

Exhibit A

AFFIDAVIT OF CLYDE R. NAYLOR

HOMANSVILLE PASS ROAD

UTAH COUNTY, UTAH

COUNTY "B" ROAD NUMBER B 880

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 Homansville Pass Road that runs from U. S. Highway 6 northerly to the Chimney Rock Pass Road at Allens Ranch. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 880. The road is a dirt road located in Township 9 South, Range 2 West. The 1.14 miles length of the road, located in Sections 9, 21 and 28 of Township 9 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 Homansville Pass 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 located at the centerline of the Homansville Pass Road, said point being located South 275.27 feet and East 334.83 feet from the South Quarter Corner of Section 9, Township 9 South, Range 2 West, Salt Lake Base and Meridian; thence the following along said center line: North $12^{\circ} 05' 28''$ East 1853.23 feet.

SEGMENT 4:

Commencing at a point located at the centerline of Homansville Pass Road, said point being located South 9238.31 feet and East 1626.70 feet from the South Quarter Corner of Section 9, Township 9 South, Range 2 West, Salt Lake Base and Meridian; thence the following along said centerline: North $10^{\circ} 27' 52''$ West 97.15 feet; North $21^{\circ} 01' 24''$ West 395.52 feet; North $25^{\circ} 26' 38''$ West 76.44 feet; North $34^{\circ} 12' 59''$ West 172.82 feet; North $25^{\circ} 42' 26''$ West 45.29 feet; North $12^{\circ} 10' 29''$ West 41.83 feet; North $00^{\circ} 30' 49''$ East 262.84 feet; North $04^{\circ} 40' 08''$ East 44.80 feet; North $14^{\circ} 19' 09''$ East 85.29 feet; North $03^{\circ} 08' 42''$ West 38.46 feet; North $31^{\circ} 35' 37''$ West 39.02 feet; North $45^{\circ} 33' 42''$ West, 158.14 feet; North $38^{\circ} 30' 47''$ West 40.04 feet;

North 29° 45' 32" West 180.75 feet; North 35° 04' 34" West 312.75 feet; North 10° 55' 23" West 76.73 feet; North 01° 20' 51" East 211.03 feet; North 07° 11' 01" East 98.05 feet; North 13° 33' 32" East 259.74 feet; North 17° 19' 06" East 92.36 feet; North 19° 26' 20" East 150.30 feet; North 25° 02' 09" East 88.60 feet; North 32° 14' 46" East 127.41 feet; North 41° 27' 34" East 135.81 feet; North 30° 04' 53" East 49.56 feet; North 13° 11' 35" East 42.46 feet; North 00° 05' 21" East 88.52 feet; Thence North 06° 22' 01" West 160.17 feet; North 21° 19' 07" West 42.60 feet; North 35° 06' 40" West 44.19 feet; North 44° 53' 10" West 78.22 feet; North 35° 53' 36" West 37.20 feet; North 15° 57' 23" West 39.53 feet; North 06° 04' 56" West 329.43 feet; North 00° 49' 23" East 90.95 feet; North 19° 19' 20" East 60.93 feet; North 30° 44' 47" East 93.83 feet; North 54° 00' 06" East 40.17 feet.

SEGMENT 6:

Commencing at a point located at the centerline of Homansville Pass Road, said point being located South 11,692.35 feet and West 12.25 feet from the South Quarter Corner of Section 9, Township 9 South, Range 2 West, Salt Lake Base and Meridian; thence the following along said center line: North 31° 42' 04" East 132.53 feet; North 39° 51' 02" East 106.27 feet; North 53° 19' 07" East 234.55 feet; North 45° 17' 06" East 118.46 feet; North 35° 47' 19" East 129.14 feet; North 32° 40' 37" East 271.49 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 1947, 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 Allens Ranch, Utah dated 1947, shows the location of the road in Sections 9, 21 and 28 of Township 9 South, Range 2 West, which is attached hereto as Exhibit "A1".
- b. The general highway map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Homansville Pass Road as a county road located between U. S. Highway 6 and the Allens Ranch Road, which is attached hereto as Exhibit "A2". The map also show the location of a mines along the road.
- c. The general highway map of Utah County, prepared by the Utah State Department of Highways, dated 1975, shows the "B" road as a county road located between U. S. Highway 6 and the Allens Ranch Road, which is attached hereto as Exhibit "A3".
- 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 Homansville Pass Road as it traverses federal property, which is attached as Exhibit "A7".
 - h. The surveyed description for Segment 02 of the Homansville Pass 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 Homansville Pass Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A9".
 - j. The surveyed description for Segment 06 of the Homansville Pass Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A10".
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
CLYDE R. NAYLOR

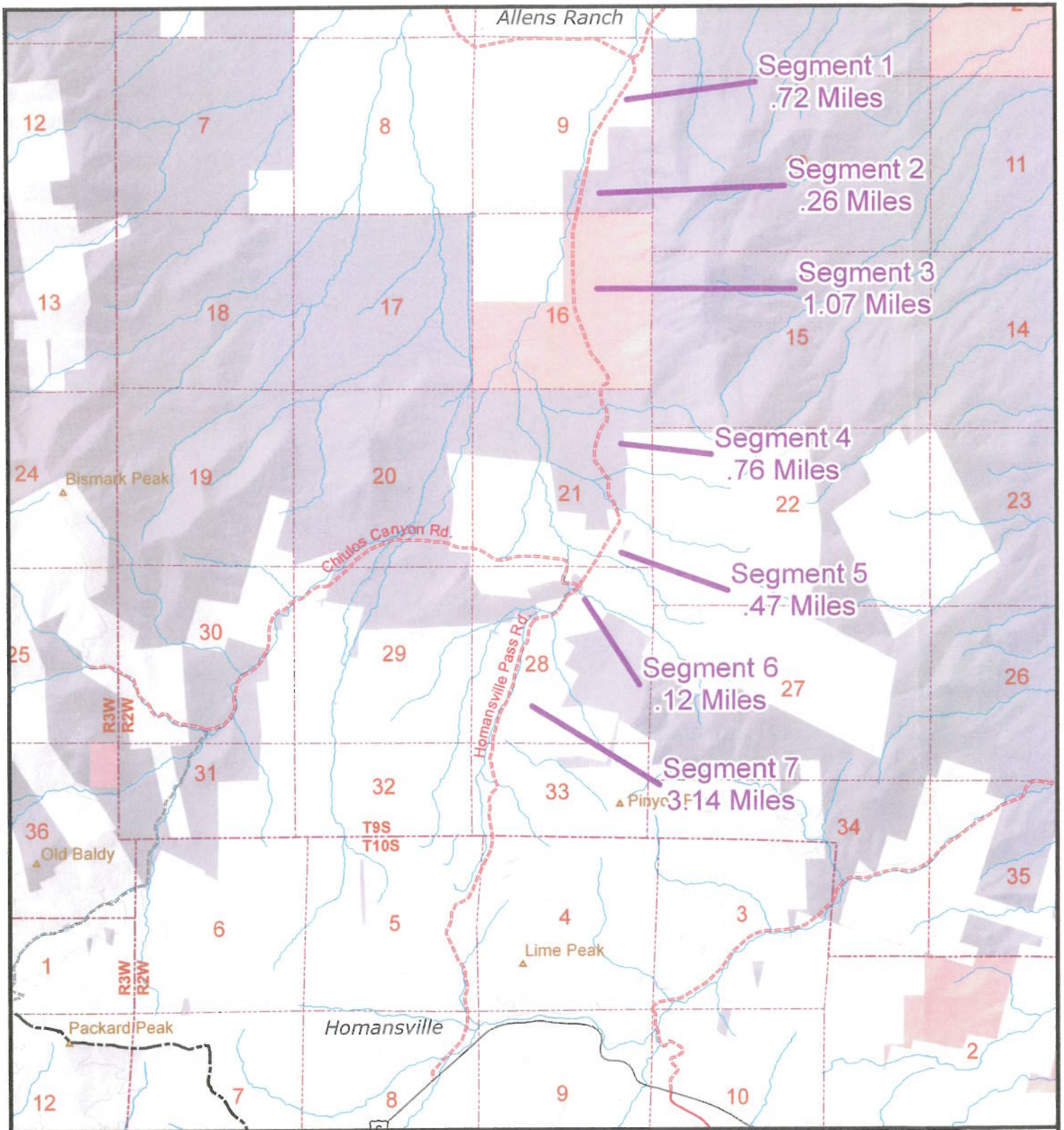
SUBSCRIBED AND SWORN to me, a Notary Public, this 6th day of march, 2007

