



## Exhibit A

**AFFIDAVIT OF ROBERT MERRYWEATHER**  
**COTTONWOOD BENCH ROAD**  
**BEAVER COUNTY, UTAH**  
**ROAD NUMBER B-144**

State of Utah                    )  
  : ss.  
County of Beaver                )

ROBERT MERRYWEATHER, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Milford, Beaver County, Utah. I have lived in Beaver County most of my life. I was employed with the Beaver County Road Department from approximately 1970 to 2000.

2. I have traveled and am familiar with a road in Beaver County known as Cottonwood Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Cottonwood Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of pickup trucks and ATVs. Throughout this time period, the road has been used monthly, weather permitting.

5. Throughout the time period from 1950 to 2006, I have used the road myself for hunting, wood gathering, pine nut gathering, recreation and county road maintenance.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus mining, rock hounding, livestock operations and prospecting for minerals.

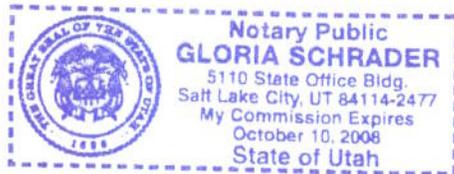
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I performed maintenance and construction activities on the road.

DATED this 1 day of February, 2007.

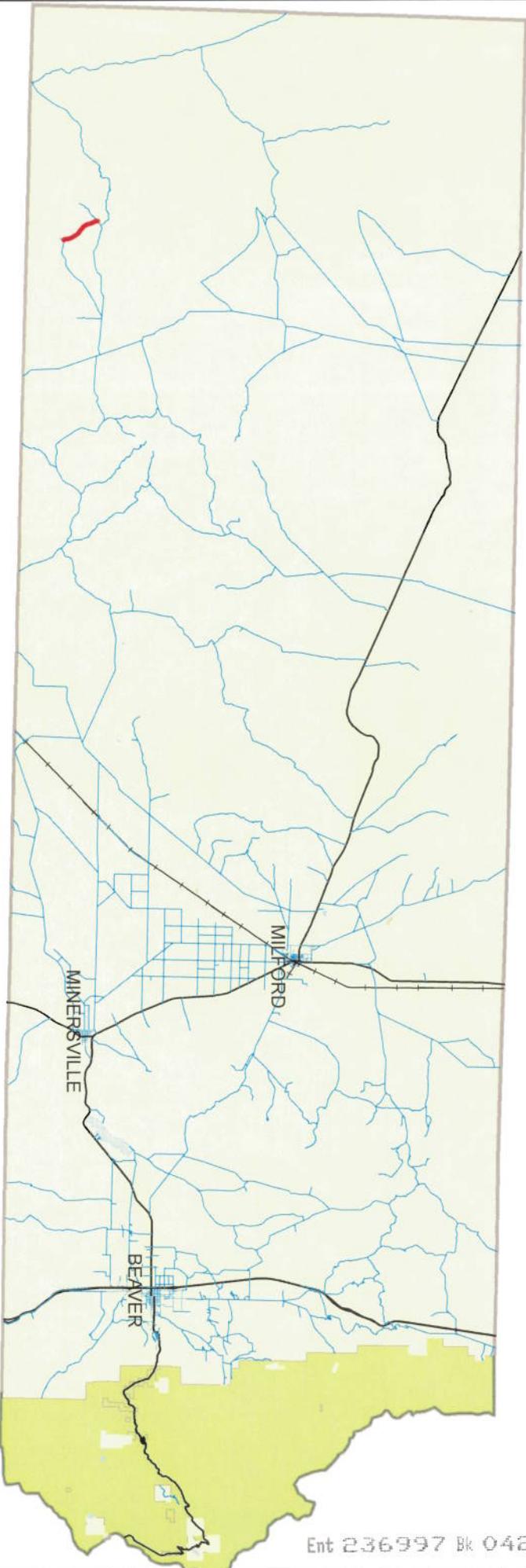
  
ROBERT MERRYWEATHER

SUBSCRIBED AND SWORN to before me this 1st day of February, 2007.



  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS



Ent 236997 Bk 0423 Pg 0867

## Legend

- Cottonwood Bench Rd
- County B Roads
- State Highways
- UPRR

## COTTONWOOD BENCH ROAD B-144

**AFFIDAVIT OF DALE EYRE**  
**COTTONWOOD BENCH ROAD**  
**BEAVER COUNTY, UTAH**  
**ROAD NUMBER B-144**

State of Utah                    )  
  : ss.  
County of Beaver                )

DALE EYRE, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Minersville, Beaver County, Utah. I have lived in Beaver County my entire life.

