



# Exhibit A

**AFFIDAVIT OF CLYDE R. NAYLOR**  
**KYUNE PASS ROAD (EMMA PARK ROAD)**  
**UTAH COUNTY, UTAH**  
**COUNTY "B" ROAD NUMBER B 883**

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 Kyune Pass Road that runs from U. S. Highway 6 easterly to Carbon County. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 883. The road is an asphalt road located in Township 11 South, Range 9 East. The 1.32 miles length of the road, located in Sections 34 and 35 of Township 11 South, Range 9 East runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segment of the Kyune Pass Road believed to be in the ownership of the Bureau of Land Management.

The center line description is as follows:

SEGMENT 2:

Commencing at the point of intersection of the centerline of the Kyune Pass Road with the South boundary of Section 35, Township 11 South, Range 9 East, Salt Lake Base and Meridian, said point being more specifically described as being located 4.71 feet South and 1787.91 feet East from the Southwest Corner of said Section 35; thence the following along the said centerline:

North 55° 12' 58" West 1542.12 feet; North 54° 12' 11" West 384.05 feet; North 47° 56' 35" West 129.41 feet; North 41° 08' 38" West, 421.38 feet; North 47° 54' 46" West 94.86 feet; North 54° 25' 40" West 137.84 feet; North 60° 29' 53" West 145.08 feet; North 68° 16' 41" West 180.73 feet; North 69° 38' 31" West 418.44 feet; North 69° 57' 55" West 651.90 feet; North 70° 34' 21" West 333.55 feet; North 73° 44' 15" West 302.94 feet; North 76° 40' 12" West 336.99 feet; North 80° 06' 59" West 253.56 feet; North 82° 18' 11" West 200.83 feet; North 84° 57' 33" West 350.69 feet; North 87° 44' 45" West 1085.23 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

1910, 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 road map of Utah County, dated January 31, 1910, prepared by Frank Wentz, County Surveyor, shows the location of the road within Sections 34 and 35 of Township 11 South, Range 9 east, which is attached hereto as Exhibit "A1".
- b. The Utah County map of 1924, prepared by Ed B. Jones, County Surveyor, shows the location of the road within Sections 34 and 35 of Township 11 South, Range 9 east, which is attached hereto as Exhibit "A2".
- c. The Utah County map prepared by L. D. Green, County Surveyor, and revised in September of 1966, shows the county road, which is attached hereto as Exhibit "A3".
- d. The United States Government survey map for Kyune, Utah dated 1969, shows the location of the road, which is attached hereto as Exhibit "A4".
- e. 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 Carbon County line, which is attached hereto as Exhibit "A5".

- f. 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 "A6".
  - g. The Road Map of Utah County, Sheet # 17, created November 21, 1995, shows the relationship the road has with the federal property in the area, which is attached as Exhibit "A7".
  - h. The current County Atlas, page 20, titled Price River, shows the Kyune Pass Road as it traverses federal property, which is attached as Exhibit "A8".
  - i. The surveyed description for Segment 02 of the Kyune Pass 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 6<sup>th</sup> day of MARCH, 2007

Clyde R. Naylor  
CLYDE R. NAYLOR

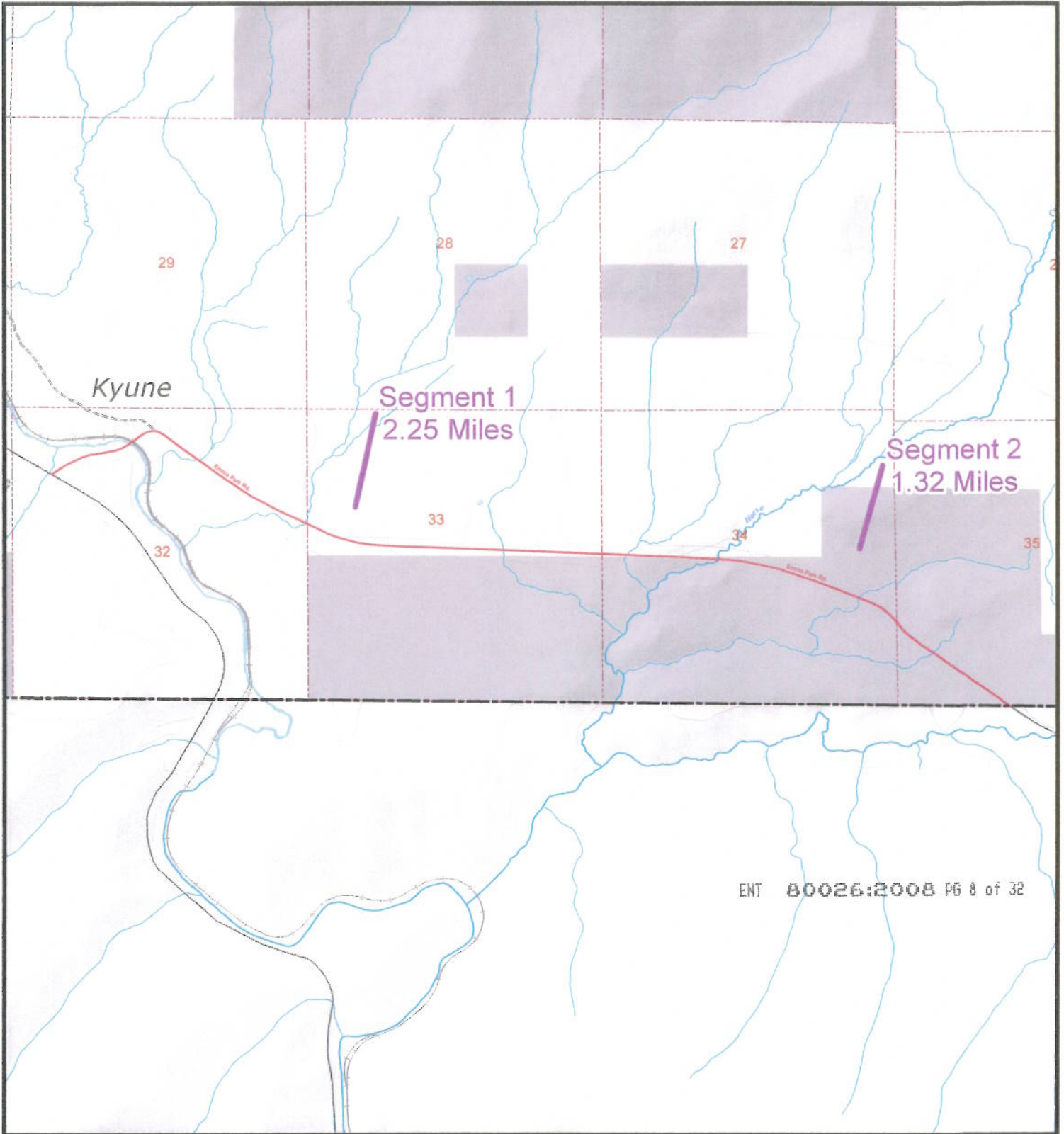
SUBSCRIBED AND SWORN to me, a Notary Public, this 6<sup>th</sup> day of march, 2007

Regina J. Tanner  
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





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**RS2477**  
**Kyune**  
**Pass Rd**  
**1.32 Miles**

**B883**  
**3.57 Miles**

**Legend**

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



1:29,665  
 1 inch equals 2,472.08 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8628  
 Printed on July 26, 2006 by maryek

"Exhibit A"



# ROAD MAP of UTAH COUNTY

SCALE 1 INCH = 200 CHS.

LEGEND.	
Corporate Limits	—
Villages	○
County Seat	◎
Streams	~~~~~
Boundary Lakes	≡≡≡
Foot Mountains	⋆⋆⋆
Summit Mountains	⋆⋆⋆
County Roads	==
County Roads with most Traffic and Travel	≡≡
Railroads	-----
Co. Line definite	—
Co. Line indefinite	...

## CERTIFICATE

I hereby certify this map to be  
correct

*Frank Weitz*  
Surveyor Utah County.

