



# Exhibit A

**00574726**

B: 1139 P: 164 Fee \$0.00 Page 2 of 9  
Patsy Cutler, Iron County Recorder  
06/30/2008 10:21:24 AM By GOVERNOR/STATE OF UTAH



**AFFIDAVIT OF LYNN FIACK**

**AVON ROAD**

**IRON COUNTY, UTAH**

**ROAD NUMBER 42**

State of Utah                    )  
  : ss.  
County of Iron                    )

LYNN FIACK, 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 Iron County, Utah. I have lived in Iron County since 1942. I was an employee of the Iron County Road Department from 1963 to 1987 and served as the Road Foreman from 1974 to 1987. I participated in the maintenance of the above referenced road during that time.

2. I have traveled and am familiar with a road in Iron County known as Avon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s, it followed the same route as in 2001 when I last observed it. Attached is a Iron County map showing Avon 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 the early 1960s and continuing through 1976 to 2001. Throughout this time period I have observed travel on the road by means of pickup trucks and road maintenance vehicles. Throughout this time period, the road has been used daily, weather permitting.

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5. Throughout the time period from the early 1960s to 2001, I have used the road myself for road maintenance and traveling in and through the area.

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 livestock operations, railroad maintenance, farming and traveling in and through the area.

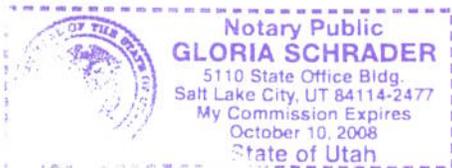
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 20 day of December, 2006.

  
LYNN FIACK

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of December, 2006.

