

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0137
Expires March 31, 2007

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

SUBMIT IN TRIPLICATE - Other instructions on reverse side

1. Type of Well

☐ Oil Well ☒ Gas Well ☐ Other

2. Name of Operator

XTO Energy Inc.

3a. Address

2700 Farmington Ave., Bldg. K, Ste 1 Farmington,

3b. Phone No. (include area code)

364-1090

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

1,700' FNL & 955' FEL, UL H, Sec 21, T26N, R11W

5. Lease Serial No.

NMSF-078641

6. If Indian, Allottee or Tribe Name

7. If Unit or CA/Agreement, Name and/or No.

8. Well Name and No.

Berger A #1E

9. API Well No.

30-045-31302

10. Field and Pool, or Exploratory Area

Basin Dakota/
Gallegos Gallup

11. County or Parish, State

San Juan NM

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION

☒ Notice of Intent

☐ Subsequent Report

☐ Final Abandonment Notice

TYPE OF ACTION

☐ Acidize

☐ Alter Casing

☐ Casing Repair

☐ Change Plans

☐ Convert to Injection

☐ Deepen

☐ Fracture Treat

☐ New Construction

☐ Plug and Abandon

☐ Plug Back

☐ Production (Start/Resume)

☐ Reclamation

☐ Recomplete

☐ Temporarily Abandon

☐ Water Disposal

☐ Water Shut-Off

☐ Well Integrity

☒ Other Downhole

Commingling

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleate horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleation in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the final site is ready for final inspection.)

XTO Energy, Inc. requests approval for an exception to NMOC Rule 303-C to permit DHC of production from the Basin Dakota & Gallegos Gallup in the Berger A #1E. XTO Energy, Inc. proposes to downhole commingling these pools upon completion of this well.

Allocations are based upon a 9-section EUR and are calculated as follows:

Basin Dakota	Gas 66%	Oil 29%
Gallegos Gallup	Gas 34%	Oil 71%

Both pools are included in the New Mexico Oil Conservation Division pre-approved pool combinations for downhole commingling in the San Juan Basin. Working Interest, net royalty interest & overriding royalty interest owners have been notified by certified, return receipt mail on July 14th, 2005. The NMOC has been notified of our intent by submission of a C-103. Downhole commingling will offer an economical method of production while protecting against reservoir damage, waste of reserves & violation of correlative rights.

14. I hereby certify that the foregoing is true and correct
Name (Printed/Typed)

Melissa M Osborne

Title

Regulatory Compliance Tech

Date 07/14/2005

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved by

Title

Date

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

Title 18 U.S.C. Section 1001, and Title 43 U.S.C. Section 1212, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

NMOC



2700 Farmington Ave, K-1 Farmington, NM 87401
Phone: (505) 324-1090 FAX: (505) 564-6700

July 14, 2005

RE: Notice of Intent to Apply for Downhole Commingling

Berger A #1E
H Sec 21, T26N, R11W; 1700' FNL & 955' FEL
San Juan County, NM

To: All working interest, royalty interest and overriding royalty interest owners.

XTO Energy Inc. is applying for permission to downhole commingle the Basin Dakota (71599) and the Gallegos Gallup (26980) pools in the Berger A #1E. We propose to downhole commingle production from both pools after this well is drilled and upon approval from the NMOCD. NMOCD requires all interest owners be notified of intent to downhole commingle if ownership is different between pools.

Both of these pools are included in the New Mexico Oil Conservation Division pre-approved pool combinations for downhole commingling in the San Juan Basin. Based upon the 9-section EUR's for the Basin Dakota and Gallegos Gallup, XTO Energy Inc. proposes allocation of commingled production as follows:

Pool	Oil	Gas
Basin Dakota	29%	66%
Gallegos Gallup	71%	34%

If you need additional information or have any questions, I may be contacted at (505) 566-7925. If you are opposed to commingling production from these two pools please respond in writing within 20 days of the date of this letter to XTO Energy Inc., 2700 Farmington Avenue, Suite K-1, Farmington, NM 87401.

Sincerely,

A handwritten signature in cursive script that reads "Melissa M Osborne".

Melissa M Osborne
Regulatory Compliance Tech

xc: Well File
FW Land Dept.

