

Exhibit A

AFFIDAVIT OF CLYDE R. NAYLOR

NORTH GOSHEN BAY ROAD

UTAH COUNTY, UTAH

COUNTY "B" ROAD NUMBER B 917

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 North Goshen Bay Road that runs from the Goshen Town limits to the south end of the Goshen Bay wetlands. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 917. The road is a gravel road located in Township 9 South, Range 1 West. The 0.26 miles length of the road, located in Section 26 of Township 9 South, Range 1 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segment of the North Goshen Bay Road believed to be in the ownership of the Bureau of Land Management.

The center line description is as follows:

SEGMENT 2:

Commencing at a point located at the centerline of the North Goshen Bay Road, said point being located 514.87 feet East and 1298.93 feet North from the South Quarter Corner of Section 26, Township 9 South, Range 1 West, Salt Lake Base and Meridian; thence the following along said centerline: North 14° 52' 13" West 122.06 feet; North 15° 45' 16" West 1081.78 feet; North 13° 46' 36" West 241.60 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 1924, 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 Utah County map revised in 1924 by Ed B. Jones, Utah County Surveyor, shows the road, which is attached hereto as Exhibit "A1".
 - b. The United States Government survey map for Goshen Valley North, Utah

- dated 1950, shows the location of the road in Section 26 of Township 9 South, Range 1 West, which is attached hereto as Exhibit "A2".
- c. The general highway map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the North Goshen Bay Road as a county road located between U. S. Highway 6 and Goshen Bay, which is attached hereto as Exhibit "A3".
 - d. The Utah County map, prepared by L. D. Green, Utah County Surveyor, and revised in September of 1966, shows the county 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 Goshen Bay wetlands, 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 # 9, 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 official County Road Map of Utah County, Sheet #9, adopted by the Board of County Commissioners on October 30, 1996, shows the road, which is attached as Exhibit "A8".

- i. The current County Atlas, page 11, titled Goshen Bay, shows the North Goshen Bay Road as it traverses federal property, which is attached as Exhibit "A9".
 - j. The surveyed description for Segment 02 of the North Goshen Bay 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 8th day of MARCH, 2007

Clyde R. Naylor
CLYDE R. NAYLOR

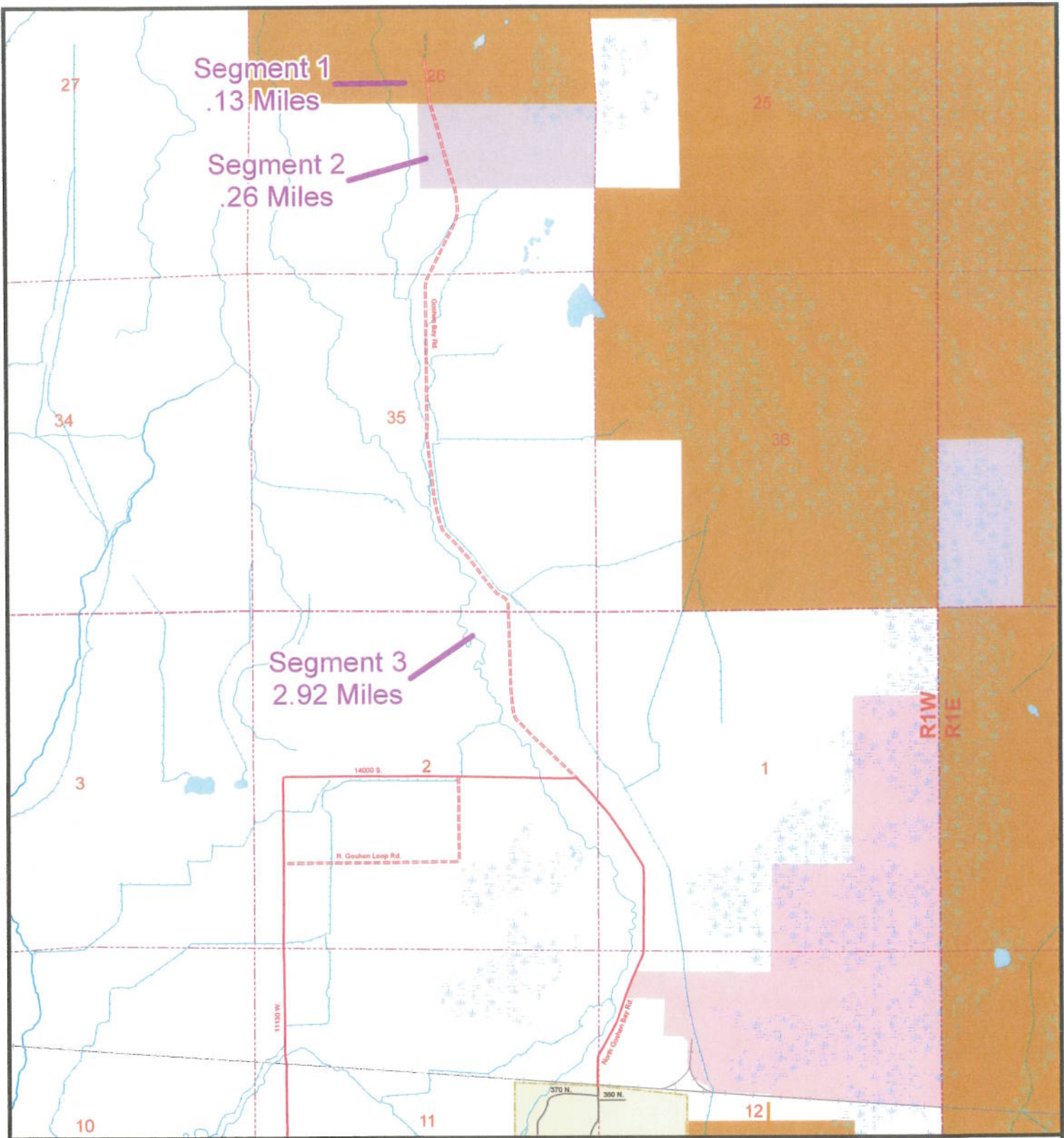
SUBSCRIBED AND SWORN to me, a Notary Public, this 8th day of march, 2007

Regina J. Tanner
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





RS2477
N Goshen Bay Rd
.26 Miles

B917
3.31 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 | Urban Parks | |
| Gravel Roads | | |
| Other Roads | | |
| Railroads | | |



1:25,414
 1 inch equals 2,117.79 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8628
 Printed on August 24, 2006 by maryek

"Exhibit A"

MAP

ENT 80031:2008 PG 8 of 31

OF

TAH COUNTY

UTAH



ORIGINAL MAP COMPILED BY C.M. TWELVES.

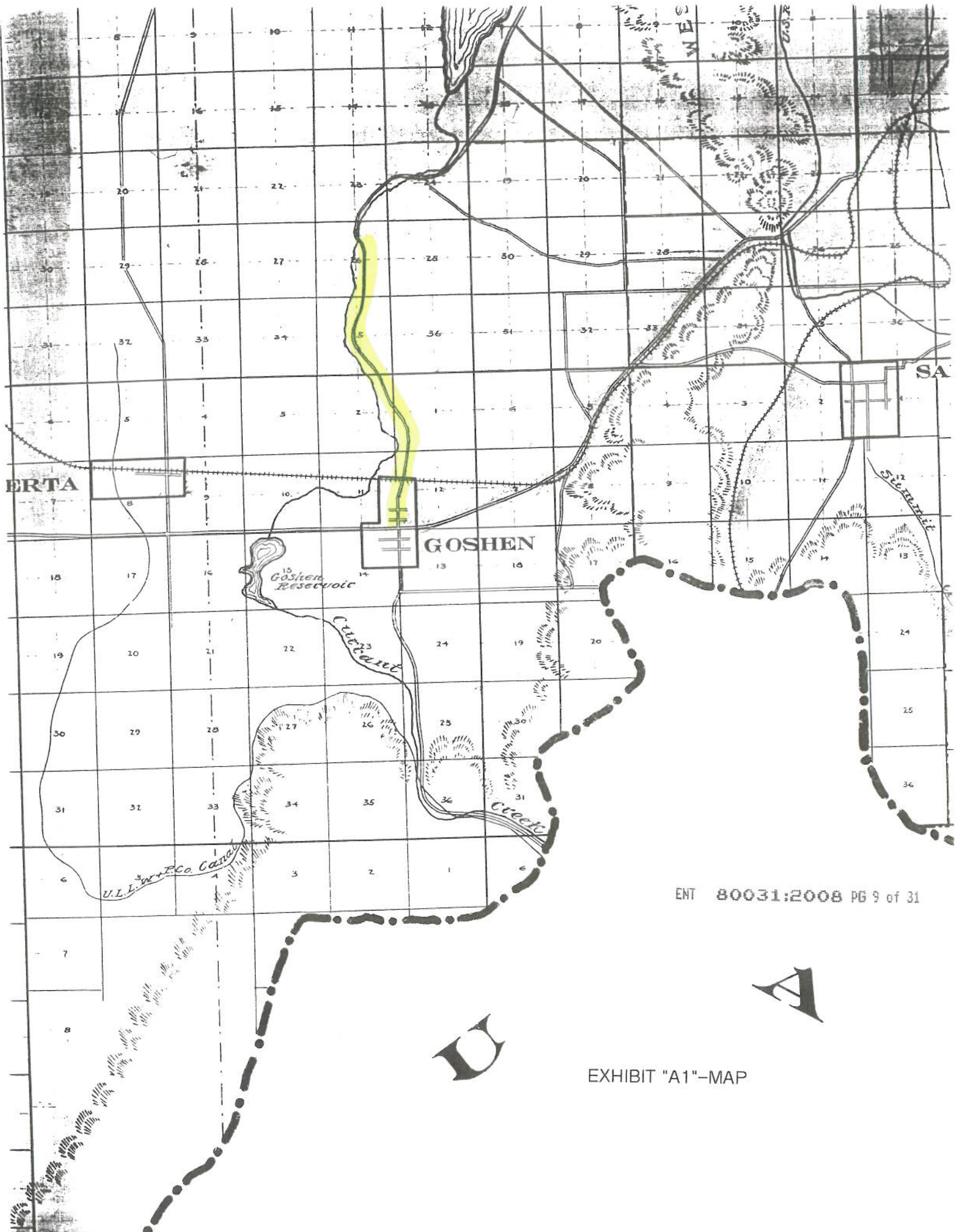
REVISED By Ed. B. JONES - 1924.

