

Exhibit A

AFFIDAVIT OF CLYDE R. NAYLOR

ELBERTA SLANT ROAD

UTAH COUNTY, UTAH

COUNTY "B" ROAD NUMBER B 850

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, CLYDE R. NAYLOR, being first sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. My educational background includes a B.E.S. degree in Civil Engineering and M.S. degree in Structural Engineering, both from Brigham Young University.
3. I am currently a member of the American Public Works Association where I was the past chapter president and a past National Institute for Transportation Executive Council Member, a member of the American Society of Civil Engineers, and a member of the Utah Council of Land Surveyors.
4. I have been the Utah County Surveyor from January 1979 to December 31, 2006, the Utah County Engineer from January 1980 to the present, and the Utah County Public Works Director from January 1991 to the present. During these time periods, I have been personally familiar with Utah County's construction and maintenance activities on county roads, including the "B" road known as the Elberta Slant Road that runs from State Road 68 (12,800 West) westerly to U. S. Highway 6. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 850. The road is a dirt road located in Township 9 South, Range 2 West and Township 10 South, Range 2 West. The 0.98 miles length of the road, located in Sections 34 and 35 of Township 9 South, Range 2 West and Section 3 of Township 10 South, Range 2 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segments of the Elberta Slant Road believed to be in the ownership of the Bureau of Land Management.

The center line descriptions are as follows:

SEGMENT 2:

Commencing at a point on the centerline of the Elberta Slant Road, said point being more specifically described as being located 362.71 feet South and 191.33 feet East from the Northeast Corner of Section 35, Township 9 South, Range 2 West, Salt Lake Base and Meridian; thence the following along said centerline: North 88° 38' 28" West 532.26 feet; North 84° 10' 44" West 99.17 feet; North 76° 04' 27" West 121.25 feet; North 72° 32' 04" West 331.75 feet; North 78° 37' 53" West 173.53 feet; North 80° 34' 27" West 367.16 feet; North 82° 29' 40" West 146.61 feet; North 77° 34' 41" West 211.09 feet; North 76° 00' 15" West 132.29 feet; North 78° 38' 33" West 172.76 feet; North 85° 49' 55" West 47.44 feet; South 87° 07' 39" West 50.96 feet; South 70° 24' 23" West 57.30 feet; South 56° 29' 39" West 124.52 feet; South 48° 37' 34" West 87.62 feet; South 34° 17' 43" West 77.10 feet; South 21° 59' 42" West 97.62 feet; South 18° 32' 20" West 87.28 feet; South 29° 48' 50" West 60.85 feet; South 38° 46' 11" West 63.54 feet; South 53° 20' 47" West 59.91 feet; South 67° 06' 50" West 135.62 feet; South 69° 10' 19" West 466.06 feet;

South 64° 55' 30" West 30.74 feet; South 54° 32' 14" West 31.20 feet; South 43° 57' 54" West 85.64 feet.

SEGMENT 4:

Commencing at a point on the centerline of the Elberta Slant Road, said point being more specifically described as being located 2877.24 feet South and 7375.09 feet West from the Northeast Corner of Section 35, Township 9 South, Range 2 West, Salt Lake Base and Meridian; thence the following along said centerline: North 83° 28' 57" West 107.43 feet; South 89° 26' 03" West 83.66 feet; South 80° 55' 03" West 59.47 feet; South 70° 02' 20" West 79.25 feet; South 61° 43' 47" West 109.08 feet; South 50° 20' 28" West 58.78 feet; South 46° 22' 36" West 203.62 feet; South 36° 42' 32" West 77.45 feet; South 28° 11' 02" West 115.59 feet; South 21° 26' 23" West 103.16 feet; South 14° 08' 06" West 156.26 feet; South 30° 41' 11" West 61.37 feet; South 43° 06' 03" West 60.01 feet; South 47° 56' 46" West 225.04 feet; South 47° 13' 36" West 220.42 feet; South 48° 53' 53" West 354.97 feet.

7. Pursuant to Utah Code Ann. § 17-23-1 and during the time I served as the Utah County Surveyor, I was the designated record holder for all the surveys and maps made within the county. The records of the Utah County Surveyor show that the road has existed since 1954, and has been utilized and maintained as a county "B" road since that time. The attached copies of documents taken from the Utah County Surveyor's records identify the roads existence:

- a. The United States Government survey map for Eureka, Utah dated 1954, shows the location of the road in Sections 34 and 35 of Township 9 South,

Range 2 West, which is attached hereto as Exhibit "A1". The map also shows the location of some mines in Section 34.

- b. The general highway map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Elberta Slant Road as a county road located between the two highways, which is attached hereto as Exhibit "A2". The map also show the location of a mine north of the road.
- c. The general highway map of Utah County, prepared by the Utah State Department of Highways, dated 1975, shows the "B" road located between State Road 68 and U. S. Highway 6, which is attached hereto as Exhibit "A3". The map also shows two mines adjacent to the road.
- d. The general highway map of Utah County prepared by the Utah Department of Transportation, dated 1985, shows the county road, which is attached as Exhibit "A4".
- e. The Road Map of Utah County, Sheet # 8, created November 21, 1995, shows the relationship the road has with the federal property in the area, which is attached as Exhibit "A5".
- f. The official County Road Map of Utah County, Sheet #8, adopted by the Board of County Commissioners on October 30, 1996, shows the road running across the federal properties, which is attached as Exhibit "A6".
- g. The current County Atlas, page 10, titled Allens Ranch, shows the Elberta Slant Road as it traverses federal property, which is attached as Exhibit "A7".

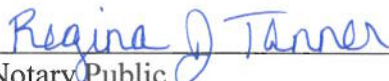
- h. The surveyed description for Segment 02 of the Elberta Slant Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A8".
 - i. The surveyed description for Segment 04 of the Elberta Slant Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A9".
8. At no time during my tenure with the County did it undertake any procedure to abandon or vacate its right-of-way on the road.
 9. I have had the County records searched for any evidence of reservations on this road and none have been found.

