



## Exhibit A

**AFFIDAVIT OF LEON FILLINGIM**

**HORNER KNOLL ROAD,**

**DUCHESNE COUNTY, UTAH**

**COUNTY ROAD NUMBER 34**

State of Utah            )  
                                  : ss.  
County of Duchesne    )

LEON FILLINGIM, 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. I have traveled and am familiar with a road in Duchesne County known to me as the Horner Knoll Road. I am also familiar with the land the road traverses. Attached is a Duchesne County map showing the Horner Knoll 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. I am informed that Duchesne County also identifies this road according to the road number listed above.

3. I have observed the Horner Knoll Road (County Road # 34) in Duchesne County since 1954. The Horner Knoll Road runs from County Road 33 to County Road 35.

4. I am familiar with the indicated road for the same reasons identified in paragraph #3

5. It is the reputation in the community that this road was used by the general public since at least the early 1900's, and has been continuously since that time.

6. 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 1945 and continuing through 1976 and beyond.

7. Since at least as early as 1945 and continuing to the present the road has been used for homesteading, ranching, traveling in and through the area, recreation, accessing state school and institutional trust lands, hunting and other sportsmen access, state and local government access, oil and mineral exploration and drilling and contractors.

8. Travelers on the road from at least as early as 1945 and continuing thereafter included those who went by foot, horseback, wagon, car, motorcycle, recreational vehicle and truck.

9. As grader operator I first maintained this road with road graders at least as early as twice a year from 1964 to 1988.

10. 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 1945.

11. At no time during my tenure as Road Supervisor did the County undertake any procedure to abandon or vacate it's right-of-way on the road.

12. This road has been included in the state highway system or infrastructure and has been designated as a Class B highway over which the County has been given jurisdiction by the state legislature for construction, operations and maintenance. The road has been on the official county road system prior to 1964. The road has been maintained since prior to 1960 by the County as a public highway, freely open for all to come and go as they please.

13. The county maintained this road regularly each year.

Dated this 13<sup>th</sup> of ~~November~~ <sup>December</sup>, 2006. *TRAD*

*Leon Fillingim*

LEON FILLINGIM

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2006. *MBP*

*Maxine B Panas*

Notary Public  
Residing at:

