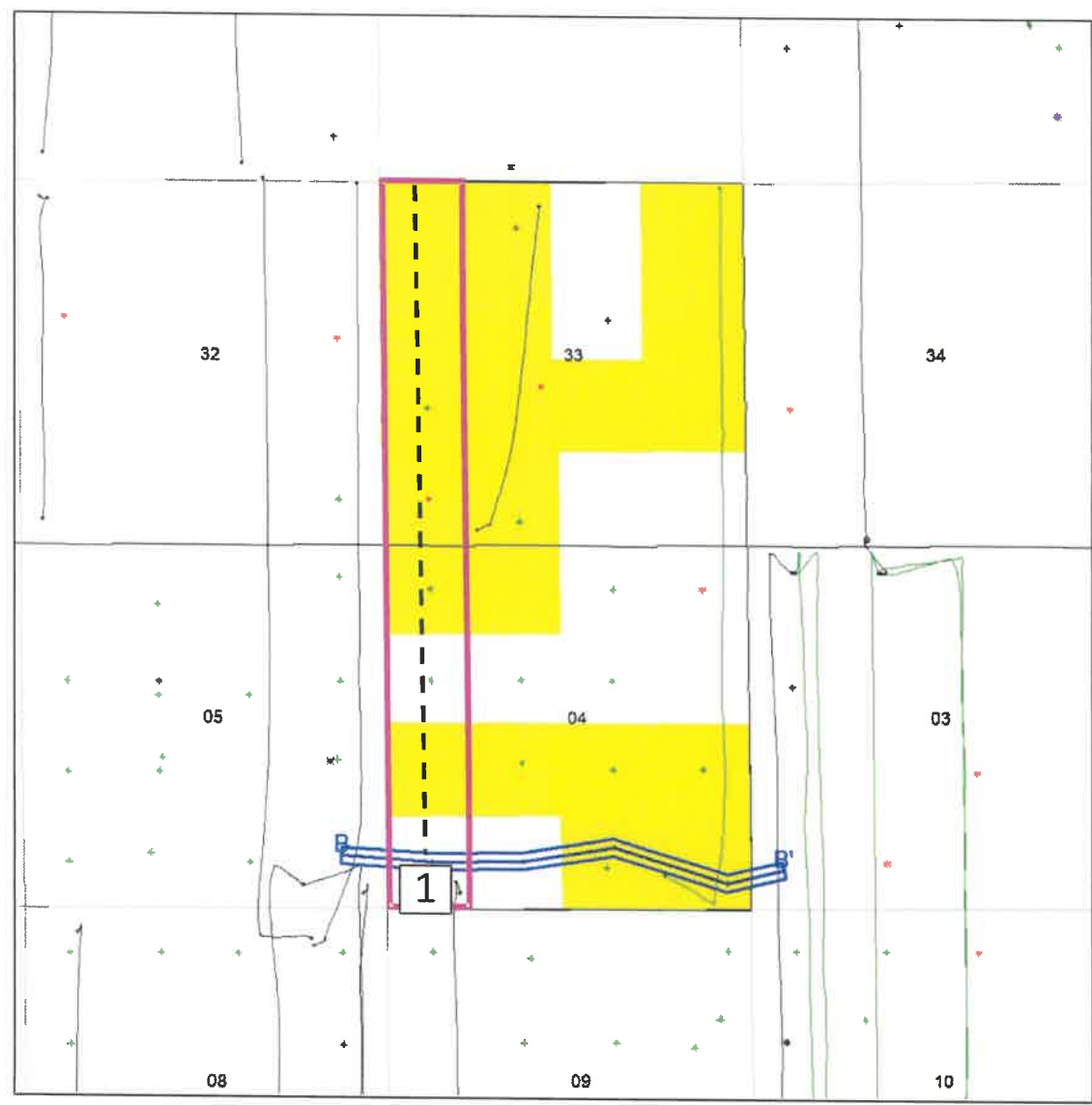
All wells shown



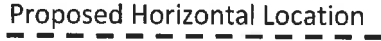
1 mile

**EXHIBIT**

**C.11**

# Cross Section Reference Map

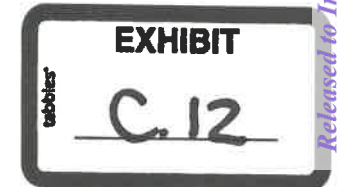


-  Franklin Mountain Acreage
-  Bone Spring Spacing Unit
-  Proposed Horizontal Location

