

# **OIL CONSERVATION DIVISION**

**CASE NO.**  
*14299*

**EXHIBIT**  
**9**

# Affidavit of Publication

State of New Mexico,  
County of Eddy, ss.

**Kathy McCarroll**, being first duly sworn,  
on oath says:

That she is the Classified Supervisor of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

March 3 2009

That the cost of publication is **\$73.94** and that payment thereof has been made and will be assessed as court costs.

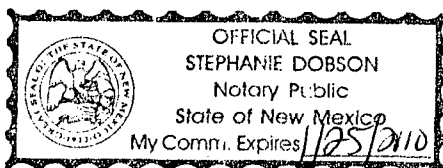
*Kathy McCarroll*

Subscribed and sworn to before me this

11<sup>th</sup> day of March, 2009  
*Stephanie Dobson*

My commission Expires on 1/25/2010

Notary Public



March 3, 2009  
NOTICE  
To: Malco Products, Inc.; Newbourne Oil Company has filed an application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Morrow formation underlying Lots 5-12 (the N/2) of Section 1, Township 22 South, Range 25 East, N.M.P.M. Eddy County, New Mexico, and in the following manner: Lot 9 (the SW/4NW/4) to form a non-standard 44.43 acre oil and gas spacing and proration unit for any formations and/or pools developed on 40 acre spacing within that vertical extent; Lots 7-10 (the NW/4) to form a non-standard 176.05 acre gas spacing and proration unit for any formations and/or pools developed on 160 acre spacing within that vertical extent; and the N/2 to form a non-standard 344.34 acre gas spacing and proration unit for any formations and/or pools developed on 320 acre spacing within that vertical extent. The units will be dedicated to the Hackberry Hills "1" Fed. Well No. 1 to be drilled at an orthodox location in Lot 9 (the SW/4NW/4) of Section 1. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as operator of the well, and a 200% charge for the risk involved in drilling and completing the well. The application is scheduled to be heard at 8:15 a.m. on Thursday, April 2, 2009 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner in the well unit you have the right to enter an appearance and participate in the case. Failure to appear will preclude you from contesting this matter at a later date. The attorney for applicant is James Bruce, P.O. Box 1056, Santa Fe, New Mexico 87504. The units are located approximately 7 miles west of Carlsbad, New Mexico.

Oil Conservation Division  
Case No. 9  
Exhibit No. 1