Regina J. Tanner
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





RS2477
Homansville
Pass Rd
1.14 Miles

B880
6.54 Miles

ENT 80025:2008 PG 10 of 32

Legend

<p>State Roads</p> <ul style="list-style-type: none"> I-15 US HWY/State Route Other FAE Route <p>Official County Roads</p> <ul style="list-style-type: none"> Paved Unpaved <p>Local Roads</p> <ul style="list-style-type: none"> Paved Dirt Roads Gravel Roads Other Roads Railroads 	<p>Public Land</p> <ul style="list-style-type: none"> B.L.M. Lands National Park Service National Forest Military Other Federal Lands State Lands State Park Utah County Property National Forest Boundary Wildemess Study Areas <p>Major Peaks</p> <p>Minor Peaks</p>	<p>Public Survey Lines</p> <ul style="list-style-type: none"> Township Lines Section Lines Incorporated Cities
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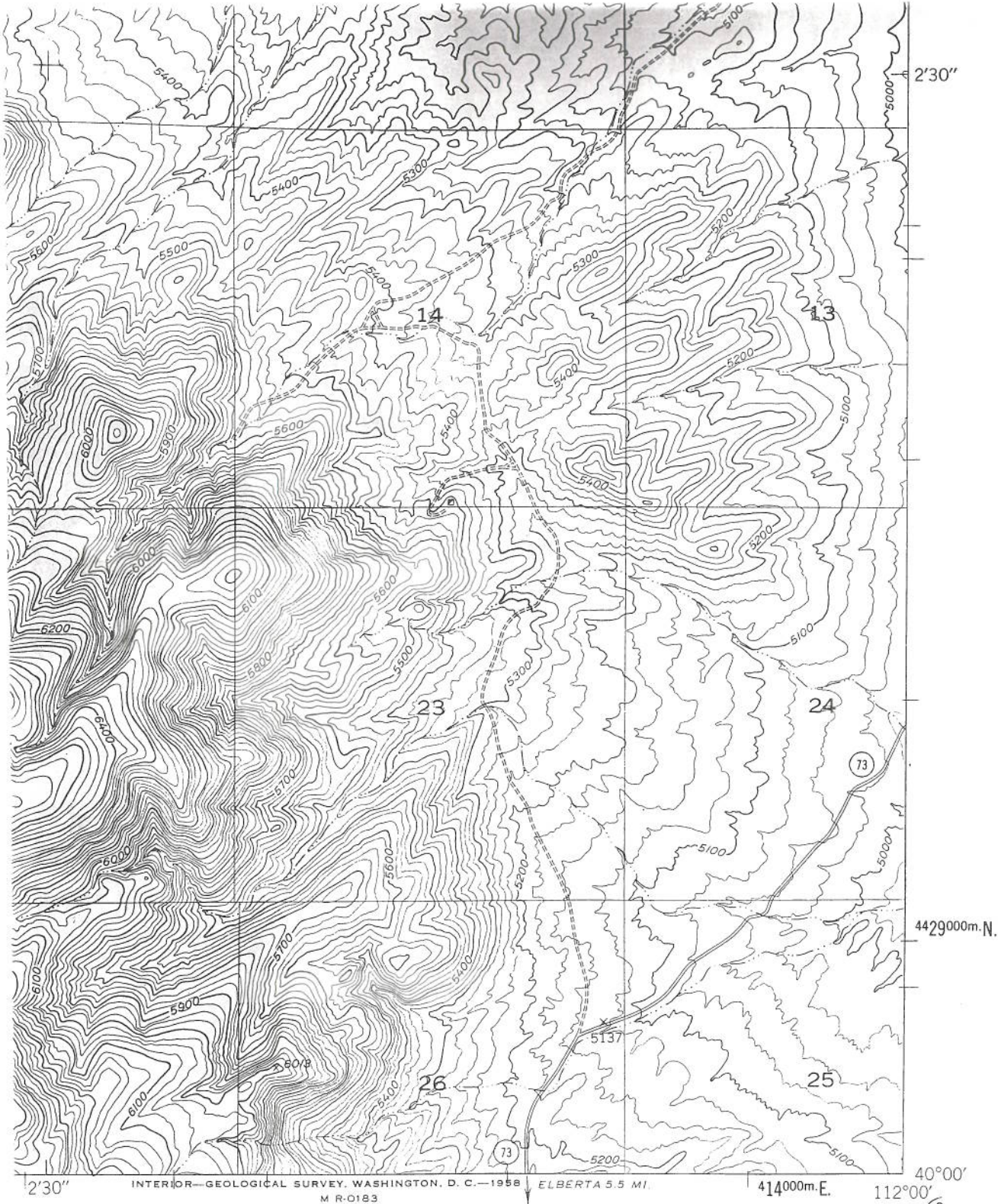
ENT 80025:2008 PG 10 of 32

N

 S
 1:48,624
 1 inch equals 4,051.98 feet

Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8625
 Printed on September 05, 2006 by maryek

"Exhibit A"



INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1958 M R-0183 ELBERTA 5.5 MI. 414000m.E. 4429000m.N. 40°00' 112°00' (SANTAQUIN 1:62,500)

ROAD CLASSIFICATION

HARD-SURFACE ALL WEATHER ROADS DRY WEATHER ROADS
 Heavy-duty. ——— 4 LANE 6 LANE Improved dirt. ———
 Medium-duty. — — — 4 LANE 6 LANE Unimproved dirt. ———
 Loose-surface, graded, or narrow hard-surface. - - -
 (1) U. S. Route (1) State Route

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ALLENS RANCH, UTAH
 N4000—W11200/7.5
 1947

29

Allens Ranch

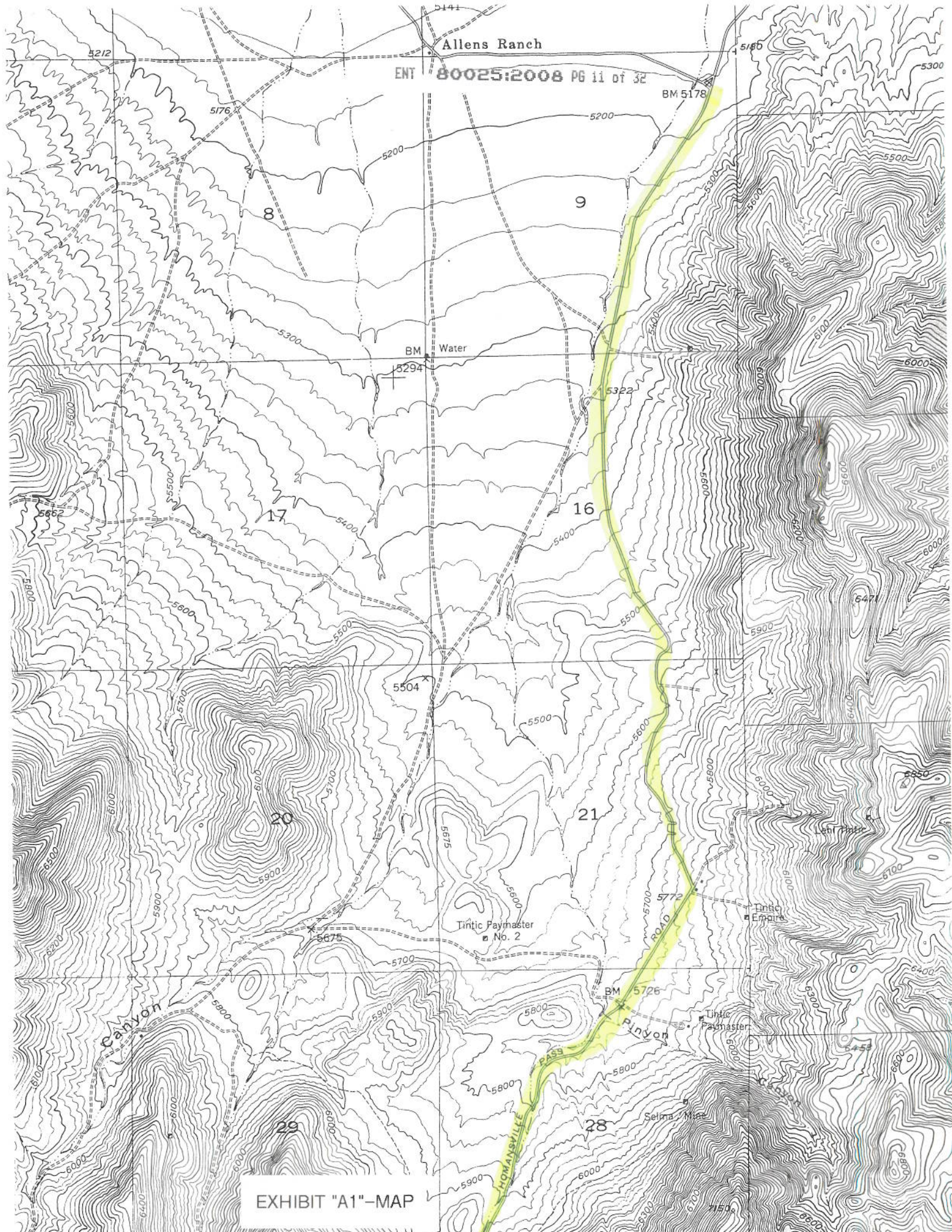
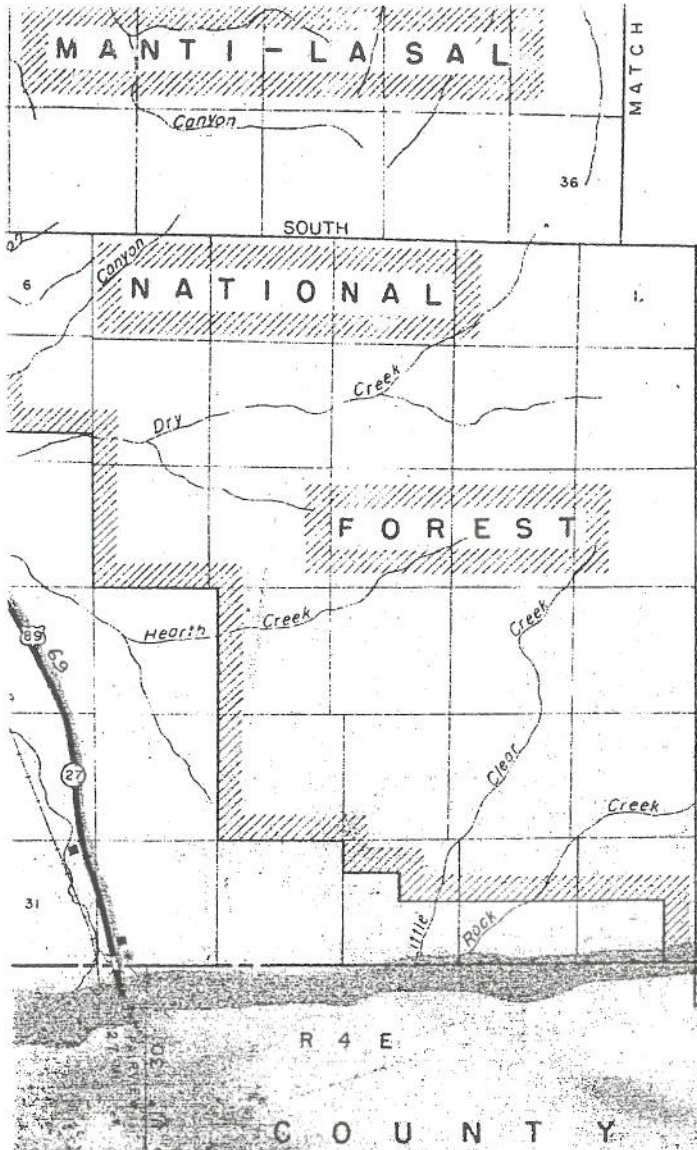