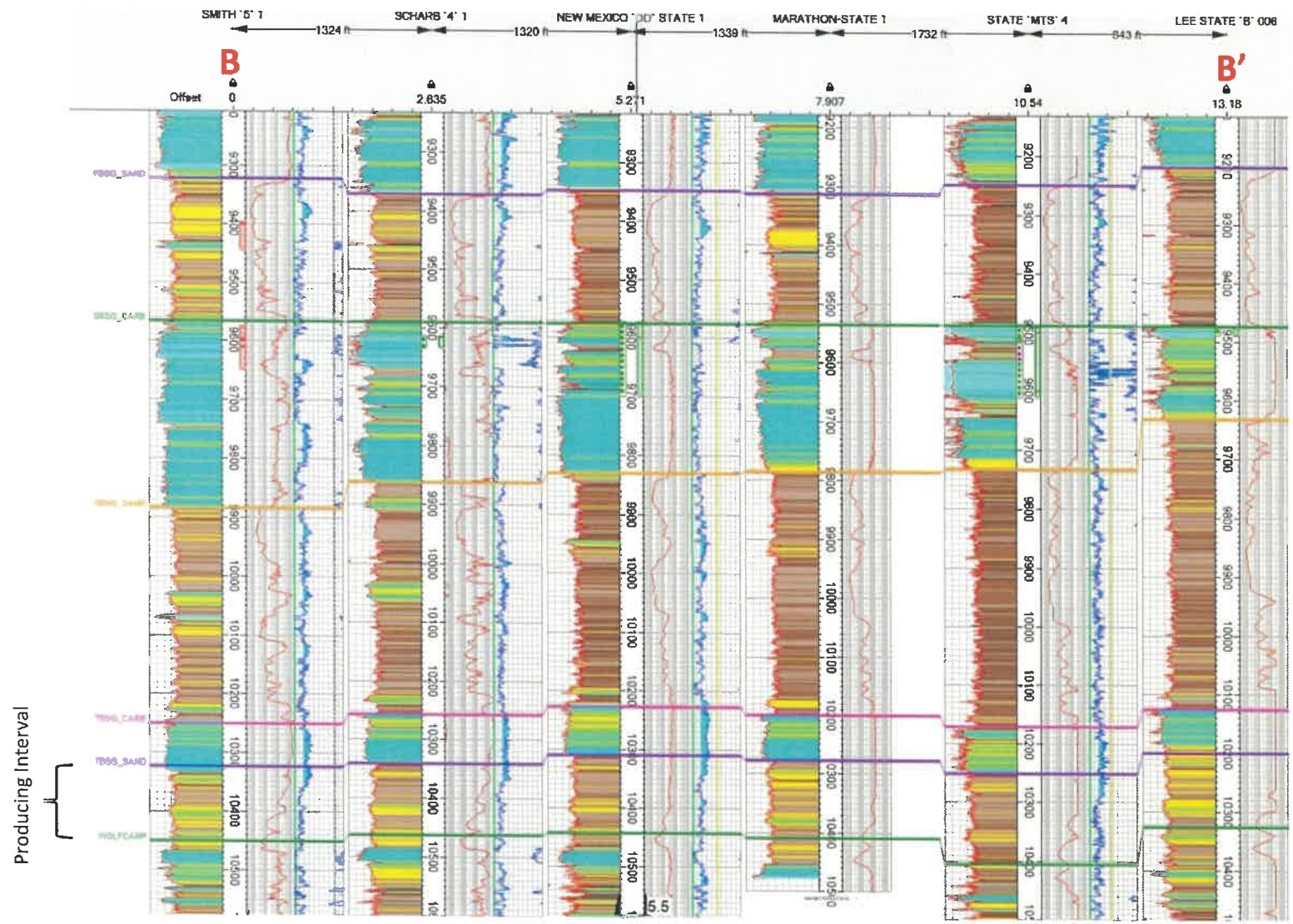
**1** Alpha State Com 601H

All wells shown

1 mile



# Third Bone Spring Cross Section



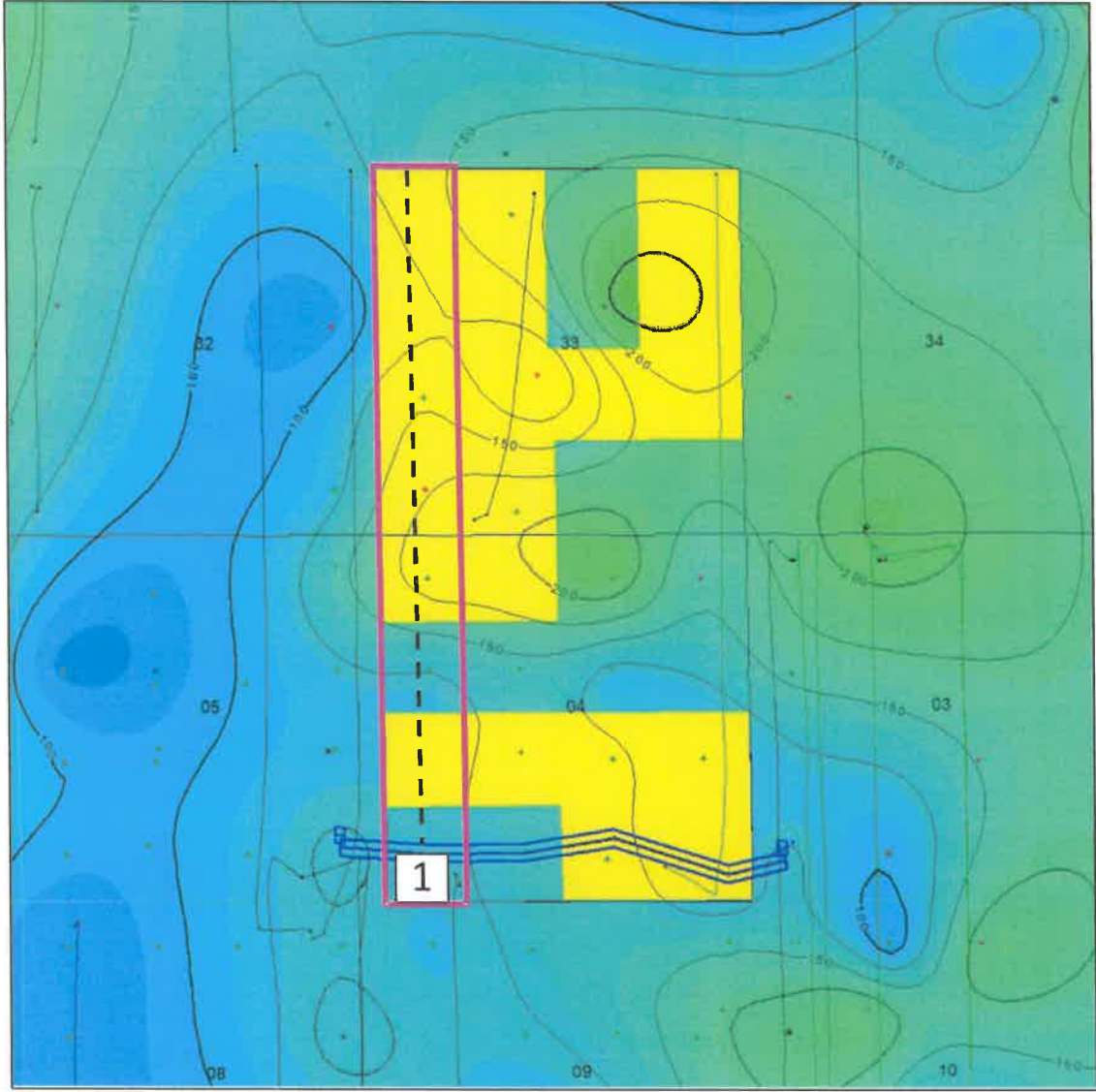
601H

tabbles

**EXHIBIT**  
**C.13**



# Third Bone Spring Isopach



- Franklin Mountain Acreage
- Bone Spring Spacing Unit
- Proposed Horizontal Location

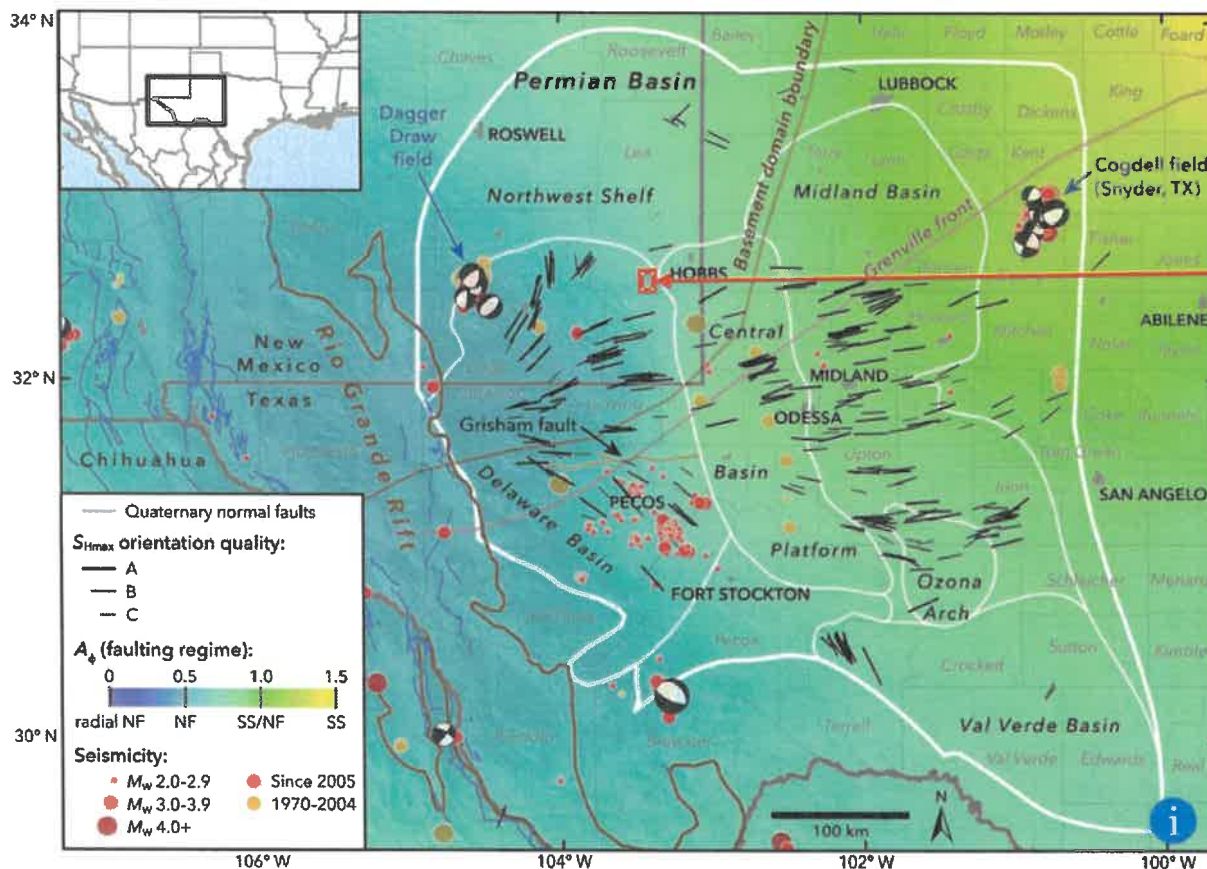
1 Alpha State Com 601H

All wells shown

1 mile



# Regional Stress



- Red box shows the approximate location of the Alpha development
- Reported local  $S_{Hmax}$  (Snee and Zoback, 2018) direction is ENE, around  $255^\circ$
- The Alpha State Com Bone Spring wells are planned to drill N-S, nearly orthogonal to  $S_{Hmax}$ , optimal for induced fracture propagation

