

**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 NOS. 24195 & 24197**

**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 NOS. 24196 & 24207**

**APPLICATION OF MARATHON OIL  
PERMIAN LLC FOR COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO**

**CASE NOS. 24737 & 24738**

**UNOPPOSED MOTION TO AMEND PRE-HEARING ORDER**

Marathon Oil Permian, LLC (“Marathon”), the applicant in Case Nos. 24737 & 24738 and an interested party in Case Nos. 24195 – 24197 and 24207, hereby moves to amend the existing Pre-Hearing Order, setting Case Nos. 24195 – 24197 and 24207 for a special contested hearing date on August 27, 2028, to include and consolidate Marathon’s recently filed cases, Case Nos. 24737 & 24738. No other party opposes this motion. In support of this motion, Marathon states the following:

1. The applications filed by Franklin Mountain Energy 3, LLC (“Franklin”) under Case Nos. 24195 – 24197 and 24207 seek to pool the Bone Spring and Wolfcamp formations in the E/2 of Section 20 and 29, Township 18 South, Range 35 East, N.M.P.M. for the Ball State Com wells.

2. On March 5, 2024, Marathon filed an entry of appearance and objection to Franklin’s cases proceeding by affidavit. Subsequently, the Oil Conservation Division (“Division”) granted a number of continuances to allow to the parties to continue ongoing trade discussions.

3. At the June 13, 2024, status conference, the Division set Franklin's cases for a special contested hearing date on August 27, 2024, to allow additional time for Marathon to submit its competing applications.

4. On June 14, 2024, the Division then issued a Pre-Hearing Order setting a contested hearing on August 27, 2024, at 8:30 a.m., and may continue on August 28, 2024.

5. On July 9, 2022, Marathon filed applications under Case Nos. 24737 & 24738 for the Vulture State Com wells, which overlap and compete with Franklin's applications.

WHEREFORE, Marathon respectfully requests that the Division amend the existing Pre-Hearing Order to include and consolidate Marathon's cases with Franklin's cases, which have been set for a special hearing contested hearing on August 27, 2024.

Respectfully submitted,

BEATTY & WOZNIAK, P.C.

By: 

\_\_\_\_\_  
Miguel A. Suazo  
James P. Parrot  
Sophia A. Graham  
Kaitlyn A. Luck  
500 Don Gaspar Ave.  
Santa Fe, NM 87505  
(505) 946-2090  
[msuazo@bwenerylaw.com](mailto:msuazo@bwenerylaw.com)  
[jparrot@bwenerylaw.com](mailto:jparrot@bwenerylaw.com)  
[sgraham@bwenerylaw.com](mailto:sgraham@bwenerylaw.com)  
[kluck@bwenerylaw.com](mailto:kluck@bwenerylaw.com)

*Attorneys for Marathon Oil Permian  
LLC*

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was served to counsel of record by electronic mail this 24th day of July 2024, as follows:

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

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 Franklin Mountain Energy 3, LLC*



Rachael Ketchledge