

G. Dave Teja, SBN 032014
799 Plumas Street, Suite B
Yuba City, CA 95991
Telephone: 530-673-1383
Facsimile: 530-673-1381

Attorney for CAL-SIERRA PROPERTIES,
ROY D. WHITAKER, GLADYS WHITEAKER,
and MERCED GENERAL CONSTRUCTION, INC.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RE: WIDE AWAKE MERCURY MINE

No. R5-2010-XXXX

Declaration of ROY D. WHITAKER

ROY D. WHITEAKER declares as follows:

I am a former partner in CAL-SIERRA PROPERTIES, hereafter "CAL-SIERRA." I am married to GLADYS WHITEAKER and all references to "my wife" are to her.

The real property in Colusa County, hereafter "the property" on which the Wide Awake Mine or Wide Awake Mercury Mine, hereafter "the mine," was located was purchased by CAL-SIERRA PROPERTIES in 1997 and sold in 1999.

CAL-SIERRA PROPERTIES was a partnership whose partners were, at all times, my wife and me. CAL-SIERRA PROPERTIES, hereafter CAL-SIERRA, purchased the property on

which the mine was located hereafter “ the property” solely as an investment opportunity.

CAL SIERRA’s interest in the property consisted of a one half undivided interest in approximately 57 acres of mountain property, which was divided into five (5) parcels.

The property, but no right to the mine, was purchased in 1997 and subsequently sold in 1999. The mine has been closed and covered for many years, well before CAL-SIERRA acquired the property.

The CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD staff is apparently requiring some of the various property owners (from among the first ever recorded to present owners) to develop a plan to clean up the mercury runoff from all the various properties that have drainage into nearby creeks.

At no time has CAL-SIERRA or me or my wife developed the property, worked the property, mined the property, nor disturbed the physical nature of the property in any way.

CAL-SIERRA did not own any of the mineral rights to the mine. Therefore, CAL-SIERRA was not legally authorized to conduct any mining activity in the mine or on the property.

Last year I was asked by e-mail for permission from the Regional Water Quality Control personnel for permission to enter the property to inspect mineral content, and I informed them CAL-SIERRA no longer owned the property, nor owned the mineral rights, and therefore I had no authority to grant permission for them to enter the property.

I have actually only been physically on the property on approximately three (3) occasions.

The primary concern appears to be the amount of mercury runoff-drainage from the tailings of the mining activity back in the early 1890's into Sulphur Creek and subsequently into

Cache Creek. There are other old abandoned mines in the area also, and I believe all are receiving the same attention.

I have also been informed that mercury content is high in the entire region and it is considered a natural element for that area. It has probably been draining into these creeks since the beginning of time and before the WIDE AWAKE MINE. It appears to me it is impossible to eradicate mercury from the area.

If a plan and clean-up is necessary, it would appear to me that the responsibility for the mercury content contained in the mining tailings would lie with the mining company(ies). Without their activity there would be no mercury in the mining tailings. They left the tailings, they should clean them up.

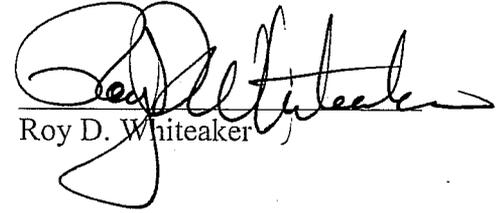
CAL-SIERRA never owned any of the mineral rights. Therefore CAL-SIERRA or GLADYS WHITEAKER, or I could not authorize any mining activity on the property. GLEN MILLS, INC. owned a one-half interest in the property and subsequently sold their ½ interest to Merced General Construction.

The Regional Water Quality Control Board has a copy of the CAL SIERRA Deed to DAVID BROWN and ROY TATE and their wives.

In summary, GLADYS WHITEAKER has never been on the property. Neither CAL-SIERRA, nor GLADYS WHITEAKER, nor I ever saw any mining activity on the property. The mine was closed. It is covered and no longer recognizable as a mine. None of us ever owned the mineral rights to the mine. None of us have ever discharged anything from the mine. CAL-SIERRA has not in any way been a “discharger” of any contaminant on the property. CAL-SIERRA bought the property from ROBERT LEAL. GLEN MILLS, INC. sold the property on

which the mine is located to MERCED GENERAL CONSTRUCTION, INC..

I declare under penalty of perjury that the foregoing is True and correct and executed at
Yuba City, California on April 27, 2010.



Roy D. Whiteaker

PROOF OF SERVICE

Case Name: **California Regional Water Quality Control Board, Central Valley Region**

Case Number: **5R-2009-XXXX**

Regarding: **WIDE AWAKE MINE**

I am a citizen of the United States, employed in SUTTER County, California, am over the age of eighteen years and not a party to the above-entitled action. My business address is 799 Plumas Street, Suite B, Yuba City, CA 95991. On **May 4, 2010**, I served the following documents:

Declaration of Roy D. Whiteaker

MANNER OF SERVICE

U. S. MAIL: by causing a true copy of the above document(s) to be placed into a sealed envelope, addressed as listed below and depositing the envelope directly in the United States mail with postage paid. Place of deposit: **United States Post Office at 761 Plumas Street, Yuba City, California 95991**

PERSONAL SERVICE: By causing a true copy of the above document(s) to be personally delivered by hand to the addressee(s) listed below:

OTHER: By causing a true copy of the above document(s) to be delivered to the addressee(s) listed below by and /or through: _____

PARTIES SERVED AND ADDRESSES

Homestake Mining Company Gerald F George, Esq., PO Box 7880 San Francisco, CA 94120-7880	Emma G. Trebilcot Trust Sean K. Hungerford, Esq. 400 Capitol Mall, Suite 1800 Sacramento, CA 95814
Robert Leal PO Box H Yuba City, CA 95992-0768	David G. Brown PO Box 246 Lima, MT 59739
NBC Leasing, Inc. Thomas E. Nevis 319 Teegarden Ave Yuba City, CA 95991	Glen Mills, Inc. Beverly M. Mills, 203 Court Street Woodland, CA 95695
Roy Tate 676 Magnolia Road Marysville, CA 95901	Pamela Creedon, Executive Officer 11020 Sun Center Dr., Ste 200 Rancho Cordova, CA 95670
US Bureau of Land Management Gary Sharpe, Asst. Field Office Manager Ukiah Field Office 2550 North Street Ukiah, CA 95482	Lori Okun, Staff Counsel State Water Resources Control Board Office of the Chief Counsel 1001 I St. Sacramento, CA 95814

Kenneth Landau Asst Executive Officer 11020 Sun Center Drive, Ste. 200, Rancho Cordova, CA 95670	Joe Karoski Asst. Executive Officer (Acting) 11020 Sun Center Dr., Ste. 200 Rancho Cordova, CA 95670
Victor Izzo Senior Engineering Geologist 11020 Sun Center Dr., Ste. 200 Rancho Cordova, CA 95670	Jeffery Huggins Water Resource Control Engineer 11020 Sun Center Dr., Ste. 200 Rancho Cordova, CA 95670
Lawrence S. Bazel, Esq. Frisco Ivester & Bazel 155 Sansome Street, Seventh Floor San Francisco, CA 95991	Kevin Garcia Merced General Construction, Inc. 2370 West Cleveland Avenue, #123 Madera, CA 93637

I declare under penalty of perjury of under the laws of the State of California that the foregoing is true and correct. Executed **May 4, 2010** in Yuba City, California.



Linda M. Cunningham