DATED this 6th day of MARCH, 2007



 CLYDE R. NAYLOR

SUBSCRIBED AND SWORN to me, a Notary Public, this 6th day of march, 2007

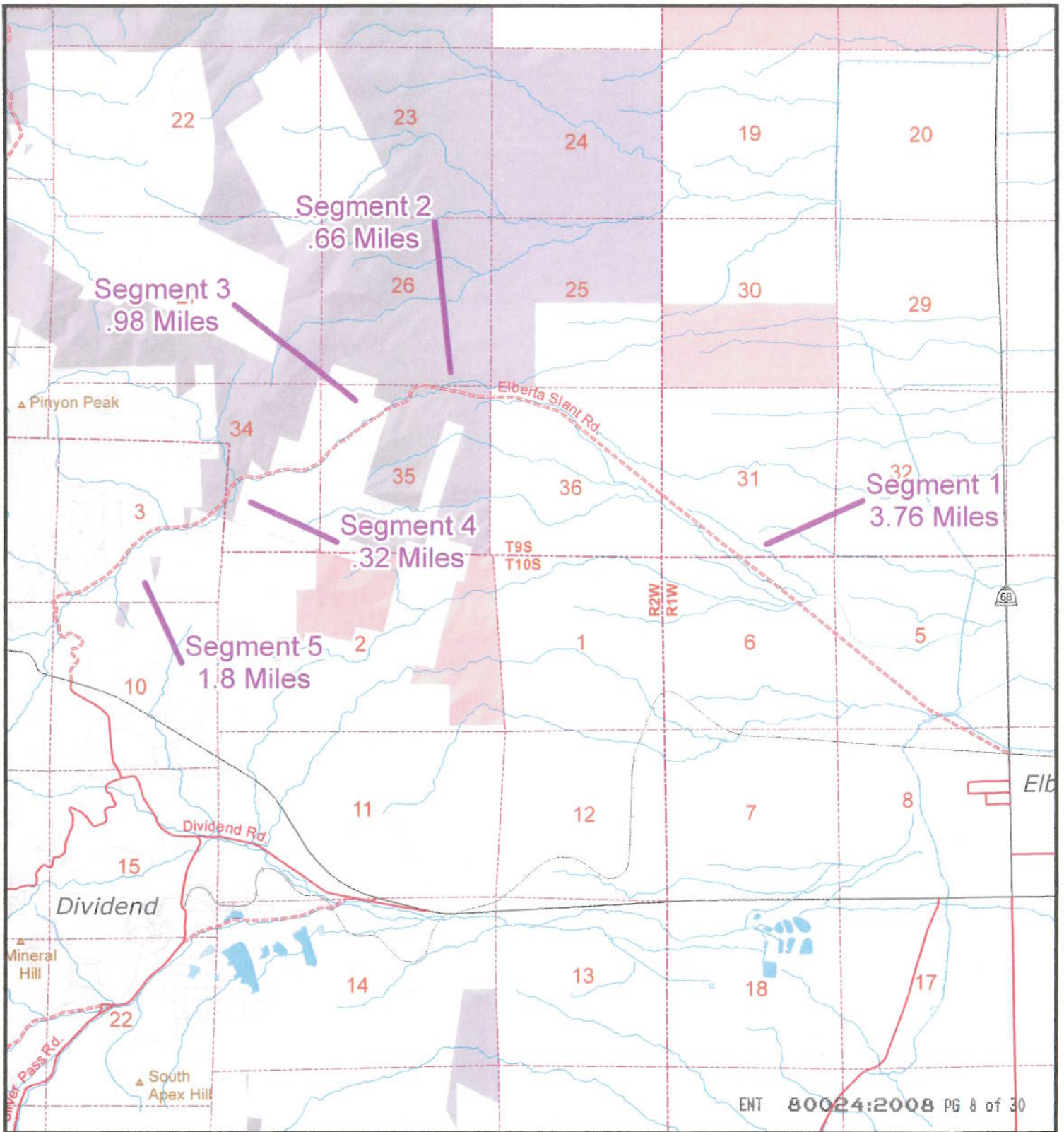


 Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





ENT 80024:2008 PG 8 of 30

RS2477
Elberta Slant
Rd
1 Miles

B850
7.52 Miles

Legend		
State Roads	Public Land	Public Survey Lines
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
Official County Roads	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	
Local Roads	State Park	
Paved	Utah County Property	
Dirt Roads	National Forest Boundary	
Gravel Roads	Wilderness Study Areas	
Other Roads	Major Peaks	
Railroads	Minor Peaks	

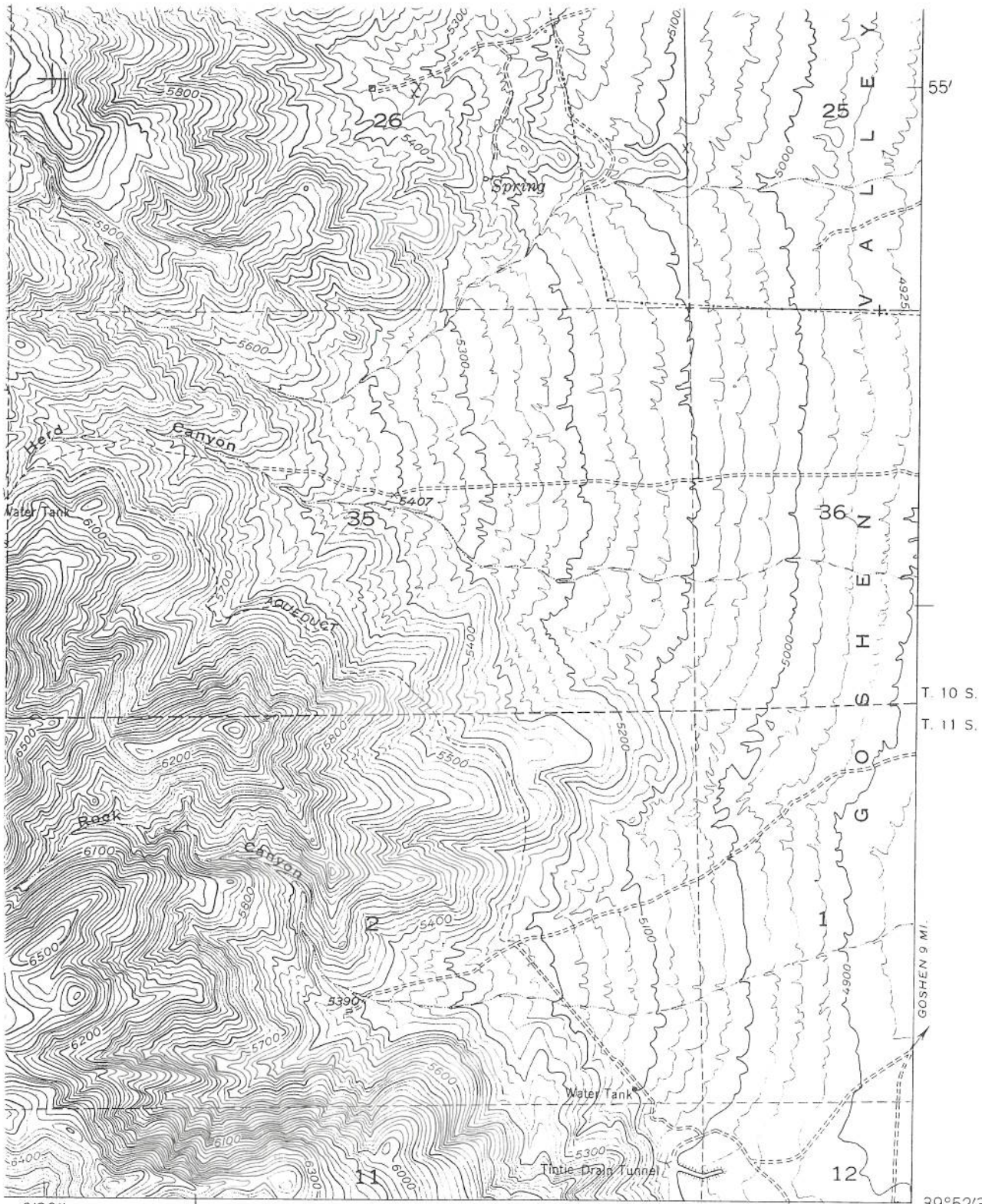


1:50,882
 1 inch equals 4,240.13 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8526
 Printed on August 09, 2008 by maryek

"Exhibit A"



MILE

ROAD CLASSIFICATION

- Heavy-duty Light-duty
- Medium-duty Unimproved dirt
- U. S. Route
- State Route