DISTRICT I
1625 N. French Dr., Hobbs, N.M. 88240

DISTRICT II
811 South First, Artesia, N.M. 88210

DISTRICT III
1000 Rio Brazos Rd., Aztec, N.M. 87410

DISTRICT IV
2040 South Pacheco, Santa Fe, NM 87505

State of New Mexico
Energy, Minerals & Natural Resources Department

Form C-102
Revised August 15, 2000

OIL CONSERVATION DIVISION

2040 South Pacheco
Santa Fe, NM 87505

Submit to Appropriate District Office
State Lease - 4 Copies
Fee Lease - 3 Copies

☐ AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

¹ API Number 30-045-31302	² Pool Code 26980 & 71599	³ Pool Name GALLEGOS GALLUP & BASIN DAKOTA
⁴ Property Code 22602	⁵ Property Name BERGER A	⁶ Well Number 1E
⁷ OCRD No. 167067	⁸ Operator Name XTO ENERGY INC.	⁹ Elevation 6274'

¹⁰Surface Location

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
H-	21	26-N	11-W	-	1700	NORTH	955'	EAST	SAN JUAN

¹¹Bottom 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
¹² Dedicated Acres			¹³ Joint or Infill		¹⁴ Consolidation Code		¹⁵ Order No.		
40 & 320									

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

16 SEC. CORNER FD U.S.G.L.O. BC. 1930	S 89-59-44 W	5267.8'	1700'	SEC. CORNER FD U.S.G.L.O. BC. 1930	17 OPERATOR CERTIFICATION I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief. Signature <u>Brian Wood</u> Printed Name BRIAN WOOD Title CONSULTANT Date NOV. 2, 2002
			362'	955'	
		LAT: 36°28'33.5" N. LONG: 108°00'13" W.	910'	Gallup	
	21			5220.3'	
				S 00-55-57 W	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. Date of Survey <u>APRIL 2, 2002</u> Signature and Seal of Professional Surveyor <u>DAVID A. JOHNSON</u> 14827 Certificate Number
				SEC. CORNER FD U.S.G.L.O. BC. 1930	

Berger A #1E DK / GP Downhole Commingle Owners

MMS – Notify BLM

Energen Resources Corporation
605 Richard Arrington Jr. Blvd. N
Birmingham, Al 35203-2707

Accord Du Lac Partnership LLP
P.O. Box 676281
Rancho Santa Fe, Ca 92067-6281

Robert Umbach Cancer Foundation
Bank of Oklahoma, Agent
Attn: J. Mark Choplin
P.O. Box 1588
Tulsa, OK 74101-1588

Pennies from Heaven LLC
Bank of America NA
Trust Oil & Gas
P.O. Box 840738
Dallas, TX 75284-0738

Production Gathering Company LP
8080 N. Central Expressway Ste.1090
Dallas, TX 75206

Thomas H. Yates
C/O J I L Oil Corp.
10500 North Hwy 281, Suite 100
San Antonio, TX 78216-3630

Marcia Berger
C/O Petroleum Asset Mgt LLC
P.O. Box 745
Hobbs, NM 88241

W W R Enterprises Inc.
C/O Petroleum Asst Mgt LLC
P.O. Box 745
Hobbs, NM 88241

Herbert R Briggs C/O Reynolds,
Hix & Co., P.A. As Agent
6729 Academy Rd., Suite D
Albuquerque, NM 87109

Berger A #1E DK / GP Downhole Commingle Owners

Cyrene Inman
Nationsbank TX, Agent
P.O. Box 840738
Dallas, TX 75284-0738

George William Umbach
C/O Bank of Oklahoma Agent
Attn: J. Mark Choplin
P.O. Box 3499
Tulsa, OK 74101

Frank Cronican, Sr. & Harriet Bates
Revocable Trust, P. B. Cronican &
F. A. Cronican, Jr., Trustees
Bank of America
P.O. Box 840738
Dallas, TX 75284-0738

Roger B. Nielsen
1200 Danbury Drive
Mansfield, TX 76063

Carolyn Nielsen Sedberry
C/O Little Oil & Gas Inc.
P.O. Box 1258
Farmington, NM 87499

Frank A. Potenziani
Potenziani Family Partnership
P.O. Box 676370
Rancho Santa Fe, CA 92067-6370

William C. Briggs C/O Reynolds,
Hix & Co., P.A. as Agent
6729 Academy Road, Suite D
Albuquerque, NM 87109