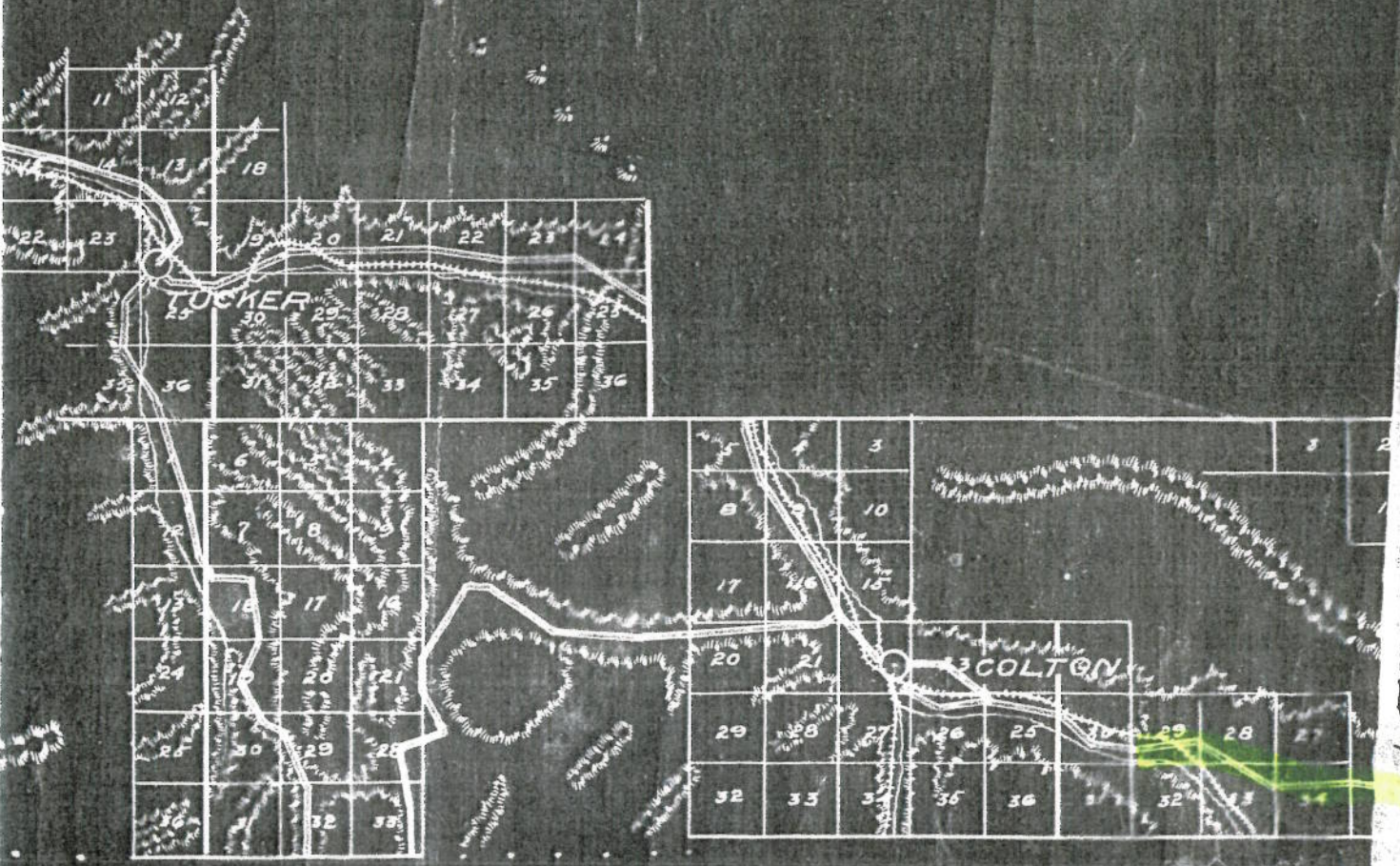
## APPROVAL

Approved by the Board of County  
Commissioners of Utah County  
this 31<sup>st</sup> day of January 1910

*M. E. Ratchner Jr.*  
County Clerk.

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EXHIBIT "A1"-MAP TITLE



5-21-01

21-001

34

FILE IN DRAWER

EXHIBIT "A1"-MAP

0 1  
UTAH COUNTY

24 004 04

# UTAH

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ORIGINAL MAP COMPILED BY C. WITWELLY '5  
REVISED BY Ed. B. JONES - 1924

## Provo, Utah.

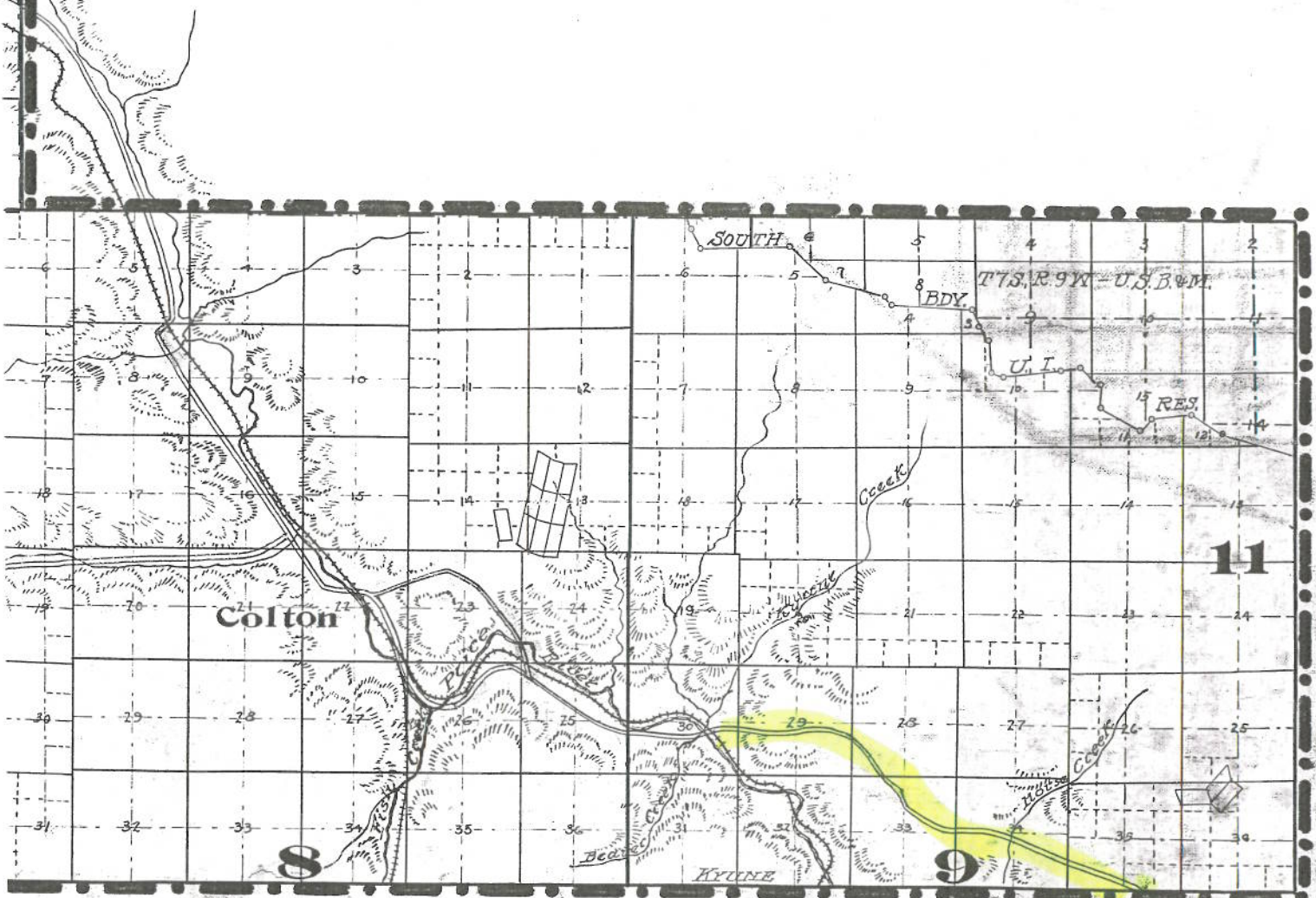
### LEGEND

Definite Boundary	—●—●—●—●—
Indefinite Boundary	—●—●—●—●—
Precinct Boundaries	- - - - -
Forest Reserve Boundaries	- - - - -
Incorporated Cities	▭
State Roads	==
Other Improved Roads	==
Railroads	—+—+—+—+—
Canals and Streams	~ ~ ~ ~ ~
Paved Roads	—+—+—+—+—