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EXHIBIT "A1"-MAP TITLE

EUREKA, UTAH
N3952.5—W11200/7.5

1954

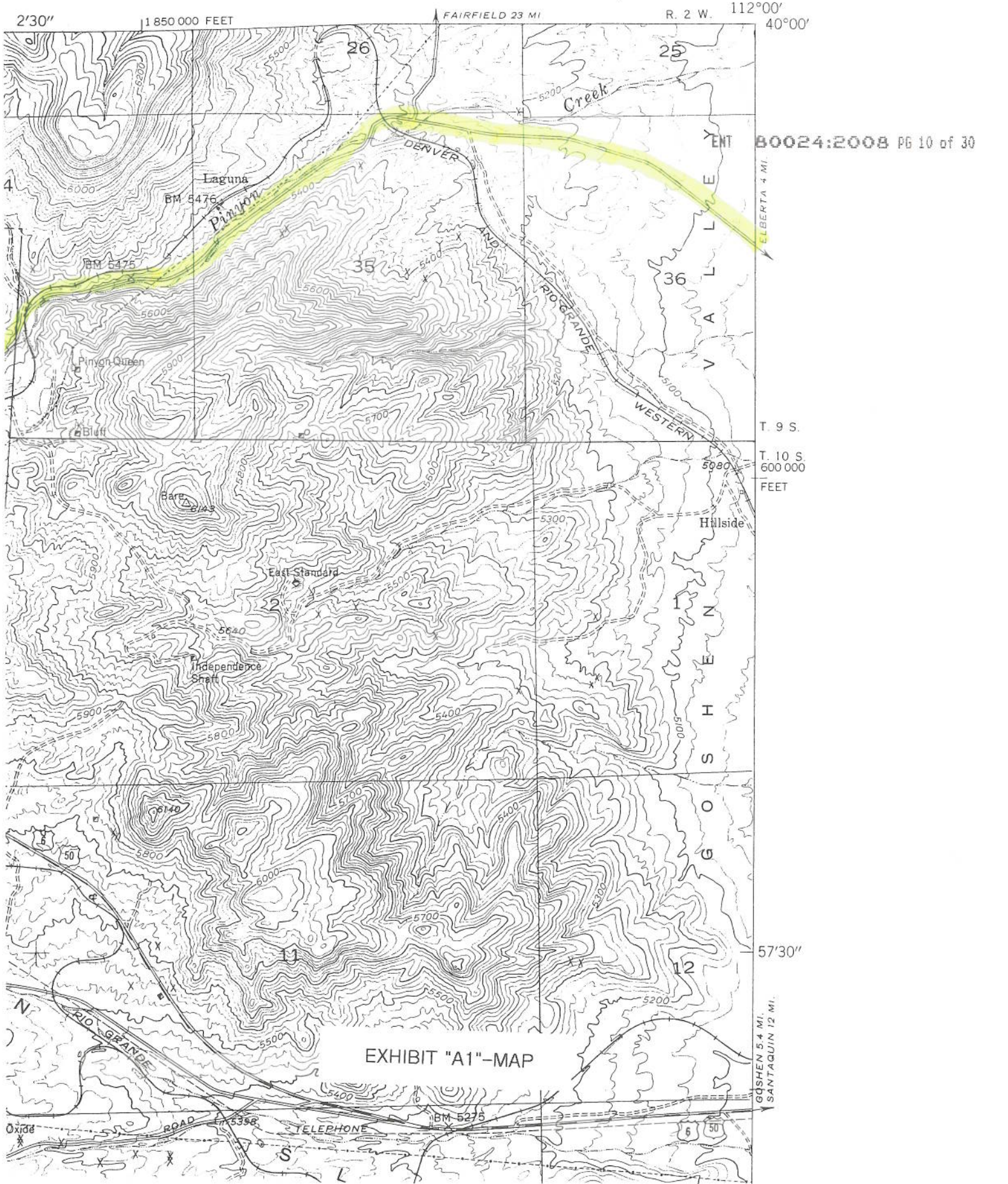
26

EUREKA QUADRANGLE

UTAH

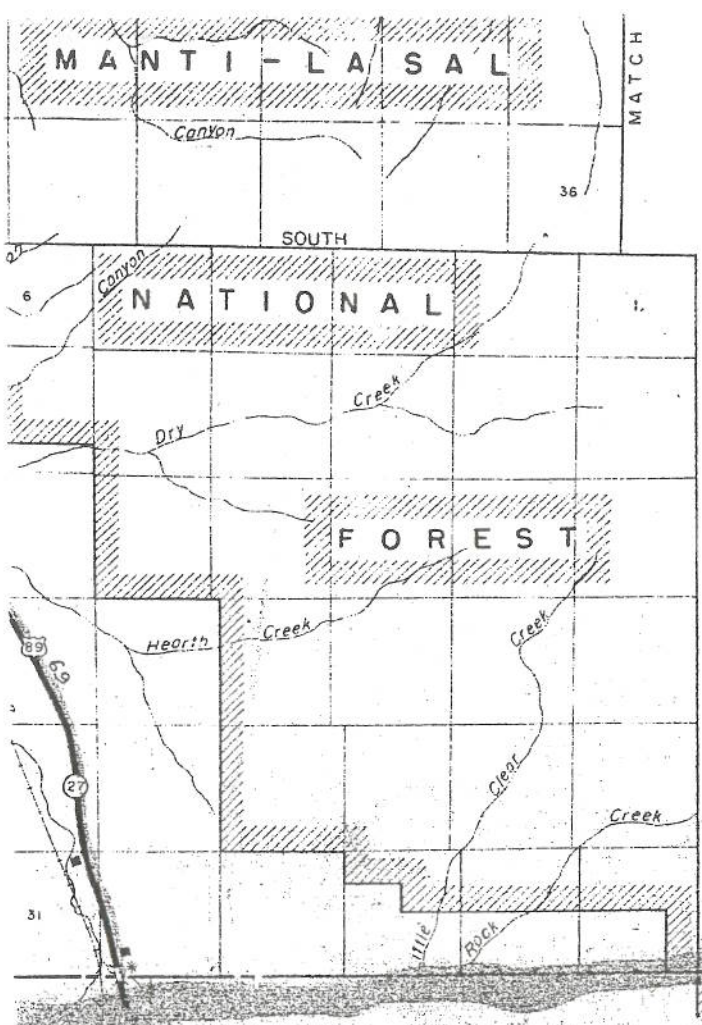
7.5 MINUTE SERIES (TOPOGRAPHIC)

GOSHEN VALLEY NORTH



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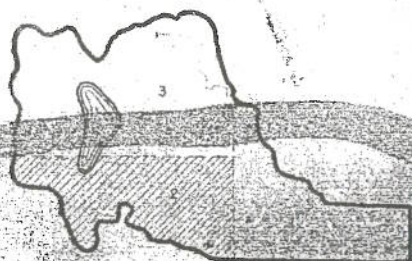
EXHIBIT "A1"-MAP