Provo, Utah.

LEGEND

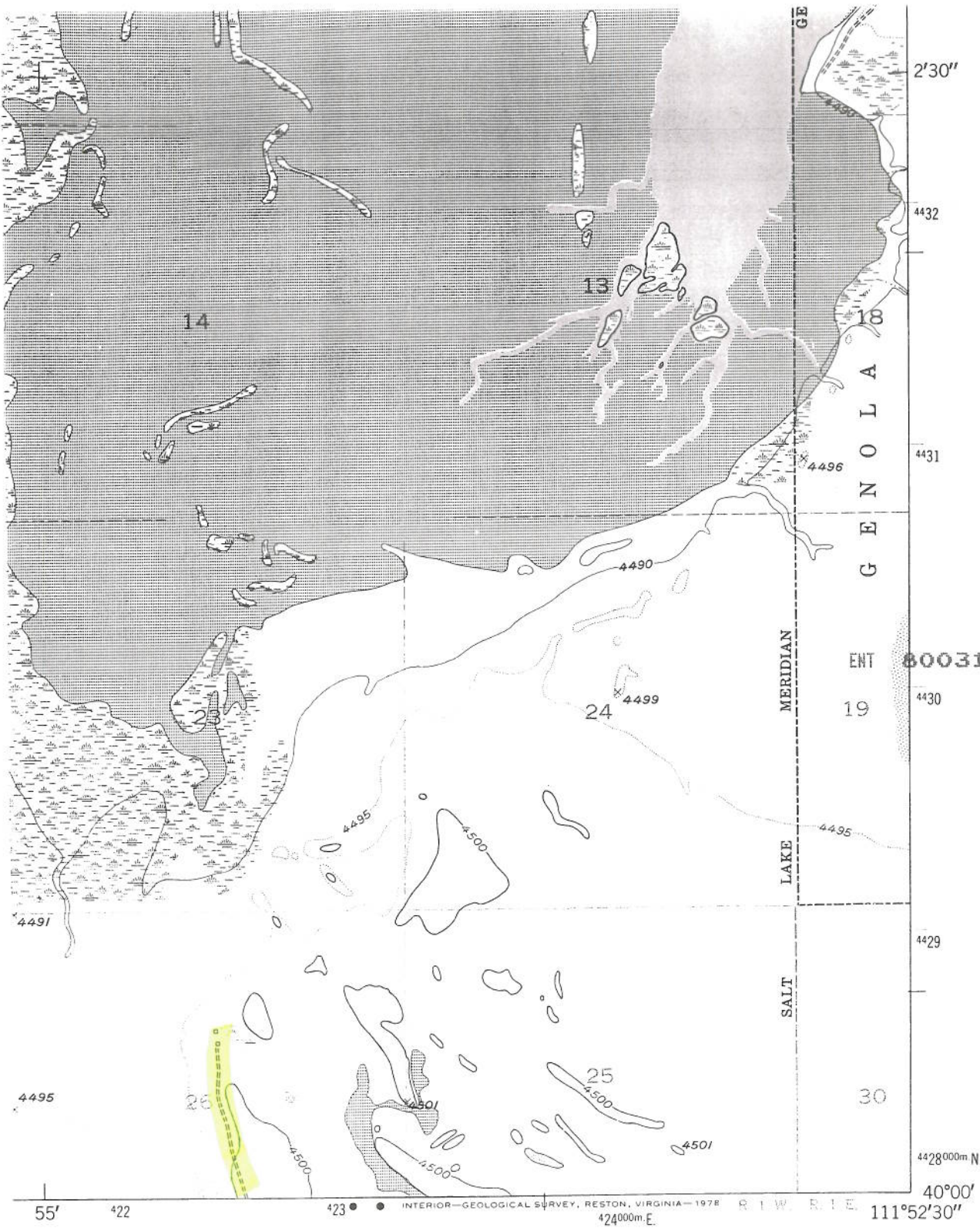
Definite Boundary	
Indefinite Boundary	
Precinct Boundaries	
Forest Reserve Boundaries	
Incorporated Cities	
State Roads	
Other Improved Roads	
Railroads	
Canals and Streams	
Paved Roads	

EXHIBIT "A1"-MAP TITLE



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EXHIBIT "A1"-MAP



MILE

ROAD CLASSIFICATION

Heavy-duty _____ Light-duty _____
 Medium-duty _____ Unimproved dirt - - - - -

○ State Route



EXHIBIT "A2"