EXHIBIT "A2"—MAP TITLE

H

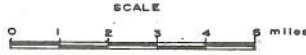
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B O N

EXHIBIT "A2"-MAP

# MAP OF UTAH COUNTY, UTAH



L. D. GREEN COUNTY SURVEYOR

Revised Sept. 1966

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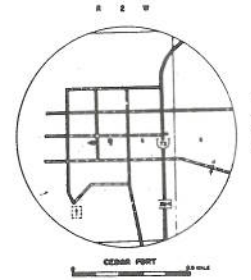
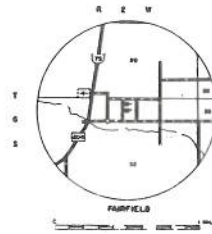


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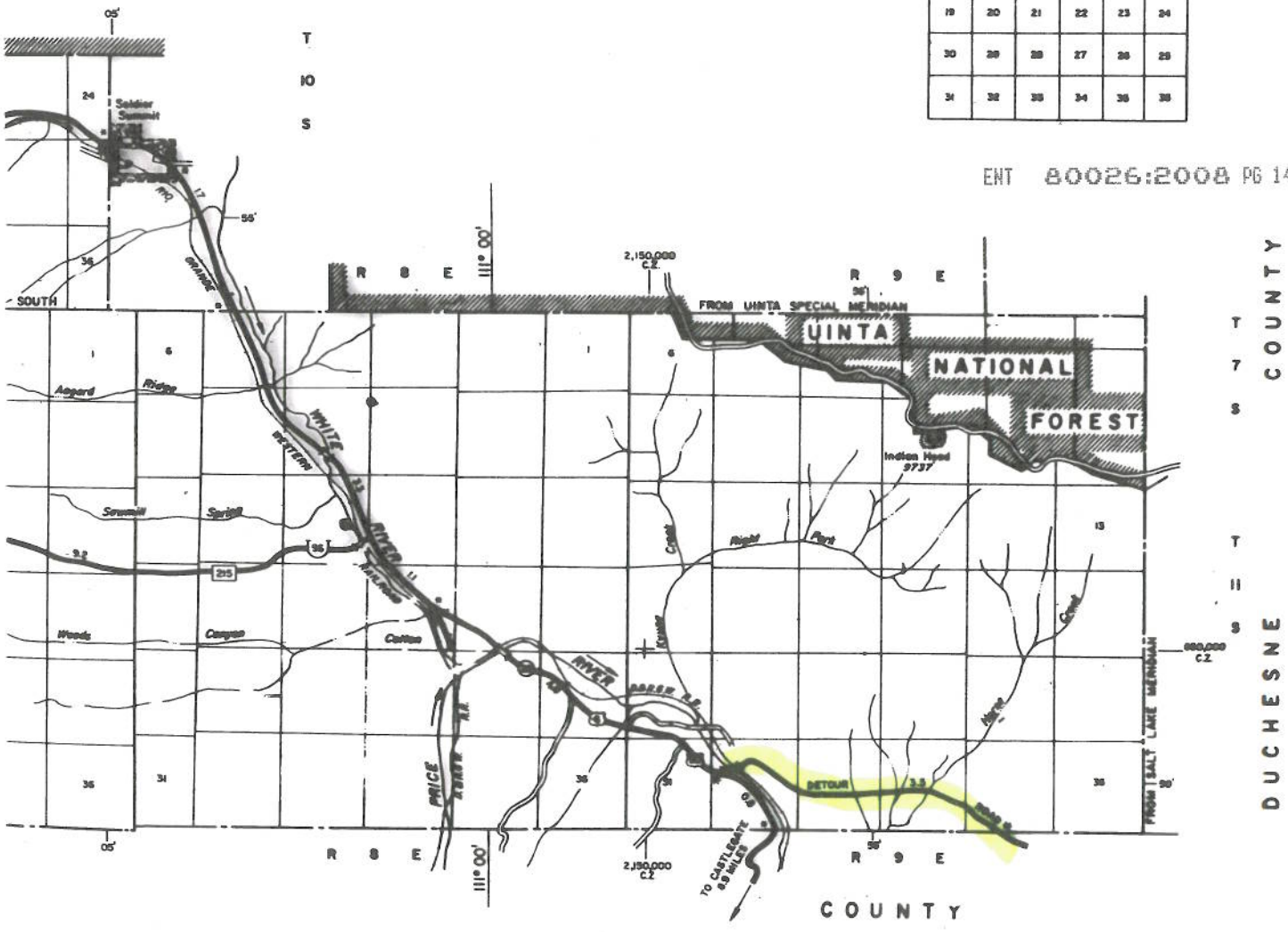
COUNTY



KEY TO THE NUMBERS OF SECTIONS

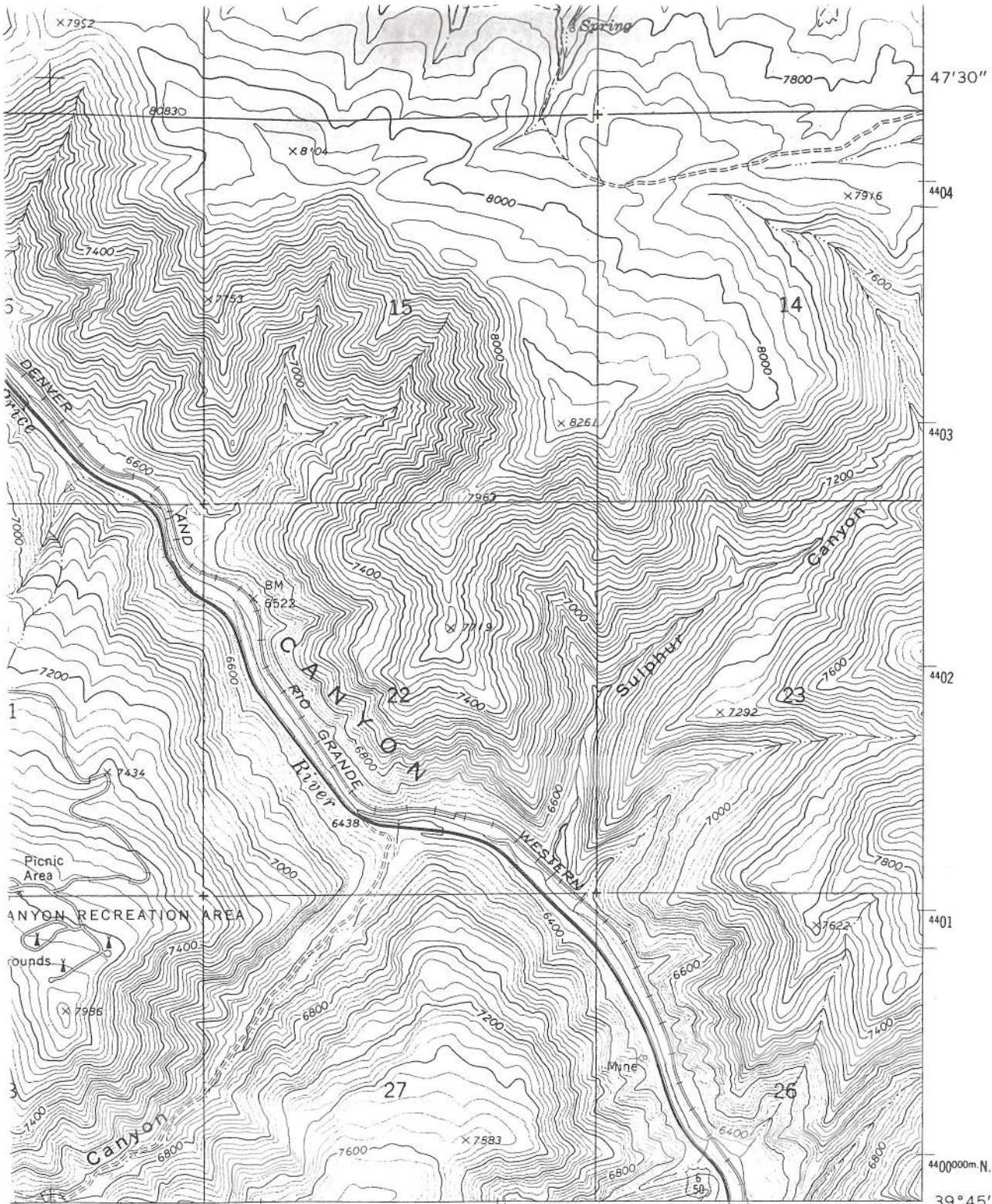
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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TOWNSHIP 10 SOUTH  
TOWNSHIP 11 SOUTH  
RANGE 8 EAST  
RANGE 9 EAST  
DUCHESE COUNTY