Snee, J.L. and Zoback, M.D., 2018, State of stress in the Permian Basin, Texas and New Mexico: Implications for induced seismicity: The Leading Edge, 37, no. 2

[http://www.tleonline.org/theleadingedge/february\\_2018/MobilePagedArticle.action?articleId=1331603#articleId1331603](http://www.tleonline.org/theleadingedge/february_2018/MobilePagedArticle.action?articleId=1331603#articleId1331603)



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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
AND, TO THE EXTENT NECESSARY, APPROVAL OF AN  
OVERLAPPING SPACING UNIT,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24104

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24106

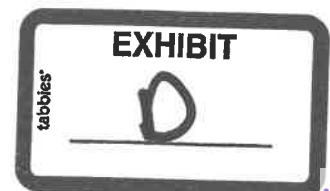
APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24108

SELF-AFFIRMED DECLARATION OF DEANA M. BENNETT

Deana M. Bennett, attorney in fact and authorized representative of Franklin Mountain Energy 3, LLC, the Applicant herein, declares as follows:

- 1) The above-referenced Applications were provided under notice letter, dated December 15, 2023, and attached hereto, as Exhibit A, to pooled parties and to operators/working interest owners known to Franklin in the new/existing spacing units.
- 2) Exhibit B is the mailing list, which show the notice letters were delivered to the USPS for mailing on December 15, 2023.
- 3) Exhibit C is the certified mailing tracking information, which is automatically compiled by CertifiedPro, the software Modrall uses to track the mailings. This shows the names and addresses of the parties to whom notice was sent and proof of delivery.
- 4) Exhibit D is the Affidavit of Publication from the Hobbs News-Sun, confirming that notice of the January 4, 2024 hearing was published on December 19, 2023.



5) I attest under penalty of perjury under the laws of the State of New Mexico that the information provided herein is correct and complete to the best of my knowledge and belief.

Dated: December 28, 2023.



---

Deana M. Bennett



MODRALL SPERLING

LAWYERS

December 15, 2023

Deana M. Bennett  
505.848.1834  
dmb@modrall.com

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Re: APPLICATION OF FRANKLIN MOUNTAIN ENERGY 3, LLC  
FOR COMPULSORY POOLING AND, TO THE EXTENT  
NECESSARY, APPROVAL OF AN OVERLAPPING SPACING  
UNIT, LEA COUNTY, NEW MEXICO**

**CASE NO. 24104**

**APPLICATION OF FRANKLIN MOUNTAIN ENERGY 3, LLC  
FOR COMPULSORY POOLING, LEA COUNTY, NEW  
MEXICO**

**CASE NO. 24106**

**APPLICATION OF FRANKLIN MOUNTAIN ENERGY 3, LLC  
FOR COMPULSORY POOLING, LEA COUNTY, NEW  
MEXICO**

**CASE NO. 24108**

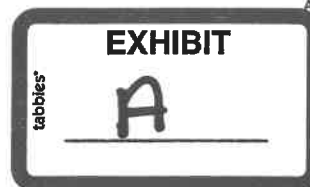
TO: AFFECTED PARTIES

This letter is to advise you that Franklin Mountain Energy 3, LLC (“Franklin Mountain Energy”) has filed the enclosed applications.

In Case No. 24104, Franklin Mountain Energy 3 seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Franklin also seeks, to the extent necessary, approval of an overlapping spacing unit. This spacing unit will be dedicated to the **Alpha State Com 302H, Alpha State Com 502H, and Alpha State Com 602H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. The proposed horizontal spacing unit will overlap with the following existing Bone Spring spacing unit:

Modrall Sperring  
Roehl Harris & Sisk P.A.  
500 Fourth Street NW  
Suite 1000  
Albuquerque,  
New Mexico 87102

PO Box 2168  
Albuquerque,  
New Mexico 87103-2168  
Tel: 505.848.1800  
www.modrall.com



Page 2

- A 160-acre horizontal spacing unit comprised of the E2W2 of Section 33 dedicated to Franklin Mountain's Ironhouse 33 NC State Com #001H well (API 30-025-40868).

Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

In Case No. 24106, Franklin Mountain Energy 3 seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 702H and Alpha State Com 802H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

In Case No. 24108, Franklin Mountain Energy 3 seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**The hearing will be conducted remotely on January 4, 2024 beginning at 8:15 a.m. To participate in the electronic hearing, see the instructions posted on the docket for the hearing date: <https://www.emnrd.nm.gov/ocd/hearing-info/>.** This hearing is subject to continuance by the Division to a subsequent docket date.

Page 3

As a party who may be affected by these applications, we are notifying you of your right to appear at the hearing and participate in these cases, including the right to present evidence either in support of or in opposition to the applications. Failure to appear at the hearing may preclude you from any involvement in these cases at a later date.

You are further notified that if you desire to appear in these cases, then you are requested to file a Pre-Hearing Statement with the Division at least four business days in advance of a scheduled hearing before the Division or the Commission, but in no event later than 5:00 p.m. mountain time, on the Thursday preceding the scheduled hearing date, with a copy delivered to the undersigned.

