

Exhibit A

AFFIDAVIT OF CLYDE R. NAYLOR

MANNING CANYON ROAD

UTAH COUNTY, UTAH

COUNTY "B" ROAD NUMBER B 906

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 know as the Manning Canyon Road that runs from the Fairfield Town limits after it leaves State Road 73 and then runs northwesterly to the Tooele County line. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 906. The road is a gravel road located in Township 6 South, Range 3 West. The 1.95 miles length of the road, located in Sections 4, 9, 10, 15, 16, 22, 26 and 27 of Township 6 South, Range 3 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segments of the Manning Canyon 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 Manning Canyon Road, said point being located North 15,386.12 feet and West 12,804.35 feet from the Northeast Corner of Section 26, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said center line: North 06° 03' 09" West, 78.19 feet; North 11° 51' 49" West, 156.83 feet; North 01° 18' 05" East, 74.03 feet; North 16° 50' 35" East, 59.95 feet; North 39° 37' 21" East, 102.15 feet; North 17° 28' 12" East, 53.97 feet; North 09° 49' 23" West, 59.77 feet; North 33° 38' 09" West, 53.26 feet; North 55° 49' 27" West, 90.51 feet; North 80° 09' 38" West, 39.67 feet; South 66° 44' 05" West, 37.04 feet; South 55° 52' 22" West, 51.29 feet; South 37° 43' 45" West, 50.28 feet; South 19° 43' 11" West, 57.52 feet; South 04° 03' 15" West, 160.59 feet.

SEGMENT 4:

Commencing at a point located at the centerline of Manning Canyon Road, said point

being located North 13,834.37 feet and West 12,397.54 feet from the Northeast Corner of Section 26, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said centerline: North 28 24' 25" West, 196.32 feet; North 31 37' 28" West, 272.84 feet; North 53 52' 10" West, 77.63 feet; North 70 37' 13" West, 127.99 feet; North 45 39' 50" West, 67.62 feet; North 20 42' 43" West, 60.66 feet.

SEGMENT 8:

Commencing at a point located at the centerline of Manning Canyon Road, said point being located North 9687.72 feet and West 8262.59 feet from the Northeast Corner of Section 26, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said centerline: North 64° 30' 45" West, 129.39 feet; North 57° 35' 07" West, 116.94 feet; North 40° 28' 57" West, 405.15 feet; North 50° 54' 40" West, 108.60 feet; North 70° 36' 27" West, 89.36 feet; North 87° 58' 22" West, 212.27 feet; North 73° 19' 09" West, 63.26 feet; North 54° 38' 53" West, 59.76 feet; North 44° 44' 21" West, 483.64 feet; North 56° 36' 04" West, 270.22 feet; North 37° 16' 55" West, 127.99 feet; North 22° 11' 36" West, 123.25 feet; North 01° 27' 31" West, 198.80 feet; North 13° 11' 33" West, 209.32 feet; North 27° 46' 04" West, 150.14 feet; North 36° 05' 39" West, 106.00 feet; North 46° 04' 57" West, 86.98 feet; North 79° 10' 40" West, 55.64 feet; South 75° 47' 39" West, 45.72 feet; South 59° 06' 09" West, 107.52 feet; South 36° 29' 53" West, 66.35 feet; South 14° 59' 37" West, 54.88 feet.

SEGMENT 10:

Commencing at a point located at the centerline of Manning Canyon Road, said point being located North 3568.28 feet and West 6464.24 feet from the Northeast Corner of

Section 26, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said centerline: North 05° 47' 42" East, 101.65 feet; North 00° 50' 24" West, 110.58 feet; North 14° 29' 29" West, 59.52 feet; North 24° 49' 31" West, 64.58 feet; North 41° 49' 57" West, 120.70 feet; North 53° 54' 26" West, 278.56 feet; North 44° 46' 12" West, 363.48 feet; North 37° 40' 58" West, 125.67 feet; North 19° 36' 52" West, 156.06 feet; North 05° 19' 36" West, 49.56 feet; North 12° 10' 17" East, 113.12 feet; North 25° 19' 20" East, 462.13 feet; North 21° 57' 00" East, 165.36 feet; North 07° 41' 58" East, 62.32 feet; North 04° 22' 12" West, 602.80 feet; North 10° 18' 03" West, 111.28 feet; North 16° 41' 16" West, 190.72 feet; North 04° 58' 05" West, 312.62 feet; North 12° 27' 33" West, 62.10 feet; North 26° 10' 37" West, 127.80 feet; North 41° 40' 13" West, 244.45 feet; North 44° 12' 12" West, 178.05 feet.

SEGMENT 12:

Commencing at a point located at the centerline of Manning Canyon Road, said point being located South 4089.06 feet and West 1160.24 feet from the Northeast Corner of Section 26, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said centerline: North 60° 00' 59" West, 498.93 feet; North 61° 17' 17" West, 850.32 feet; North 62° 45' 04" West, 496.61 feet; North 56° 48' 22" West, 203.25 feet; North 36° 48' 23" West, 167.80 feet; North 17° 21' 09" West, 275.78 feet; North 24° 00' 31" West, 147.42 feet; North 41° 10' 28" West, 130.61 feet; North 47° 30' 35" West, 325.60 feet; North 34° 30' 36" West, 163.88 feet; North 25° 16' 44" West, 158.24 feet; North 20° 32' 55" West, 300.46 feet; North 25° 22' 38" West, 335.18 feet;

North 19° 19' 46" West, 458.25 feet; North 29° 35' 42" West, 162.64 feet; North 38° 56' 21" West, 98.60 feet; North 47° 55' 53" West, 204.62 feet; North 54° 29' 43" West, 628.30 feet; North 67° 05' 24" West, 152.07 feet; North 74° 46' 45" West, 543.51 feet; North 71° 35' 11" West, 257.82 feet; North 50° 39' 12" West, 93.84 feet; North 38° 39' 59" West, 153.21 feet; North 26° 30' 58" West, 715.20 feet; North 18° 33' 22" West, 175.54 feet; North 02° 55' 46" West, 446.51 feet; North 10° 10' 47" West, 52.44 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 1955, 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 general highway map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Manning Canyon Road as a county road located between State Road 73 and the Tooele County line, which is attached hereto as Exhibit "A1".
- b. The United States Government survey map for Mercur, Utah dated 1968, shows the location of the road in Sections 4, 9, 10, 15, 16, 22, 26 and 27 of Township 6 South, Range 3 West, which is attached hereto as Exhibit "A2". The map also shows the existence of a mine east 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 as a county road

located between State Road 73 and the Tooele County line, 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 5, titled Cedar Valley, shows the Manning Canyon Road as it traverses federal property, which is attached as Exhibit "A7".
- h. The surveyed description for Segment 02 of the Manning Canyon 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 Manning Canyon 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 08 of the Manning Canyon Road has been plotted on an Aerial Photo taken in 1993 to verify the roads

existence and is attached as Exhibit "A10".

k. The surveyed description for Segment 10 of the Manning Canyon Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A11".

l. The surveyed description for Segment 12 of the Manning Canyon Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A12".

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 7th day of MARCH, 2007

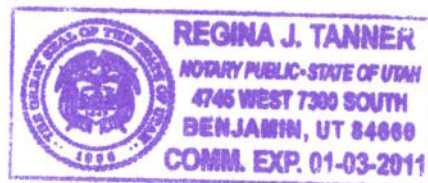
Clyde R. Naylor
CLYDE R. NAYLOR

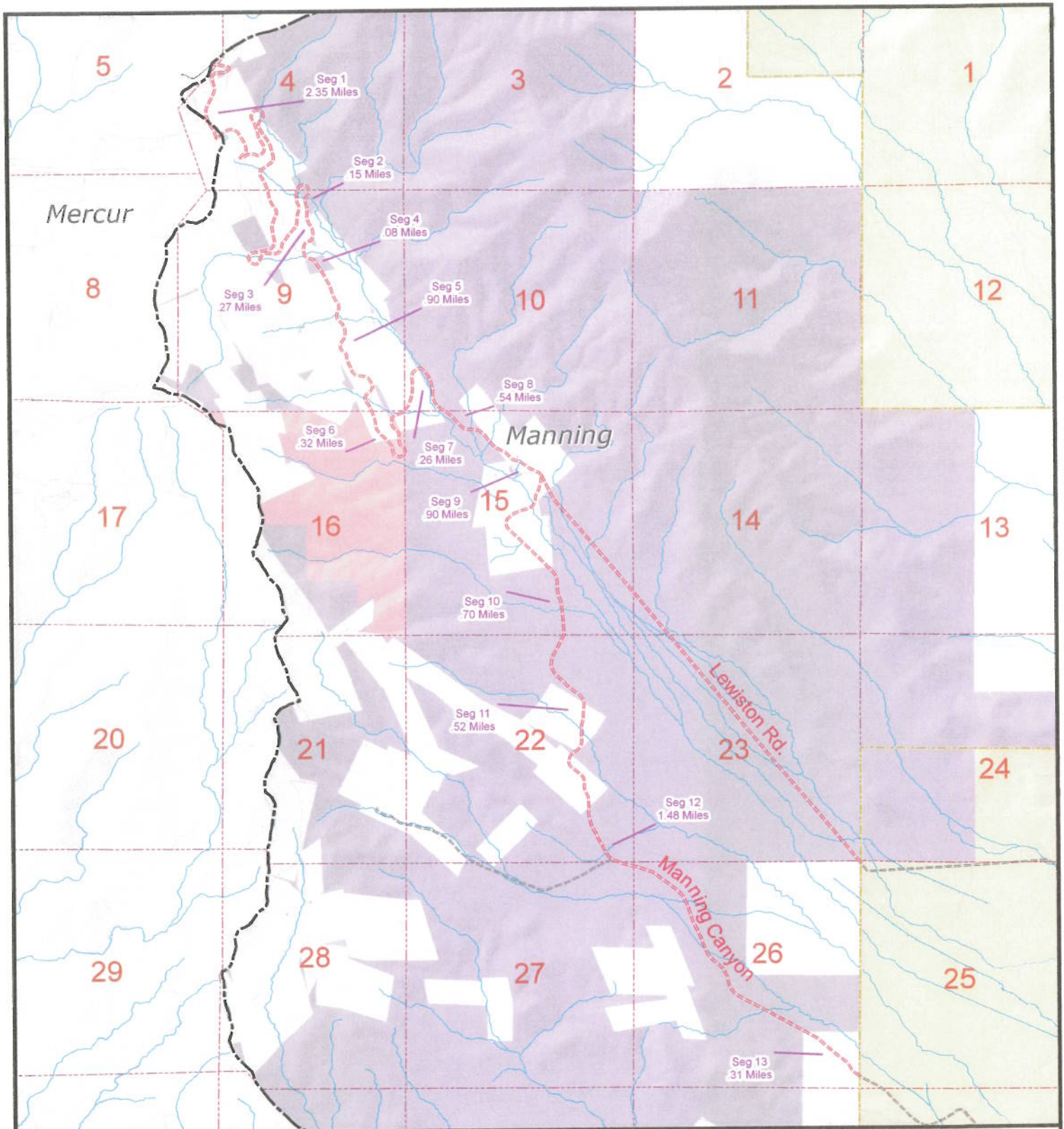
SUBSCRIBED AND SWORN to me, a Notary Public, this 7th day of march, 2007