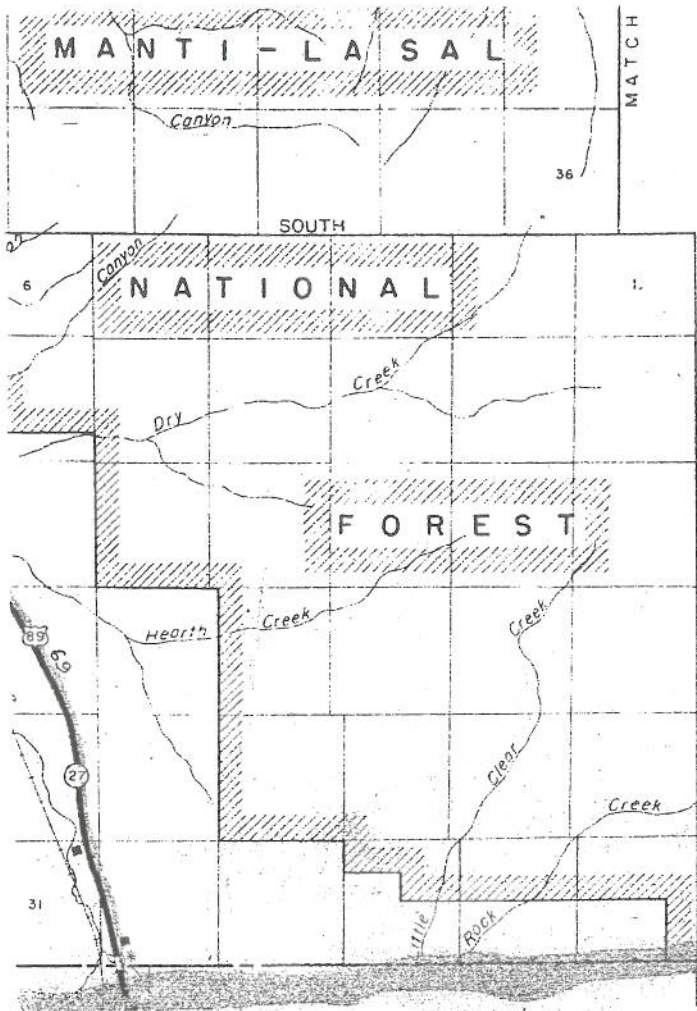
GOSHEN VALLEY NORTH, UTAH

SW/4 WEST MOUNTAIN 15' QUADRANGLE
 N4000—W11152.5/7.5

1950

PHOTOREVISED 1969 AND 1975
 AMS 3664 III SW—SERIES V897

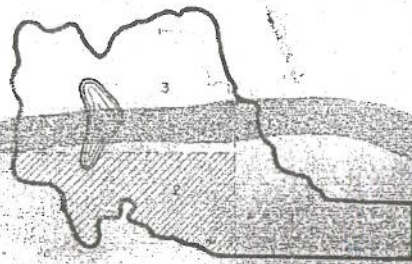
(SANTAQUIN J:62 500)
 11 6985 3663



ENT 80031:2008 P 11 of 31

T
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KEY TO SHEETS



R 4 E
C O U N T Y



GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH

EXHIBIT "A3"-MAP TITLE

SCALE
1955

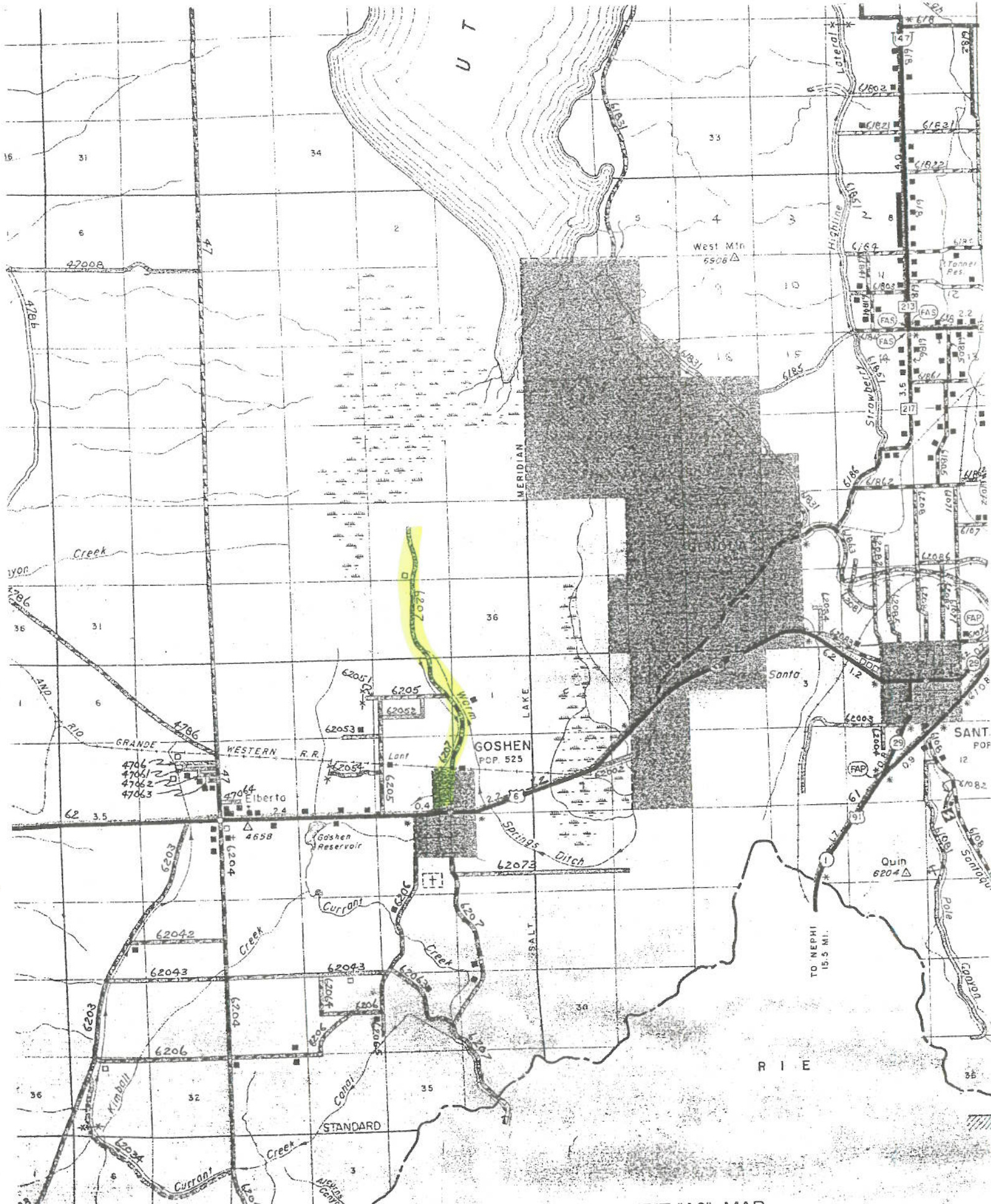
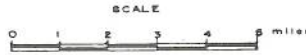


EXHIBIT "A3"-MAP

J U A B C O U N T Y

MAP OF UTAH COUNTY, UTAH



L. D. GREEN COUNTY SURVEYOR

Revised Sept. 1966

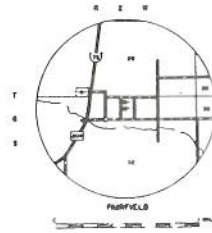
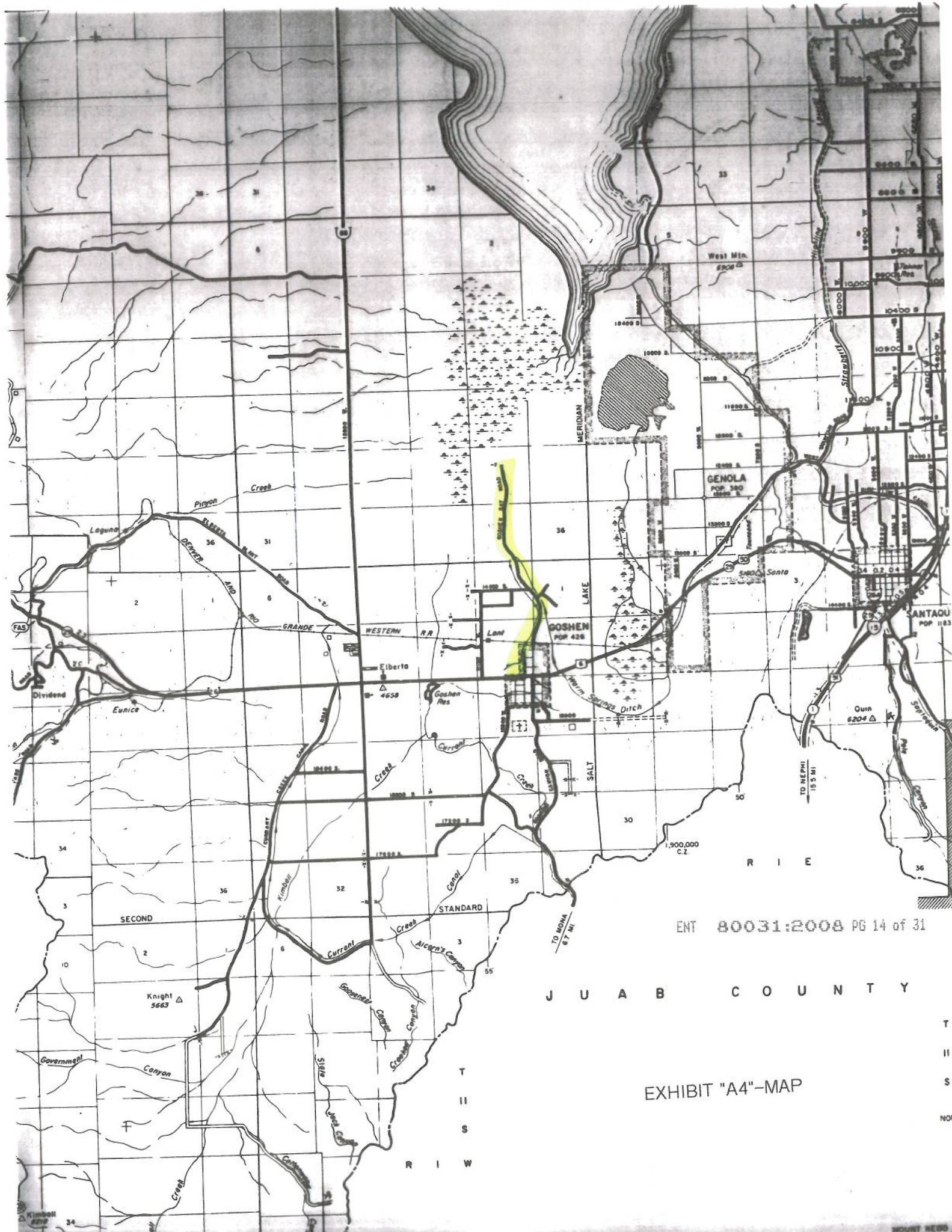