Sincerely,



Deana M. Bennett

*Attorney for Applicant*

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
AND, TO THE EXTENT NECESSARY, APPROVAL OF AN  
OVERLAPPING SPACING UNIT,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24104

APPLICATION

Franklin Mountain Energy 3, LLC ("Franklin"), OGRID Number 331595, through its undersigned attorneys, hereby files this application with the Oil Conservation Division ("Division") pursuant to the provisions of NMSA 1978, § 70-2-17, for an order pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Franklin also seeks, to the extent necessary, approval of an overlapping spacing unit. In support of this application, Franklin states as follows:

1. Franklin has an interest in the subject lands and has a right to drill and operate a well thereon.
2. Franklin seeks to dedicate the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico to form a standard 319.70-acre, more or less, Bone Spring horizontal spacing unit.
3. Franklin plans to drill the **Alpha State Com 302H, Alpha State Com 502H, and Alpha State Com 602H wells** to a depth sufficient to test the Bone Spring formation. The wells will be horizontally drilled, and the producing area for the wells are expected to be orthodox.



4. This proposed horizontal spacing unit will overlap with the following existing Bone Spring spacing unit:

- a. A 160-acre horizontal spacing unit comprised of the E2W2 of Section 33 dedicated to Franklin Mountain's Ironhouse 33 NC State Com #001H well (API 30-025-40868).

5. Franklin sought, but has been unable to obtain, a voluntary agreement from all interest owners in the Bone Spring formation underlying the proposed spacing unit to participate in the drilling of the wells or to otherwise commit their interests to the wells.

6. The pooling of all interests in the Bone Spring formation underlying the proposed unit and approving, to the extent necessary, the overlapping spacing unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

WHEREFORE, Franklin requests this application be set for hearing before an Examiner of the Oil Conservation Division on January 4, 2024 and after notice and hearing as required by law, the Division enter its order:

A. Pooling all uncommitted interests in the Bone Spring formation underlying a horizontal spacing unit within E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico;

B. Approving, to the extent necessary, the proposed overlapping spacing unit;

C. Designating Franklin as operator of this unit and the wells to be drilled thereon;

D. Authorizing Franklin to recover its costs of drilling, equipping and completing the wells;

E. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure; and

F. Setting a 200% charge for the risk involved in drilling and completing the wells in the event a working interest owner elects not to participate in the wells.

Respectfully submitted,

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

By: /s/ Deana M. Bennett

Earl E. DeBrine, Jr.  
Deana M. Bennett  
Yarithza Peña  
Post Office Box 2168  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505.848.1800  
[edebrine@modrall.com](mailto:edebrine@modrall.com)  
[deana.bennett@modrall.com](mailto:deana.bennett@modrall.com)  
[yarithza.pena@modrall.com](mailto:yarithza.pena@modrall.com)  
*Attorneys for Applicant*

**CASE NO. 24104** : Application of Franklin Mountain Energy 3, LLC for compulsory pooling and, to the extent necessary, approval of an overlapping spacing unit, Lea County, New Mexico. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Franklin also seeks, to the extent necessary, approval of an overlapping spacing unit. This spacing unit will be dedicated to the **Alpha State Com 302H, Alpha State Com 502H, and Alpha State Com 602H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. The proposed horizontal spacing unit will overlap with the following existing Bone Spring spacing unit:

- A 160-acre horizontal spacing unit comprised of the E2W2 of Section 33 dedicated to Franklin Mountain's Ironhouse 33 NC State Com #001H well (API 30-025-40868).

Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24106

APPLICATION

Franklin Mountain Energy 3, LLC (“Franklin”), OGRID Number 331595, through its undersigned attorneys, hereby files this application with the Oil Conservation Division (“Division”) pursuant to the provisions of NMSA 1978, § 70-2-17, for an order pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. In support of this application, Franklin states as follows:

1. Franklin has an interest in the subject lands and has a right to drill and operate a well thereon.
2. Franklin seeks to dedicate the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico to form a standard 319.70-acre, more or less, Wolfcamp horizontal spacing unit.
3. Franklin plans to drill the **Alpha State Com 702H and Alpha State Com 802H wells** to a depth sufficient to test the Wolfcamp formation. The wells will be horizontally drilled, and the producing area for the wells are expected to be orthodox.

4. Franklin sought, but has been unable to obtain, a voluntary agreement from all interest owners in the Wolfcamp formation underlying the proposed spacing unit to participate in the drilling of the wells or to otherwise commit their interests to the wells.

5. The pooling of all interests in the Wolfcamp formation underlying the proposed unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

WHEREFORE, Franklin requests this application be set for hearing before an Examiner of the Oil Conservation Division on January 4, 2024 and after notice and hearing as required by law, the Division enter its order:

A. Pooling all uncommitted interests in the Wolfcamp formation underlying a horizontal spacing unit within E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico;

B. Designating Franklin as operator of this unit and the wells to be drilled thereon;

C. Authorizing Franklin to recover its costs of drilling, equipping and completing the wells;

D. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure; and

E. Setting a 200% charge for the risk involved in drilling and completing the wells in the event a working interest owner elects not to participate in the wells.