Regina J. Tanner
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





RS2477
ManningCanyon Rd.
2.95 Miles

B906
8.78 Miles

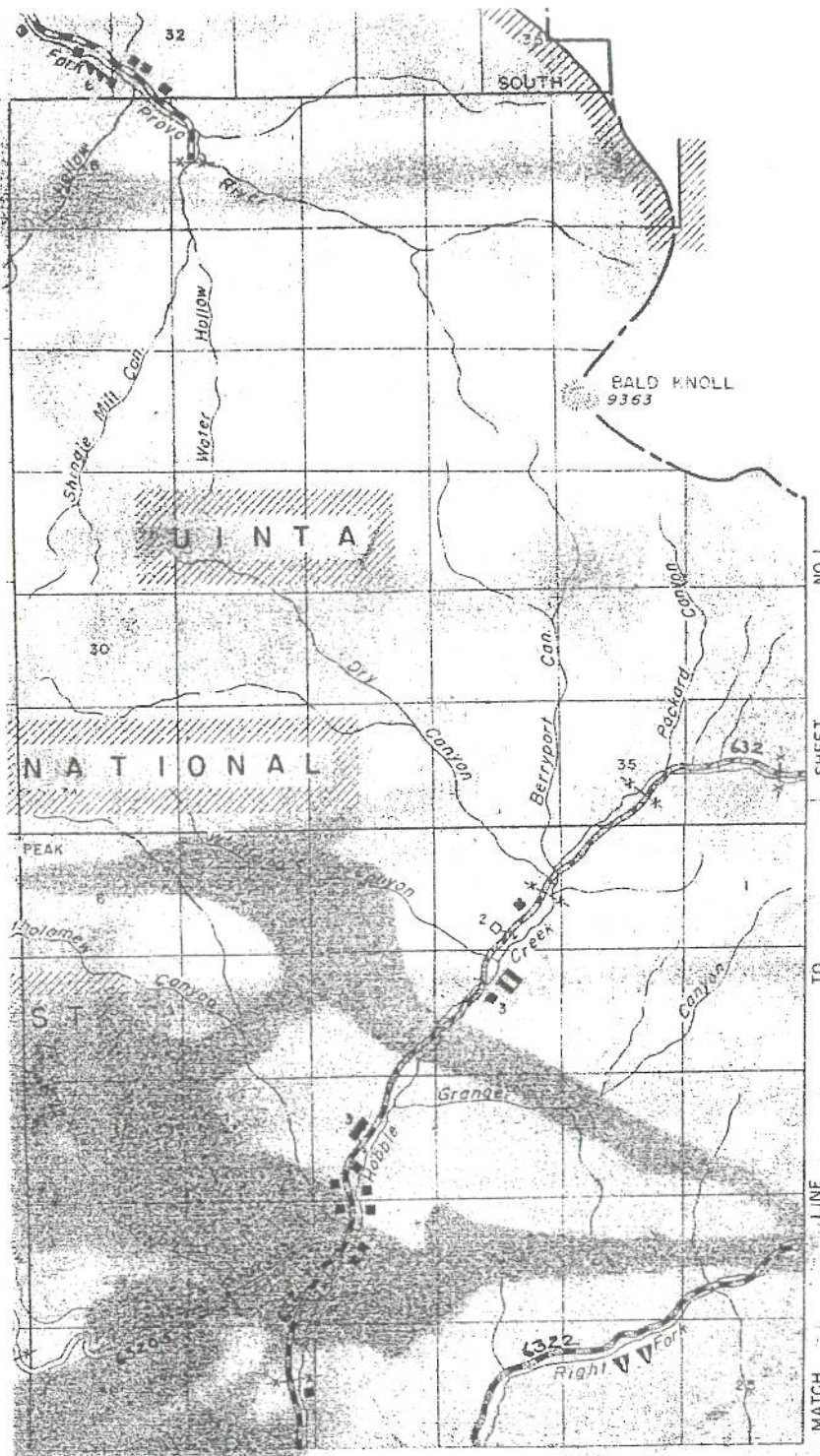
Legend

<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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1:37,927
 1 inch equals 3,160.58 feet

Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8626
 Printed on August 10, 2008 by maryek

"Exhibit A"



T
6
S

NO. 1
SHEET
40° 15'

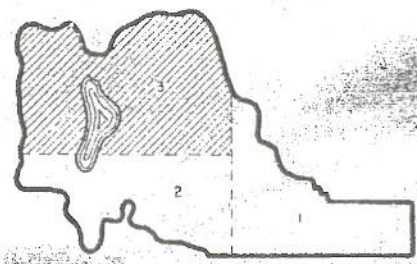
TO

T
7
S

LINE

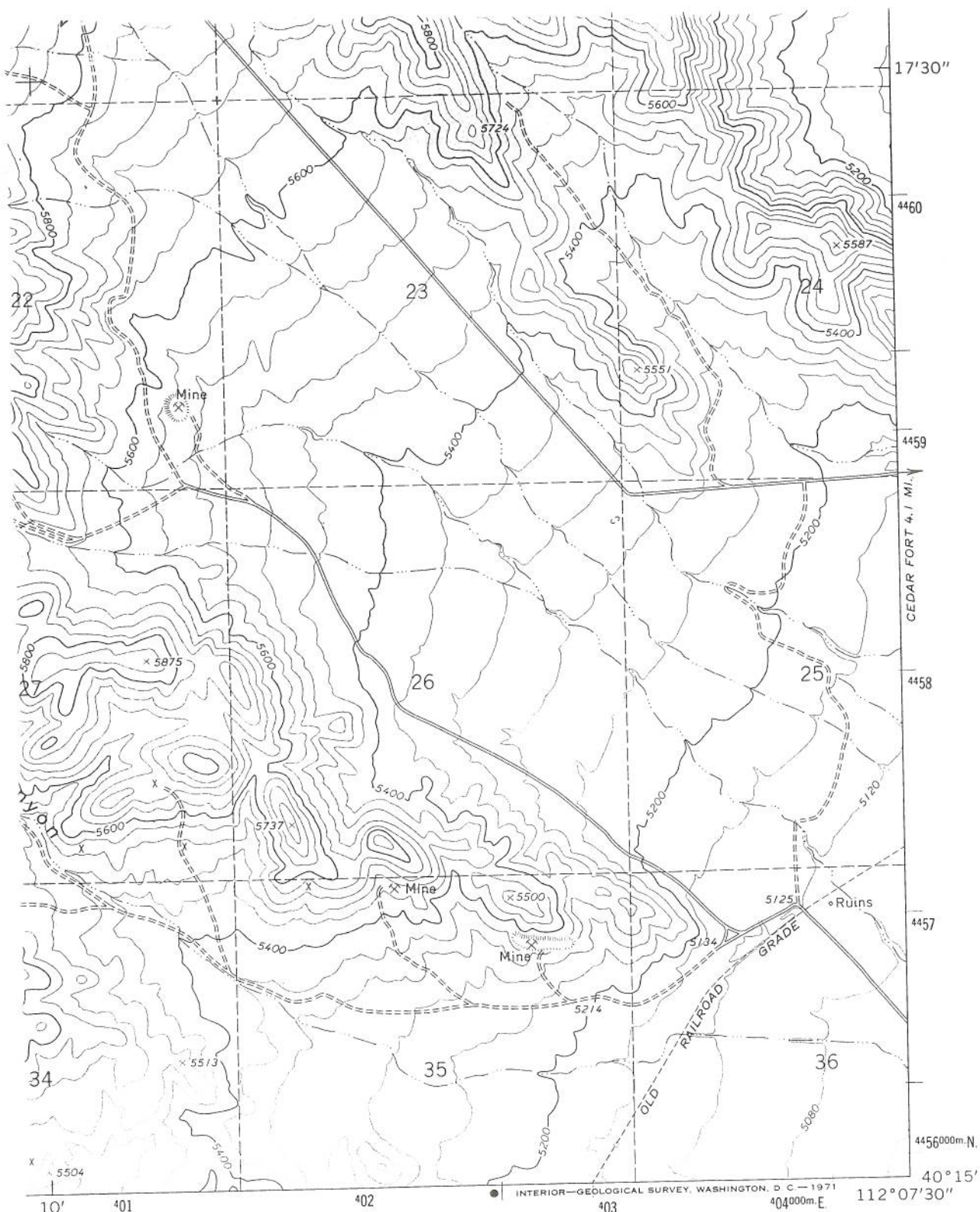
MATCH

KEY TO SHEETS



GENERAL HIGHWAY MAP
 UTAH COUNTY
 UTAH

1955



ROAD CLASSIFICATION

Secondary highway, all weather, hard surface Light-duty road, all weather, improved surface Unimproved road, fair or dry weather