EXHIBIT "A4"-MAP TITLE



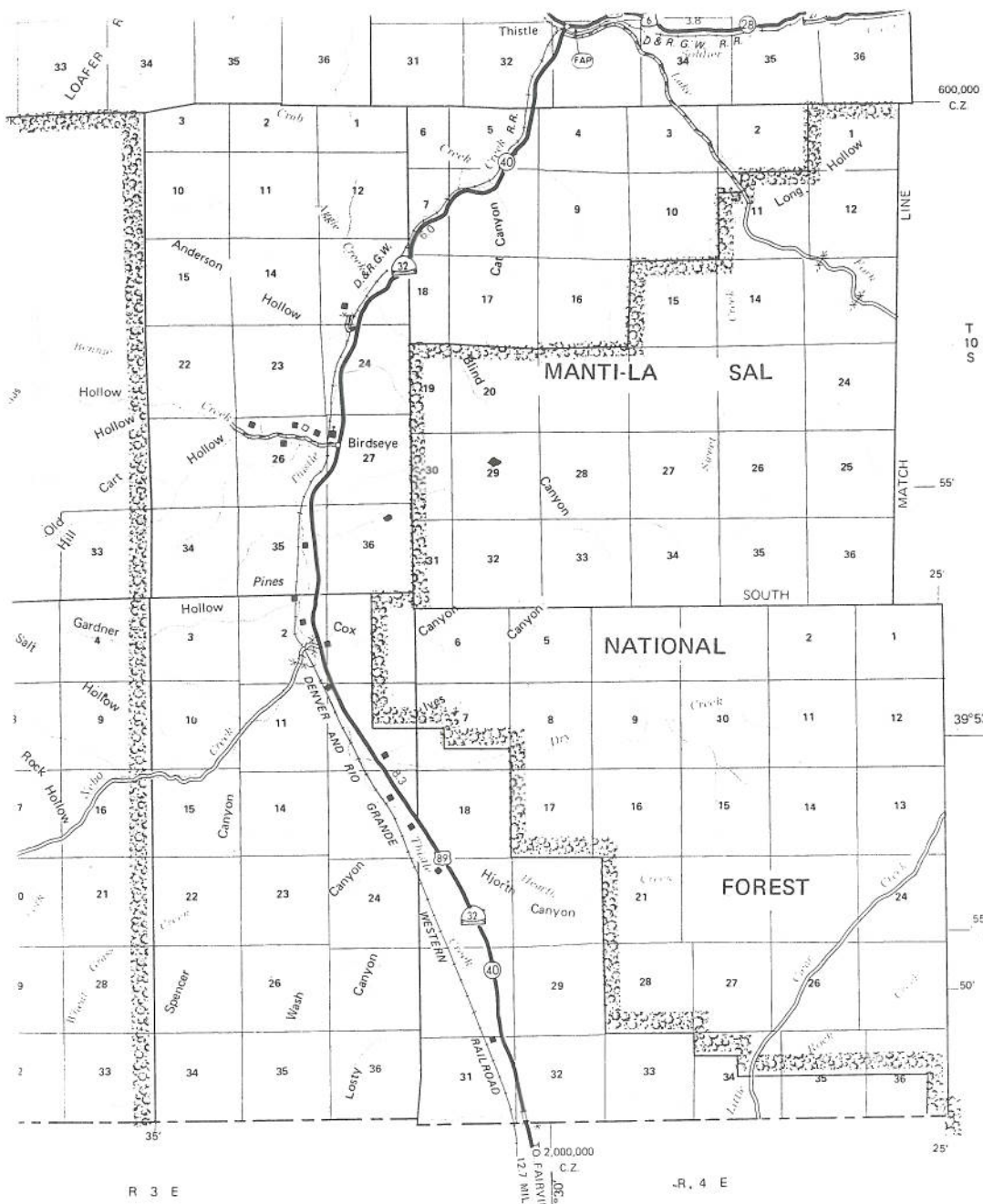
ENT 80031:2008 PG 14 of 31

J U A B C O U N T Y

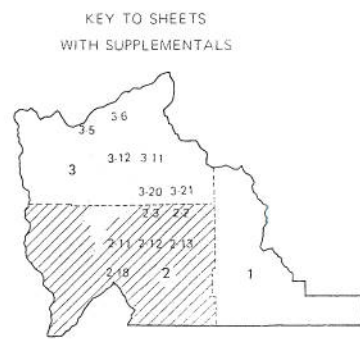
EXHIBIT "A4"-MAP

T
H
S
NORT

T
H
S
R I W



ENT 80031:2008 PG 15 of 31



SANPETE

COUNTY

SHEET NO. 1



**GENERAL HIGHWAY MAP
UTAH COUNTY**

EXHIBIT "A5"--MAP TITLE

UTAH
SCALE



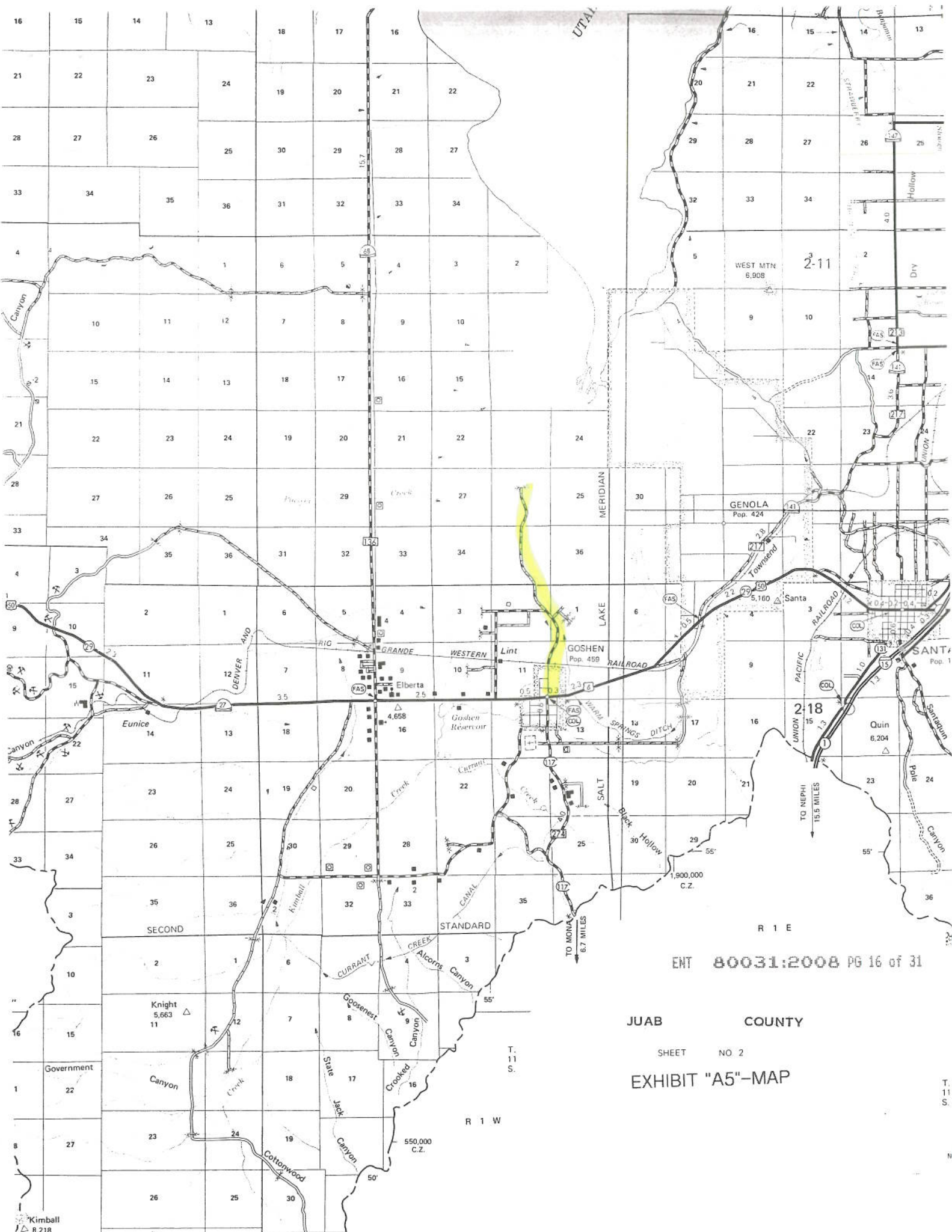
1975

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



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JUAB COUNTY

SHEET NO 2

EXHIBIT "A5"-MAP

R 1 W

R 1 E

T. 11 S.

T. 11 S.

NC

Kimball
8,218

13

550,000 C.Z.