Respectfully submitted,

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

By: /s/ Deana M. Bennett  
Earl E. DeBrine, Jr.  
Deana M. Bennett

Yarithza Peña  
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[yarithza.pena@modrall.com](mailto:yarithza.pena@modrall.com)  
*Attorneys for Applicant*

**CASE NO. 24106: Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 702H and Alpha State Com 802H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

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

APPLICATION OF FRANKLIN MOUNTAIN  
ENERGY 3, LLC FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

CASE NO. 24108

APPLICATION

Franklin Mountain Energy 3, LLC (“Franklin”), OGRID Number 331595, through its undersigned attorneys, hereby files this application with the Oil Conservation Division (“Division”) pursuant to the provisions of NMSA 1978, § 70-2-17, for an order pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. In support of this application, Franklin states as follows:

1. Franklin has an interest in the subject lands and has a right to drill and operate a well thereon.
2. Franklin seeks to dedicate the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico to form a standard 319.70-acre, more or less, Bone Spring horizontal spacing unit.
3. Franklin plans to drill the **Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells** to a depth sufficient to test the Bone Spring formation. The wells will be horizontally drilled, and the producing area for the wells are expected to be orthodox.



4. Franklin sought, but has been unable to obtain, a voluntary agreement from all interest owners in the Bone Spring formation underlying the proposed spacing unit to participate in the drilling of the wells or to otherwise commit their interests to the wells.

5. The pooling of all interests in the Bone Spring formation underlying the proposed unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

WHEREFORE, Franklin requests this application be set for hearing before an Examiner of the Oil Conservation Division on January 4, 2024 and after notice and hearing as required by law, the Division enter its order:

A. Pooling all uncommitted interests in the Bone Spring formation underlying a horizontal spacing unit within W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico;

B. Designating Franklin as operator of this unit and the wells to be drilled thereon;

C. Authorizing Franklin to recover its costs of drilling, equipping and completing the wells;

D. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure; and

E. Setting a 200% charge for the risk involved in drilling and completing the wells in the event a working interest owner elects not to participate in the wells.

Respectfully submitted,

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

By: /s/ Deana M. Bennett  
Earl E. DeBrine, Jr.  
Deana M. Bennett

Yarithza Peña  
Post Office Box 2168  
500 Fourth Street NW, Suite 1000  
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[deana.bennett@modrall.com](mailto:deana.bennett@modrall.com)  
[yarithza.pena@modrall.com](mailto:yarithza.pena@modrall.com)  
*Attorneys for Applicant*

**CASE NO. 24108: Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

Karlene Schuman  
Modrall Sperling Roehl Harris & Sisk P.A.  
500 Fourth Street, Suite 1000  
Albuquerque NM 87102

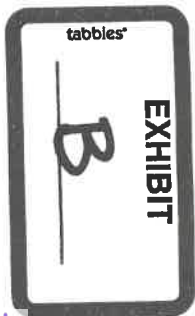
PS Form 3877

Type of Mailing: CERTIFIED MAIL  
12/15/2023

Firm Mailing Book ID: 257480

Line	USPS Article Number	Name, Street, City, State, Zip	Postage	Service Fee	RR Fee	Rest.Del.Fee	Reference Contents
1	9314 8699 0430 0115 2030 17	LUCKALOY LIMITED COMPANY A New Mexico Limited Liability Company 88 WEST COMPRESS ROAD ARTESIA NM 88210	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
2	9314 8699 0430 0115 2030 24	STATE OF NEW MEXICO, BY AND THROUGH ITS Commissioner of Public Lands PO BOX 1148 SANTA FE NM 87504	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
3	9314 8699 0430 0115 2030 31	SUSANNAH D. ADELSON, TRUSTEES OF James Adelson & Family 2015 Trusts 15 EAST 5TH STREET, SUITE 3300 TULSA OK 74103	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
4	9314 8699 0430 0115 2030 48	T.H. MCELVAIN OIL & GAS, LLLP 1050 17TH STREET, SUITE 1800 DENVER CO 80265	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
5	9314 8699 0430 0115 2030 55	THOMASTON, LLC 1819 DENVER WEST DRIVE, SUITE 260 LAKEWOOD CO 80401	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
6	9314 8699 0430 0115 2030 62	WILLIAM J. MCCAWE PO BOX 376 ARTESIA NM 88211	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
7	9314 8699 0430 0115 2030 79	XTO HOLDINGS, LLC 22777 SPRINGWOODS VILLAGE PARKWAY SPRING TX 77389	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
8	9314 8699 0430 0115 2030 86	ZUNIS ENERGY, LLC 15 EAST 5TH STREET, SUITE 3300 TULSA OK 74103	\$1.83	\$4.35	\$2.20	\$0.00	10154.24104,06,08. Notice
<b>Totals:</b>			<b>\$14.64</b>	<b>\$34.80</b>	<b>\$17.60</b>	<b>\$0.00</b>	
<b>Grand Total:</b>						<b>\$67.04</b>	

<b>List Number of Pieces Listed by Sender</b>	<b>Total Number of Pieces Received at Post Office</b>	<b>Postmaster: Name of receiving employee</b>	<b>Dated:</b>
8			



Transaction Report Details - CertifiedPro.net  
 Firm Mail Book ID= 257480  
 Generated: 12/28/2023 2:23:12 PM