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T
H
S

KEY TO SHEETS



R 4 E
C O U N T Y



GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH

EXHIBIT "A2"-MAP TITLE

1955

U T A H

MERIDIAN

LAKE

SALT

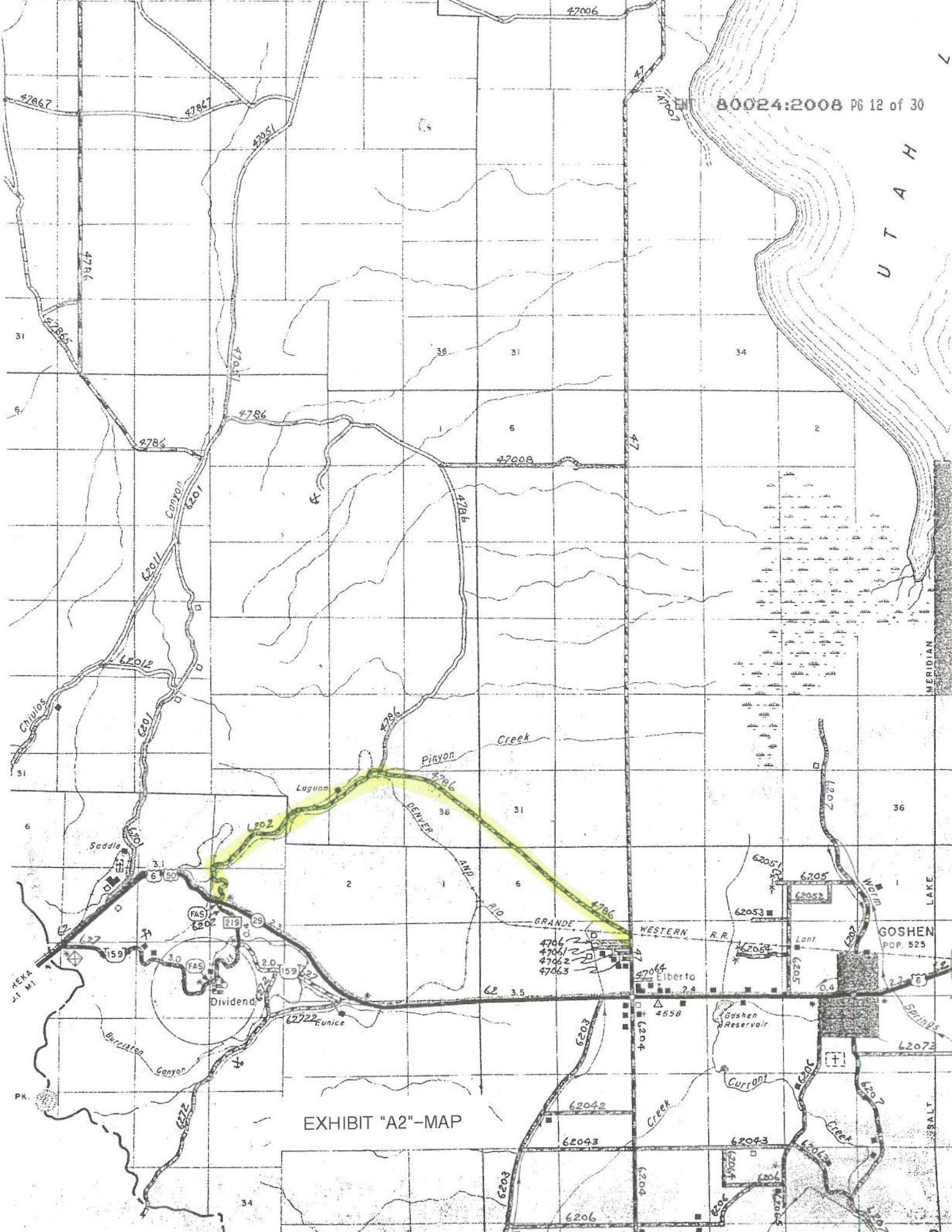
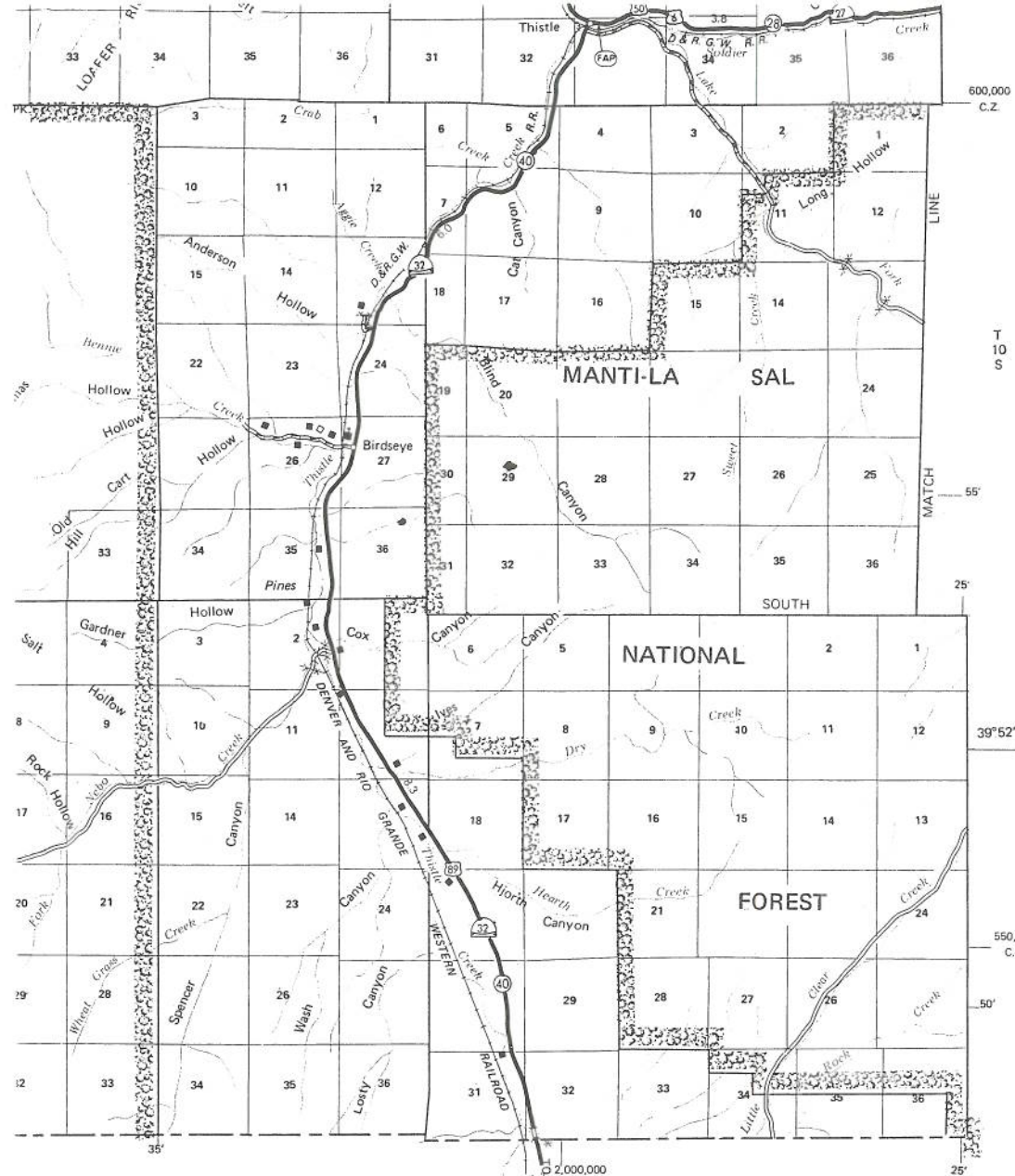
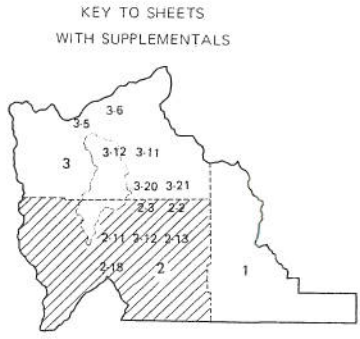


EXHIBIT "A2"-MAP



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SANPETE

COUNTY

SHEET NO. 1



**GENERAL HIGHWAY MAP
UTAH COUNTY**

UTAH

SCALE



1975

POLYCONIC PROJECTION
50,000 foot grid based on Utah
Coordinate System, Central Zone,
as established by the NOAA.

SHEET 2 OF 3 MAP SHEETS AND 10 SUPPLEMENTAL SHEET

for resale prohibited.

Copies of this map are available
for public use at nominal cost.

Utah State Dept. of Highways
Room 612
State Office Building
Salt Lake City, Utah 84114

