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CAL-SIERRA PROPERTIES and
MERCED GENERAL CONSTRUCTION, INC.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RE: WIDE AWAKE MERCURY MINE
No. R5-2009-xxxx

SUPPLEMENTAL POINTS AND AUTHORITIES

A reservation is a clause by which the grantor secures to himself a new thing issuing out of the thing granted and not in esse before. A reservation operated exclusively in favor of the grantor. Herbert Thorndike Tiffany, a Treatise on the Modern Law of Real Property and Other Interests in Land (1940 Abridged Edition by Carl Zellman), page 677. "In esse" is defined as being, actually existing. Black's Law Dictionary, 4th edition.

CORRECTION

On page 24 of Respondents CAL-SIERRA PROPERTIES and MERCED GENERAL CONSTRUCTION, INC. brief, I did not mean to imply that ROBERT LEAL or anyone else was the literal owner of mercury on the property in question. I simply picked the most recent grantor who reserved the mineral rights to the property. In

actuality, it is probable that the earliest reservations were by EMMA TREBILCOT or the TREBILCOT TRUST. MR. LEAL's deed to CAL-SIERRA reserved the mineral rights, but he did not, and does not own the mineral rights.

Respectfully submitted September 16, 2009.

GDT, initialed for fax
G. Dave Teja, Attorney for
Respondents Cal-Sierra
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