State Route

ENT 80030:2008 PG 13 of 36



MERCUR, UTAH

SW/4 FAIRFIELD 15' QUADRANGLE
N4015—W11207.5/7.5

#.10

1968

37

EXHIBIT "A2"-MAP TITLE

AMS 3564 I SW—SERIES V897

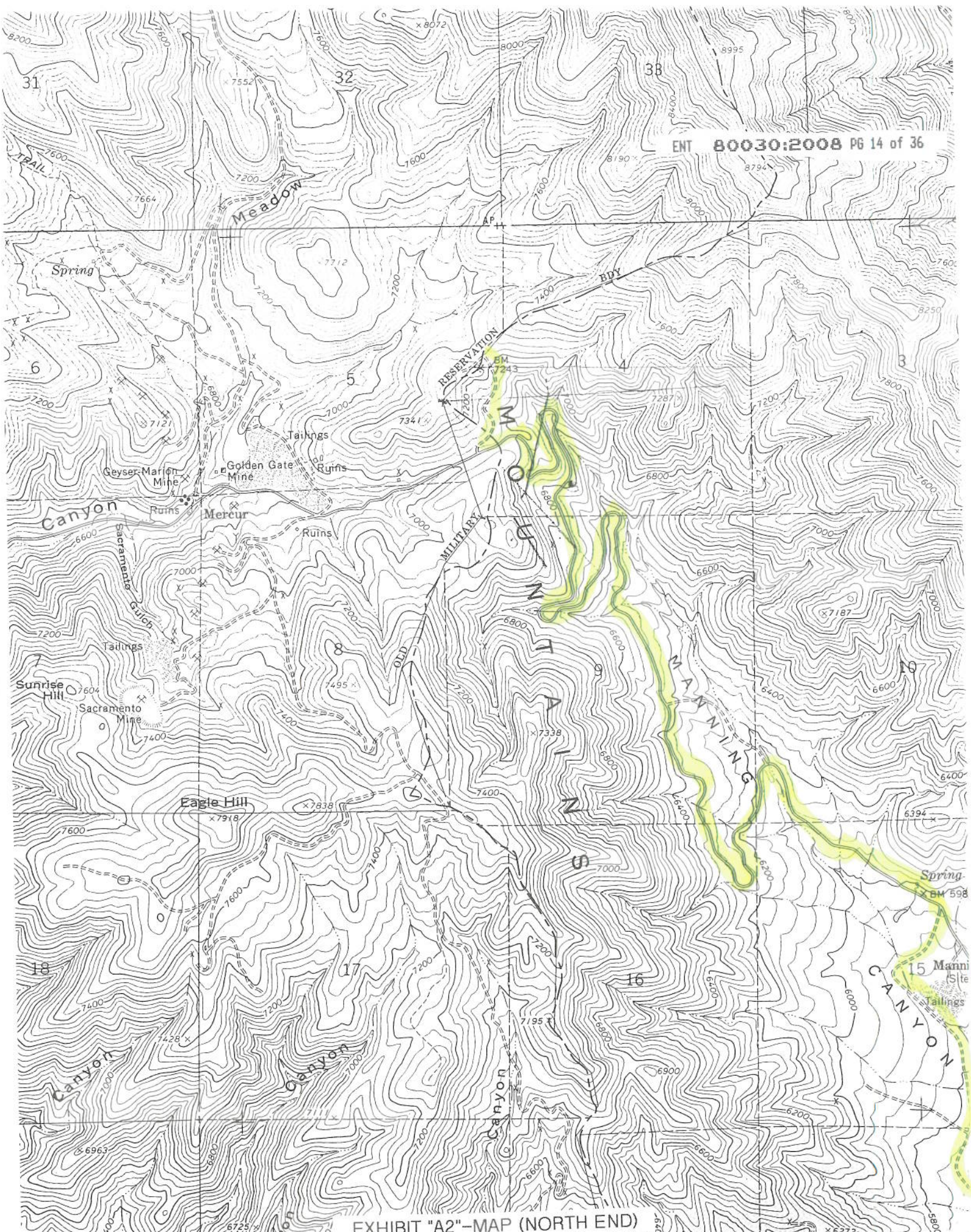


EXHIBIT "A2"-MAP (NORTH END)

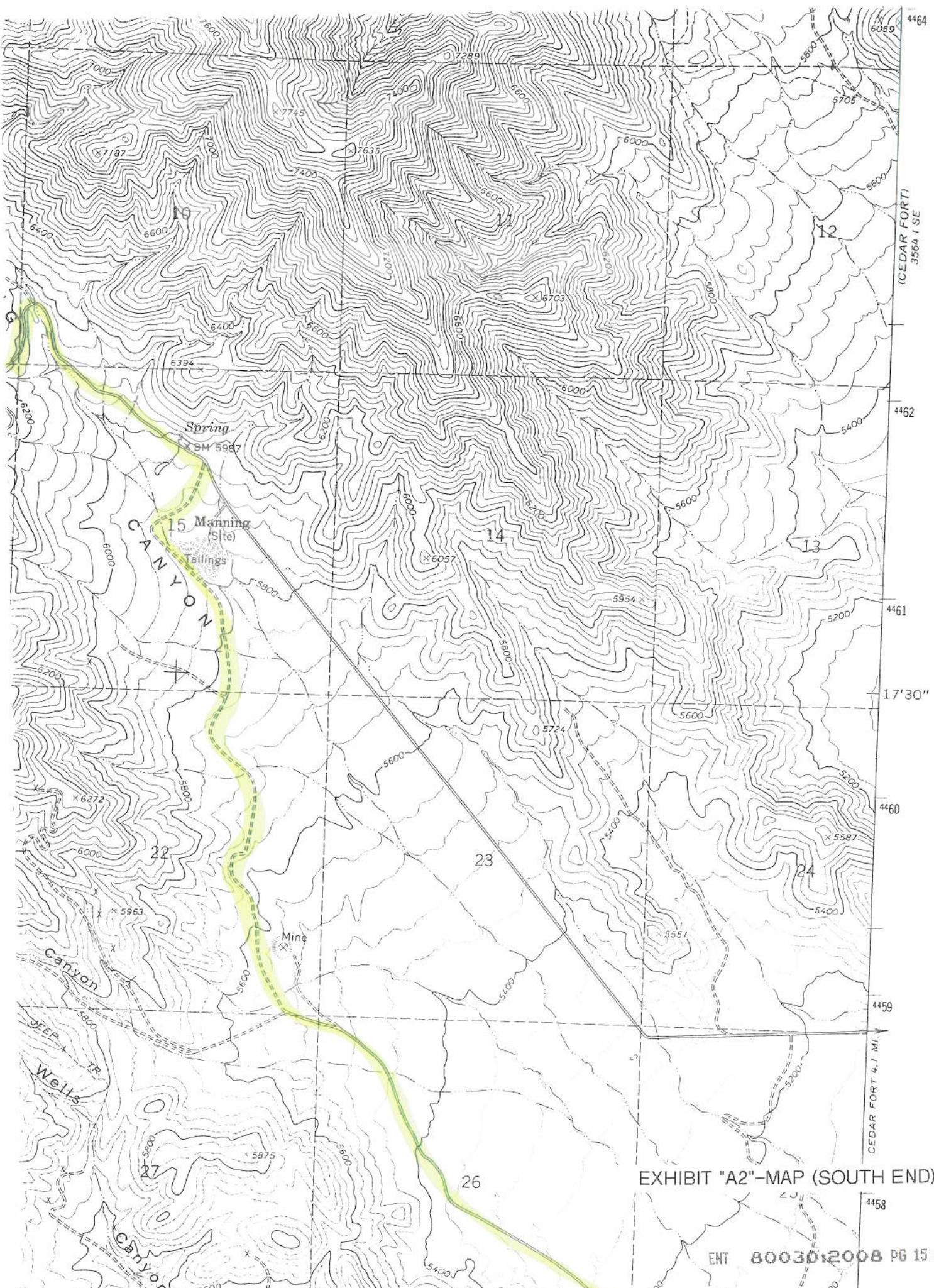
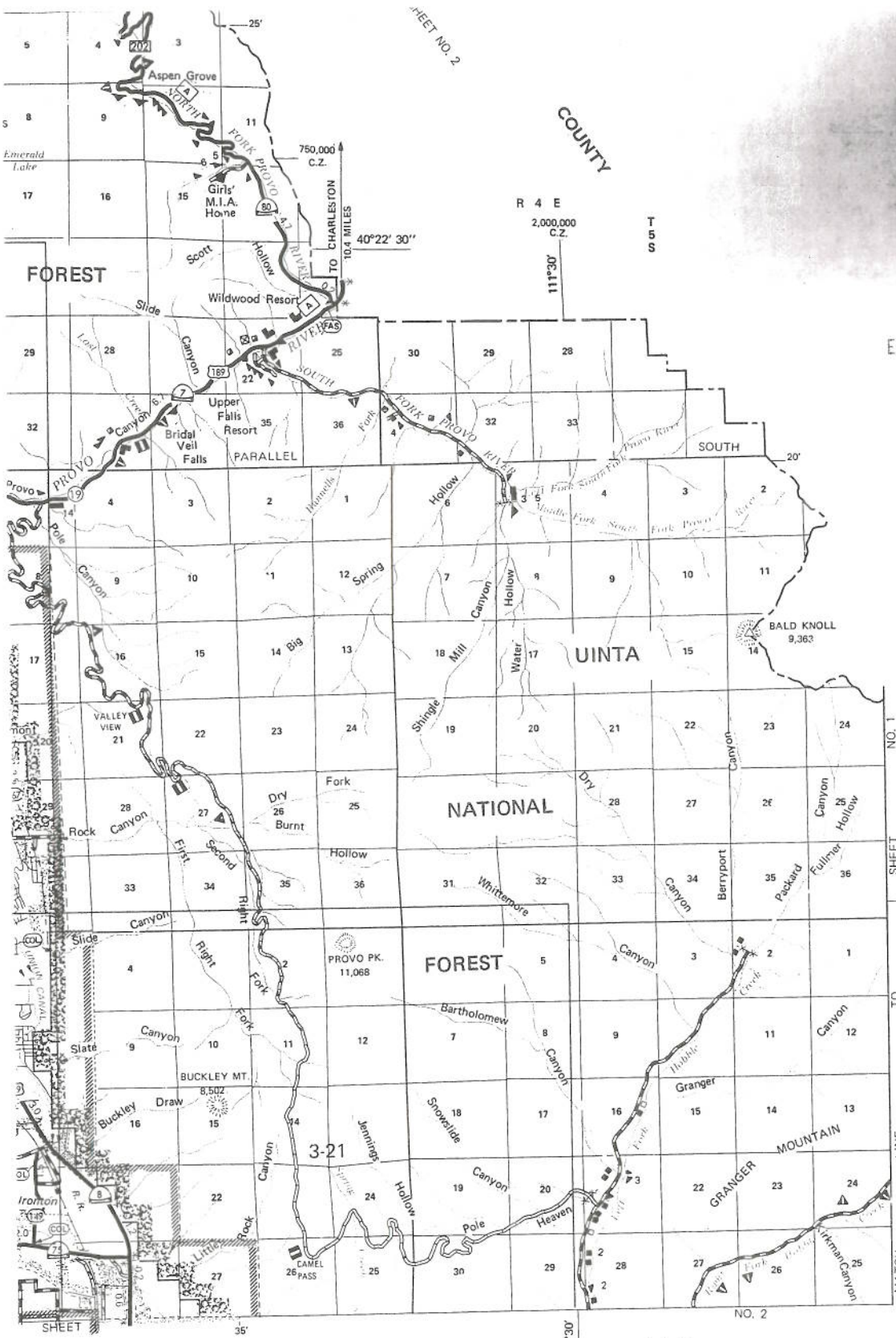


EXHIBIT "A2"-MAP (SOUTH END)



ENT 80030:2008 PG 16 of 36

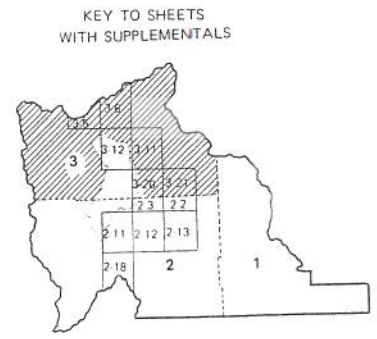


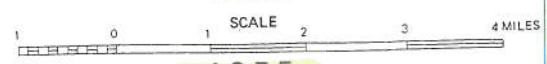
EXHIBIT "A3"-MAP TITLE

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

Reproduction for resale prohibited.