EXHIBIT "A1"-MAP

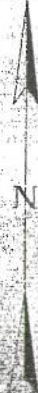
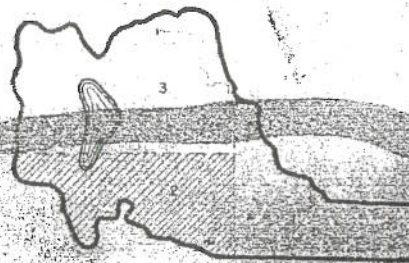


MATCH

ENT 80025:2008 PG 12 of 32

T
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KEY TO SHEETS

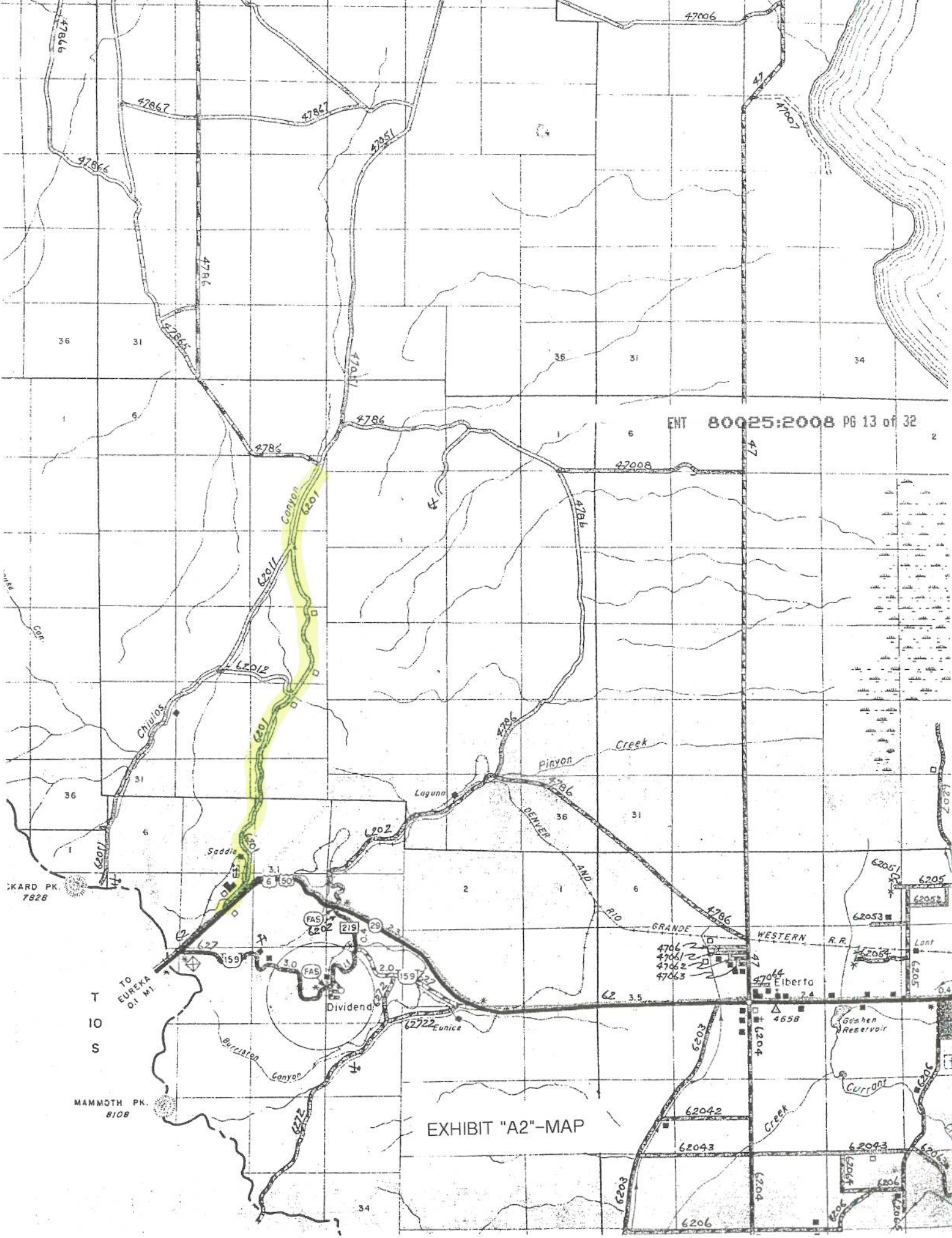


GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH

1955

EXHIBIT "A2"-MAP TITLE

2 3



ENT 80025:2008 PG 13 of 32

EXHIBIT "A2"-MAP

KARD PK. 7828

TO EUREKA 0.1 MI.

