

Rec. 7/14

SMITH & MARRS INC.
BOX 863
KERMIT, TEXAS 79745

December 23, 2003

ROCKY TOP RANCH
Mr. & Mrs. Clay Osborn
Box 1285
JAL, N.M. 88252
Dear Mr. & Mrs. Osborn

RELEASE

ROCKY TOP RANCH(Mr. & Mrs. Clay Osborn) hereinafter referred to as ROCKY TOP Agrees to hold harmless SMITH & MARRS INC. or any of it's agents for the implementing of the Phase I Abatement Plan agreed to by the NMOCD. No damages will be paid for the drilling of monitor wells, completed wells, soil borings or surface locations required to perform this work.

Signed & agreed to by _____
It's _____
Date _____

Thank you, for you consideration on this matter and I look forward to hearing from you in the near future.

Sincerely,



Rickey Smith

cc: Chad Smith
GREAK & SMITH PC

OCD Exhibit No. 33B
Case No. 13061
September 2, 2004