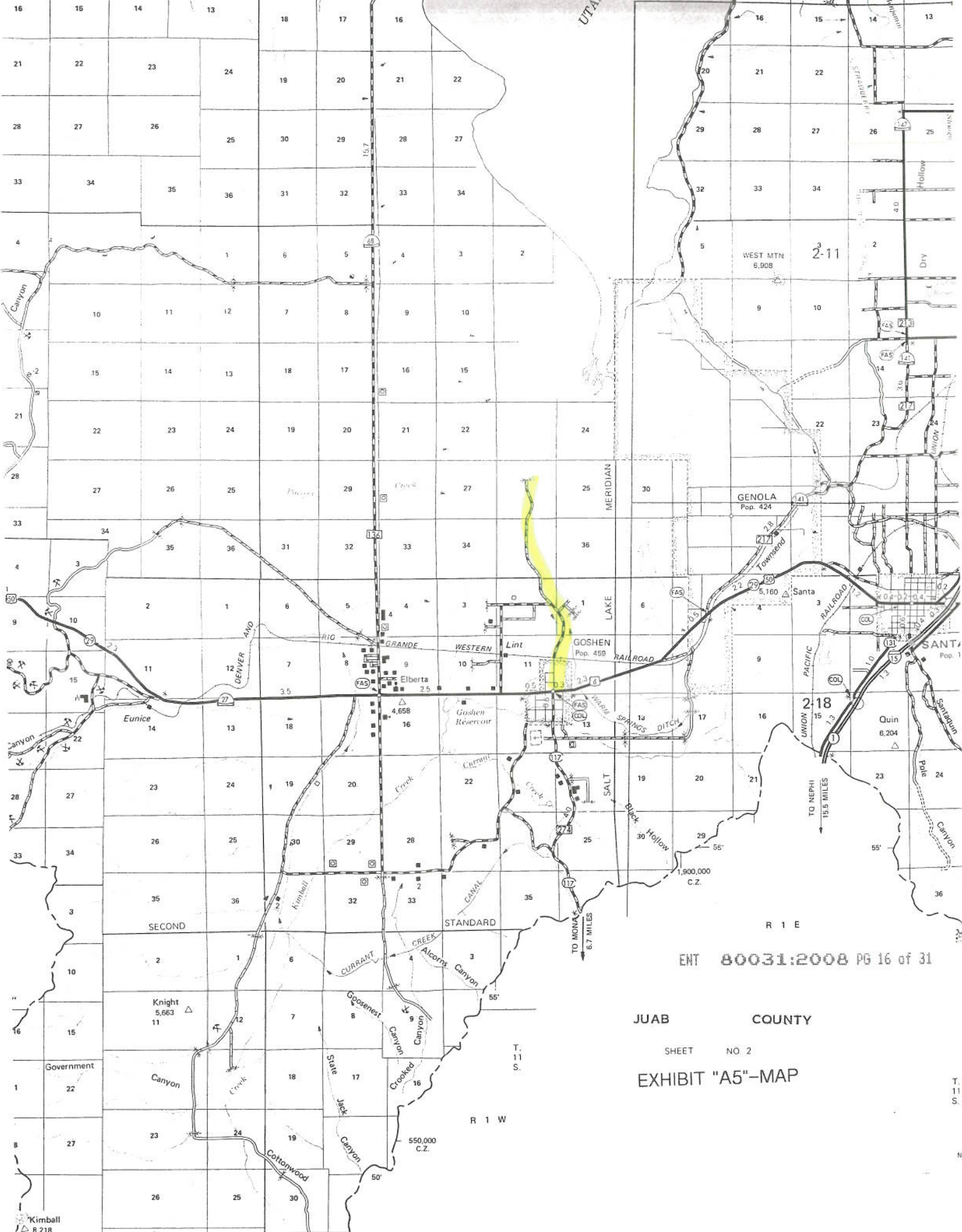
1,900,000 C.Z.

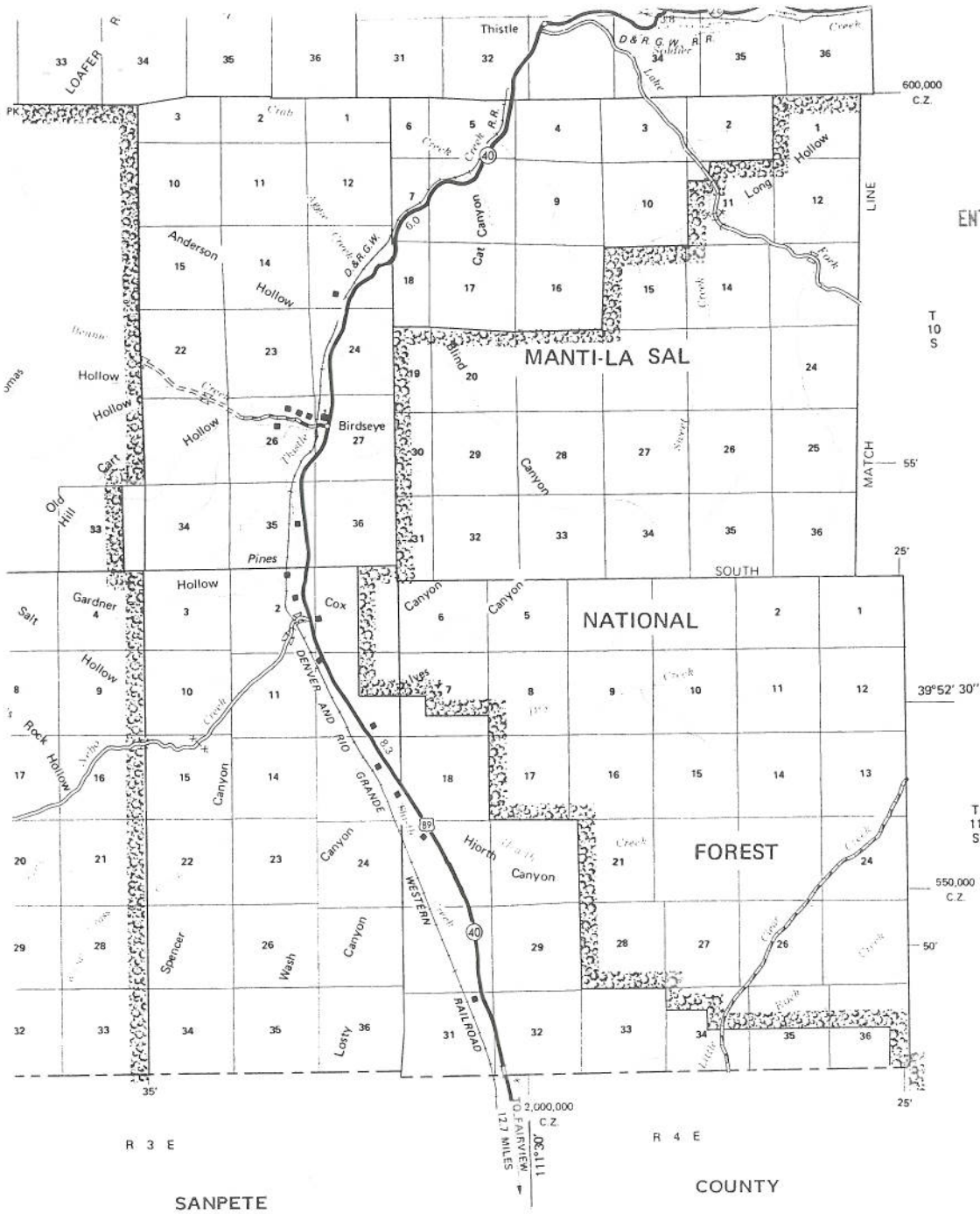
TO MONAK
6.7 MILES

TO NEPHI
15.5 MILES

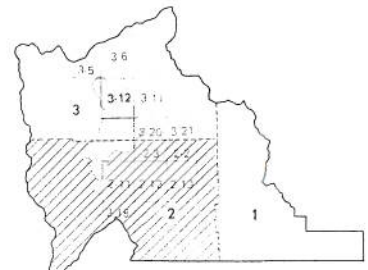
MERIDIAN

UTAH





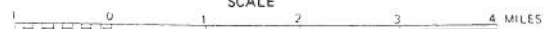
KEY TO SHEETS WITH SUPPLEMENTALS



**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 "A6"-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

R 1 W

1,900,000
C.Z.