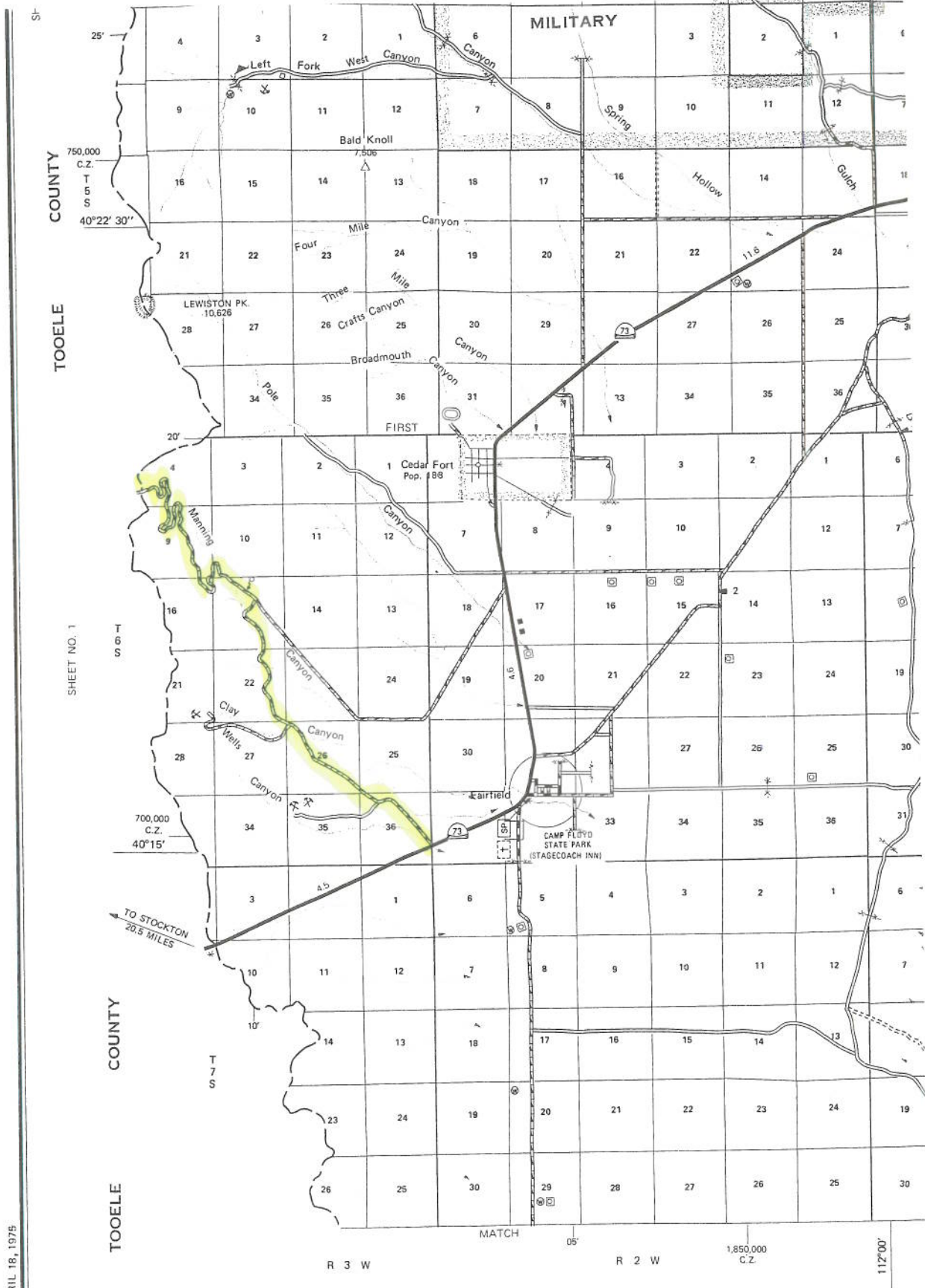
GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH



1975

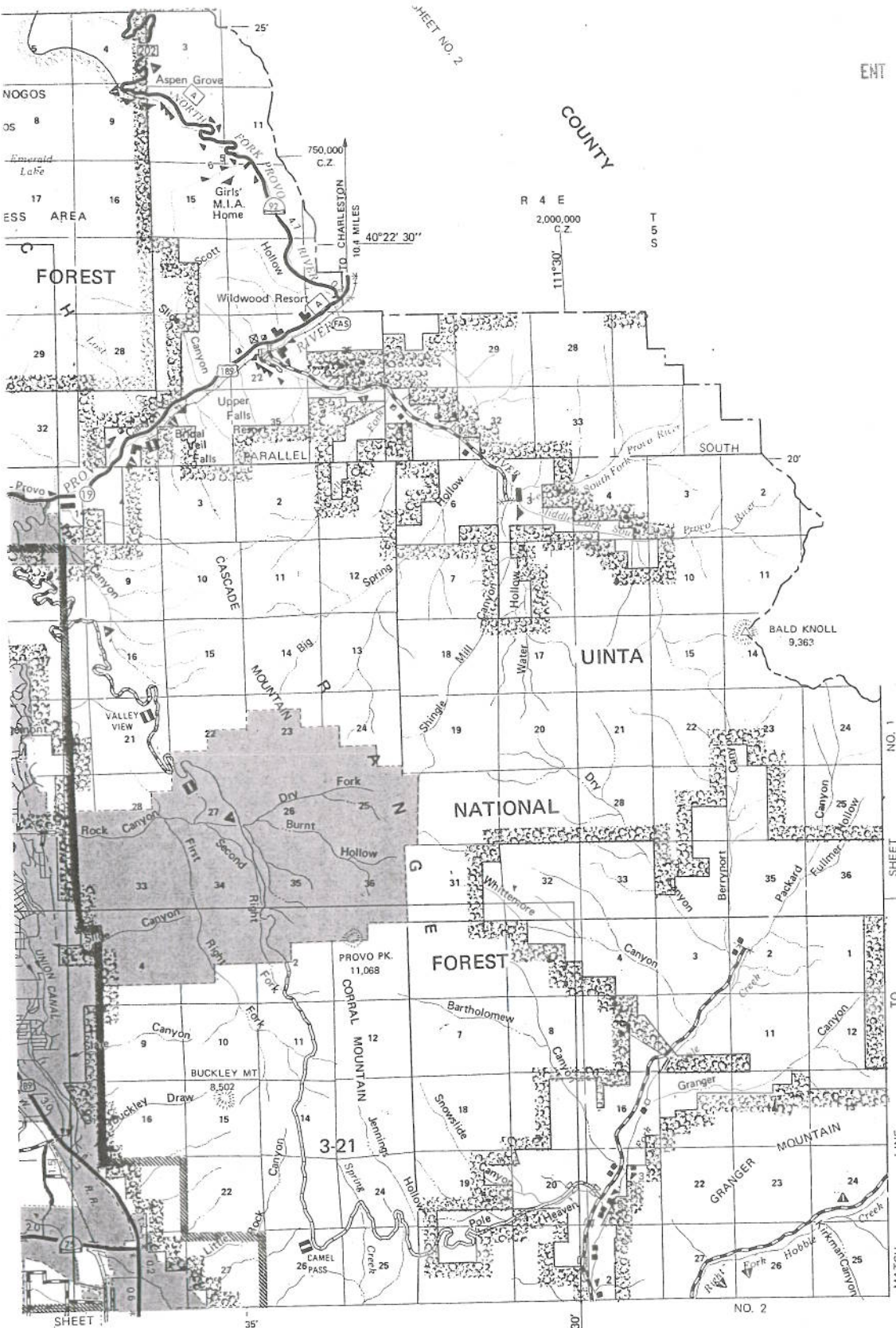
POLYCONIC PROJECTION
50,000 foot grid based on Utah
Coordinate System, Central Zone,
as established by the NOAA

SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET

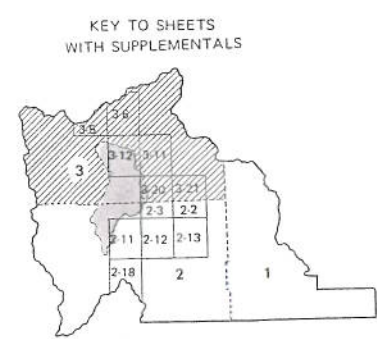


GENERAL HIGHWAY MAP APPROVED: APRIL 18, 1975

EXHIBIT "A3"-MAP



T 7 S
T 8 S
SHEET NO. 1
TO
MATCH LINE

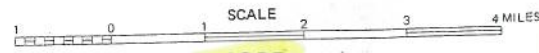


GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

EXHIBIT "A4" - MAP TITLE



1985

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

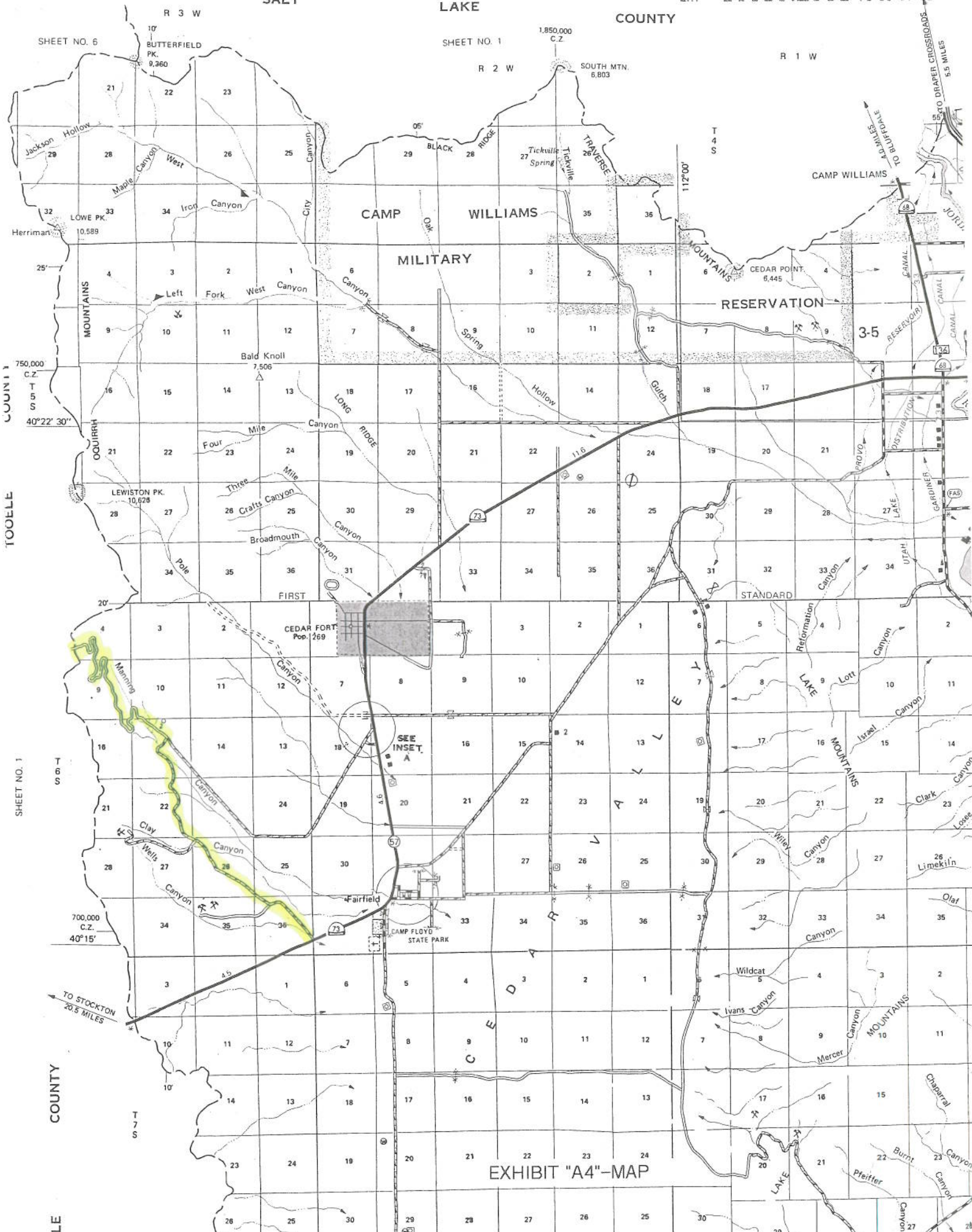
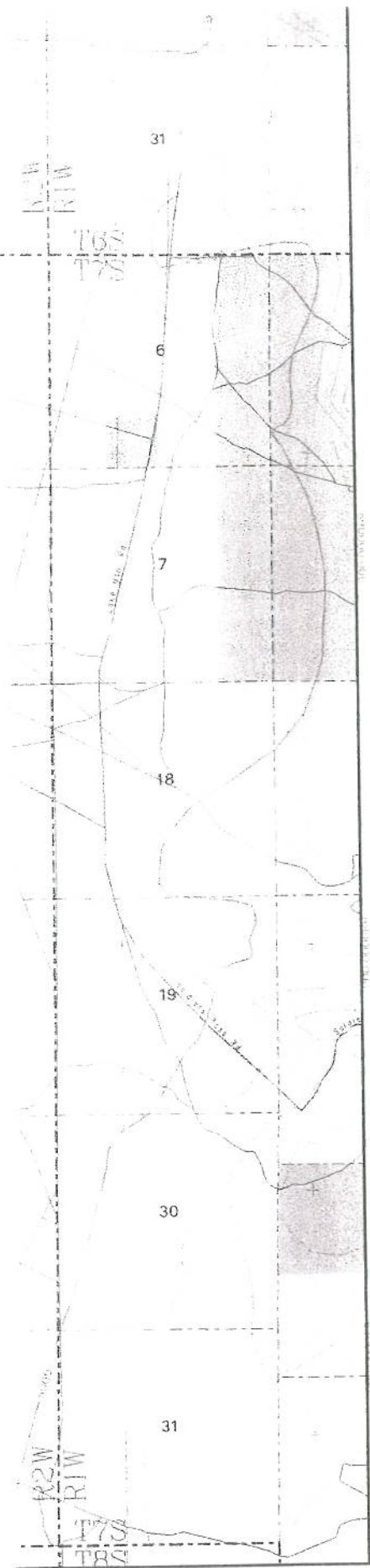


EXHIBIT "A4"-MAP



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

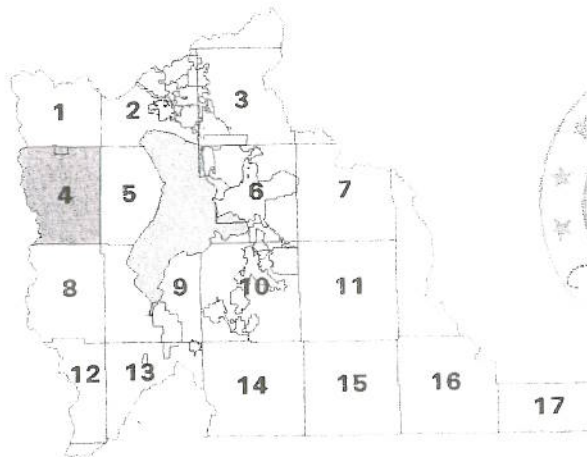
The latitude/longitude ties are based on the NAD83 datum. The state plane coordinate ties are based on the NAD27 datum.

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

ENT 80030:2008 PG 20 of 36

Road Map of Utah County Sheet 4



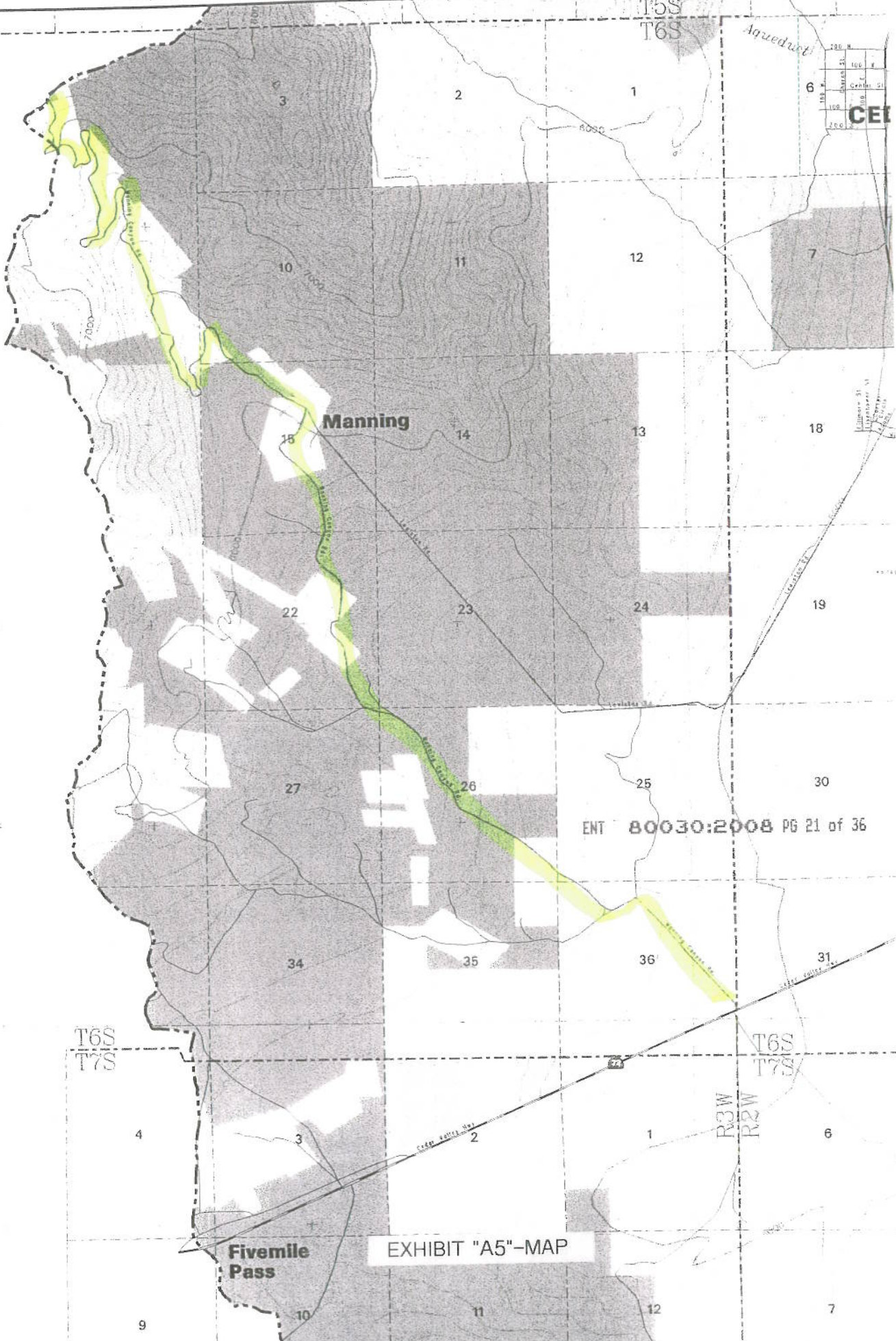
Index Map

EXHIBIT "A5"-MAP TITLE

T5S
T6S

T5S
T6S

CEI



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EXHIBIT "A5"-MAP

Official County Road Map of Utah County Sheet 4

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. Coover

Commissioner: [Signature]

Commissioner: [Signature]

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

Seal

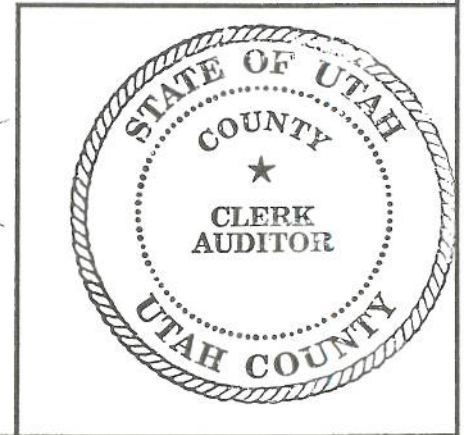
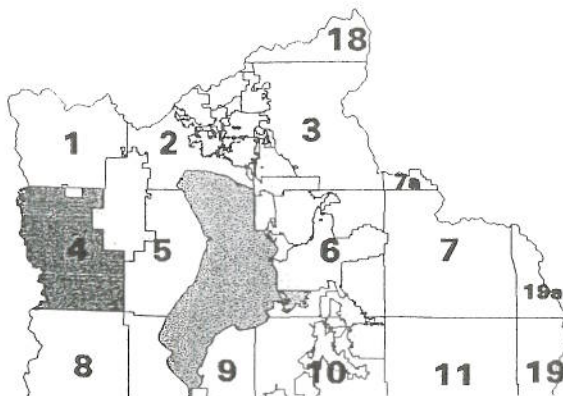