MAMMOTH PK. 8108

47062
47061
47062
47063

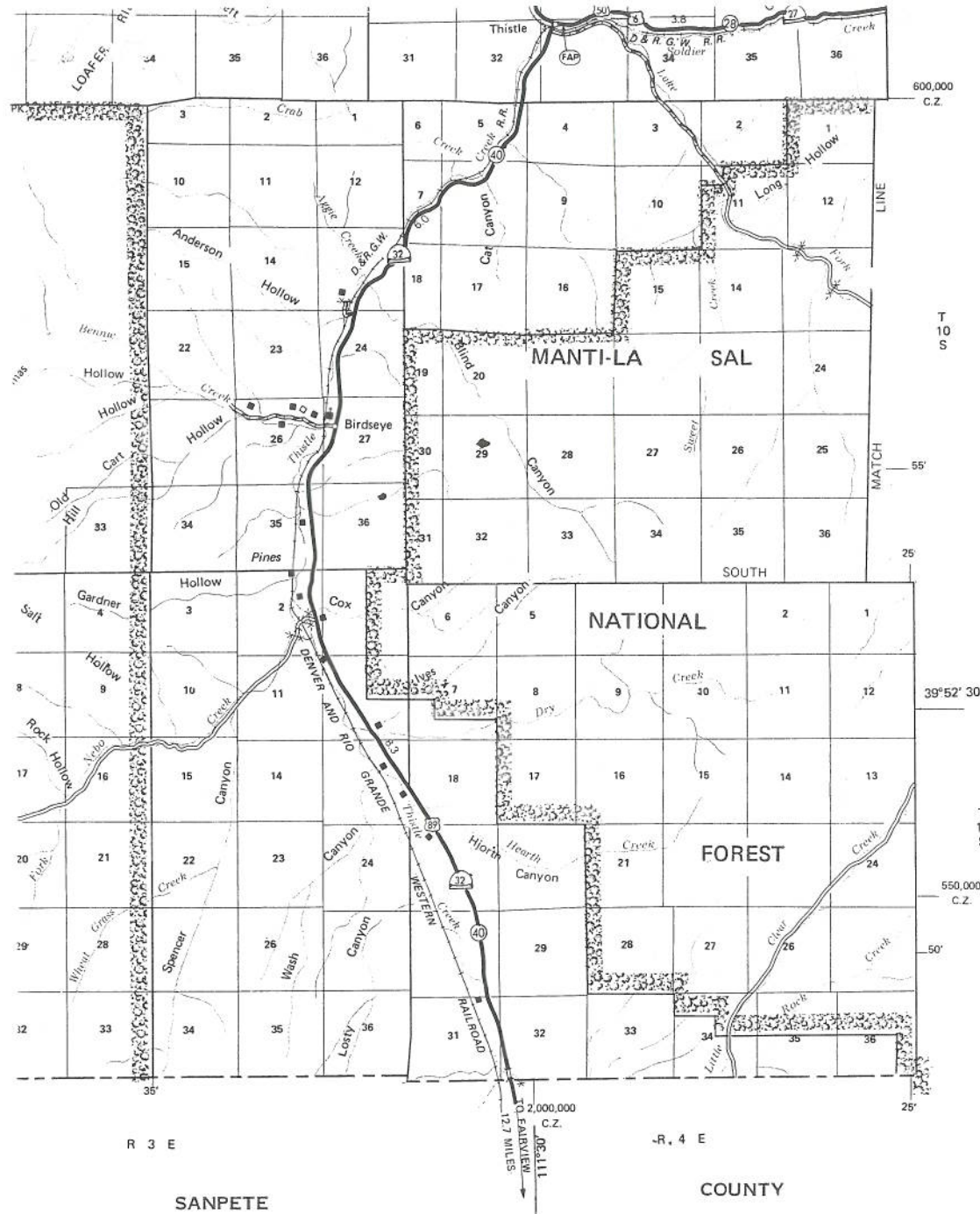
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6205

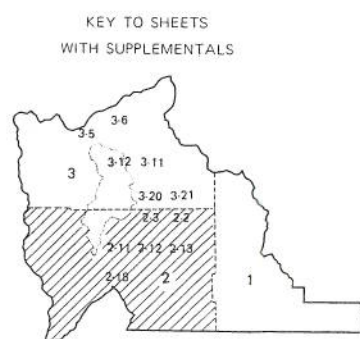
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62048

6206

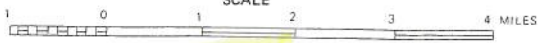


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**GENERAL HIGHWAY MAP
UTAH COUNTY**

UTAH
SCALE



1975

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

EXHIBIT "A3"-MAP TITLE

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

for resale prohibited.

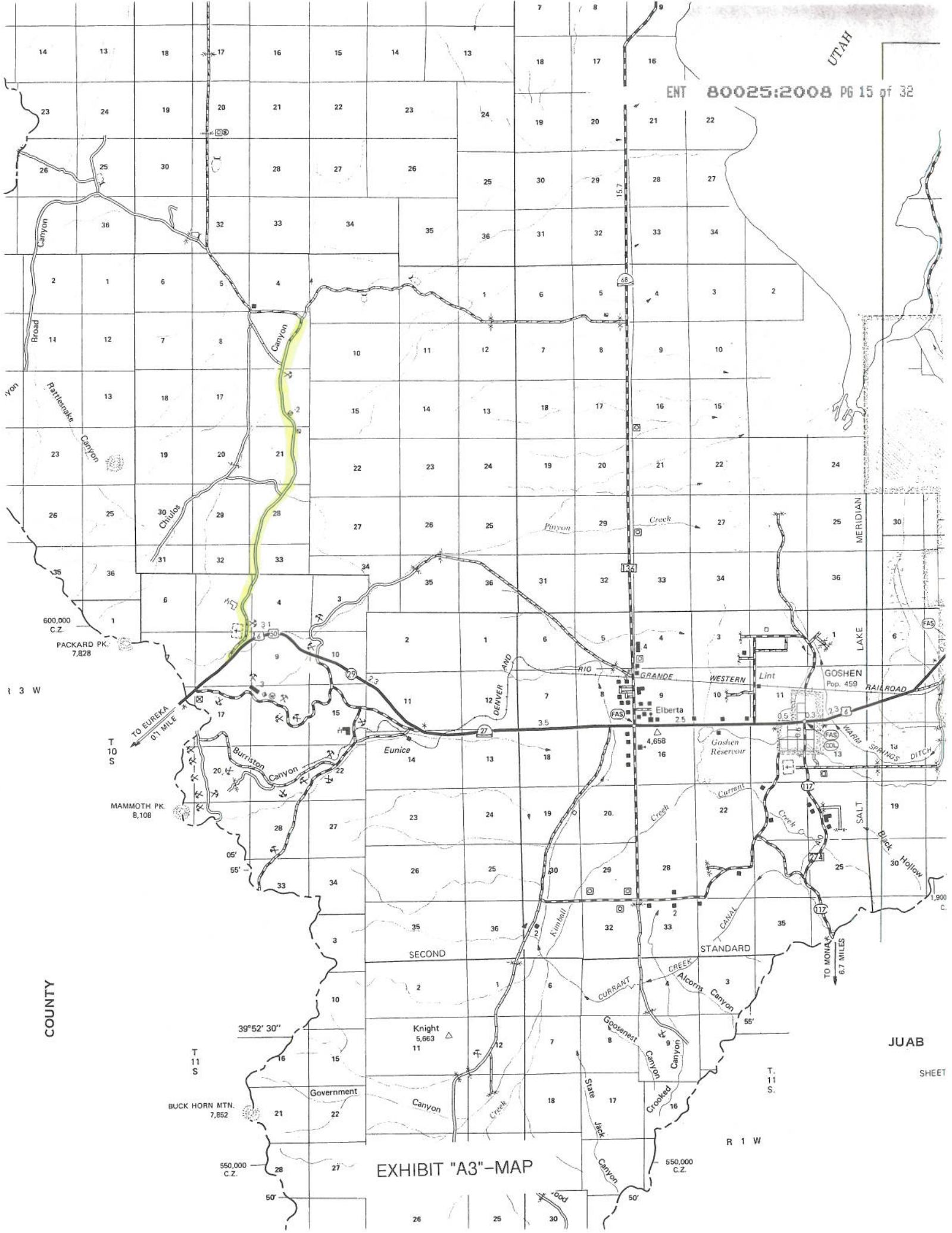
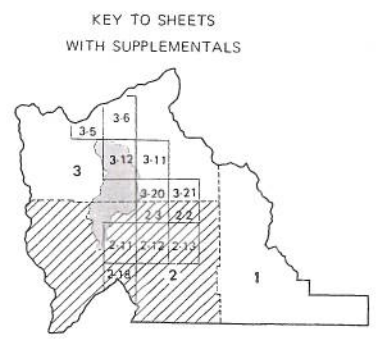
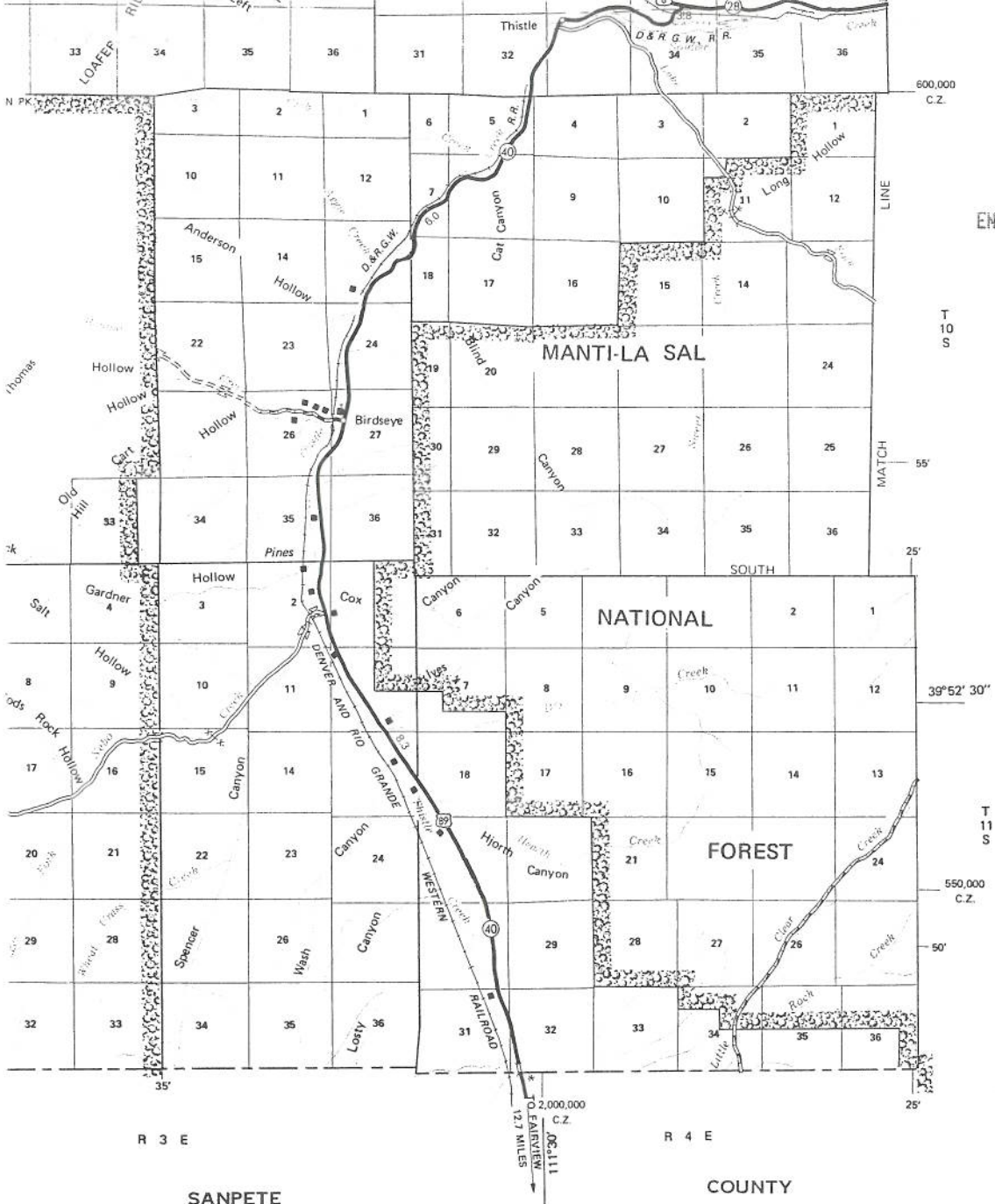