USPS Article Number	Date Created	Reference Number	Name 1	Name 2	City	State	Zip	Mailing Status	Service Options	Mail Delivery Date
9314869904300115203086	2023-12-15 9:59 AM	10154.24104,06,08.	ZUNIS ENERGY, LLC		TULSA	OK	74103	Delivered	Return Receipt - Electronic, Certified Mail	2023-12-18 1:08 PM
9314869904300115203079	2023-12-15 9:59 AM	10154.24104,06,08.	XTO HOLDINGS, LLC		SPRING	TX	77389	Mailed	Return Receipt - Electronic, Certified Mail	
9314869904300115203062	2023-12-15 9:59 AM	10154.24104,06,08.	WILLIAM J. MCCA		ARTESIA	NM	88211	Delivered	Return Receipt - Electronic, Certified Mail	2023-12-21 9:44 AM
9314869904300115203055	2023-12-15 9:59 AM	10154.24104,06,08.	THOMASTON, LLC		LAKEWOOD	CO	80401	Mailed	Return Receipt - Electronic, Certified Mail	
9314869904300115203048	2023-12-15 9:59 AM	10154.24104,06,08.	T.H. MCELVAIN OIL & GAS, LLLP		DENVER	CO	80265	To be Returned	Return Receipt - Electronic, Certified Mail	
9314869904300115203031	2023-12-15 9:59 AM	10154.24104,06,08.	SUSANNAH D. ADELSON, TRUSTEES OF	James Adelson & Family 2015 Trusts	TULSA	OK	74103	Delivered	Return Receipt - Electronic, Certified Mail	2023-12-18 1:08 PM
9314869904300115203024	2023-12-15 9:59 AM	10154.24104,06,08.	STATE OF NEW MEXICO, BY AND THROUGH ITS	Commissioner of Public Lands	SANTA FE	NM	87504	Delivered	Return Receipt - Electronic, Certified Mail	2023-12-18 10:27 AM
9314869904300115203017	2023-12-15 9:59 AM	10154.24104,06,08.	LUCKALOY LIMITED COMPANY	A New Mexico Limited Liability Company	ARTESIA	NM	88210	Mailed	Return Receipt - Electronic, Certified Mail	



# Affidavit of Publication

LEGAL NOTICE  
December 19, 2023

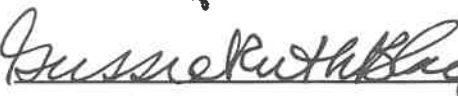
STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated  
December 19, 2023  
and ending with the issue dated  
December 19, 2023.

  
\_\_\_\_\_  
Publisher

Sworn and subscribed to before me the  
19th day of December 2023.

  
\_\_\_\_\_  
Business Manager

My commission expires

January 29, 2024  
**STATE OF NEW MEXICO**  
**NOTARY PUBLIC**  
**GUSSIE RUTH BLACK**  
**COMMISSION # 1087526**  
**COMMISSION EXPIRES 01/29/2024**

This newspaper is duly qualified to print legal notices or advertisements without meaning of Section 3, Chapter 167, Act 1937 and payment of fees for said publication has been made.

**CASE NO. 24103: Notice to all affected parties, as well as heirs and devisees of: CEP Minerals; Collins & Jones Investments, LLC; Crown Oil Partners, LP; David W. Cromwell; Deane Durham; Good News Minerals, LLC; H. Jason Wacker; Kaleb Smith; KMF Land, LLC; LMC Energy, LLC; Luckaloy Limited Company, A New Mexico Limited Liability Company; Marathon Oil Permian, LLC; MCT Energy, Ltd.; Mike Moylett; Oak Valley Mineral and Land, LP; Post Oak Crown IV, LLC; Post Oak Crown IVB, LLC; Post Oak Mavros, II, LLC; SB Land, LLC; Sortida Resources, LLC; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; William J. McCaw; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on **January 4, 2024** to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/oecd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.68-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 E/2 of Section 33, Township 18 South, Range 35 East, and Lot 1, the SE/4 NE/4 and E/2 SE/4 of Section 4 (E/2 E/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 704H and Alpha State Com 804H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24104: Notice to all affected parties, as well as heirs and devisees of: Luckaloy Limited Company, a New Mexico Limited Liability Company; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustee of the James Adelson and Family 2015 Trusts; T.H. McElvain Oil & Gas, LLLP; Thomaston, LLC; William J. McCaw; XTO Holdings, LLC; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling and, to the extent necessary, approval of an overlapping spacing unit, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on **January 4, 2024** to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/oecd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Franklin also seeks, to the extent necessary, approval of an overlapping spacing unit. This spacing unit will be dedicated to the **Alpha State Com 302H, Alpha State Com 502H, and Alpha State Com 602H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. The proposed horizontal spacing unit will overlap with the following existing Bone Spring spacing unit:  
• A 160-acre horizontal spacing unit comprised of the E2W2 of Section 33 dedicated to Franklin Mountain's Ironhouse 33 NC State Com #001H well (API 30-025-40868).

Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24105: CEP Minerals; Collins & Jones Investments, LLC; Crown Oil Partners, LP; David W. Cromwell; Deane Durham; Good News Minerals, LLC; H. Jason Wacker; Kaleb Smith; KMF Land, LLC; LMC Energy, LLC; Luckaloy Limited Company, A New Mexico Limited Liability Company; Marathon Oil Permian, LLC; MCT Energy, Ltd.; Mike Moylett; Oak Valley Mineral and Land, LP; Post Oak Crown IV, LLC; Post Oak Crown IVB, LLC; Post Oak Mavros, II, LLC; SB Land, LLC; Sortida Resources, LLC; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; William J. McCaw; Zunis Energy, LLC of the Notice to all affected parties, as well as heirs and devisees of: Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on **January 4, 2024** to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/oecd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.69-acre, more or less, Wolfcamp horizontal spacing unit comprising the W/2 E/2 of Section 33, Township 18 South, Range 35 East, and Lot 2, the SW/4 NE/4 and W/2 SE/4 of Section 4 (W/2 E/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 703H and Alpha State Com 803H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24106: Notice to all affected parties, as well as heirs and devisees of: Luckaloy Limited Company, a New Mexico Limited Liability Company; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustee of the James Adelson and Family 2015 Trusts; T.H. McElvain Oil & Gas, LLLP; Thomaston, LLC; William J. McCaw; XTO Holdings, LLC; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on **January 4, 2024** to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/oecd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 702H and Alpha State Com 802H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24107: Notice to all affected parties, as well as heirs and devisees of: CEP Minerals; Collins & Jones Investments, LLC; Crown Oil Partners, LP; David W. Cromwell; Deane Durham; Good News Minerals, LLC; H. Jason Wacker; Kaleb Smith; KMF Land, LLC; Luckaloy Limited Company, A New Mexico Limited Liability Company; Marathon Oil Permian, LLC; MCT Energy, Ltd.; Mike Moylett; Oak Valley Mineral and Land, LP; Post Oak Crown IV, LLC; Post Oak Crown IVB, LLC; Post Oak Mavros, II, LLC; SB Land, LLC; Sortida Resources, LLC; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; William J. McCaw; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on **January 4, 2024** to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/oecd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the E/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 3, the SE/4 NW/4 and E/2 SW/4 of Section 4 (E/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the **Alpha State Com 702H and Alpha State Com 802H wells**, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**EXHIBIT**  
**D**

parties, as well as heirs and devisees of: CEP Minerals; Collins & Jones Investments, LLC; Crown Oil Partners, LP; David W. Cromwell; Deane Durham; G & C; Good News Minerals, LLC; H. Jason Wacker; Kaleb Smith; KMF Land, LLC; LMC Energy, LLC; Luckaloy Limited Company, A New Mexico Limited Liability Company; Marathon Oil Permian, LLC; MCT Energy, Ltd.; Mike Moylett; Oak Valley Mineral and Land, LP; Post Oak Crown IV, LLC; Post Oak Crown IVB, LLC; Post Oak Mavros, II, LLC; SB Land, LLC; Sortida Resources, LLC; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; William J. McCaw; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico. The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on January 4, 2024 to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/ocd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.69-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 E/2 of Section 33, Township 18 South, Range 35 East, and Lot 2, the SW/4 NE/4 and W/2 SE/4 of Section 4 (W/2 E/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the Alpha State Com 303H, Alpha State Com 503H, and Alpha State Com 603H wells, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24108: Notice to all affected parties, as well as heirs and devisees of: Luckaloy Limited Company, a New Mexico Limited Liability Company; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; T.H. McElvain Oil & Gas, LLLP; Thomaston, LLC; William J. McCaw; XT0 Holdings, LLC; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on January 4, 2024 to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/ocd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Bone Spring horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. This spacing unit will be dedicated to the Alpha State Com 301H, Alpha State Com 501H, and Alpha State Com 601H wells, to be horizontally drilled. The producing area for the wells are expected to be orthodox. Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.

**CASE NO. 24109: Notice to all affected parties, as well as heirs and devisees of: Luckaloy Limited Company, a New Mexico Limited Liability Company; State of New Mexico, by and through its Commissioner of Public Lands; Susannah D. Adelson, Trustees of the James Adelson and Family 2015 Trusts; T.H. McElvain Oil & Gas, LLLP; Thomaston, LLC; William J. McCaw; Zunis Energy, LLC of the Application of Franklin Mountain Energy 3, LLC for compulsory pooling and, to the extent necessary, approval of an overlapping spacing unit, Lea County, New Mexico.** The State of New Mexico through its Oil Conservation Division hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on January 4, 2024 to consider this application. Information about accessing the electronic hearing is posted at "OCD NOTICES" at <https://www.emnrd.nm.gov/ocd/hearing-info/>. Applicant seeks an order from the Division pooling all uncommitted mineral interests within a 319.70-acre, more or less, Wolfcamp horizontal spacing unit comprising the W/2 W/2 of Section 33, Township 18 South, Range 35 East, and Lot 4, the SW/4 NW/4 and W/2 SW/4 of Section 4 (W/2 W/2 equivalent), Township 19 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Franklin also seeks, to the extent necessary, approval of an overlapping spacing unit. This spacing unit will be dedicated to the Alpha State Com 701H and Alpha State Com 801H wells, to be horizontally drilled. The producing area for the wells are expected to be orthodox. The proposed horizontal spacing unit will partially overlap the following existing Wolfcamp spacing units:

- A 80-acre vertical well spacing unit comprised of Unit E in Section 4, dedicated to G and C Operating, LLC's New Mexico DD State #002 well (API 30-025-27663)
- A 320-acre horizontal spacing comprised of the SW/SW of Section 4 dedicated to Franklin Mountain's Cable 19 35 9 State Com #001H well (API 30-025-46140).

Also to be considered will be the cost of drilling and completing said wells, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Franklin Mountain Energy 3, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles west of Hobbs, New Mexico.  
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