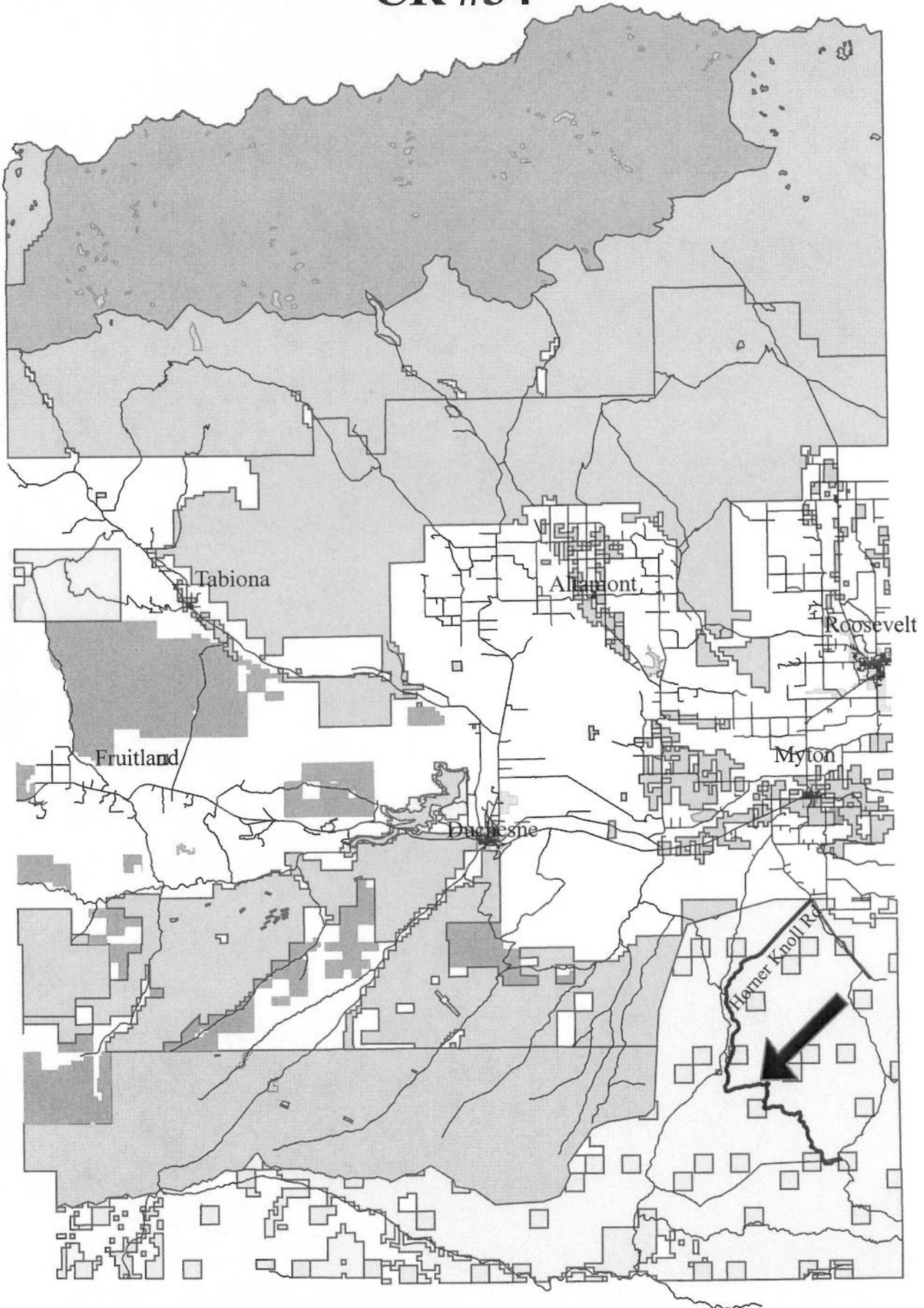
*Duchesne*



# HORNER KNOLL ROAD

0558 k A0541 Pg 0233

## CR #34



**AFFIDAVIT OF JOHN URESK**

**HORNER KNOLL ROAD,**

**DUCHESNE COUNTY, UTAH**

**COUNTY ROAD NUMBER 34**

State of Utah            )  
                                  : ss.  
County of Duchesne    )

JOHN URESK, 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. I have traveled and am familiar with a road in Duchesne County known to me as the Horner Knoll Road. I am also familiar with the land the road traverses. Attached is a Duchesne County map showing the Horner Knoll 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. I am informed that Duchesne County also identifies this road according to the road number listed above.
3. I have observed the Horner Knoll Road (County Road # 34) in Duchesne County since 1945. The Horner Knoll Road runs from County Road 33 to County Road 35.
4. I am familiar with the indicated road for the same reasons identified in paragraph #3 as well as some grading work I did on this road from 1947 to 1962.
5. It is the reputation in the community that this road was used by the general public since at least 1920, and has been continuously since that time.

6. 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 1945 and continuing through 1976 and beyond.

7. Since at least as early as 1945 and continuing to the present the road has been used for homesteading, ranching, traveling in and through the area, recreation, accessing state school and institutional trust lands, hunting and other sportsmen access, state and local government access, oil and mineral exploration and drilling and contractors.

8. Travelers on the road from at least as early as 1945 and continuing thereafter included those who went by foot, horseback, wagon, car, motorcycle, recreational vehicle and truck.

9. As grader operator I first maintained this road with road graders at least as early as twice a year from 1962 to 1987.

10. 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 1945.

11. At no time during my tenure as Road Supervisor did the County undertake any procedure to abandon or vacate it's right-of-way on the road.

12. This road has been included in the state highway system or infrastructure and has been designated as a Class B highway over which the County has been given jurisdiction by the state legislature for construction, operations and maintenance. The road has been on the official county road system since 1960. The road has been maintained since 1960 by the County as a public highway, freely open for all to come and go as they please.

13. I pushed this road privately for Tommy Powers clear though to the Wells Draw Road with a caterpillar from the winter of 1947 until 1962 when I became a road department employee.