117°45'
SHEET

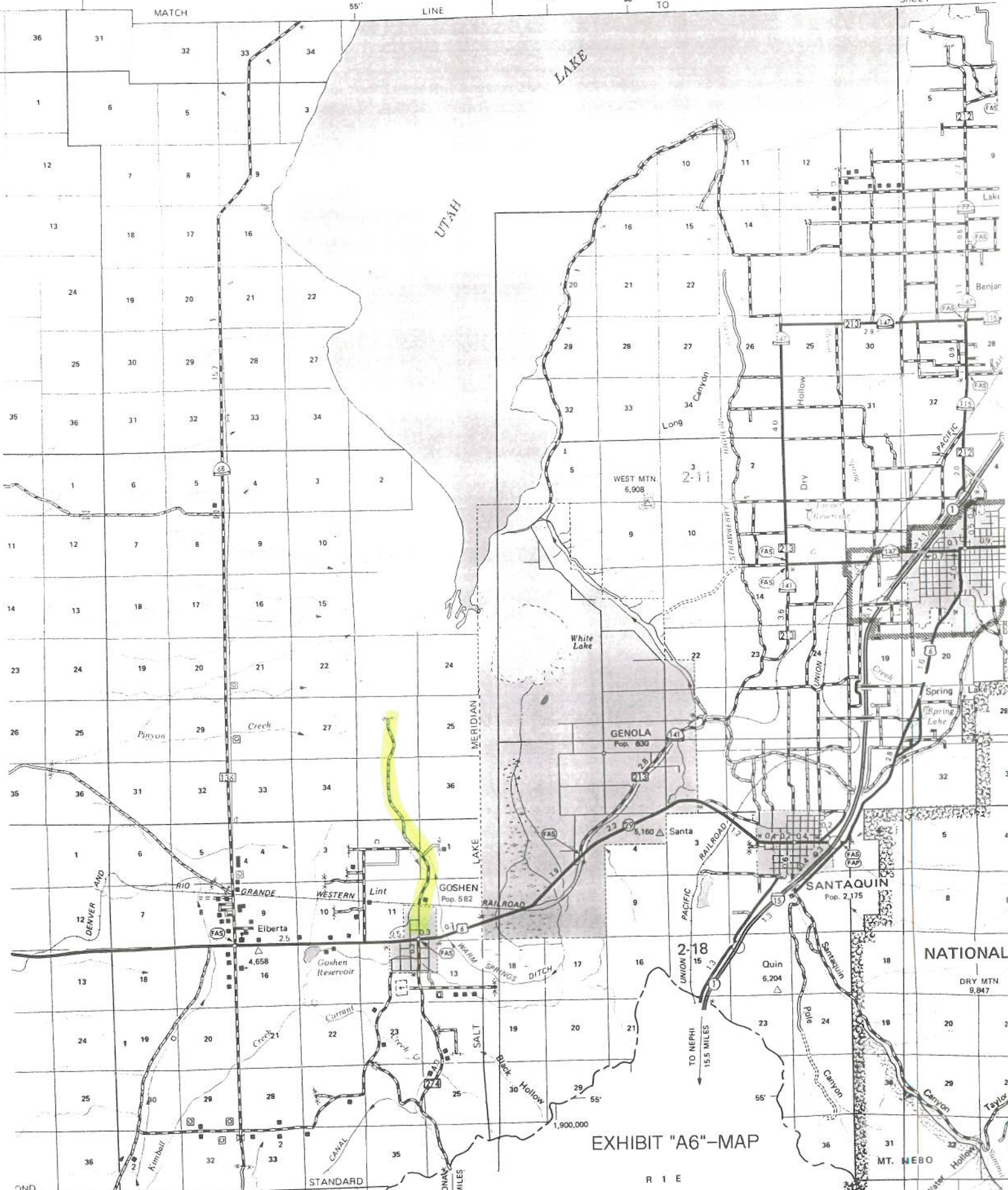


EXHIBIT "A6"-MAP

R 1 E



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

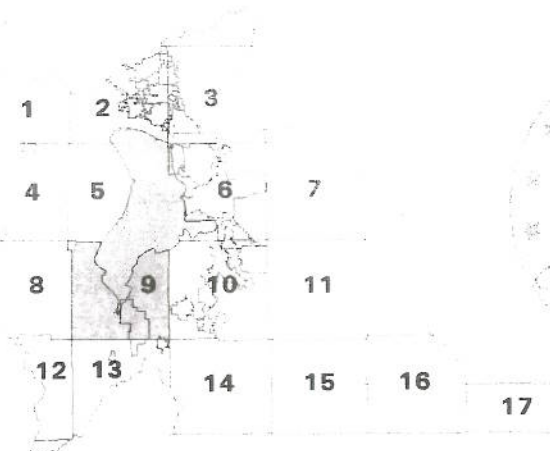
The latitude/longitude tics are based on the NAD83 datum. The state plane coordinate tics are based on the NAD27 datum.

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

ENT 80031:2008 PG 19 of 31

Road Map of Utah County Sheet 9



Index Map

EXHIBIT "A7"-MAP TITLE

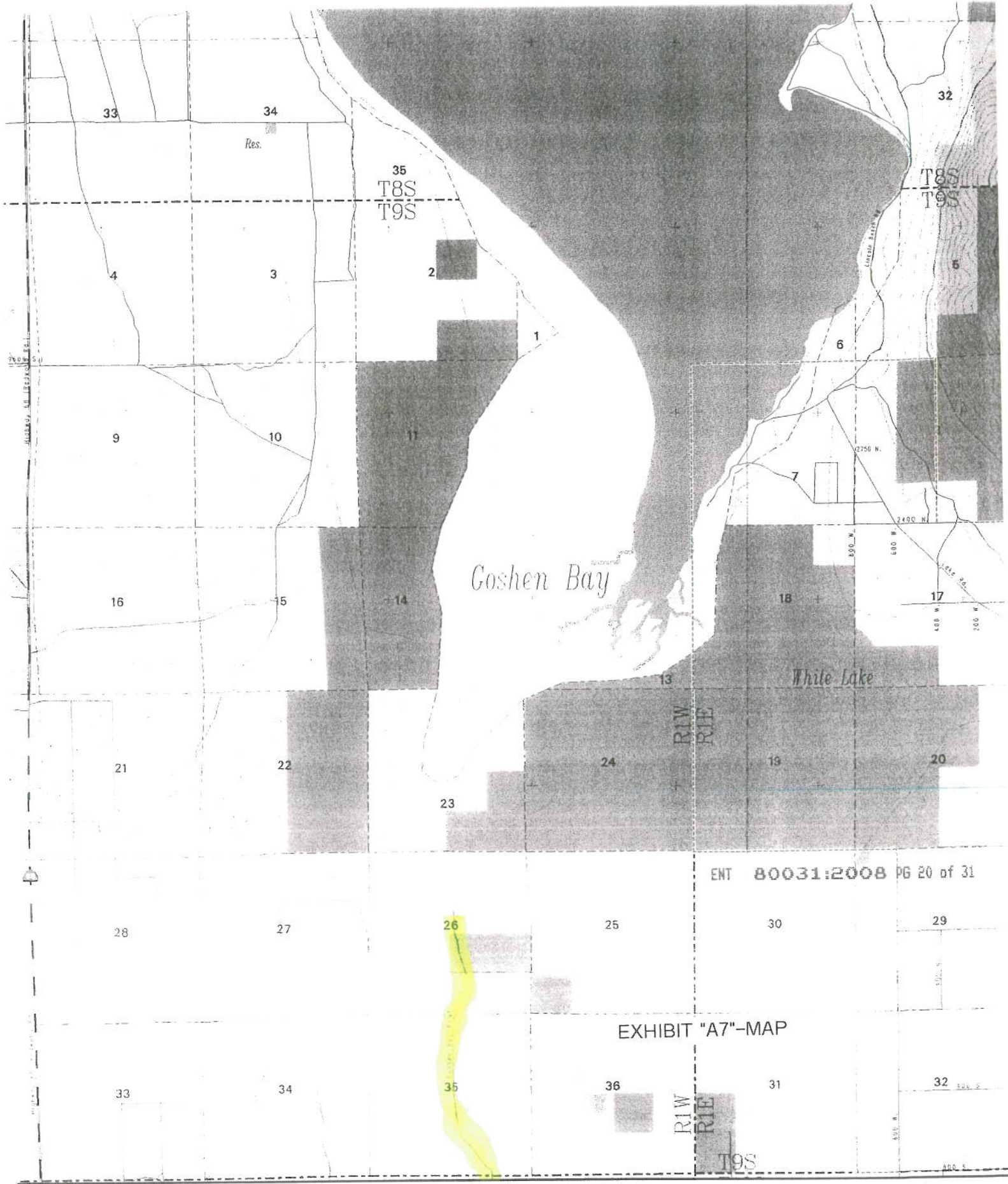


EXHIBIT "A7"-MAP

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111°52'30"

Official County Road Map of Utah County Sheet 9

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 30th day of October, 1996.