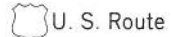
EXHIBIT "A3"-MAP



● INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1971  
 CASTLE GATE (UTAH 33) 2 MI  
 PRICE (UTAH 10) 13 MI

**ROAD CLASSIFICATION**

Primary highway, all weather, hard surface \_\_\_\_\_  
 Light-duty road, all weather, improved surface \_\_\_\_\_  
 Unimproved road, fair or dry weather \_\_\_\_\_



(CASTLE GATE 1:62,500)  
 3863 III



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**KYUNE, UTAH**  
 N3945—W11052.5/7.5

1969

20242

EXHIBIT "A4"—MAP TITLE

AMS 3863 IV SW—SERIES V897

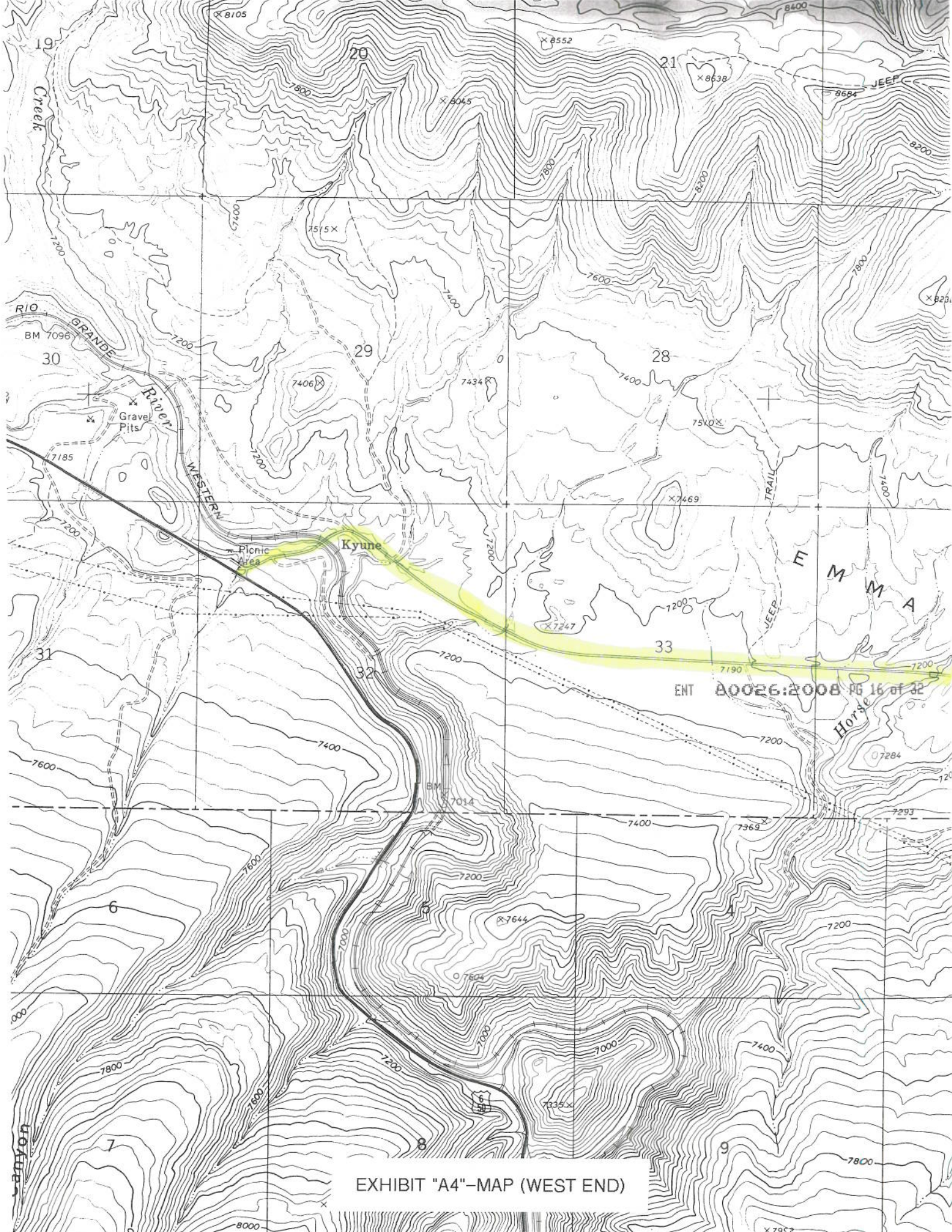
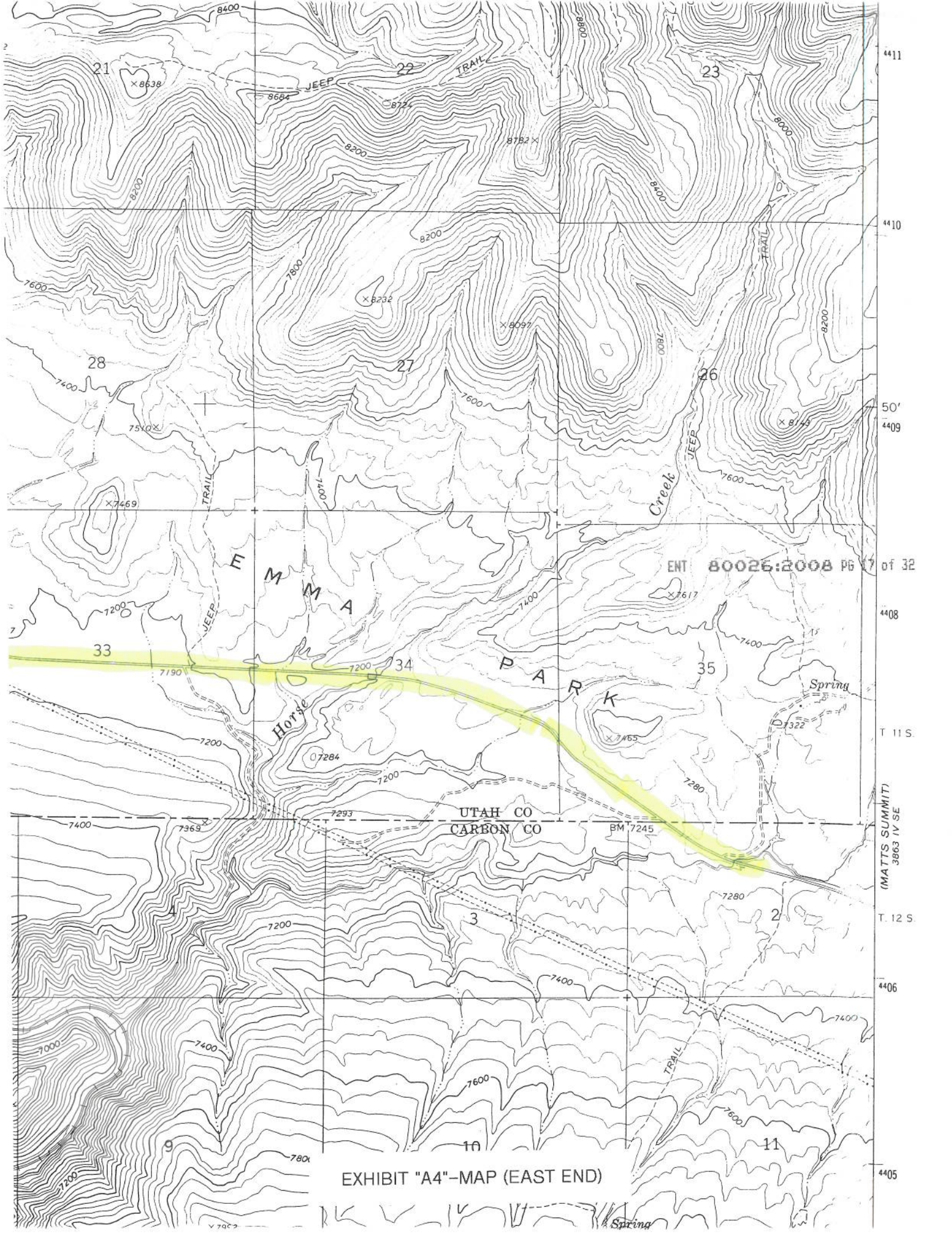