Dated this 18<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2006. *TMBP*

*John Uresk*  
JOHN URESK

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2006. *TMBP*

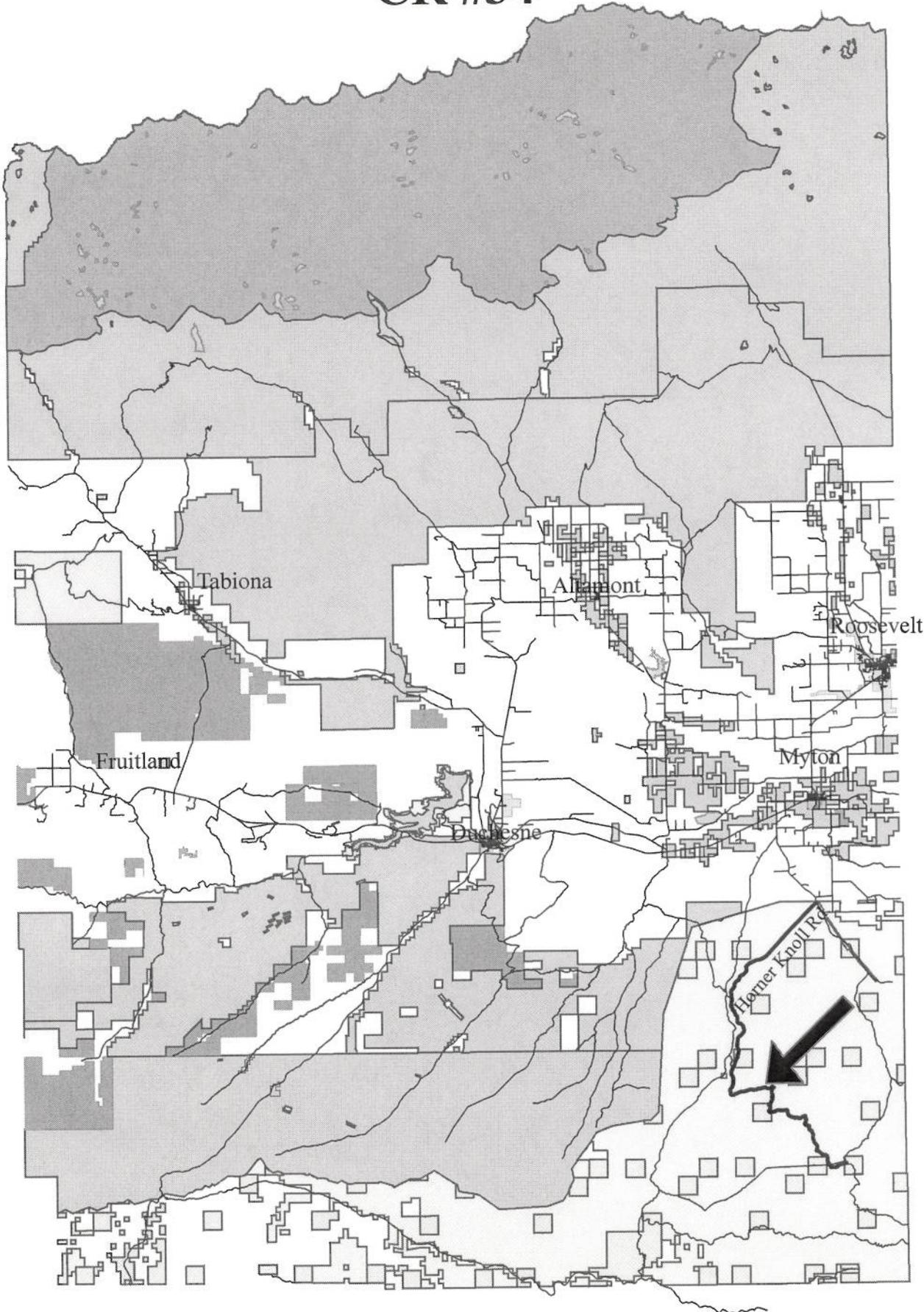


*Maxine B. Panas*  
Notary Public  
Residing at: *Duchesne*

# HORNER KNOLL ROAD

051823k A0541 Pg 0237

## CR #34



## Exhibit B

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

**Popular Name: Horner Knoll Road**

**County: Duchesne**

**County Road Number: 34**

**State Geographic Information Database (SGID) Road Identification Number: RD070011.**

**Total Road Length: 25.01 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 54 minutes 07.99 seconds North Latitude and -110 degrees 02 minutes 13.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,050,792.4 feet and Y = 7,136,463.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 06 minutes 41.09 seconds North Latitude and -110 degrees 03 minutes 50.57 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,042,009.8 feet and Y = 7,212,531.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 16 East, Section(s) 6,7,8,9,10,14,15,16,23,24,25, Salt Lake Base & Meridian

Township 10 South Range 17 East, Section(s) 30,31,32, Salt Lake Base & Meridian

Township 8 South Range 16 East, Section(s) 13,23,24,26,27,33,34, Salt Lake Base & Meridian

Township 9 South Range 16 East, Section(s) 4,5,7,8,17,18,20,29,31,32, Salt Lake Base & Meridian