EXHIBIT "A6"-MAP TITLE



F

G

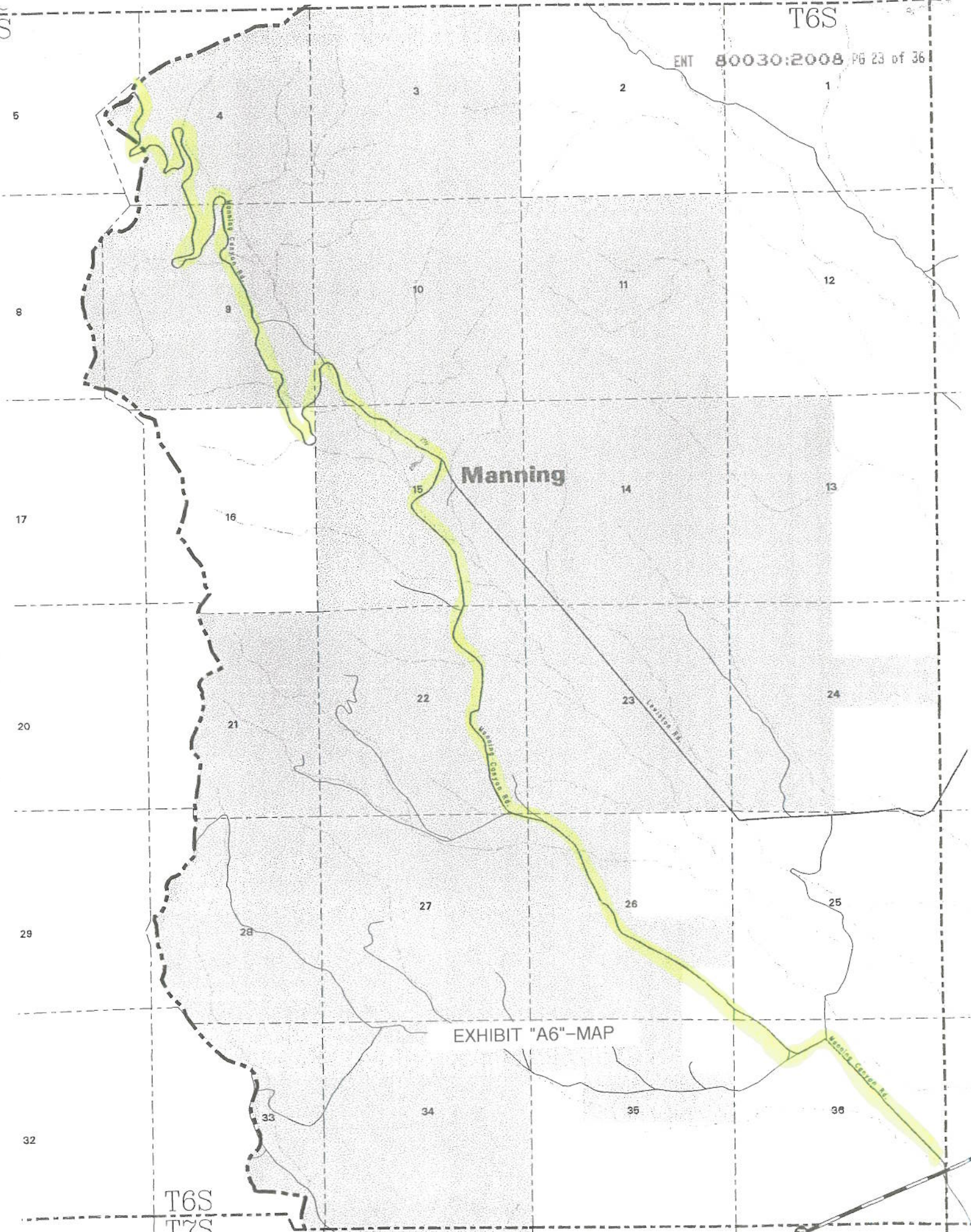
H

I

J

T6S

ENT 80030:2008 PG 23 of 36



Manning

EXHIBIT "A6"-MAP

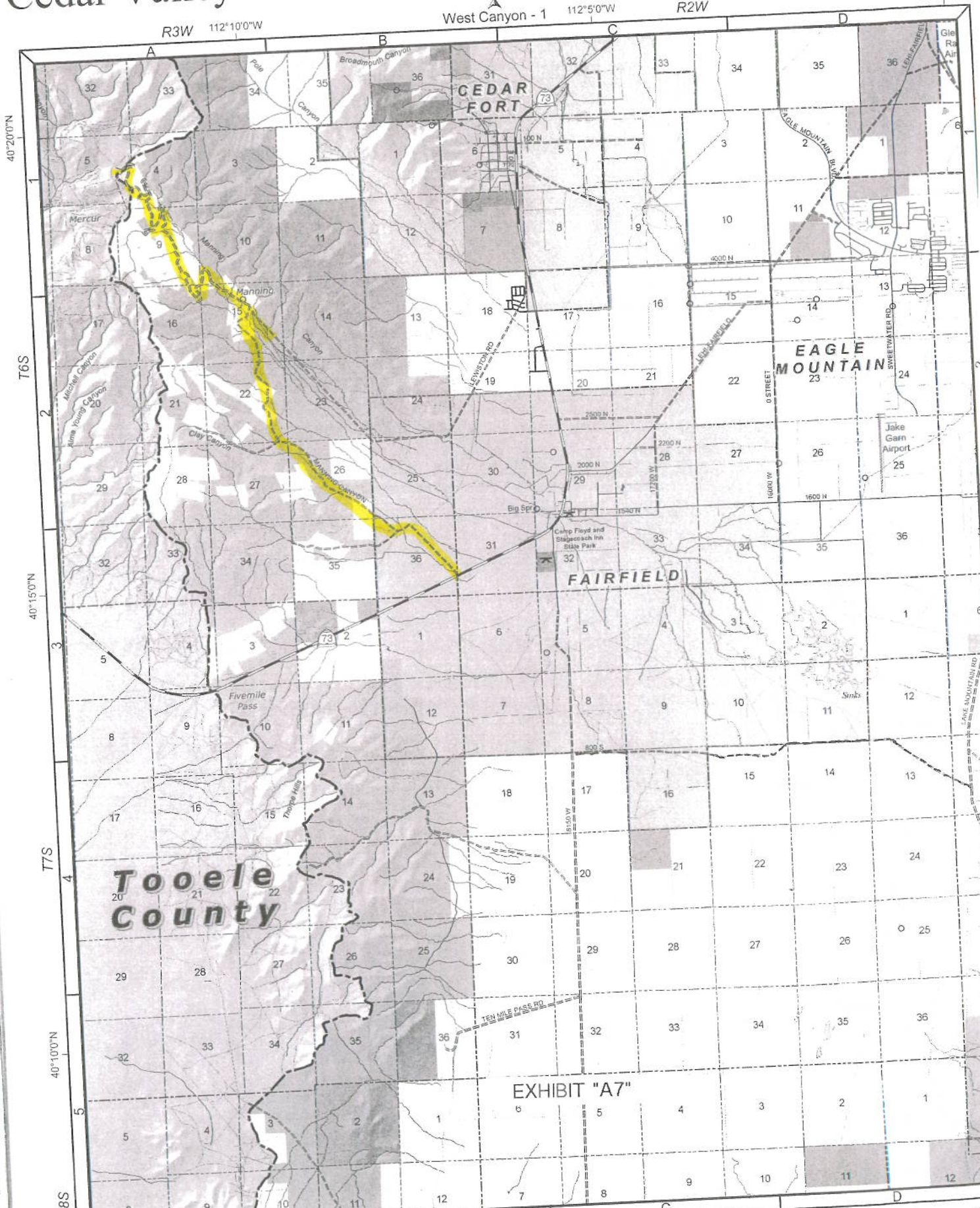
T6S
T7S



R3W 112°10'0"W

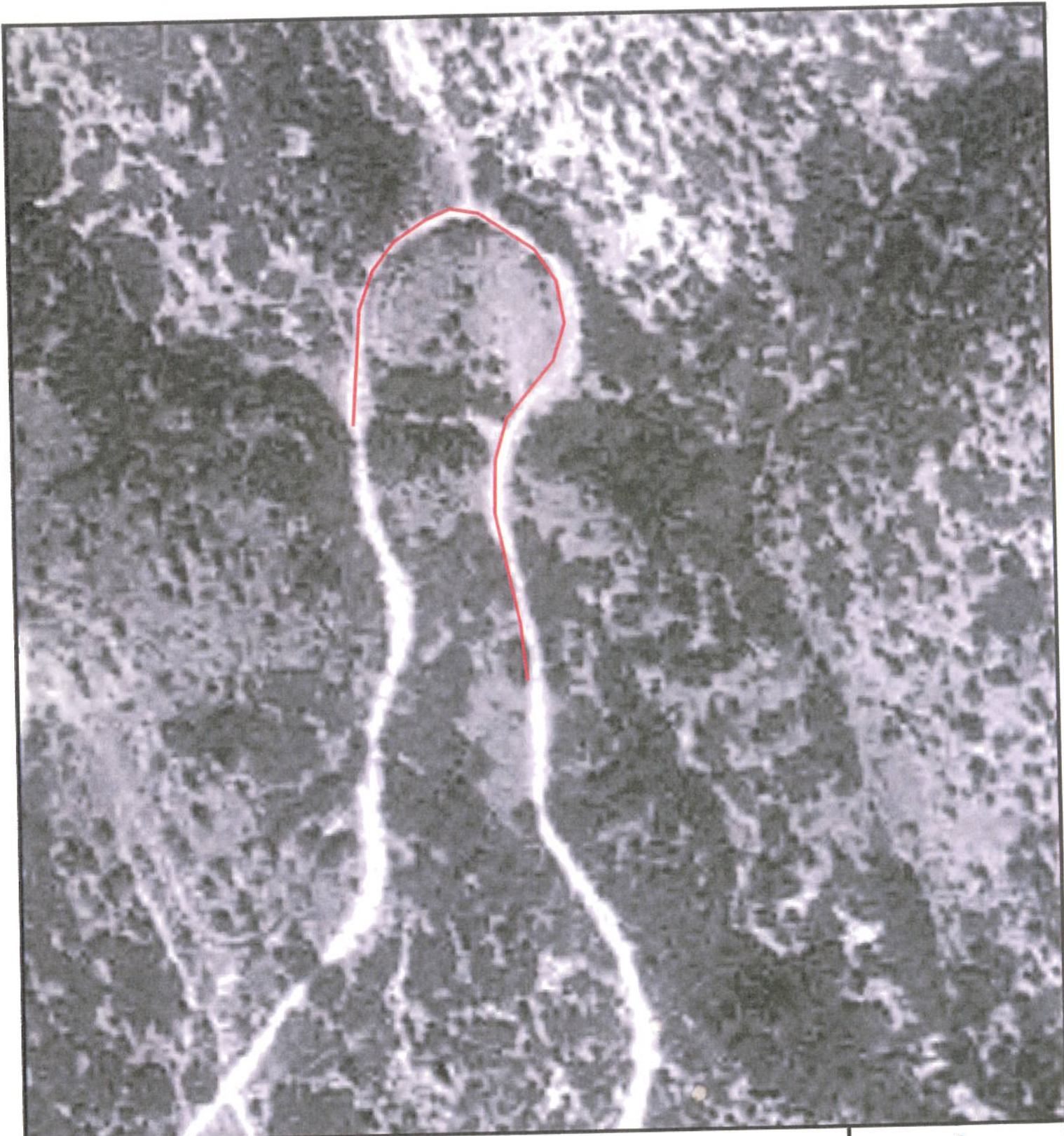
West Canyon - 1 112°5'0"W

R2W



Tooele County

EXHIBIT "A7"



**RS2477
Manning
Canyon Rd.**

Segment 02

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

Photo Date 1993

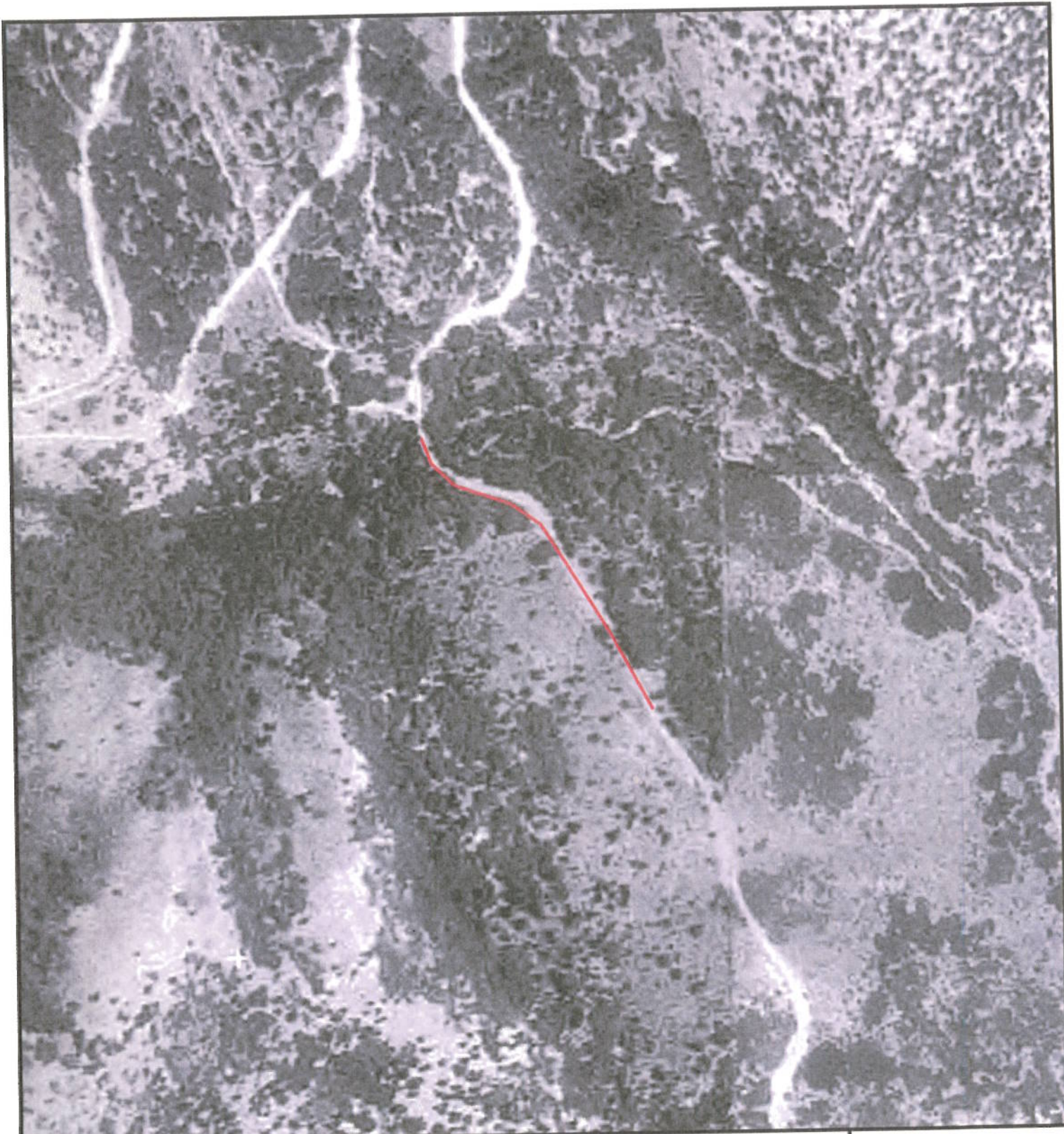
EXHIBIT "A8"



1:2,219
1 inch equals 184.90 feet



Utah County Public Works - Mapping Division
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Printed on September 21, 2006 by maryek



**RS2477
Manning
Canyon Rd.**

Segment 04

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

Photo Date 1993

EXHIBIT "A9"



1:3,500
1 inch equals 291.67 feet



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Provo, UT 84606
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Printed on September 21, 2006 by maryek



**RS2477
Manning
Canyon Rd.**

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



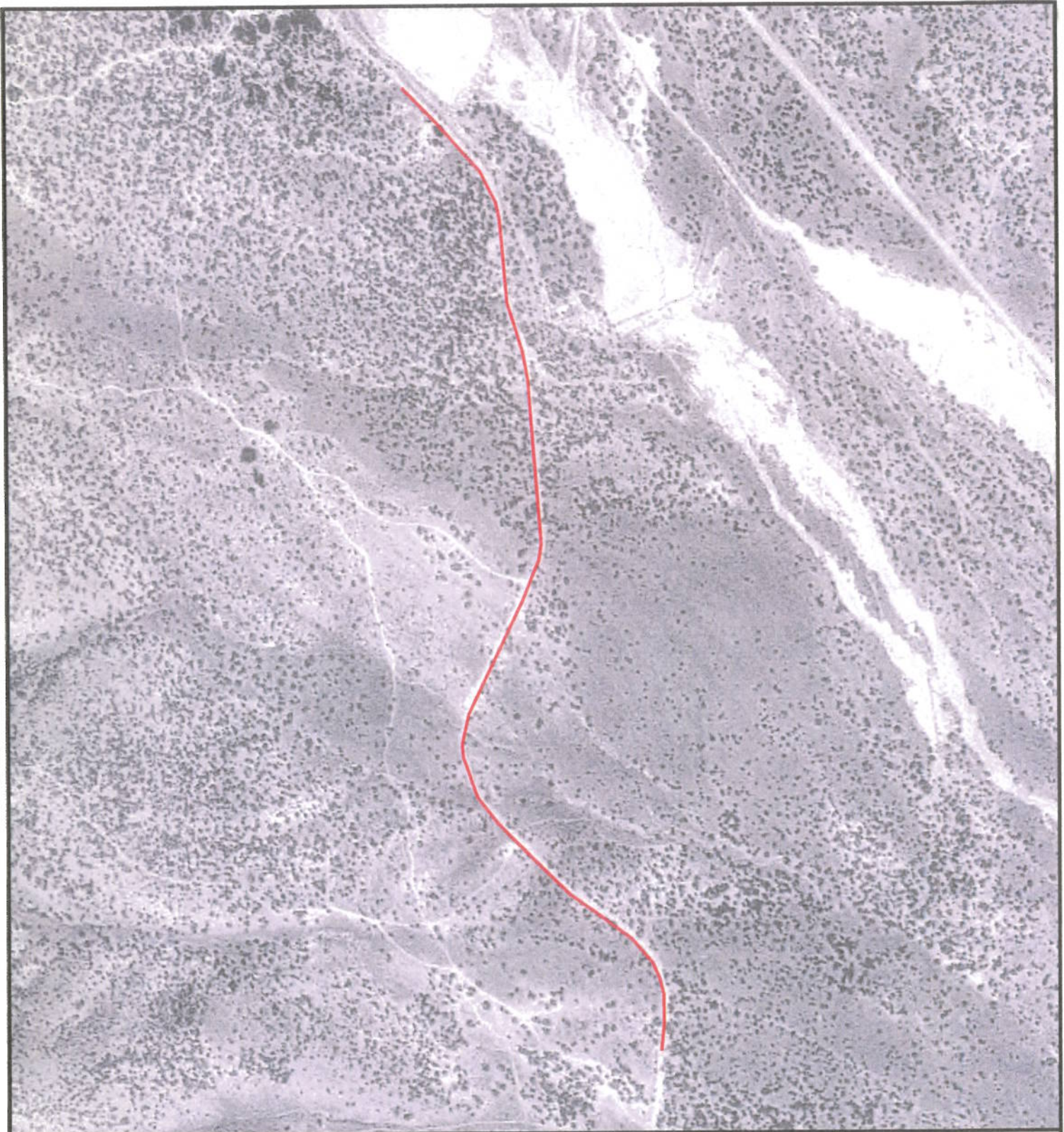
1:3,688
1 inch equals 307.36 feet

Segment 08

Photo Date 1993
EXHIBIT "A10"



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2855 South State Street
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(801) 851-8626
Printed on September 21, 2006 by maryek



**RS2477
Manning
Canyon Rd.**

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



1:6,000
1 inch equals 500 feet

Segment 10

**Photo Date 1993
EXHIBIT "A11"**



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2855 South State Street
Provo, UT 84606
(801) 351-8626
Printed on September 21, 2006 by maryek



**RS2477
Manning
Canyon Rd.**

Segment 12

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

**Photo Date 1993
EXHIBIT "A12"**



1:8,936

1 inch equals 744.63 feet



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2855 South State Street
Provo, UT 84606
(801) 851-6626
Printed on September 21, 2006 by maryek

MANNING CANYON 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 Manning Canyon Road that runs from U.S. Highway 73 intersecting and combining at Manning, Utah and continue to run together to Mercur, Tooele County, Utah. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on this road during my employment with the County: the road was a graded gravel road maintained to the summit where the County ends. The road was closed by Mercur at their intersection in Manning, Utah because Mercur oiled its main access road in Tooele County, Utah. After that the road was merely graded to that intersection.
4. All acts of the County regarding this road was, to my knowledge, consistent with it's 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 when Johnson's army was stationed in Fairfield, Utah, and has been continuously used since that time.