EXHIBIT "A3"-MAP TITLE

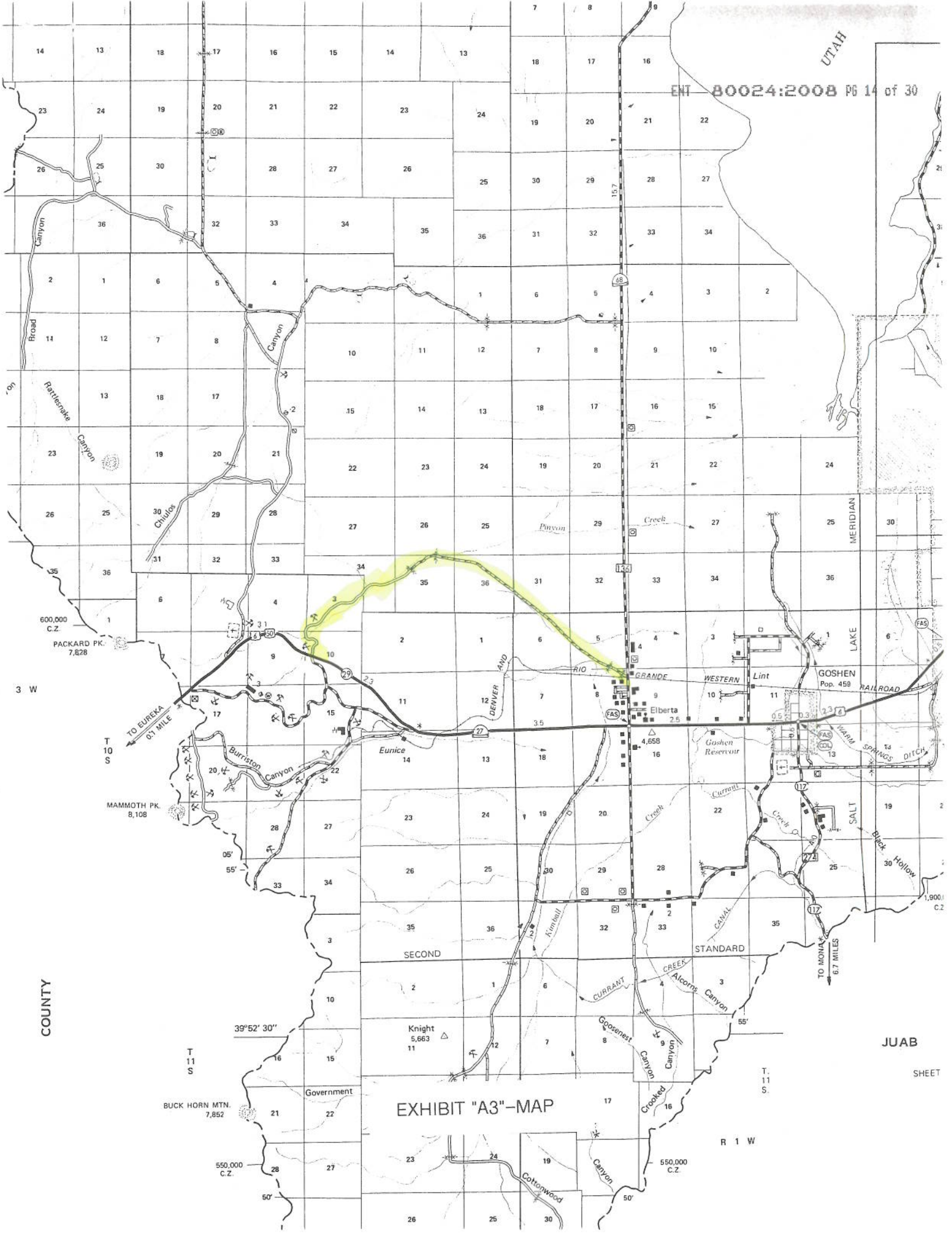
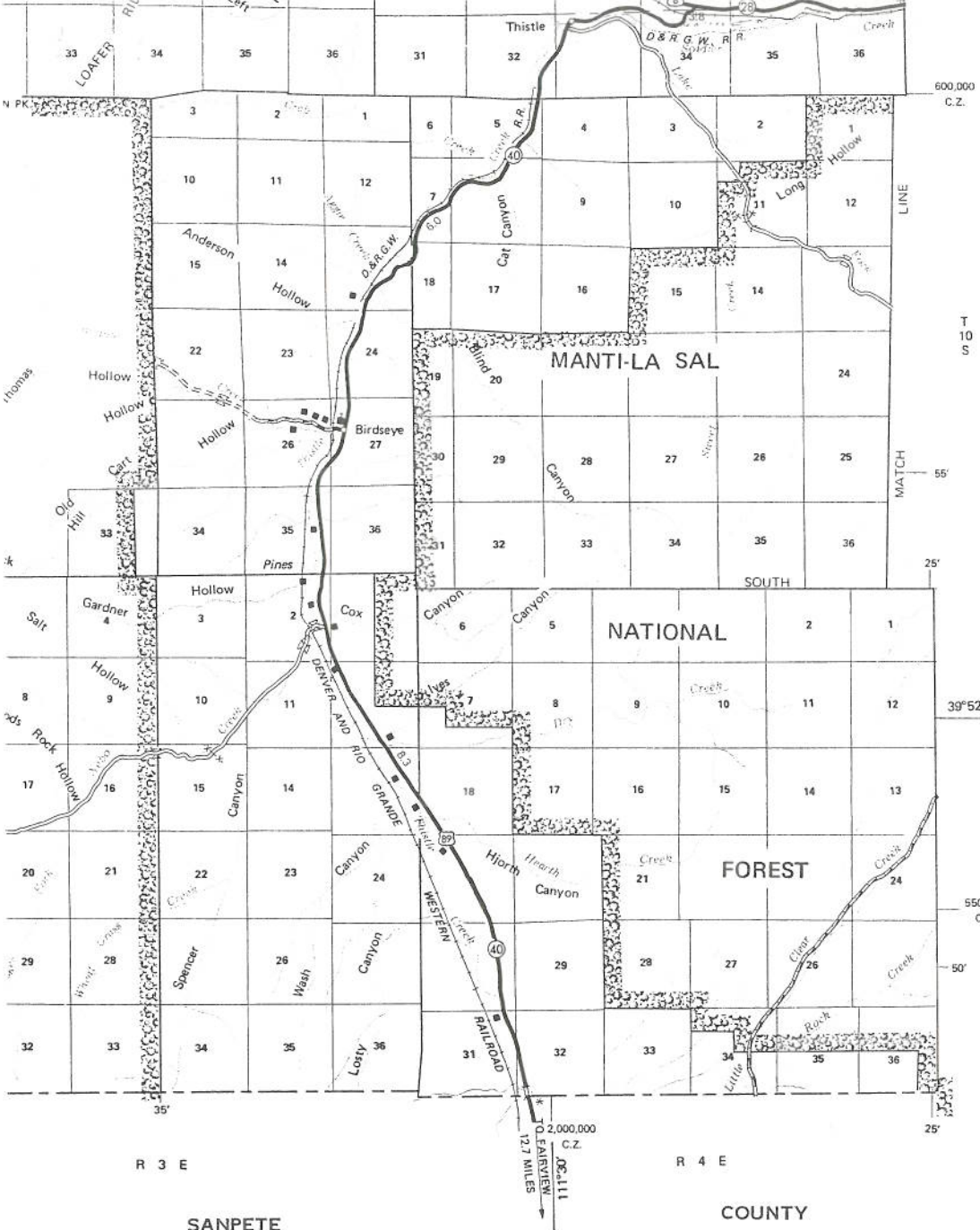
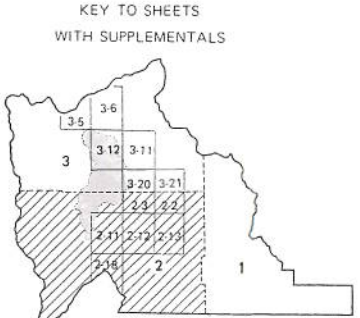


EXHIBIT "A3"-MAP



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SANPETE COUNTY SHEET NO. 1



**GENERAL HIGHWAY MAP
UTAH COUNTY**

UTAH

SCALE



1985

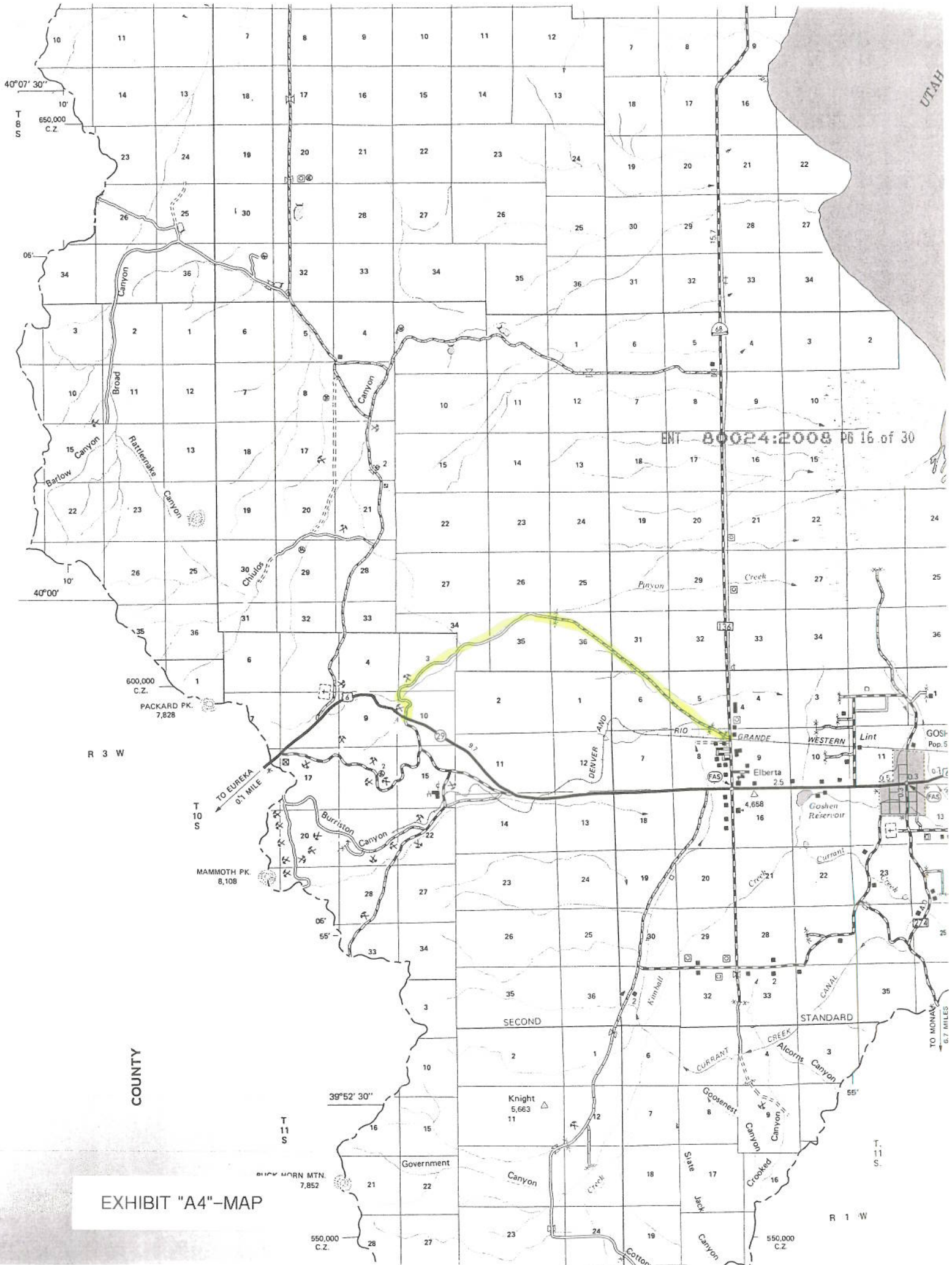
POLYCONIC PROJECTION
50,000 foot grid based on Utah
Coordinate System, Central Zone,
as established by the NOAA.