EXHIBIT "A3"-MAP



GENERAL HIGHWAY MAP
UTAH COUNTY

UTAH

SCALE



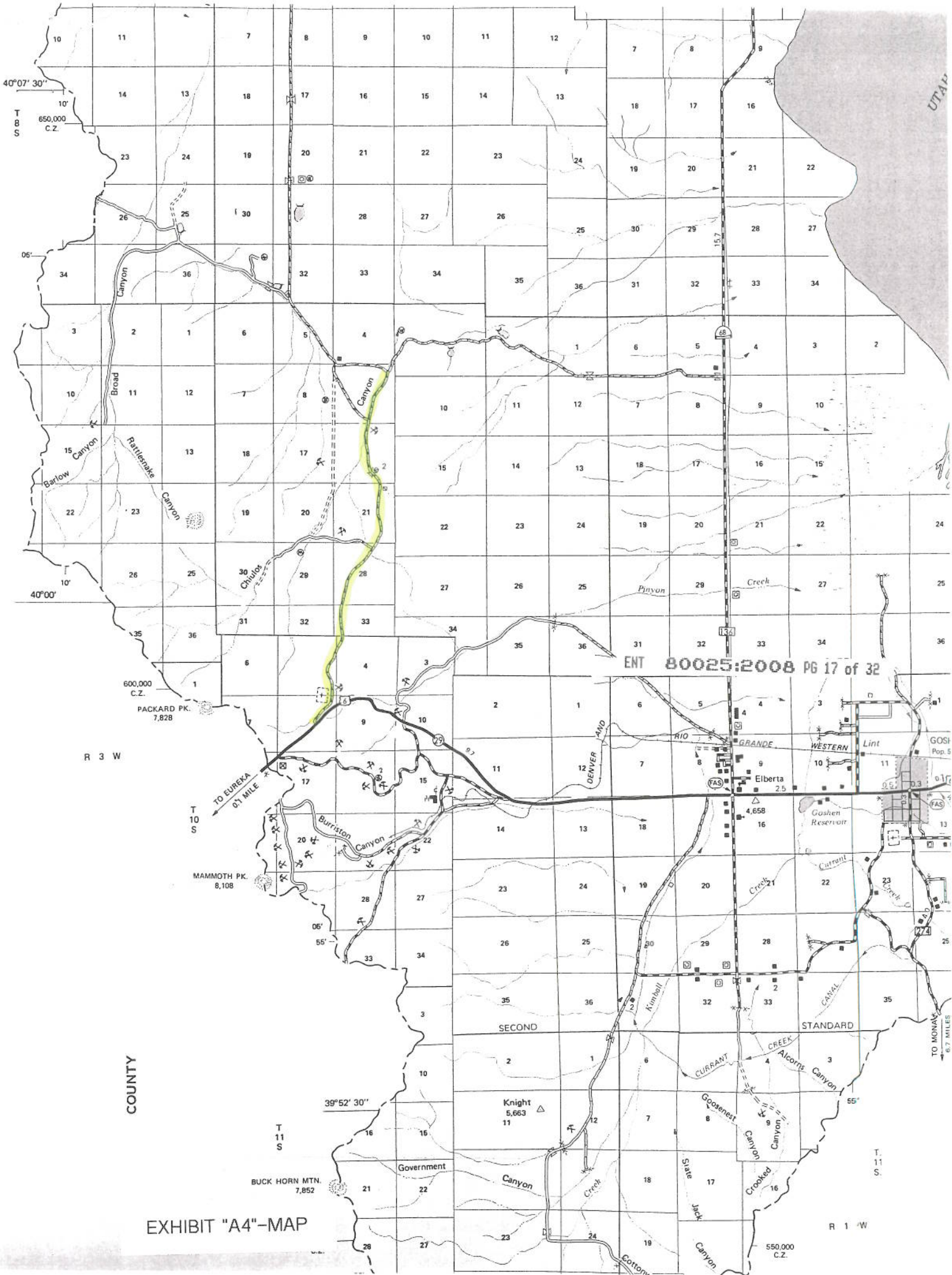
1985

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

EXHIBIT "A4"--MAP TITLE

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

EETS



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COUNTY

EXHIBIT "A4"-MAP

R 1 W

UTAH

40°07' 30"
T 8 S
650,000
C.Z.

600,000
C.Z.
PACKARD PK.
7,828

MAMMOTH PK.
8,108

BUCK HORN MTN.
7,852

Knight
5,663
11

550,000
C.Z.

TO MONKEY
6.7 MILES

TO EUREKA
0.1 MILE

GOSHUTE
Pop. 5

GRANDE

WESTERN

Lint

Elberta

Goshute Reservoir

Current

Creek

23 Creek

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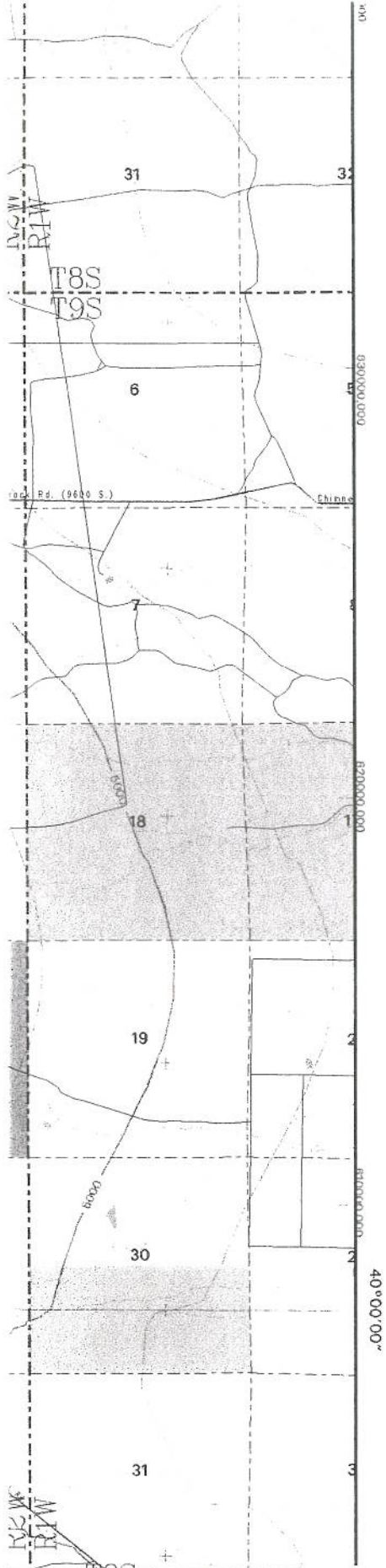
11

