

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTFORM 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.

2007 AUG 27

NMSF078641
6. If Indian, Allottee or Tribe Name
ON 12: 08

SUBMIT IN TRIPLICATE - Other instructions on reverse side

RECEIVED
BLM
210 FARMING

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

ON NM

1. Type of Well

☐ Oil Well ☒ Gas Well ☐ Other

2. Name of Operator

XTO Energy Inc.

3a. Address

2700 Farmington Ave, K-1, Farmington, NM 87401

3b. Phone No. (include area code)

505-324-1090

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

990' FNL & 1655' FEL SEC 14B-T26N-R11W

8. Well Name and No

BERGER #5E

9. API Well No

30-045-34125

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

TYPE OF ACTION

☒ Notice of Intent☐ Subsequent Report☐ Final Abandonment Notice☐ 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

COMMINGLE

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 recompleat 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 recompleat 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 (71599) and the Gallegos Gallup (26980) upon completion of the well. Allocations are based upon average production of commingle GP/DK wells in the 26N-11W. Supporting documentation is attached.

Basin Dakota	Gas 36%	Oil 5%	Water 30%
Gallegos Gallup	Gas 64%	Oil 95%	Water 70%

Both pools are included in the NMOC pre-approved pool combinations for DHC in the San Juan Basin. Ownership is common in both pools; therefore no notice of interest owners is necessary. Downhole commingling will offer an economical method of production while protecting against reservoir damage, waste of reserves & violation of correlative rights.

NMOC has been notified by C-103 sent 8/24/2007.

RCVD AUG 29 '07

OIL CONS. DIV.
DIST. 3

NO DHC: 9-6-07

14. I hereby certify that the foregoing is true and correct

Name (Printed/Typed)

HOLLY C. PERKINS

Title

REGULATORY COMPLIANCE TECH

Date 8/24/2007

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved by

Joe Hewitt

Title

Geo

Date

8-27-07

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

FFO

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