Chairman: S/ Jerry D. Grover

Commissioner: S/ David Gardner

Commissioner: S/ Gary R. Herbert

Attest: S/ LeeAnn Orton

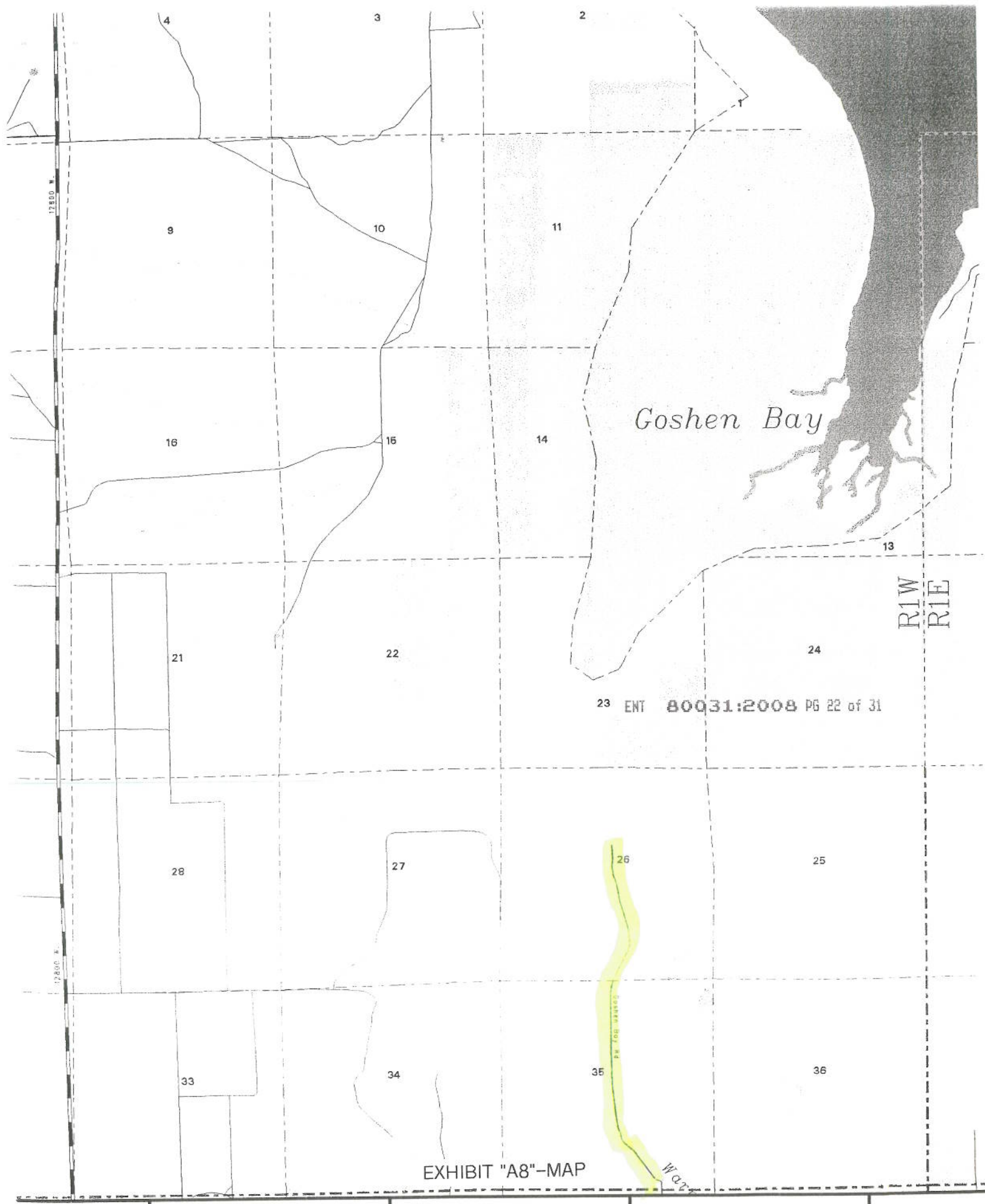
Title (See Seal): Deputy Clerk

Seal



EXHIBIT "A8"--MAP TITLE





Goshen Bay

R1W
R1E

23 ENT 80031:2008 PG 22 of 31

EXHIBIT "A8"-MAP

3 4 5 6 7

11 Goshen Bay

Scale 1:100,000



Utah County Atlas



0 1,000 2,000 4,000 Feet
0 250 500 1,000 Meters
ENT 80031:2008 PG 23 of 31

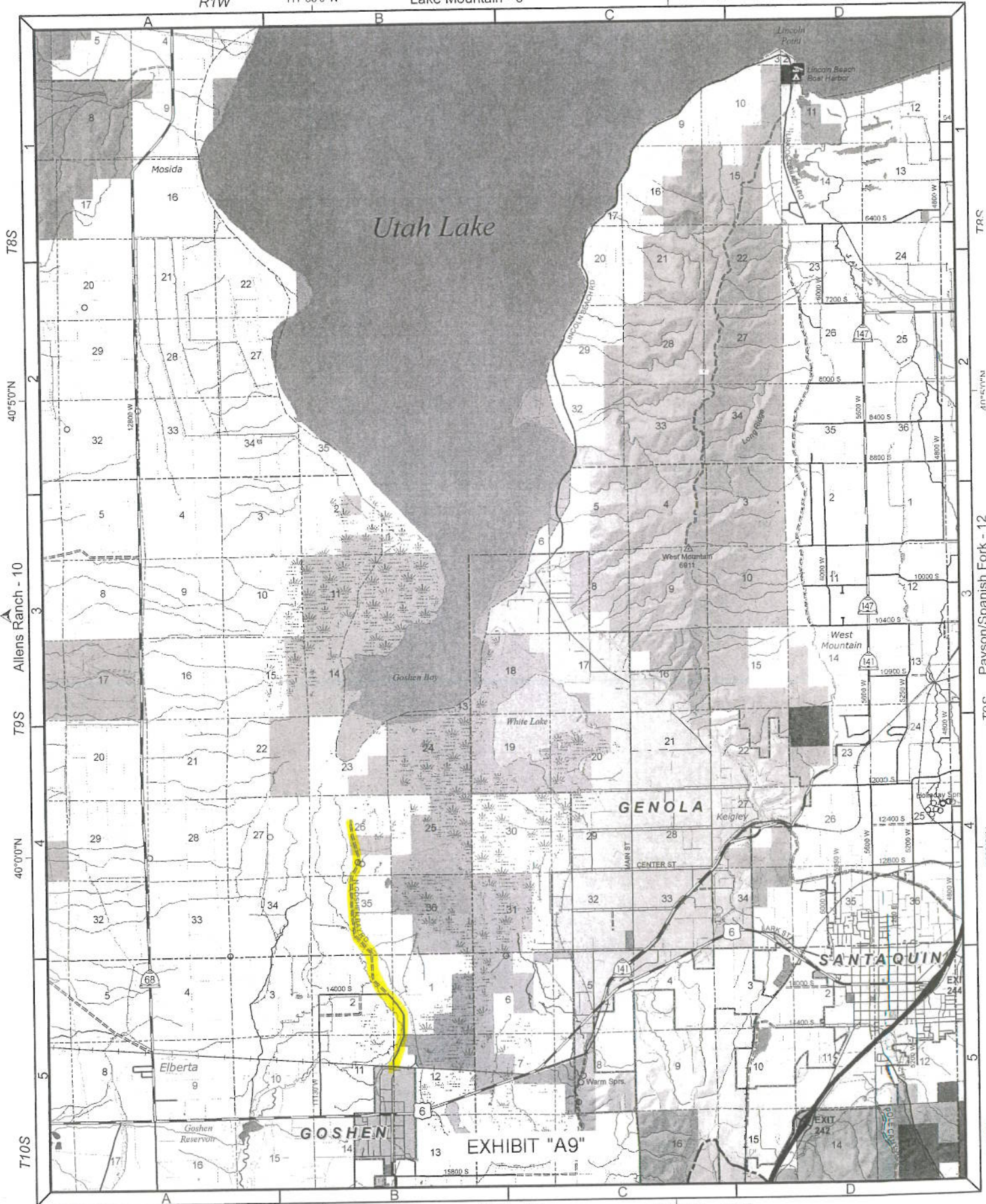
R1W

111°55'0"W

Lake Mountain - 6

111°50'0"W

R1E



T8S

40°50'N

Allens Ranch - 10

T9S

40°00'N

T10S

T8S

40°50'N

Pavson/Spanish Fork - 12

T9S

40°00'N

T10S

EXHIBIT "A9"

Moza - 16

111°50'0"W

R1E



**RS2477
North Goshen
Bay Rd.**

Segment 02

**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 12, 2006 by maryek

NORTH GOSHEN BAY ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, ROBERT CURTIS BEVERLY, being first duly sworn, deposes and state 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 North Goshen Bay Road that runs from the Goshen Town limits to the south end of the Goshen Bay wetlands.

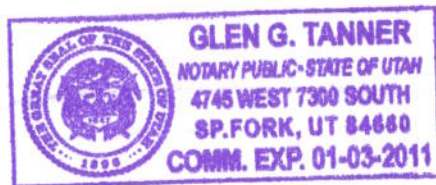
A map of the road is attached hereto as Exhibit “A”.
3. Construction and maintenance of the road before at least as early as 1950 was performed by the passing of motor vehicles over the roadway. In more recent times, though still begun before 1976, construction was performed by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway. Prior to 1976 I helped with the maintenance of the road which included grading and blading the road.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. I am familiar with the indicated road because I have traveled the road on several occasions beginning at least as early as 1950 and continuing to the present.
6. Since before 1950 and continuing to the present to the road has been used for ranching, farming, homesteading, commerce, recreation, traveling in and through the area. I often used the road for hunting and recreation at least as early as the 1950’s.

- 7. The road has been open to the public for all to use, to come and go as they pleased, since before 1950 and continuing through 1976 and beyond.
- 8. Travelers on the road from before 1966 and continuing thereafter included those who went by horseback and horse-drawn wagon, and in more recent times car, recreational vehicle and truck. The frequency of use over the period 1966 to the present is approximately daily.
- 9. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1950.
- 10. At no time during my employment with the County did it undertake any procedures to abandon or vacate its right-of-way on the road.