10

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7



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

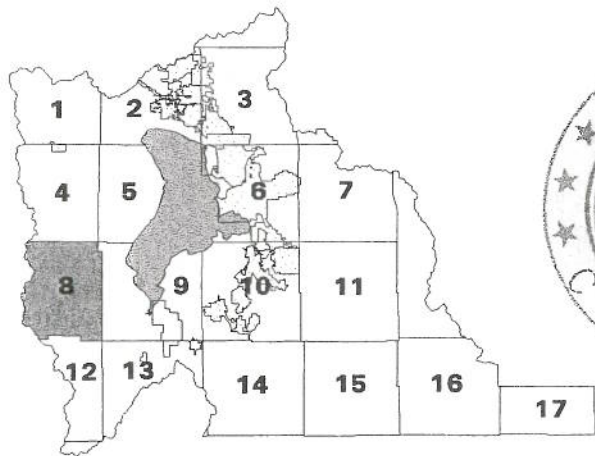
The latitude/longitude ties are based on the NAD83 datum. The state plane coordinate ties are based on the NAD27 datum.

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

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]

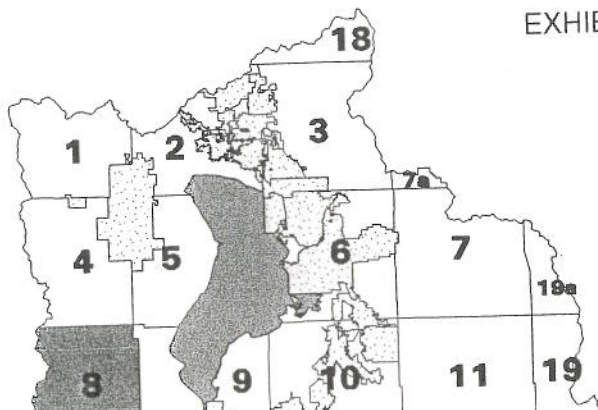
Attest: [Signature]
Title (See Seal): Deputy Clerk

Seal



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EXHIBIT "A6"-MAP TITLE



Allens Ranch

Allens Ranch Rd.

Homasville Pass Rd.

Chilias Canyon Rd.

Homasville Pass Rd.

R3W
R2W

Chilias Spr.

Chilias Canyon Rd.

Swanson Spr.

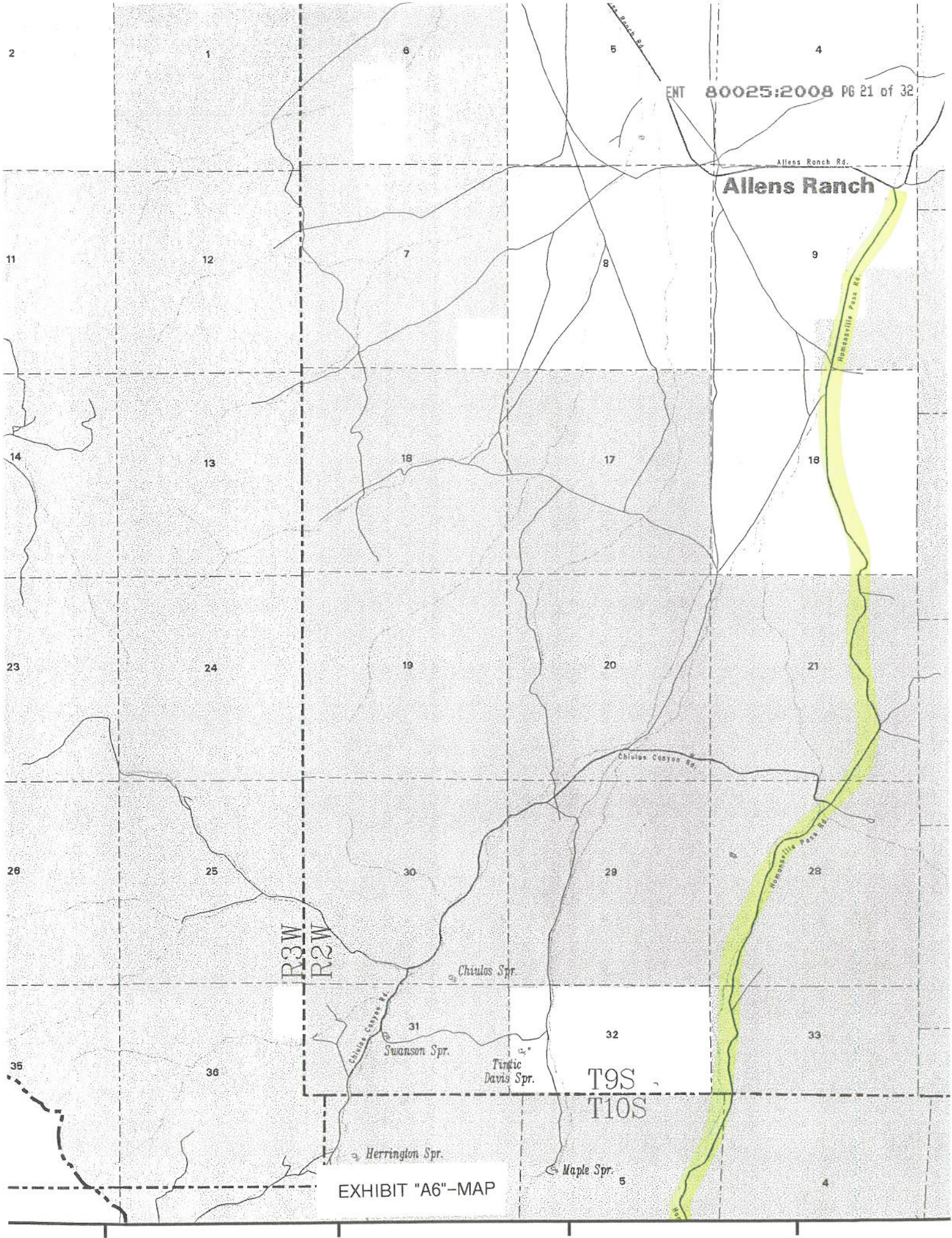
Pinkie Davis Spr.

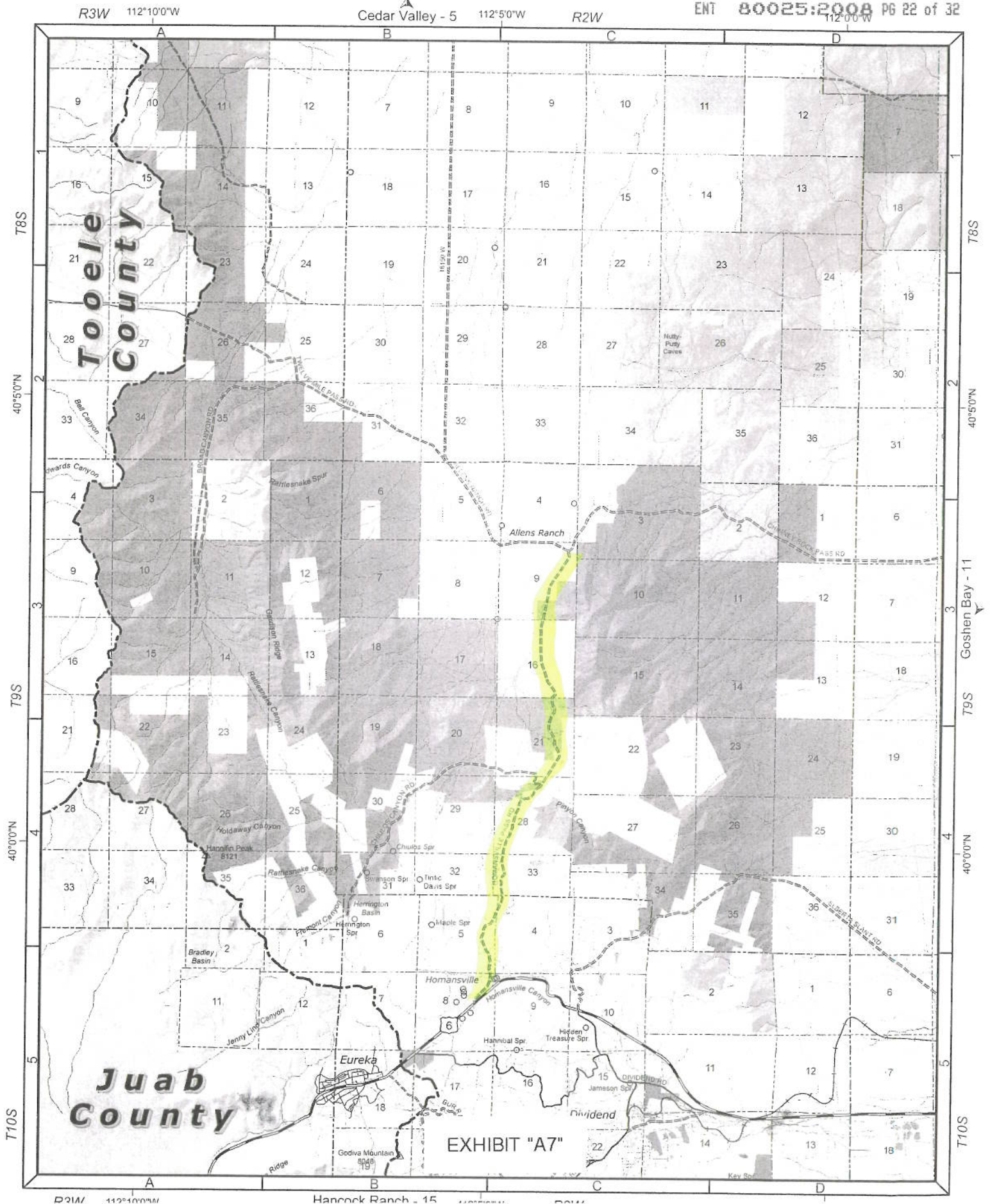
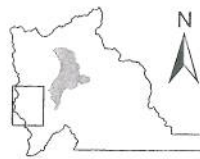
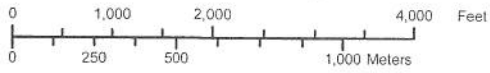
Herrington Spr.

