Form 3160-5 (August 2007)

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

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FORM APPROVED OMB NO. 1004-0137 Expires July 31, 2010

5 Lease Serial No.

NMM-09867A

SUNDRY NOTICES AND REPORTS ON WELLS MAR 0.9 2009

abandoned well. Use Form 3160-3 (APD) for such proposals of Land Management Farmington Field Office 7. If Unit or CA/Agreement, Name and/or No SUBMIT IN TRIPLICATE - Other instructions on page 2 Type of Well 8. Well Name and No. Oil Well X Gas Well Other BUTTE #3 2 Name of Operator XIO Energy Inc. 9. API Well No 3a Address 3b Phone No. (include area code) 30-045-33890 382 CR 3100 AZTEC, NM 87410 505-333-3100 10 Field and Pool, or Exploratory Area 4. Location of Well (Footage, Sec., T., R, M, or Survey Description) BASIN FRUITLAND COAL 760' FNL & 665' FEL NENE Sec. 18 (A) -T30N-R13W N.M.P.M. 11 County or Parish, State MAUL MAZ NM CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA TYPE OF SUBMISSION TYPE OF ACTION Notice of Intent Acidize Deepen Production (Start/Resume) Water Shut-Off Alter Casing Well Integrity Fracture Treat Reclamation X Subsequent Report W Casing Repair New Construction Recomplete Other RWTP Change Plans Plug and Abandon Temporarily Abandon Final Abandonment Notice Convert to Injection Plug Back Water Disposal 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 recomplete 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 recompletion 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. MIRU 03/02/2009. Repaired 2-3/8", 4.7#, J-55, 8rd, EUE tbg & set @ 1494' on 03/03/2009. Std PC & RWTP @ 12:30 p.m., 03/04/2009 Ppg @ 102 RPM. RCVD MAR 13 '09 OIL CONS. DTV. DIST. 3 I hereby certify that the foregoing is true and correct Name (Printed/Typed) Title JOHNSON REGULATORY COMPLIANCE TECHICIAN Signature Date 03/06/2009 THIS SPACE FOR FEDERAL OR STATE OFFICE USE Title Approved by

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 applying of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Office

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