Mabel Otstot and Company
2420 W. 107th Drive
Westminster, CO 80234

Berger A #1E

Basin Dakota

API	Wellname	NO. RESERVOIR	SEC	T-R	OPERATOR	1st PROD	LAST PROD	OIL	GAS	WATER	EUR OIL	EUR GAS	DLY OIL	DLY GAS
30045247490000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19820131	20050301	2,560	519,206	1639	2,975	721,699	0.2	82.6
30045279800000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19800731	20050301	9,519	1,640,779	2142	12,410	2,093,906	0.6	117.9
30045598700000	STATE J COM	1	DAKOTA	16 26 N 11 W	XTO ENERGY	19881031	19800301	1,189	114,845	0	1,189	114,845	0.4	7.8
30045058120000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	XTO ENERGY	19801101	19940401	16,782	1,698,194	5153	16,782	1,920,612	0	4.9
30045130340000	DELHI TAYLOR	5	DAKOTA	17 26 N 11 W	CONOCOPHILL	19800601	20040901	25,112	3,365,669	5003	25,570	3,365,669	0.1	0
30045056960000	DELHI TAYLOR	6	DAKOTA	17 26 N 11 W	TENNECO OIL	19810501	19781101	29,893	4,150,621	29,893	29,893	4,289,701	0	30.4
30045057700000	WESTERN C	1	DAKOTA	20 26 N 11 W	MERRION OIL	19810501	20041101	27,854	4,196,407	255	29,684	4,379,407	0.4	40
30045057760000	BLACKROCK DCOM	1	DAKOTA	20 26 N 11 W	MERRION OIL	19810601	20031101	15,337	2,324,464	651	15,337	2,340,934	0	3.6
30045130350000	BERGER A	1	DAKOTA	21 26 N 11 W	XTO ENERGY	19891231	20**1201	8,027	744,789	0	8,027	744,789	0	0
30045057800000	BLACKROCK C	1	DAKOTA	21 26 N 11 W	MERRION OIL	19800801	20041101	39,033	4,491,239	187	39,033	4,491,239	0	48.1
30045057400000	BERGER	3	DAKOTA	22 26 N 11 W	XTO ENERGY	19890831	20050301	18,508	2,383,510	577	20,370	2,480,855	0.2	28.5
30045057200000	BERGER	4	DAKOTA	22 26 N 11 W	XTO ENERGY	19891130	20050301	38,408	4,759,339	2221	41,371	5,371,879	0.6	149.7
30045130360000	GARTNER	1	DAKOTA	27 26 N 11 W	XTO ENERGY	19891231	20050301	33,805	3,889,620	4719	33,805	4,203,477	0.1	95.5
30045059740000	CADWELL A	1	DAKOTA	27 26 N 11 W	XTO ENERGY	19820131	20050301	8,429	905,530	241	9,485	1,045,690	0.2	22.3
30045057030000	NAVALO	2	DAKOTA	28 26 N 11 W	TENNECO OIL	19891001	19800301	14,620	1,443,035	0	15,078	1,443,035	0.1	0
30045056780000	DROLET	1	DAKOTA	28 26 N 11 W	BP AMERICA	19800201	19800901	14,895	1,012,116	501	14,895	1,070,219	0	12.7
30045056780000	DROLET	1	DAKOTA	28 26 N 11 W	XTO ENERGY	19800228	19800901	14,895	1,012,116	501	14,895	1,070,219	0	12.7
30045212260000	GALLEGOS	1	DAKOTA	29 26 N 11 W	BP AMERICA	19731101	19900401	7,572	1,738,066	0	7,572	1,740,354	0	0.5
30045212260000	GALLEGOS	2	DAKOTA	29 26 N 11 W	CONOCOPHILL	19731101	20040201	23,383	3,380,684	1771	24,288	3,393,862	0.2	2.9
30045247510000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	20041001	1,094	135,320	2828	1,094	135,320	0	0.4
30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873	0	204	52,311	0	2.6
30045298000000	DELHI TAYLOR	5	DAKOTA	17 26 N 11 W	MERRION OIL	19810201	19820801	73	5,453	0	1,446	44,798	0.3	8.6
30045237990000	DELHI TAYLOR	6	DAKOTA	17 26 N 11 W	TENNECO OIL	19810201	19821201	-	3,765	0	-	4,680	0	0.2
30045262300000	BLACKROCK DCOM	1	DAKOTA	20 26 N 11 W	MERRION OIL	19800201	19930201	1,847	297,979	341	4,592	628,752	0.6	72.3
30045305180000	BERGER	3	DAKOTA	22 26 N 11 W	XTO ENERGY	20020331	20050301	996	222,447	2408	4,240	856,176	0.5	183.2
30045316560000	BERGER	4	DAKOTA	22 26 N 11 W	XTO ENERGY	20040430	20050301	716	76,105	414	9,484	953,983	2	211.4