Maple Spr.

T9S
T10S

EXHIBIT "A6"-MAP







ENT 80025:2008 PG 23 of 32N

**RS2477
Homansville
Pass Rd.**

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



1:3,500

1 inch equals 291.67 feet

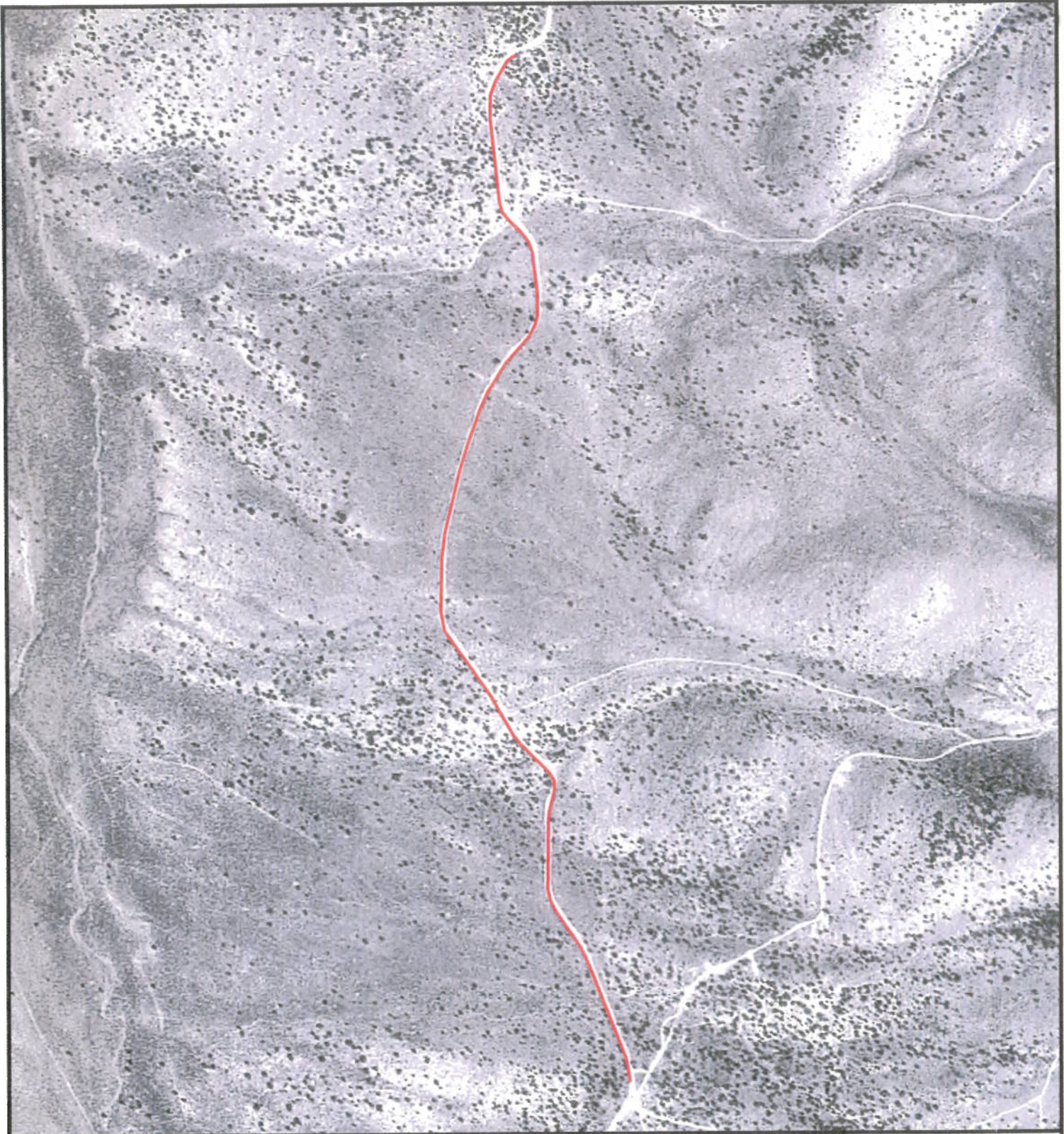
Segment 02

Photo Date 1993

EXHIBIT "A8"



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



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1:6,396

1 inch equals 532.96 feet

**RS2477
Homansville
Pass Rd.**

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

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



**RS2477
Homansville
Pass Rd.**

Segment 06

ENT 80025:2008 PG 25 of 30

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

Photo Date 1993

EXHIBIT "A10"



1:3,500
1 inch equals 291.67 feet



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

HOMANSVILLE PASS ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

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

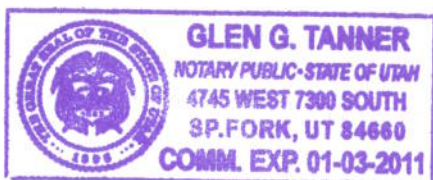
1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988 I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Homansville Pass Road that runs from U.S. Highway 6 at Homansville, Utah toward Allens Ranch, Utah. 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 as early as 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

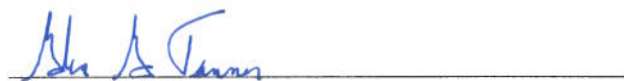
limited to, mining, sheepherding, ranching, and for recreational activities.