EXHIBIT "A4"-MAP (WEST END)





4411  
4410  
50'  
4409  
4408  
T 11 S  
3863 IV SE  
T. 12 S  
4406  
4405

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UTAH CO  
CARBON CO

EXHIBIT "A4"-MAP (EAST END)

21

22

23

28

27

26

33

34

35

9

10

11

F M M A  
H O R S E  
P A R K

HORSE

Creek

Spring

TRAIL

Spring

8400

8000

8664

8721

8782

8000

7600

7800

8200

8200

7800

8200

7400

7510

7100

7600

7800

7600

8200

7200

7400

7400

7400

7369

7293

BM 7245

7200

3

7280

T. 12 S

7400

7400

7000

7400

7600

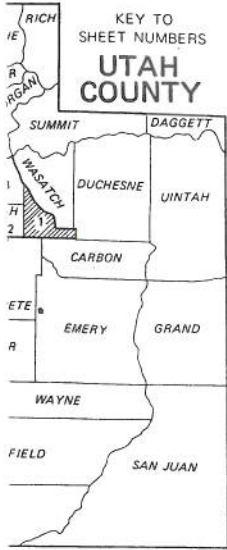
7600

7200

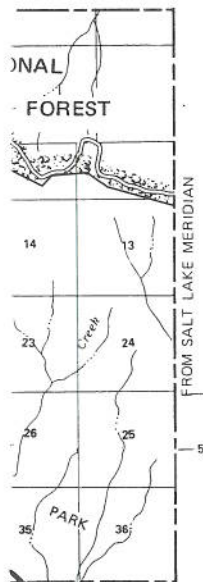
7800

7800

4405



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COUNTY

SHEET NO. 2

550,000 C.Z.

50'

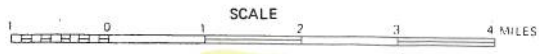
DUCHESNE

# GENERAL HIGHWAY MAP UTAH COUNTY UTAH

PREPARED BY THE  
UTAH STATE DEPARTMENT OF HIGHWAYS  
SYSTEMS PLANNING DIVISION  
PLANNING STATISTICS SECTION

IN COOPERATION WITH THE  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

EXHIBIT "A5"--MAP TITLE

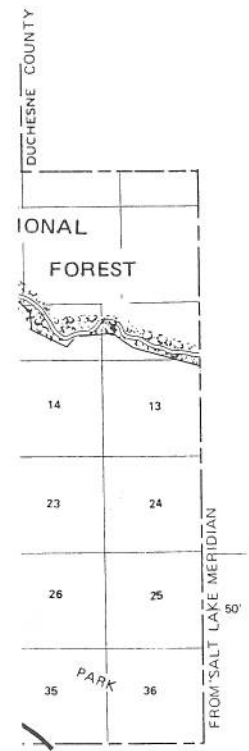
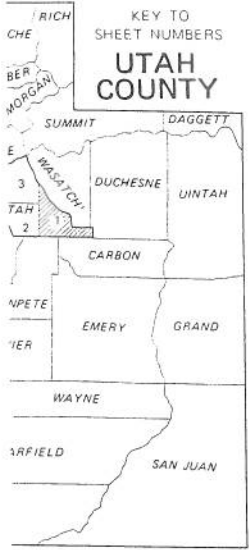


1975

Copies of this map are available for public use at nominal cost.  
Reproduction for resale prohibited.  
Utah State Dept. of Highways  
Room 612  
State Office Building  
Salt Lake City, Utah 84114

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





COUNTY

SHEET NO. 2

DUCHESE



EXHIBIT "A6"-MAP TITLE

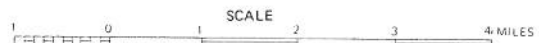
# GENERAL HIGHWAY MAP

# UTAH COUNTY

## UTAH

PREPARED BY THE  
 UTAH DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION PLANNING DIVISION  
 PLANNING STATISTICS SECTION

IN COOPERATION WITH THE  
 U.S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION

