

SMITH & MARRS INC.  
BOX 863  
KERMIT, TEXAS 79745

July 12, 2004

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. 33C  
Case No. 13061  
September 2, 2004