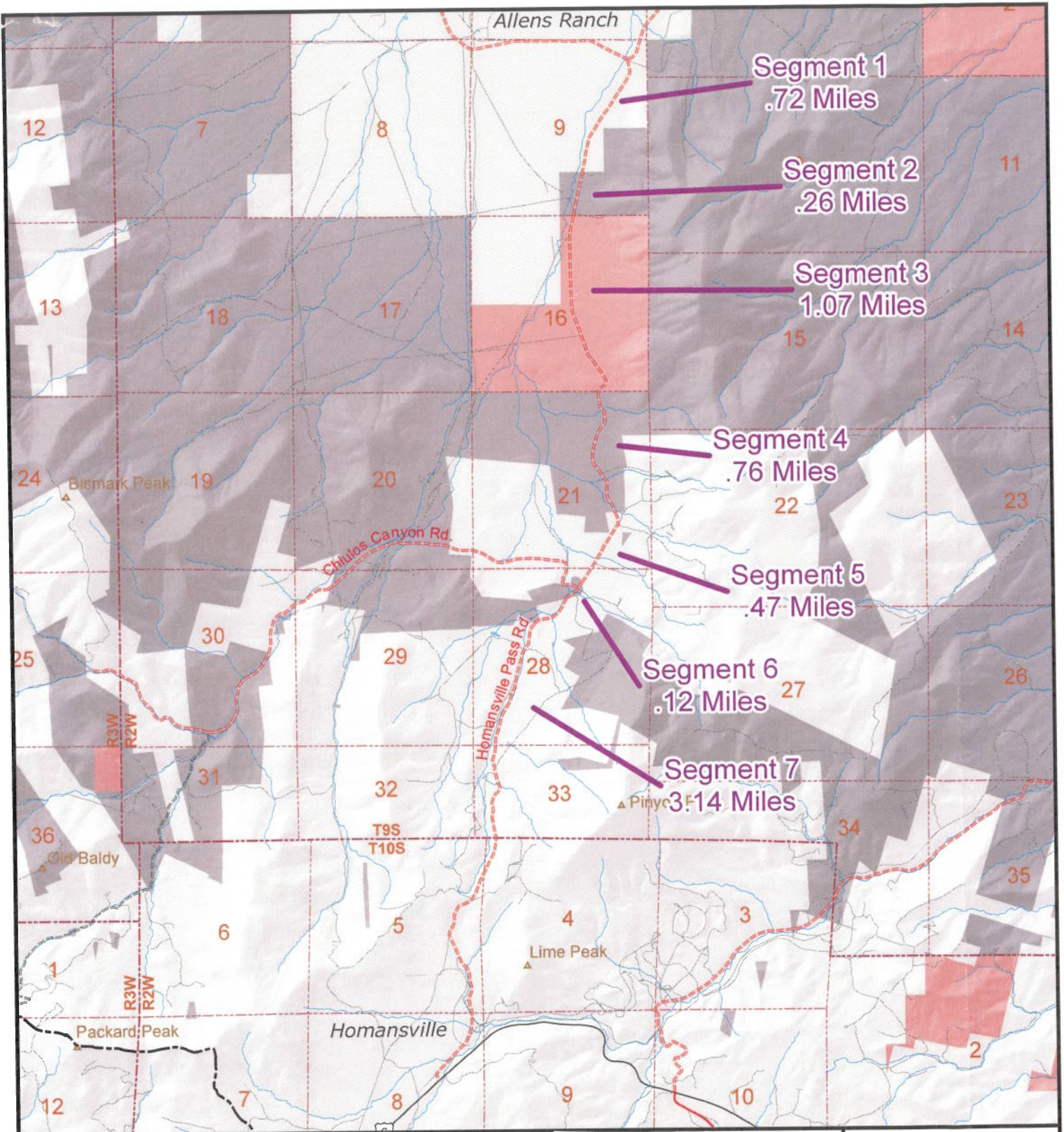
DATED this 11 day of JUNE, 2007.


ROBERT CURTIS BEVERLY

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




Notary Public



RS2477
Homansville
Pass Rd
1.14 Miles

B880
6.54 Miles

Legend

<p>State Roads</p> <ul style="list-style-type: none"> I-15 US HWY/State Route Other FAE Route <p>Official County Roads</p> <ul style="list-style-type: none"> Paved Unpaved <p>Local Roads</p> <ul style="list-style-type: none"> Paved Dirt Roads Gravel Roads Other Roads Railroads 	<p>Public Land</p> <ul style="list-style-type: none"> 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 	<p>Public Survey Lines</p> <ul style="list-style-type: none"> Township Lines Section Lines Incorporated Cities
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ENT 80025:2008 PG 28 of 32

1:48,624
 1 inch equals 4,051.98 feet



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

"Exhibit A"

HOMANSVILLE PASS 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 Homansville Pass Road that runs from U.S. Highway 6 at Homansville, Utah toward Allens Ranch, Utah. 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 as early as 1947.
6. At no time during my employment with the County undertake any procedure to abandon or

vacate its right-of-way on the road.

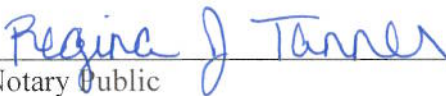
7. Uses of the road since before 1966 and before any federal reservation included, but were not limited to, mining, sheepherding, ranching, and for recreational activities.

DATED this 17 day of MAY, 2007.

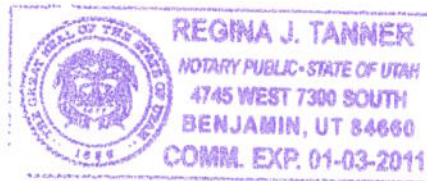


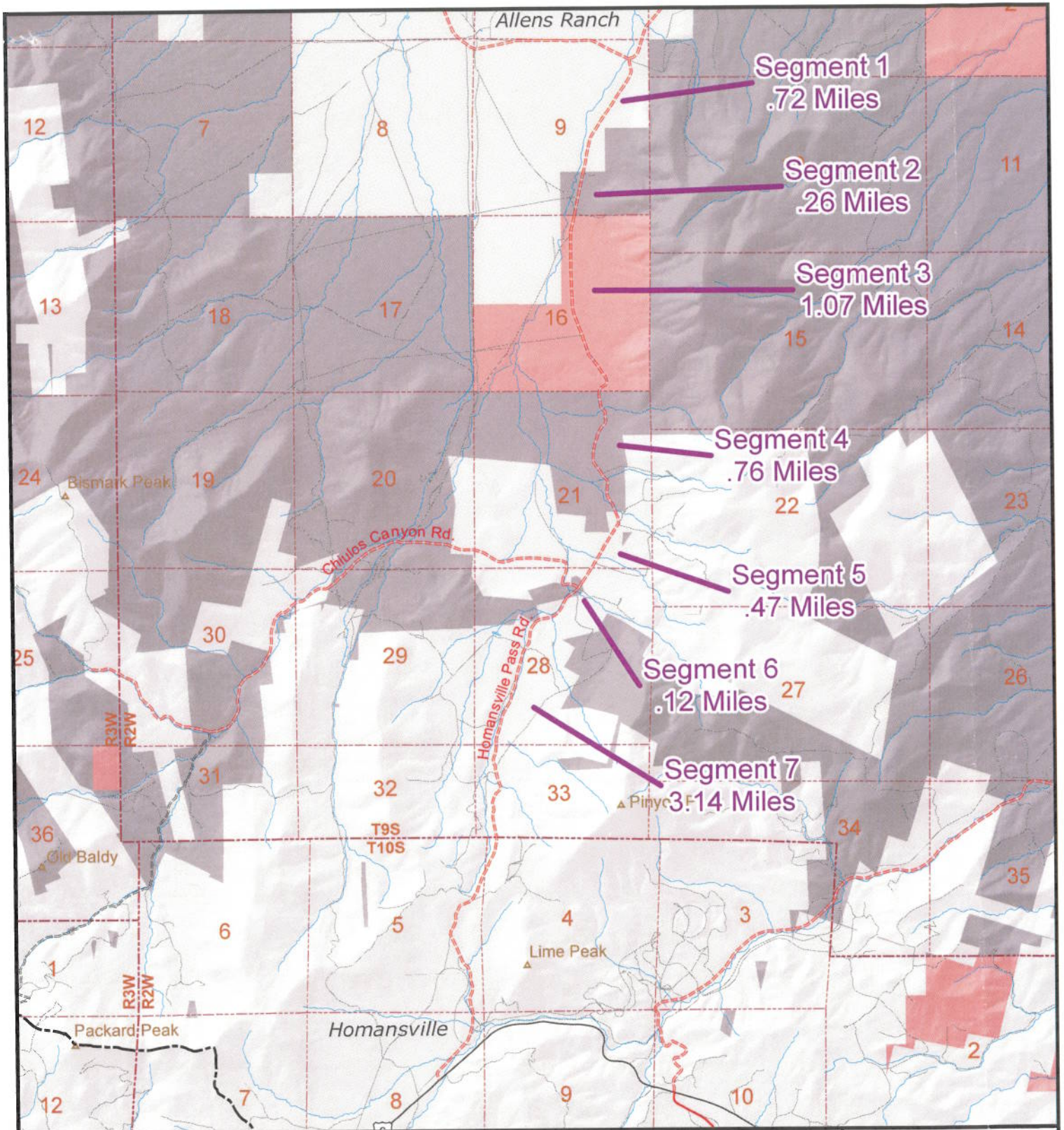
BYRON L. ORTON

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



Notary Public





RS2477
Homansville
Pass Rd
1.14 Miles

B880
6.54 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	

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1:48,624
 1 inch equals 4,051.98 feet

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

"Exhibit A"

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

Popular Name: HOMANSVILLE PASS ROAD

County: Utah

County Road Number: B880

State Geographic Information Database (SGID) Road Identification Number: RD250009.

Total Road Length: 6.64 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 58 minutes 10.77 seconds North Latitude and -112 degrees 05 minutes 16.35 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,475,660.6 feet and Y = 7,158,213.5 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 03 minutes 20.16 seconds North Latitude and -112 degrees 03 minutes 54.34 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,482,242.7 feet and Y = 7,189,476.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 2 West, Section(s) 4,5,8, Salt Lake Base & Meridian

Township 9 South Range 2 West, Section(s) 9,16,21,28,33, Salt Lake Base & Meridian