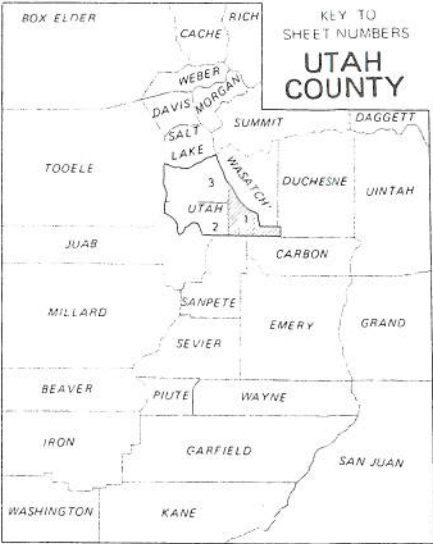


1985

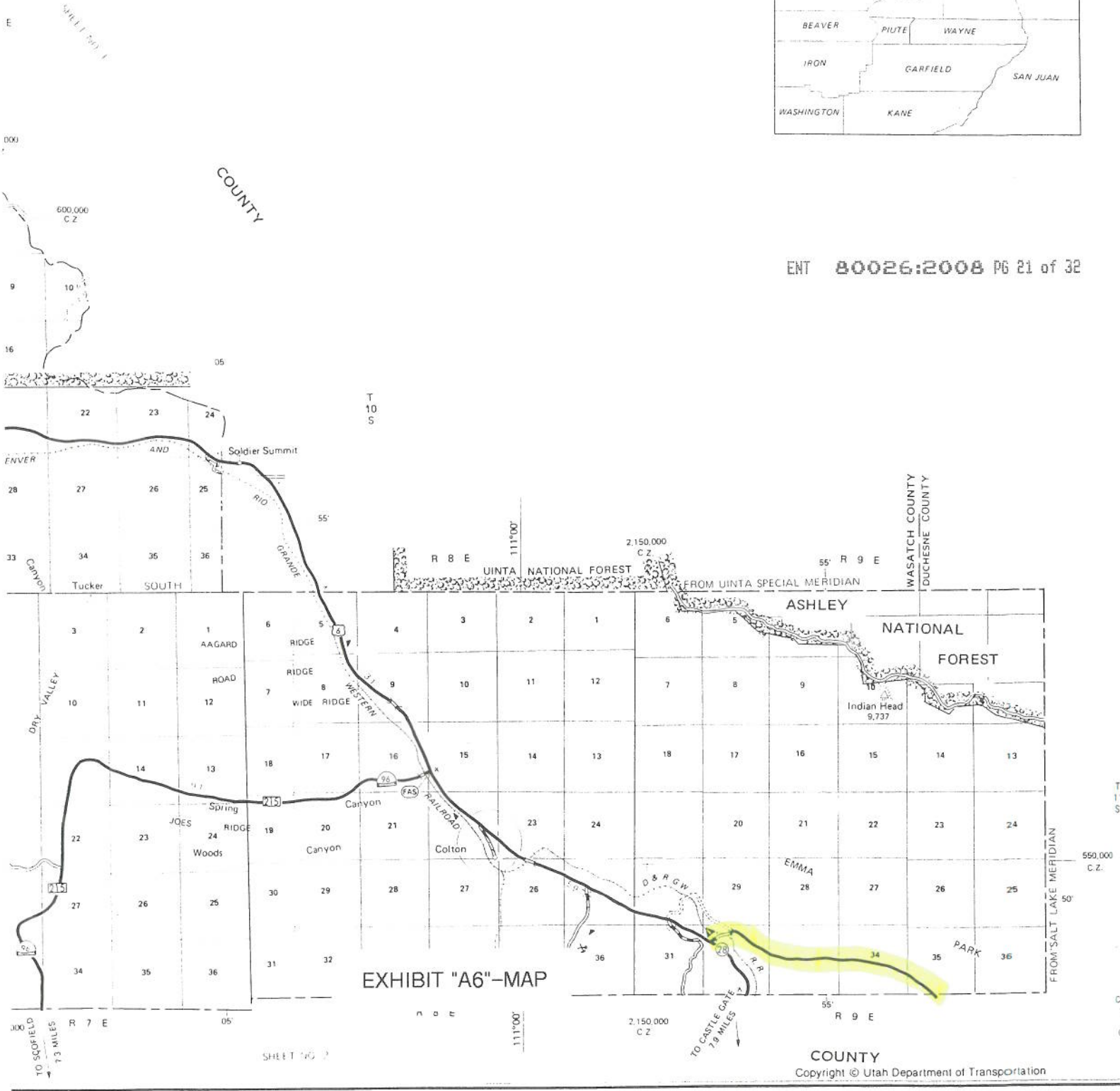
Copies of this map are available for public use at nominal cost

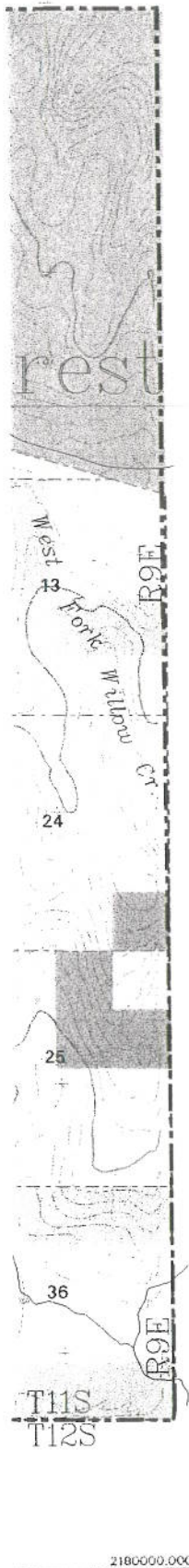
UDOT  
 Office of Community Relations  
 U D O T - D P S Complex  
 4501 South 2700 West  
 Salt Lake City, Utah 84119

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



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5700000.000  
 39°52'30"  
 5600000.000  
 5600000.000  
 5400000.000  
 2180000.000

100 Foot Contours

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

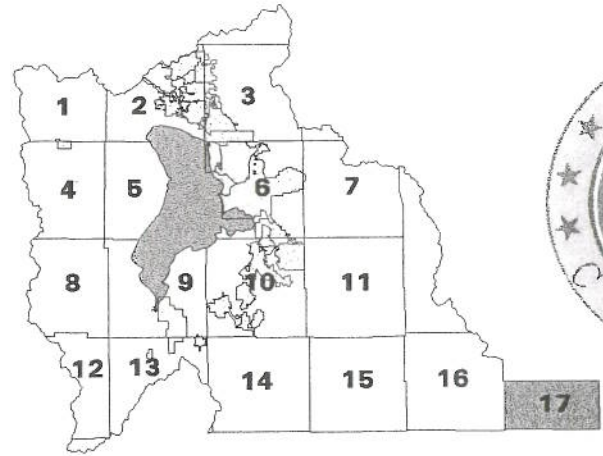
The latitude/longitude tics are based on the NAD83 datum. The state plane coordinate tics are based on the NAD27 datum.