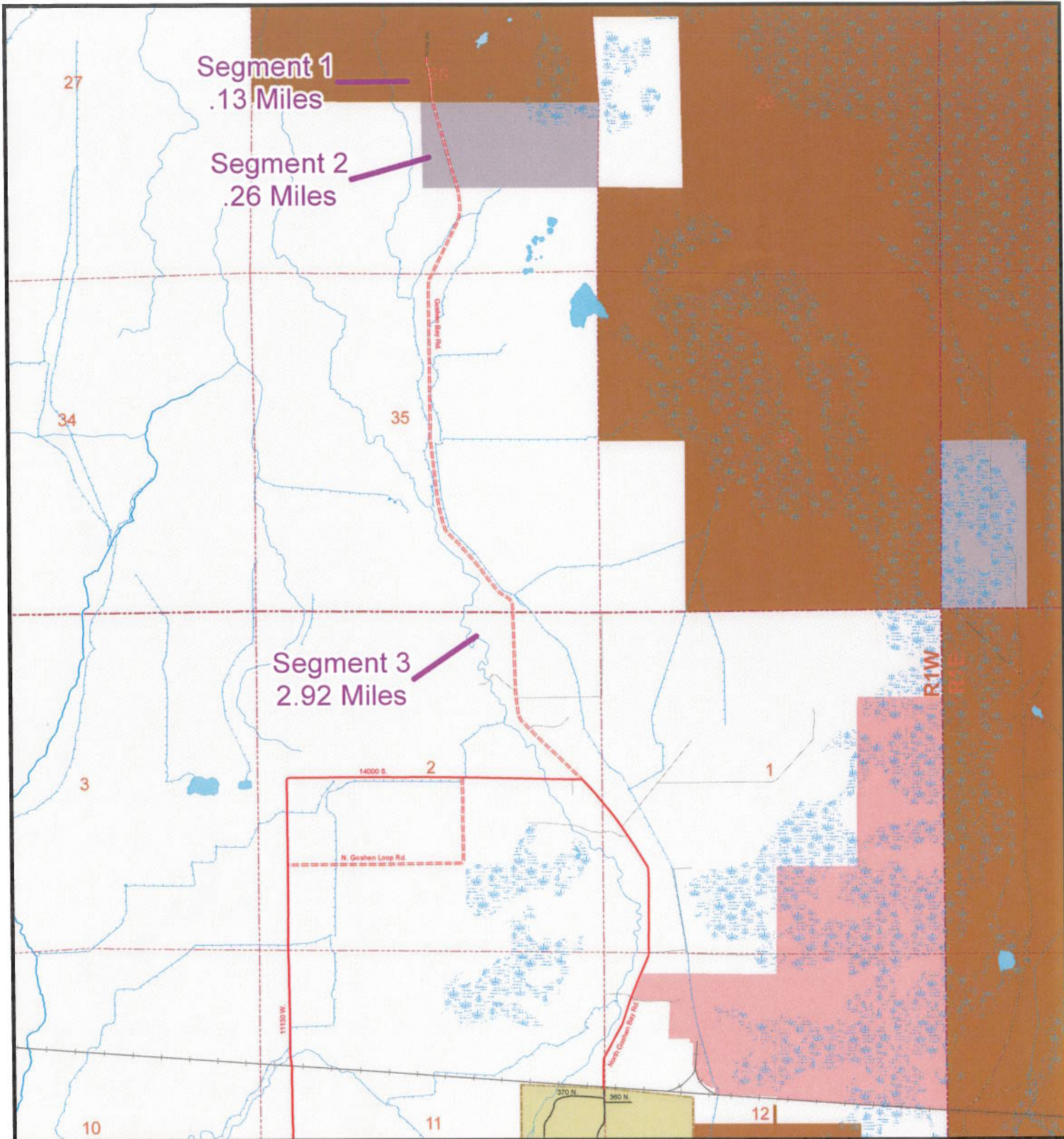
DATED this 11 day of JUNE, 2007.


 ROBERT CURTIS BEVERLY

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




 Notary Public



RS2477
N Goshen Bay Rd
.26 Miles

B917
3.31 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	Urban Parks	
Gravel Roads		
Other Roads		
Railroads		



1:25,414
 1 inch equals 2,117.79 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-9826
 Printed on August 24, 2006 by maryek

"Exhibit A"

NORTH GOSHEN BAY ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, BYRON L. ORTON, being of first duly sworn, deposes and state 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 foremen, and 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 North Goshen Bay Road that runs from the Goshen Town limits to the south end of the Goshen Bay wetlands.

A map of the road is attached hereto as Exhibit “A”.
3. Construction and maintenance of the road before 1965 was performed by for example, removing rocks and vegetation from the roadway by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway. The road was graveled and well maintained from 1965 to the present.
4. All acts of the County regarding this road where, to my knowledge, consistent with its status as a public highway.
5. The road has been open to the public for all to use, to come and go as they pleased, since before 1965 and continuing through 1976 and beyond.
6. Since at least as early as 1965 and continuing to the present the road has been used for ranching, farming, hunting, homesteading, commerce, law enforcement, and traveling in and through the area. I often traveled the road from at least as early as 1965 to 1985 in


order to perform maintenance and upkeep on the road.

7. Travelers on the road from at least as early as 1965 to the present and continuing thereafter included those who went by car, recreational vehicle, and truck. The frequency of use over the period 1966 to the present is approximately daily.
8. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1966.
9. At no time during my employment with the County did it undertake any procedure to abandon or vacate its right-of-way on the road.

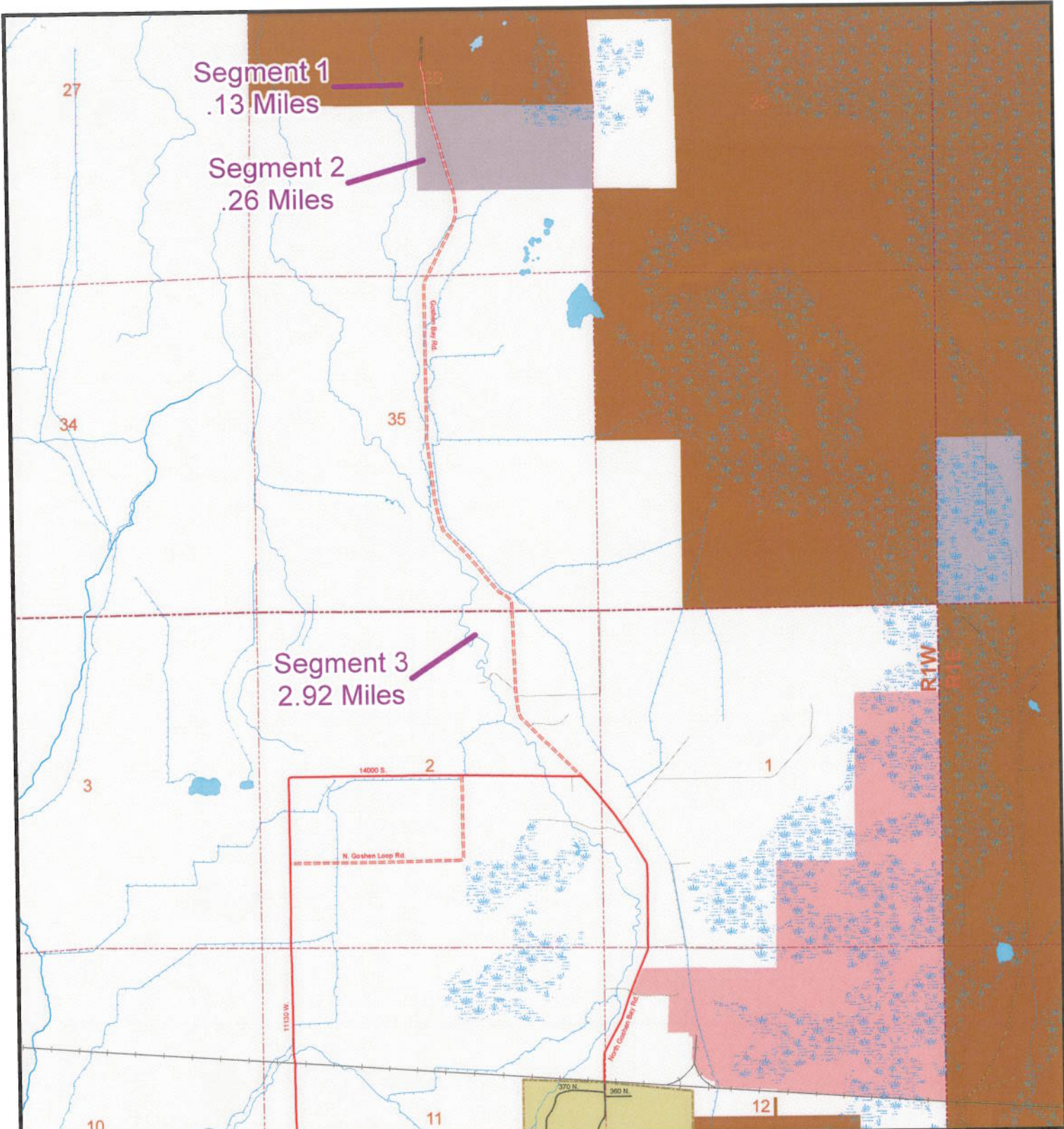
DATED this 17 day of MAY, 2007.


BYRON L. ORTON

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


Notary Public






RS2477
N Goshen Bay Rd
.26 Miles

B917
3.31 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 Urban Parks 	<p>Public Survey Lines</p> <ul style="list-style-type: none"> Township Lines Section Lines Incorporated Cities
--	--	---


 1:25,414
 1 inch equals 2,117.79 feet


 Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8626
 Printed on August 24, 2006 by maryek

"Exhibit A"

Exhibit B

ENT 80031:2008 PG 31 of 31

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

Popular Name: NORTH GOSHEN BAY ROAD

County: Utah

County Road Number: B917

State Geographic Information Database (SGID) Road Identification Number: RD250017.

Total Road Length: 3.18 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 57 minutes 41.41 seconds North Latitude and -111 degrees 53 minutes 59.28 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,528,355.8 feet and Y = 7,154,951.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 00 minutes 12.47 seconds North Latitude and -111 degrees 54 minutes 32.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,525,814.9 feet and Y = 7,170,247.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 1 West, Section(s) 1,2,11,12, Salt Lake Base & Meridian
Township 9 South Range 1 West, Section(s) 26,35, Salt Lake Base & Meridian