30045313570000	GARTNER	1	DAKOTA	27 26 N 11 W	XTO ENERGY	20030531	20050301	693	30,269	12991	3,652	268,143	1.2	51.7
30045247890000	NAVALO	2	DAKOTA	28 26 N 11 W	BP AMERICA	19810901	19800101	64	5,608	0	64	12,013	0	1.4
30045247890000	NAVALO	2	DAKOTA	28 26 N 11 W	BP AMERICA	19810901	19800101	64	5,608	0	64	12,013	0	1.4
30045247510000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	20041001	1,094	135,320	2828	1,094	135,320	0	0.4
30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873	0	204	52,311	0	2.6
30045298000000	DELHI TAYLOR	5	DAKOTA	17 26 N 11 W	MERRION OIL	19810201	19820801	73	5,453	0	1,446	44,798	0.3	8.6
30045237990000	DELHI TAYLOR	6	DAKOTA	17 26 N 11 W	TENNECO OIL	19810201	19821201	-	3,765	0	-	4,680	0	0.2
30045262300000	BLACKROCK DCOM	1	DAKOTA	20 26 N 11 W	MERRION OIL	19800201	19930201	1,847	297,979	341	4,592	628,752	0.6	72.3
30045305180000	BERGER	3	DAKOTA	22 26 N 11 W	XTO ENERGY	20020331	20050301	996	222,447	2408	4,240	856,176	0.5	183.2
30045316560000	BERGER	4	DAKOTA	22 26 N 11 W	XTO ENERGY	20040430	20050301	716	76,105	414	9,484	953,983	2	211.4
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30045247890000	NAVALO	2	DAKOTA	28 26 N 11 W	BP AMERICA	19810901	19800101	64	5,608	0	64	12,013	0	1.4
30045247510000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	20041001	1,094	135,320	2828	1,094	135,320	0	0.4
30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873	0	204	52,311	0	2.6
30045298000000	DELHI TAYLOR	5	DAKOTA	17 26 N 11 W	MERRION OIL	19810201	19820801	73	5,453	0	1,446	44,798	0.3	8.6
30045237990000	DELHI TAYLOR	6	DAKOTA	17 26 N 11 W	TENNECO OIL	19810201	19821201	-	3,765	0	-	4,680	0	0.2
30045262300000	BLACKROCK DCOM	1	DAKOTA	20 26 N 11 W	MERRION OIL	19800201	19930201	1,847	297,979	341	4,592	628,752	0.6	72.3
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30045316560000	BERGER	4	DAKOTA	22 26 N 11 W	XTO ENERGY	20040430	20050301	716	76,105	414	9,484	953,983	2	211.4
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30045247510000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	20041001	1,094	135,320	2828	1,094	135,320	0	0.4
30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873	0	204	52,311	0	2.6
30045298000000	DELHI TAYLOR	5	DAKOTA	17 26 N 11 W	MERRION OIL	19810201	19820801	73	5,453	0	1,446	44,798	0.3	8.6
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30045262300000	BLACKROCK DCOM	1	DAKOTA	20 26 N 11 W	MERRION OIL	19800201	19930201	1,847	297,979	341	4,592	628,752	0.6	72.3
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30045316560000	BERGER	4	DAKOTA	22 26 N 11 W	XTO ENERGY	20040430	20050301	716	76,105	414	9,484	953,983	2	211.4
30045313570000	GARTNER	1	DAKOTA	27 26 N 11 W	XTO ENERGY	20030531	20050301	693	30,269	12991	3,652	268,143	1.2	51.7
30045247890000	NAVALO	2	DAKOTA	28 26 N 11 W	BP AMERICA	19810901	19800101	64	5,608	0	64	12,013	0	1.4
30045247890000	NAVALO	2	DAKOTA	28 26 N 11 W	BP AMERICA	19810901	19800101	64	5,608	0	64	12,013	0	1.4
30045247510000	RANDEL OH	6	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	20041001	1,094	135,320	2828	1,094	135,320	0	0.4
30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873	0	204	52,311	0	2.6
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30045247530000	RANDEL OH	7	DAKOTA	15 26 N 11 W	XTO ENERGY	19831031	19900301	478	32,552	0	478	32,552	2.7	0
30045262210000	MONCHIEF COM	1	DAKOTA	16 26 N 11 W	MERRION OIL	19800501	19800301	204	40,873					