ETS

Copies of this map are available
for public use at nominal cost
UDOT
Office of Community Relations
U.D.O.T. - D.P.S. Complex
4501 South 2700 West
Salt Lake City, Utah 84119

Copyright © Utah Department of Transportation

SHEET 2 OF 3 MAP SHEETS AND 10 SUPPLEMENTAL SHEET



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EXHIBIT "A4"-MAP

Class C roads: City roads
Class D roads: Public roads which are neither
class A, class B, or class C.

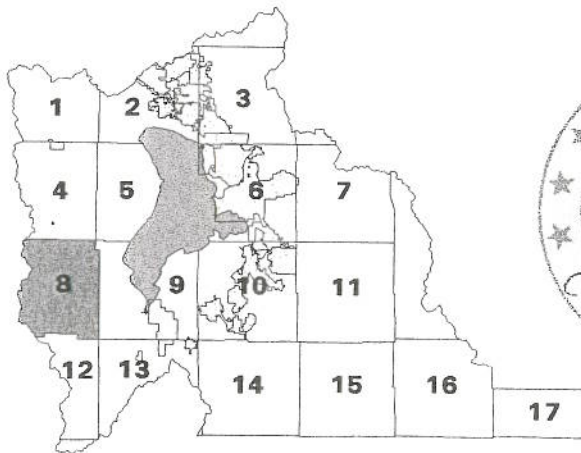
The latitude/longitude ties are based on the
NAD83 datum. The state plane coordinate ties
are based on the NAD27 datum.

Utah County Geographic Information System
Utah County Public Works Department, Mapping Division
2855 South State, Provo, UT 84606, (801)370-8600

Plot Created: November 21, 1995 DBH

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Road Map of Utah County Sheet 8



Index Map

EXHIBIT "A5"-MAP TITLE

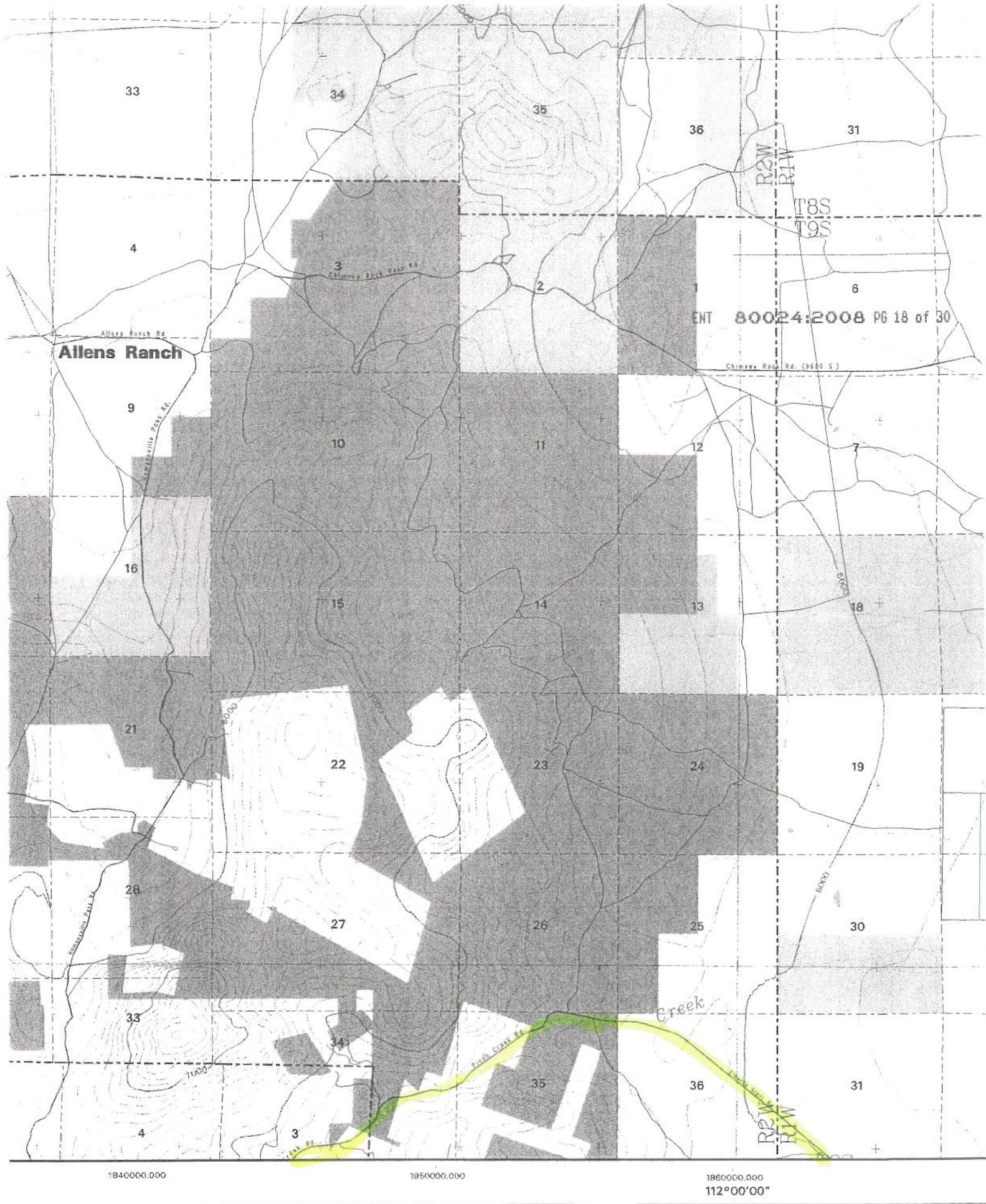


EXHIBIT "A5"-MAP

Official County Road Map of Utah County Sheet 8

Utah County Geographic Information System
Utah County Public Works Department, Mapping Division
2855 South State, Provo, UT 84606, (801)370-8600

Acceptance by Legislative Body

Adopted by the Board of County
Commissioners this 30 day of OCTOBER, 1996.

Chairman: Jerry D. Corcoran

Commissioner: [Signature]

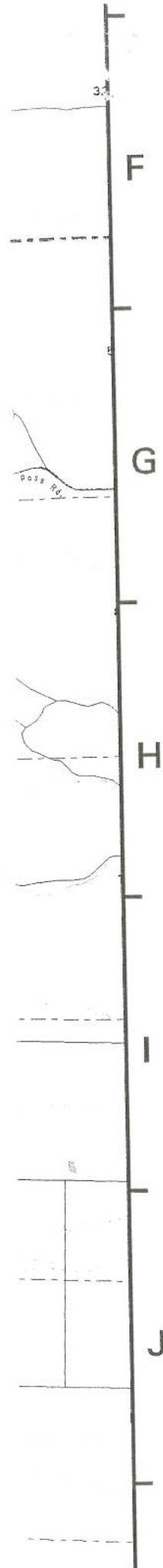
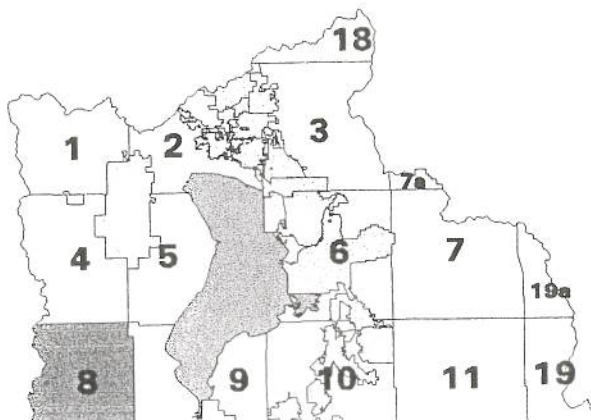
Commissioner: [Signature]