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 17



Index Map

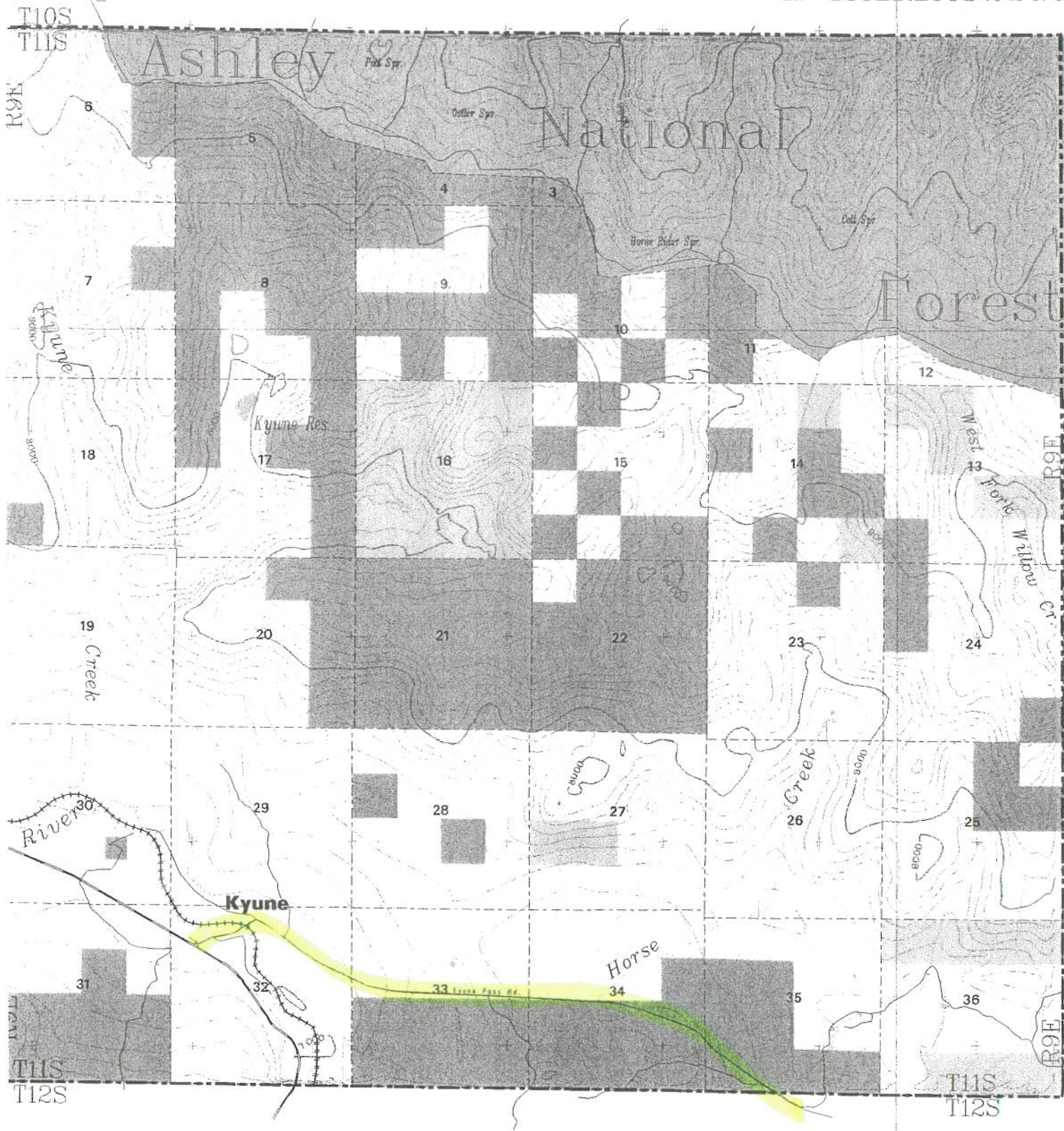
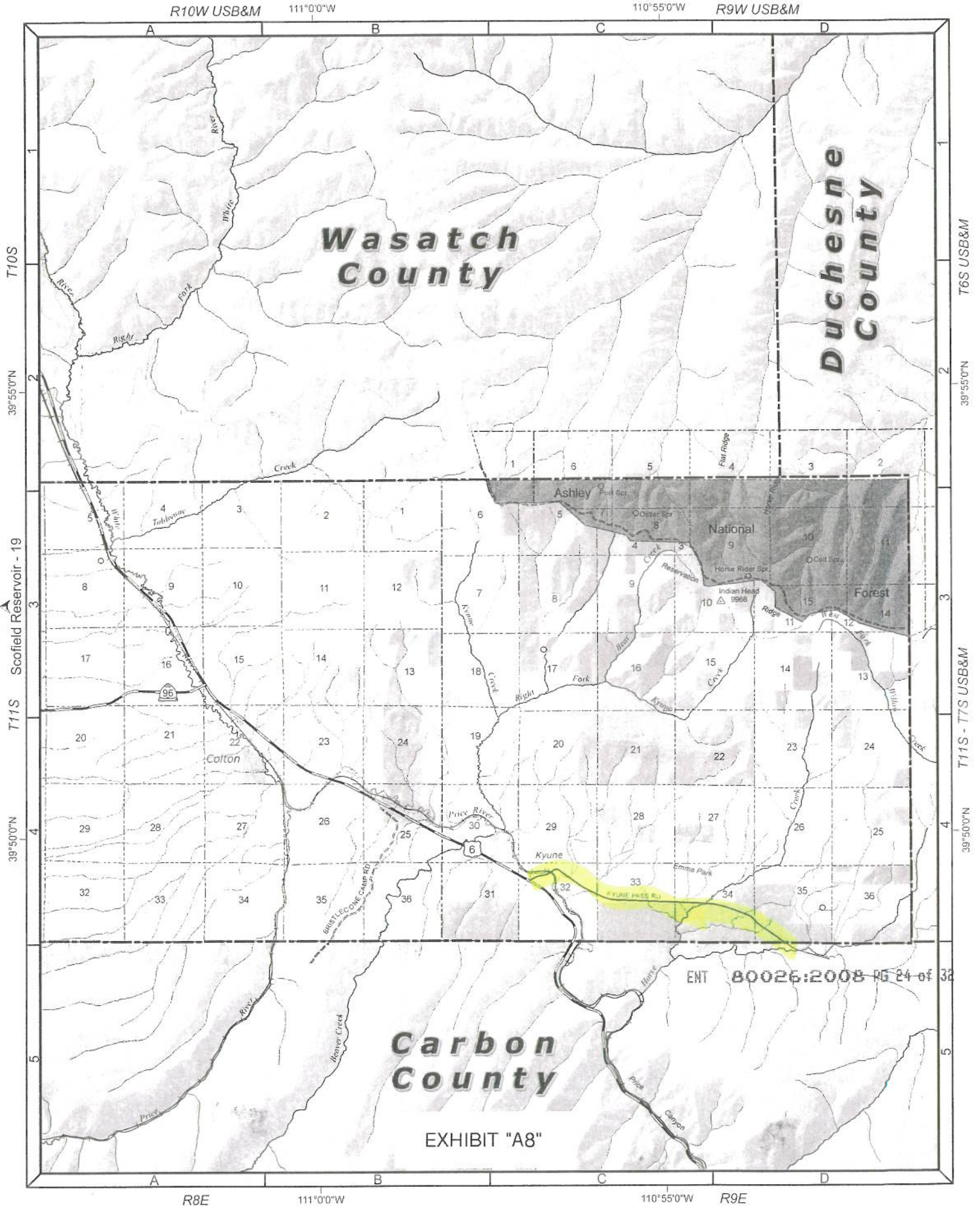
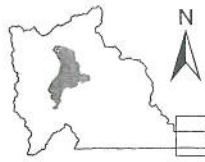
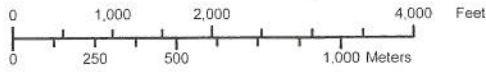


EXHIBIT "A7"-MAP







**RS2477  
Kyune Pass Rd.**

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



1:10,712  
1 inch equals 892.66 feet

**Segment 02**

**Photo Date 1993  
EXHIBIT "A9"**



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8626  
Printed on September 20, 2006 by maryek

**KYUNE PASS ROAD [EMMA PARK 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 Kyune Pass Road [Emma Park Road] that runs from U.S. Highway 6 about 1.5 miles toward the Carbon County line. 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: skin patched and pothole patched the road, performed other general maintenance on the road during the summer, and personally inspected the bridges along the road with the State of Utah.
4. The road has also been called the White River Road because the bridges cross the White River which flows out of Strawberry Reservoir.
5. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
6. It is the reputation in the community that this road was used by the public since at least as

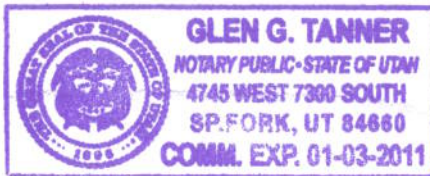
early as 1958, and has been continuously used since that time.

7. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on the road.
8. Uses of the road since before 1966 and before any federal reservation included, but were not limited to, providing a shortcut to Duchesne, Utah from the Provo, Utah area.