2. I have traveled and am familiar with a road in Beaver County known as Cottonwood Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1960, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Cottonwood Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1960 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of ATVs, pickup trucks. Throughout the time period from 1960 to 2006 the road has been used weekly, weather permitting.

5. Throughout the time period from 1960 to 2006, I have used the road myself for hunting, livestock operations, wood gathering and gathering pine nuts.

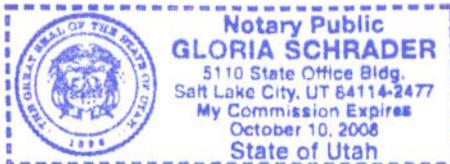
6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus mining, recreation, sight seeing and travel in and through the area. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed the graded surface of the road.

DATED this 31 day of January, 2007.

  
\_\_\_\_\_  
DALE EYRE

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of January, 2007.

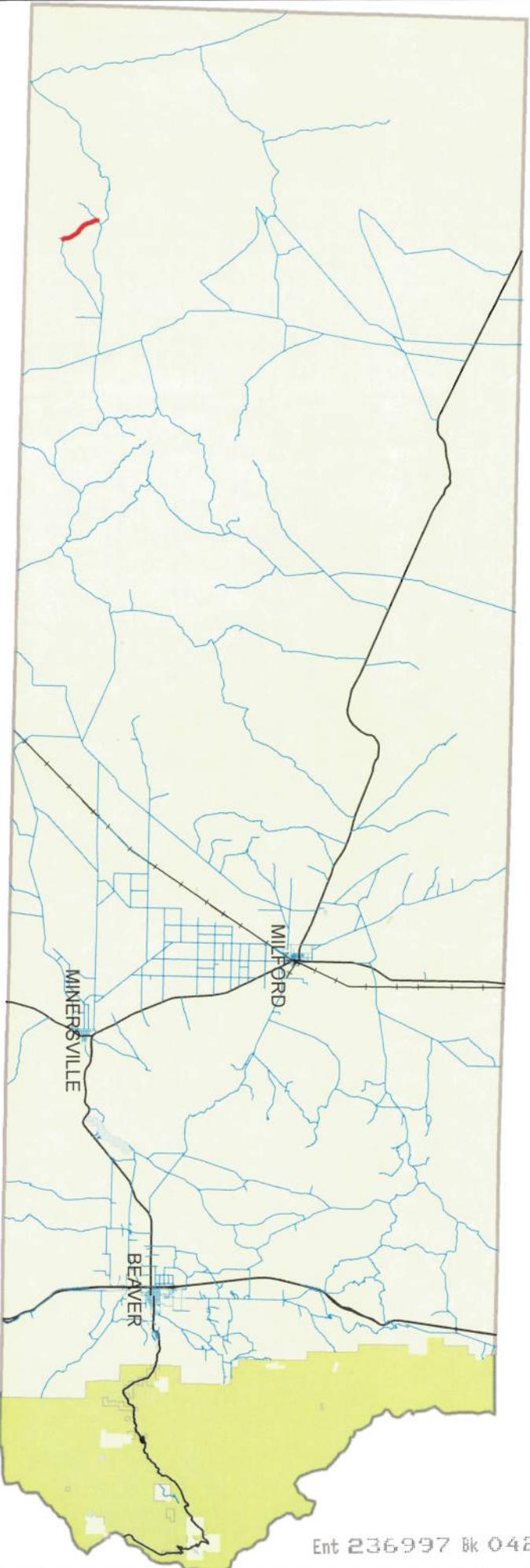


  
\_\_\_\_\_  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS



Ent 236997 Bk 0423 Pg 0870



## Legend

-  Cottonwood Bench Rd
-  County B Roads
-  State Highways
-  UPRR

## COTTONWOOD BENCH ROAD B-144

## Exhibit B

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

**Popular Name: COTTONWOOD BENCH ROAD**

**County: Beaver**

**County Road Number: B-144**

**State Geographic Information Database (SGID) Road Identification Number: RD010045.**

**Total Road Length: 2.51 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 10 minutes 48.83 seconds North Latitude and -113 degrees 47 minutes 038.5 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 981,064.5 feet and Y = 10,401,714.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 12 minutes 33.75 seconds North Latitude and -113 degrees 48 minutes 57.61 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 975,013.1 feet and Y = 10,412,480.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 30 South Range 17 West, Section(s) 18,19, Salt Lake Base & Meridian

Township 30 South Range 18 West, Section(s) 12,13, Salt Lake Base & Meridian