Attest: [Signature]
Title (See Seal): Deputy Clerk

Seal



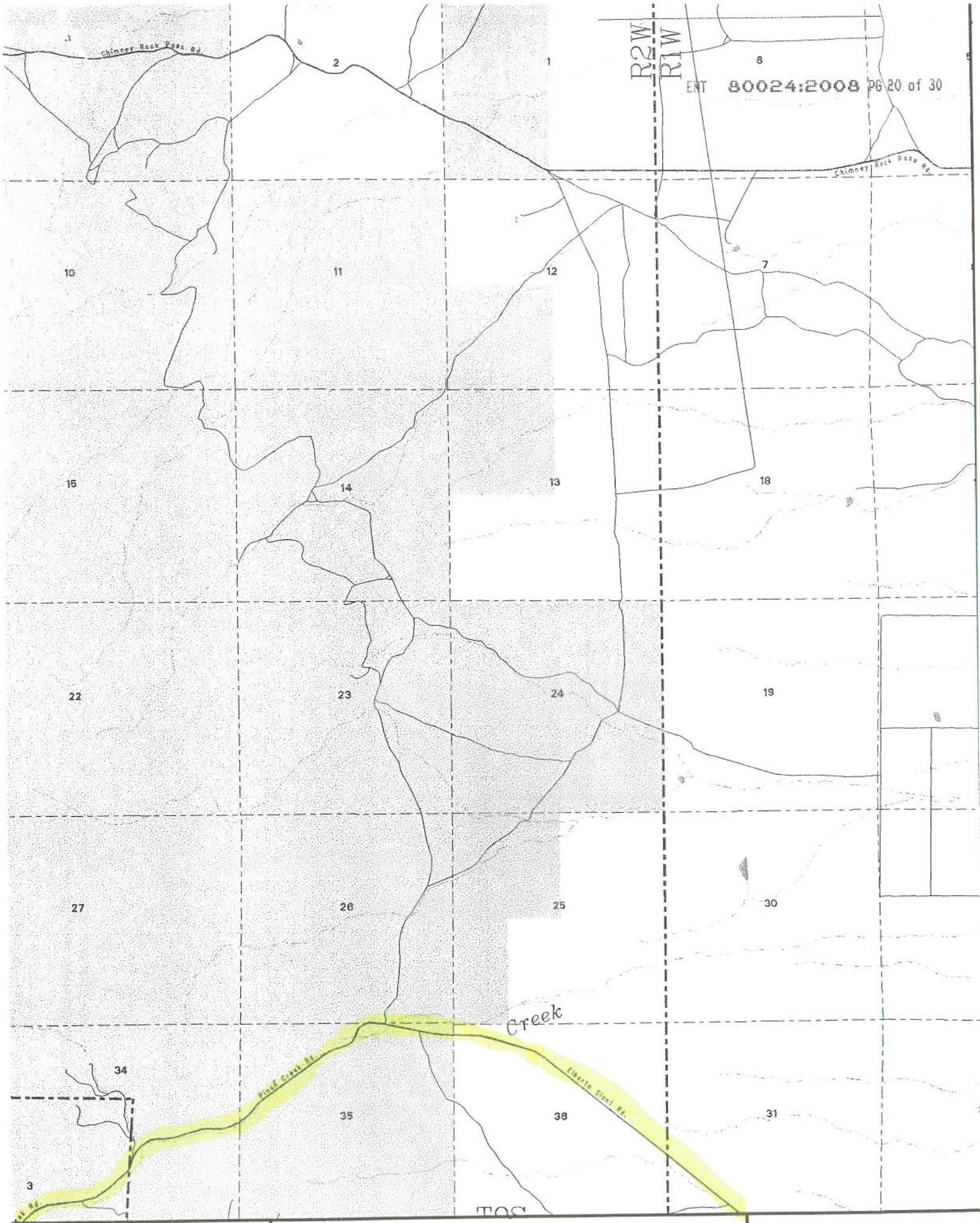
EXHIBIT "A6"-MAP TITLE



Chimney Rock Pass Rd

R2W
R1W

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9

EXHIBIT "A6"-MAP

11

12



**RS2477
Elberta Slant
Rd.**

**Comparison with Aerial Photo
(See Segment Description)**



1:5,945
1 inch equals 495.42 feet

Segment 02

Photo Date 1993

EXHIBIT "A8"



Utah County Public Works - Mapping Division
2855 South State Street
Provo, UT 84605
(801) 851-8628
Printed on September 06, 2006 by maryek



**RS2477
Elberta Slant
Rd.**

**Comparison with Aerial Photo
(See Segment Description)**



1:3,500
1 inch equals 291.67 feet

Segment 04

Photo Date 1993

EXHIBIT "A9"



Utah County Public Works - Mapping Division
2855 South State Street
Provo, UT 84606
(801) 851-8626
Printed on September 06, 2006 by maryek

ELBERTA SLANT ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, ROBERT CURTIS BEVERLY, being first duly sworn, deposes and states as follows:

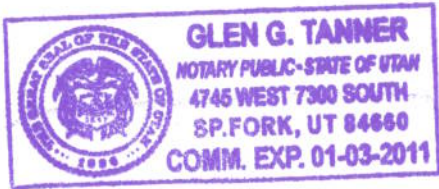
1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988 I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Elberta Slant Road that runs from U.S. Highway 68 and eventually becomes Pinyon Canyon Road. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on the road during my employment with the County: graveled and graded the road and performed other general maintenance on the road.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. It is the reputation in the community that this road was used by the public since at least before 1958.
6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on the road.
7. Uses of the road since before 1966 and before any federal reservation included, but were not


limited to, tourism, livestock operations, hunters and other sportsmen, federal, state and local government access; oil and mineral exploration and drilling, and contractors.

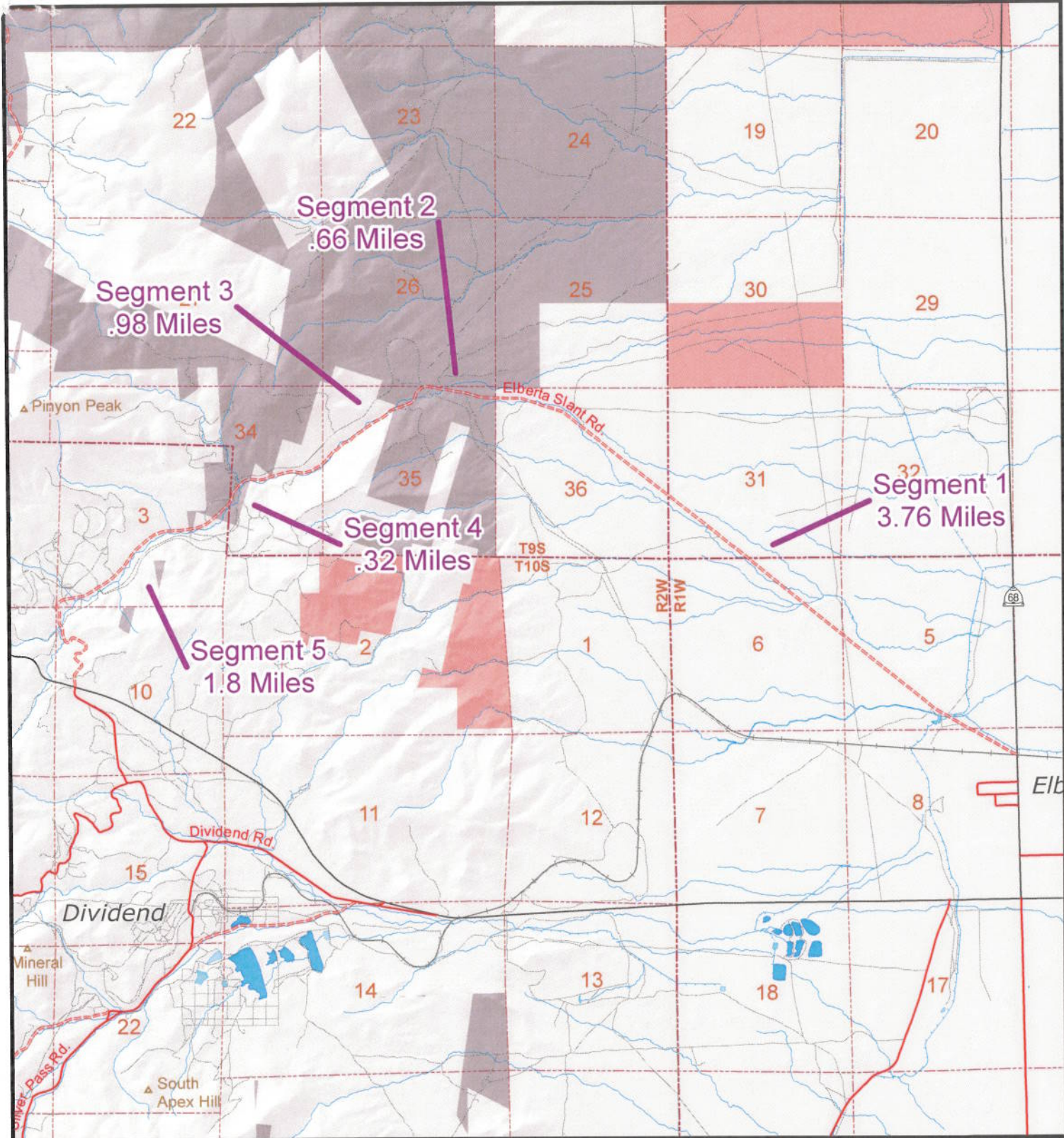
DATED this 11 day of JUNE, 2007.


