

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTFORM APPROVED
OMB NO 1004-0137
Expires July 31, 2010

RECEIVED

SUNDRY NOTICES AND REPORTS ON WELLS

OCT 01 2012
Use this form for proposals to drill or to re-enter an
abandoned well. Use Form 3160-3 (APD) for such proposals.

| | | |
|--|---|--|
| Farmington Field Office Bureau of Land Management | | 5. Lease Serial No NMSF-078641 |
| SUBMIT IN TRIPLICATE - Other instructions on page 2 | | 6. If Indian, Allottee or Tribe Name |
| 1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other | | 7. If Unit or CA/Agreement, Name and/or No |
| 2. Name of Operator XTO Energy Inc. | | 8. Well Name and No BERGER #3 |
| 3a. Address 382 CR 3100, AZTEC, NM 87410 | 3b. Phone No (include area code) 505-333-3630 | 9. API Well No. 30-045-05740 |
| 4. Location of Well (Footage, Sec, T, R, M, or Survey Description) 1650' FSL & 990' FEL NESE SEC.22 (I)-T26N-R11W N.M.P.M. | | 10. Field and Pool, or Exploratory Area CALLEGOS GALLUP BASIN DAKOTA |
| | | 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 | TYPE OF ACTION | | | |
|--|---|---|--|--|
| <input checked="" type="checkbox"/> Notice of Intent | <input type="checkbox"/> Acidize | <input type="checkbox"/> Deepen | <input type="checkbox"/> Production (Start/Resume) | <input type="checkbox"/> Water Shut-Off |
| <input type="checkbox"/> Subsequent Report | <input type="checkbox"/> Alter Casing | <input type="checkbox"/> Fracture Treat | <input type="checkbox"/> Reclamation | <input type="checkbox"/> Well Integrity |
| <input type="checkbox"/> Final Abandonment Notice | <input type="checkbox"/> Casing Repair | <input type="checkbox"/> New Construction | <input type="checkbox"/> Recomplete | <input checked="" type="checkbox"/> Other METER |
| | <input type="checkbox"/> Change Plans | <input type="checkbox"/> Plug and Abandon | <input type="checkbox"/> Temporarily Abandon | CALIBRATION |
| | <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Plug Back | <input type="checkbox"/> Water Disposal | VARIANCE |

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. would like to request an exception to the Onshore Order #5 that requires quarterly meter calibration. Due to low volume (less than 100 mcf/d). XTO Energy Inc. proposes to calibrate the meter for this well semi-annual.

| | | |
|---|-------|--|
| 14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) SHERRY J. MORROW | | Title REGULATORY ANALYST |
| Signature <i>Sherry J. Morrow</i> | | Date 9/28/2012 |
| THIS SPACE FOR FEDERAL OR STATE OFFICE USE | | |
| Approved by ACCEPTED FOR RECORD | Title | Date OCT 16 2012 |
| 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 BY /s/ K.J. Schneider |

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

NMOCD

Well and Notice Remarks

| | | | | |
|-------------|-----------|-------------|--------|--------|
| Doc. Number | Doc. Type | Case Number | Type | Name |
| 13KJS2077S | VARI | NMSF078641 | 311111 | BERGER |

| API | Well Name | Number | Operator |
|----------------|-----------|--------|----------------|
| 300450574000C1 | BERGER | 3 | XTO ENERGY INC |
| 300450574000C2 | BERGER | 3 | XTO ENERGY INC |
| FACILITY | BERGER | 3 | XTO ENERGY INC |

| | | | | |
|-------------|------------|-----------------|---------|----------|
| Doc. Number | Date | Author | Subject | Category |
| 13KJS2077S | 10/16/2012 | KEVIN SCHNEIDER | VARI | APPROVAL |

Category GENERAL

Date 10/16/2012

Variance to Onshore Order #5, for semi-annual gas meter calibrations in accordance with NTL 92-5. Wells produce Less than 100 MCFD. Approval is indefinite and will remain in effect until production no longer meets the requirement of NTL 92-5 or is rescinded by the BLM by written notice.