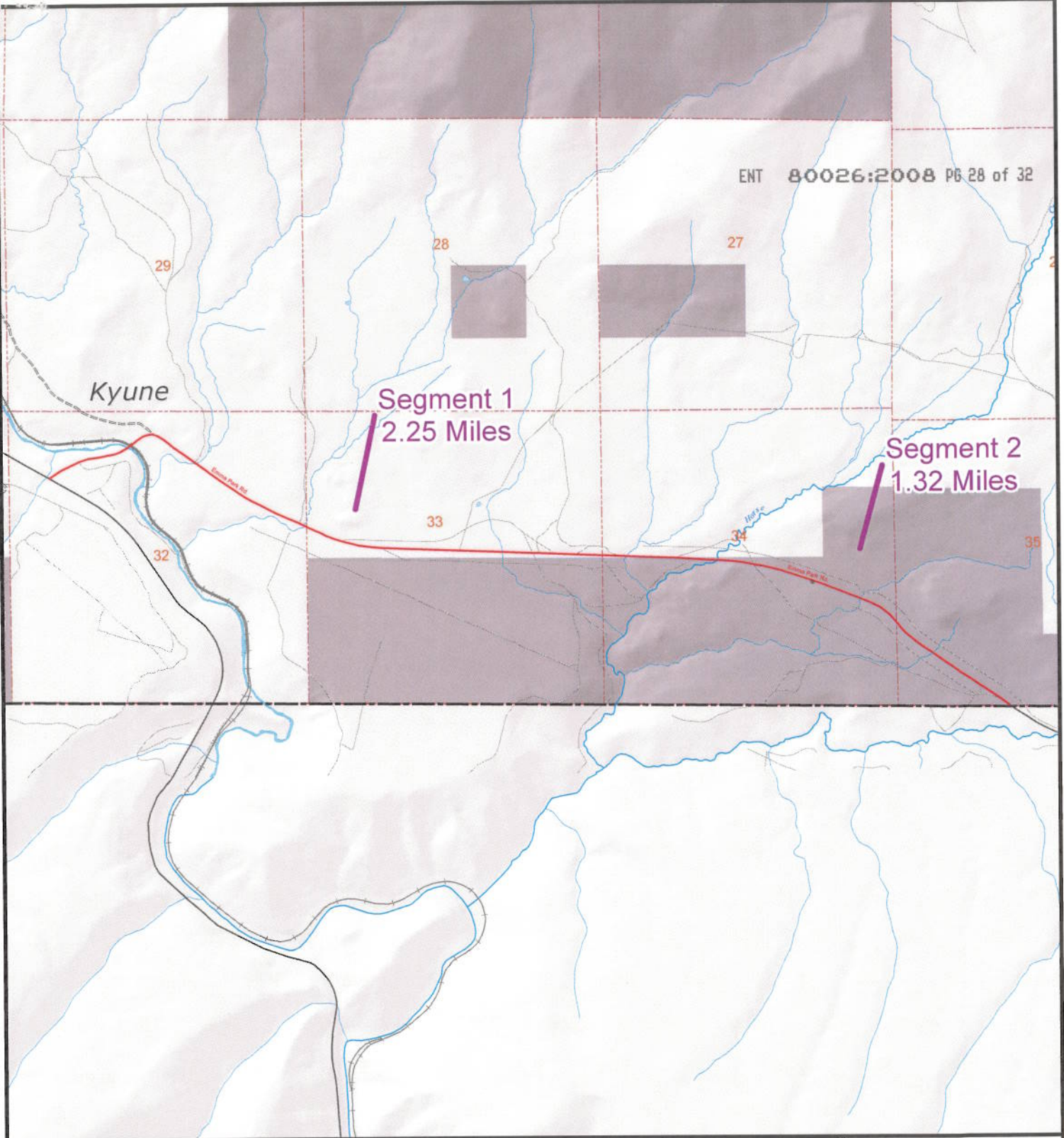
DATED this 11 day of JUNE, 2007.

  
ROBERT CURTIS BEVERLY

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



  
Notary Public



**RS2477**  
**Kyune**  
**Pass Rd**  
**1.32 Miles**

**B883**  
**3.57 Miles**

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

New road name  
 effective 4/3/2007:  
**Emma Park Rd.**



1:29,665  
 1 inch equals 2,472.08 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8626  
 Printed on July 26, 2008 by maryek

"Exhibit A"

**KYUNE PASS ROAD [EMMA PARK 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 Kyune Pass Road [Emma Park Road] that runs from U.S. Highway 6 about 1.5 miles toward the Carbon County line. 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: patched the road, sealed 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 1947, and has been continuously used since that time. I first used the road when I worked for the state. For a while the state maintained the road when they were rebuilding

Price Canyon.

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, shepherding, ranching, and providing a shortcut to Willow Creek and Duchesne, Utah from the Provo, Utah area.

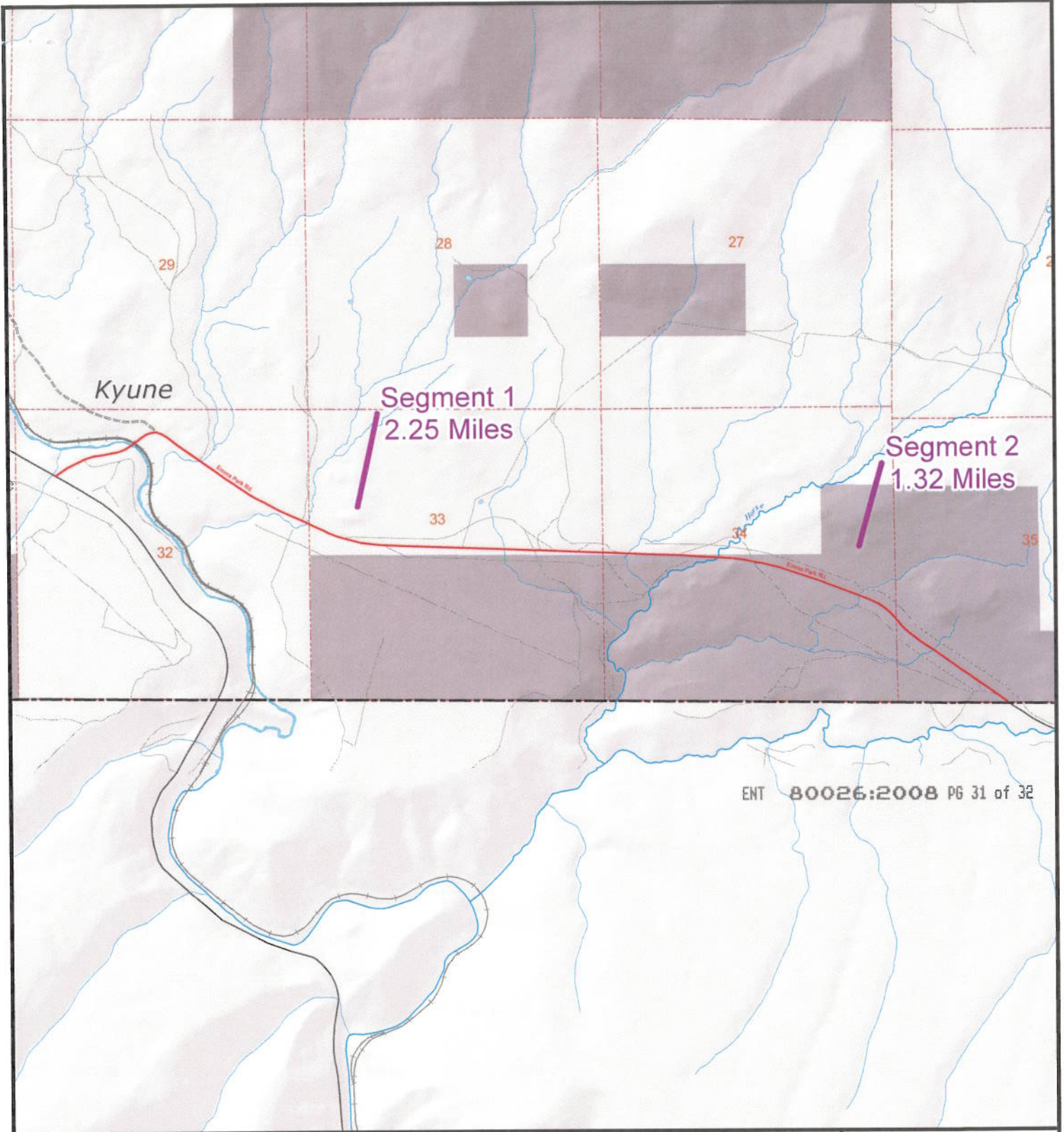
DATED this 17 day of MAY, 2007.

  
BYRON L. ORTON

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

  
Notary Public





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**RS2477**  
**Kyune**  
**Pass Rd**  
**1.32 Miles**

**B883**  
**3.57 Miles**

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

New road name  
 effective 4/3/2007:  
**Emma Park Rd.**



1:29,655  
 1 inch equals 2,472.08 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-6626  
 Printed on July 26, 2006 by maryek

"Exhibit A"

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

**Popular Name: KYUNE PASS ROAD**

**County: Utah**

**County Road Number: B883**

**State Geographic Information Database (SGID) Road Identification Number: RD250010.**

**Total Road Length: 3.57 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 49 minutes 29.05 seconds North Latitude and -110 degrees 56 minutes 58.65 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,794,988.4 feet and Y = 7,105,360.2 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 48 minutes 46.06 seconds North Latitude and -110 degrees 53 minutes 17.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,812,293.0 feet and Y = 7,101,122.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 11 South Range 9 East, Section(s) 32,33,34,35, Salt Lake Base & Meridian

Township 12 South Range 9 East, Section(s) 2, Salt Lake Base & Meridian