6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on this road.
7. Use of the road since before 1966 and before any federal reservation included, but were not limited to, providing the main mine access to Mercur, Utah. Manning, Utah is an old mining town which had a large population in its day.

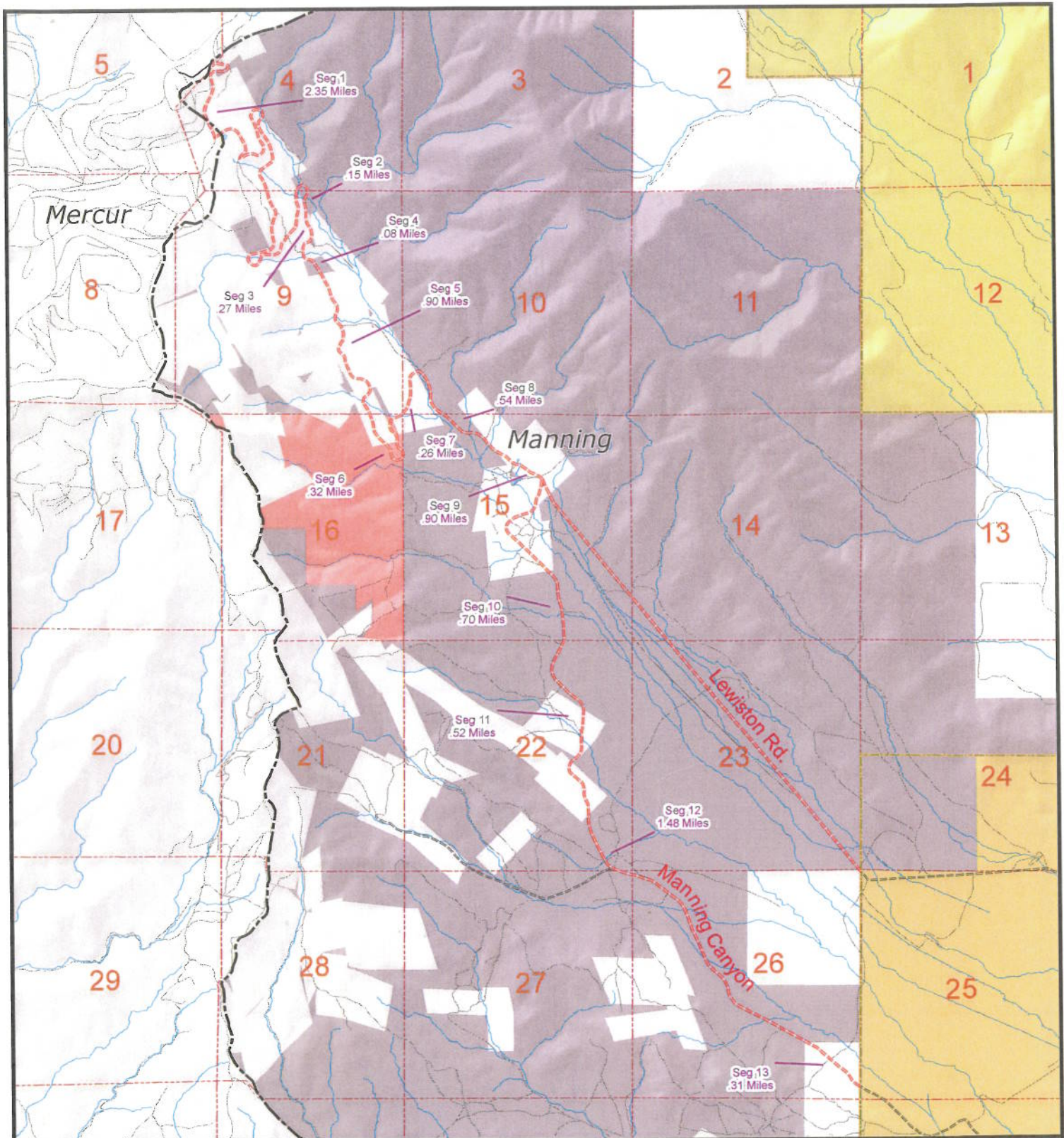
DATED this 11 day of JUNE, 2007.


ROBERT CURTIS BEVERLY

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




Notary Public



RS2477
Manning Canyon Rd.
2.95 Miles

B906
8.78 Miles

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



1:37,927
 1 inch equals 3,160.58 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8628
 Printed on September 06, 2006 by maryek

"Exhibit A"

MANNING CANYON 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 Manning Canyon Road that ran from U.S. Highway 73 intersecting and combining at Lewiston Road and they continue to run together to Mercur, Tooele County, Utah. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on this road during my employment with the County: the road was gravel which was graded by the County two or three times a year.
4. All acts of the County regarding this road was, to my knowledge, consistent with it's status as public highways.
5. It is the reputation in the community that this road was used by the public since at least as early as the startup of Manning Mine and has been continuously used since that time.


- 6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on this road.
- 7. Use of this road since before 1966 and before any federal reservation included, but were not limited to, mining.

DATED this 17 day of MAY, 2007.



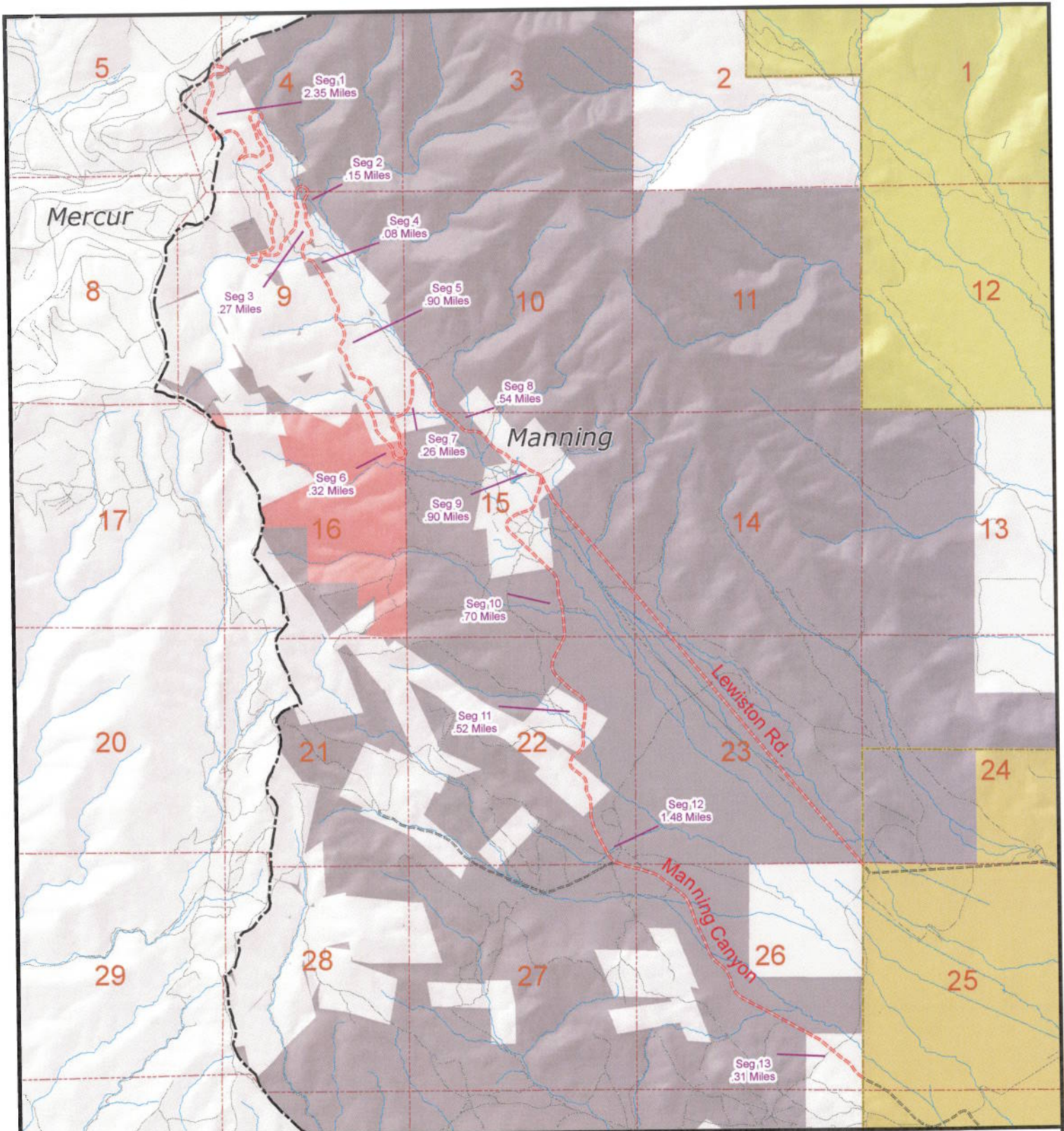
BYRON L. ORTON

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



Notary Public





RS2477
Manning Canyon Rd.
2.95 Miles

B906
8.78 Miles

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



1:37,927
 1 inch equals 3,160.58 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

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

Popular Name: MANNING CANYON ROAD

County: Utah

County Road Number: B906

State Geographic Information Database (SGID) Road Identification Number: RD250015.

Total Road Length: 10.08 miles more or less.

Beginning at a point on the road centerline located at 40 degrees 15 minutes 02.53 seconds North Latitude and -112 degrees 07 minutes 13.05 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,467,285.2 feet and Y = 7,260,645.3 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 19 minutes 40.16 seconds North Latitude and -112 degrees 11 minutes 37.11 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,447,031.1 feet and Y = 7,288,888.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 6 South Range 2 West, Section(s) 31, Salt Lake Base & Meridian

Township 6 South Range 3 West, Section(s) 4,5,9,10,15,16,22,25,26,27,36, Salt Lake Base & Meridian