ROBERT CURTIS BEVERLY

SUBSCRIBED AND SWORN to me, a Notary Public, this 11 day of JUNE, 2007.




Notary Public



RS2477
Elberta Slant
Rd
1 Miles

B850
7.52 Miles

Legend		
State Roads	Public Land	Public Survey Lines
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
Official County Roads	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	
Local Roads	State Park	
Paved	Utah County Property	
Dirt Roads	National Forest Boundary	
Gravel Roads	Wilderness Study Areas	
Other Roads	Major Peaks	
Railroads	Minor Peaks	



1:50,882
 1 inch equals 4,240.13 feet

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Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8626
 Printed on August 09, 2006 by maryek

"Exhibit A"

ELBERTA SLANT ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, BYRON L. ORTON, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1947 to 1965 I was employed with the Utah Department of Transportation in District 6 where I was a truck operator, a foreman, and a supervisor. From 1965 to 1985 I was employed with Utah County in the Roads Department where I was an assistant supervisor and supervisor over the Roads Department. During that time period, I was personally familiar with Utah County’s construction and maintenance activities on county roads, including the road known as Elberta Slant Road that runs from U.S. Highway 68 and eventually becomes Pinyon Canyon Road. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on the road during my employment with the County: graded the road two or three times a year and performed other general maintenance.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. It is the reputation in the community that this road was used by the public since at least before 1947. I believe that this road is an old state road.
6. At no time during my employment with the County undertake any procedure to abandon or

vacate its right-of-way on the road.

- 7. Uses of the road since before 1966 and before any federal reservation included, but were not limited to, mining, shepherding, ranching, and for recreational activities.

DATED this 17 day of MAY, 2007.

Byron L. Orton

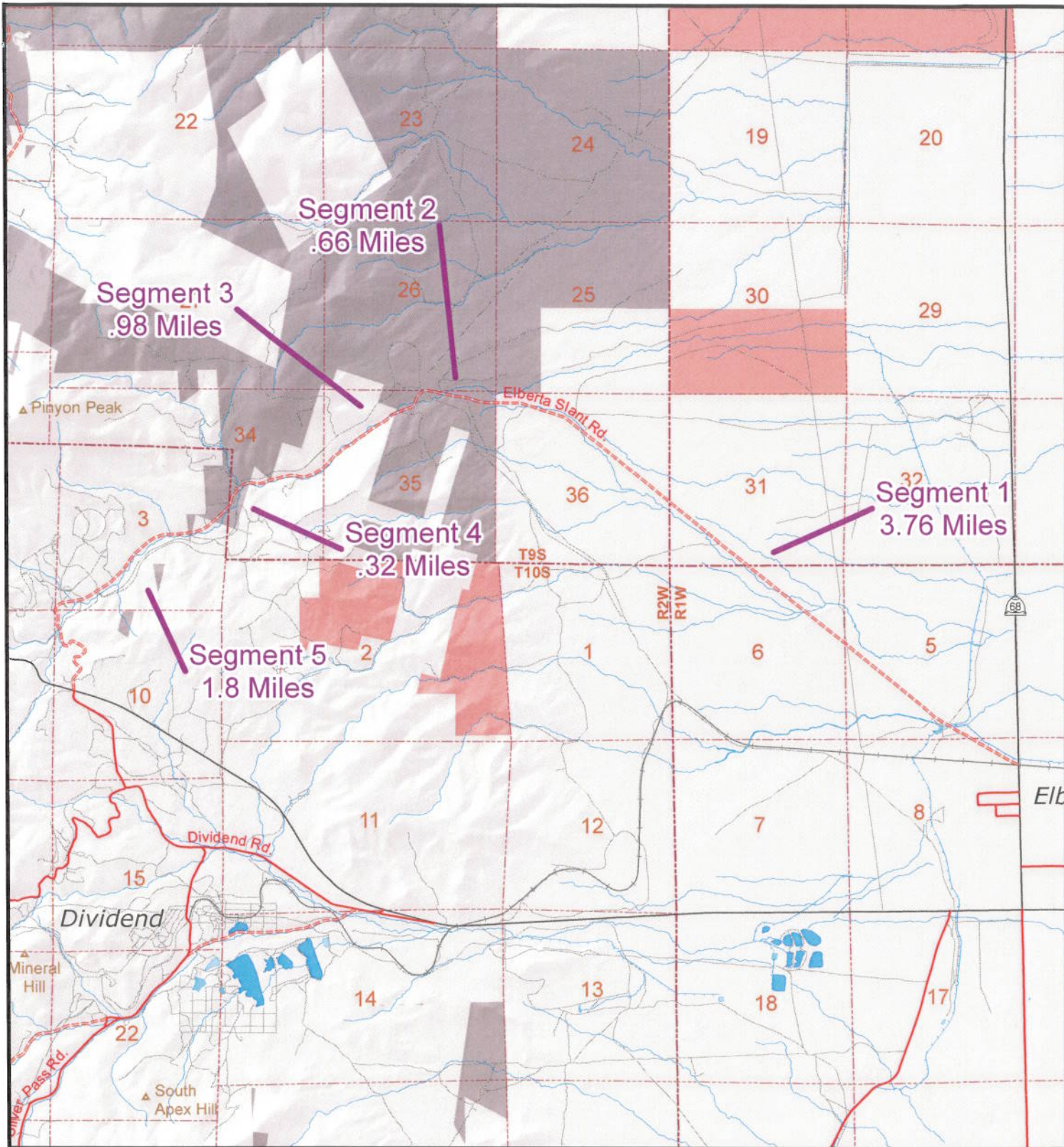
 BYRON L. ORTON

SUBSCRIBED AND SWORN to me, a Notary Public, this 17 day of MAY, 2007.

Regina J. Tanner

 Notary Public





RS2477
Elberta Slant Rd
1 Miles

B850
7.52 Miles

Legend

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> State Roads I-15 US HWY/State Route Other FAE Route Official County Roads Paved Unpaved Local Roads Paved Dirt Roads Gravel Roads Other Roads Railroads | <ul style="list-style-type: none"> Public Land B.L.M. Lands National Park Service National Forest Military Other Federal Lands State Lands State Park Utah County Property National Forest Boundary Wilderness Study Areas Major Peaks Minor Peaks | <ul style="list-style-type: none"> Public Survey Lines Township Lines Section Lines Incorporated Cities |
|--|--|---|

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1:50,862
 1 inch equals 4,240.13 feet



Utah County Public Works - Mapping Division
 2655 South State Street
 Provo, UT 84606
 (801) 851-8526
 Printed on August 09, 2006 by maryek

"Exhibit A"

Exhibit B**Beginning & Ending Points and Township, Range, and Section References For:**

Popular Name: ELBERTA SLANT ROAD

County: Utah

County Road Number: B850

State Geographic Information Database (SGID) Road Identification Number: RD250007.

Total Road Length: 7.5 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 58 minutes 12.09 seconds North Latitude and -112 degrees 03 minutes 37.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,483,330.0 feet and Y = 7,158,297.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 57 minutes 51.88 seconds North Latitude and -111 degrees 57 minutes 24.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,512,401.8 feet and Y = 7,156,087.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 1 West, Section(s) 5,6,8, Salt Lake Base & Meridian

Township 10 South Range 2 West, Section(s) 3,10, Salt Lake Base & Meridian

Township 9 South Range 1 West, Section(s) 31, Salt Lake Base & Meridian

Township 9 South Range 2 West, Section(s) 26,34,35,36, Salt Lake Base & Meridian