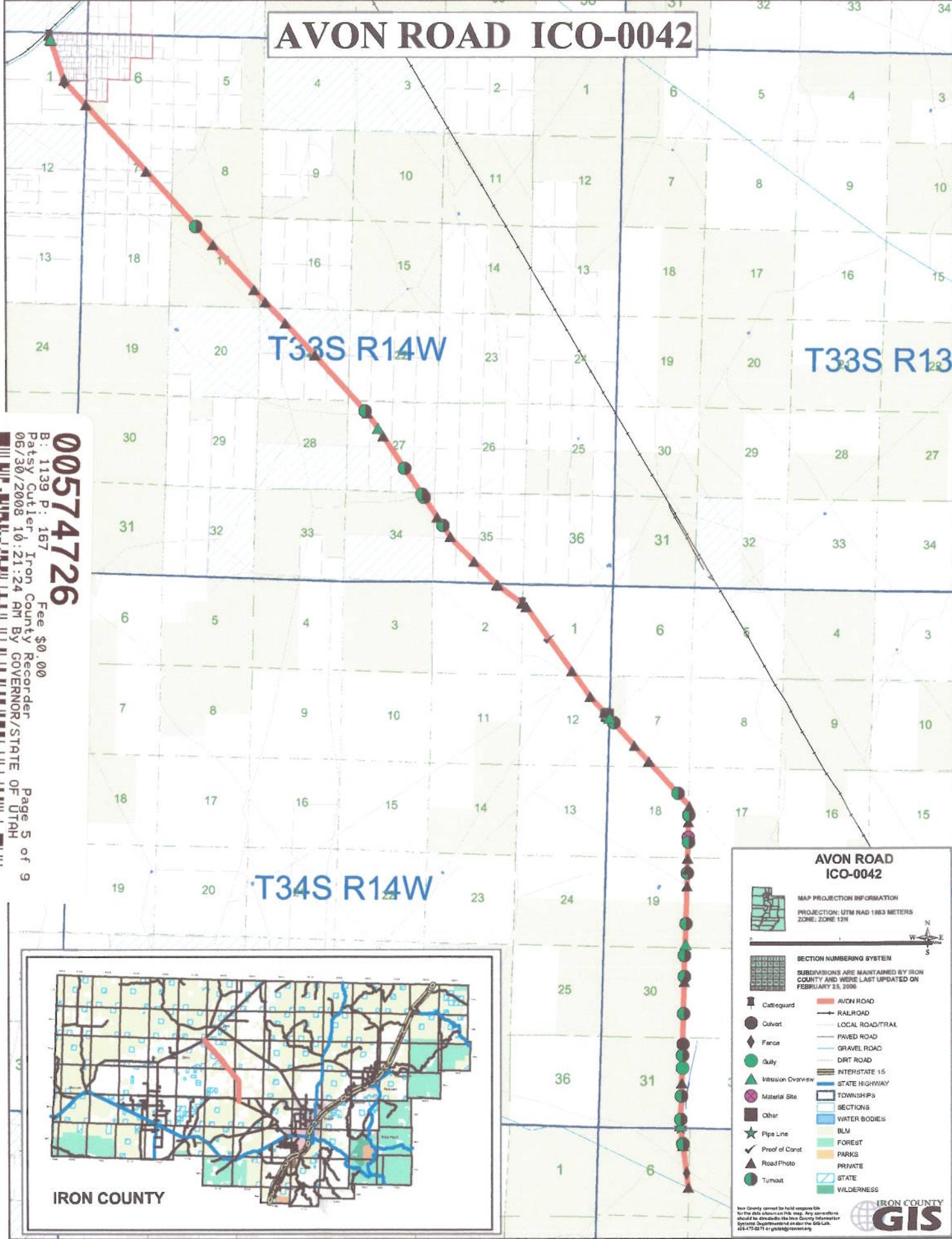


  
NOTARY PUBLIC

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# AVON ROAD ICO-0042



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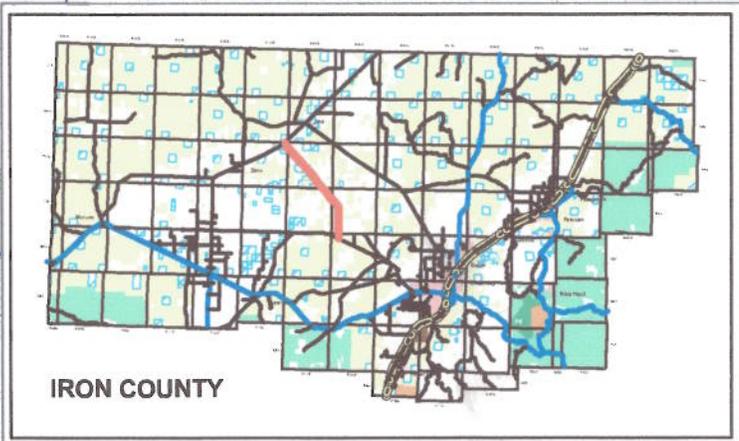
**AVON ROAD ICO-0042**

MAP PROJECTION INFORMATION  
 PROJECTION: UTM NAD 1983 METERS  
 ZONE: ZONE 12N

SECTION NUMBERING SYSTEM  
 SUBDIVISIONS ARE MAINTAINED BY IRON COUNTY AND WERE LAST UPDATED ON FEBRUARY 25, 2006

▲ Cattleguard	— AVON ROAD
● Culvert	— RAILROAD
◆ Fence	— LOCAL ROAD/TRAIL
◇ Gully	— PAVED ROAD
▲ Intrusion Overview	— GRAVEL ROAD
● Material Site	— DIRT ROAD
■ Other	— INTERSTATE 15
★ Pipe Line	— STATE HIGHWAY
✓ Proof of Conrt	— TOWNSHIPS
▲ Turnout	— SECTIONS
	— WATER BODIES:
	— BLM
	— FOREST
	— PARKS
	— PRIVATE
	— STATE
	— WILDERNESS

IRON COUNTY GIS



**AFFIDAVIT OF NEIL JAMIESON FORSYTH**

**AVON ROAD**

**IRON COUNTY, UTAH**

**ROAD NUMBER 42**

State of Utah                    )  
  : ss.  
County of Iron                    )

NEIL JAMIESON FORSYTH, 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 Iron County, Utah. I have lived in Iron County since 1954. I am an employee of the Iron County Road Department and have been since August of 1974. I have been the Road Foreman since July of 1987. I have participated in the maintenance of the above referenced road throughout the time period of my employment.

2. I have traveled and am familiar with a road in Iron County known as Avon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1970s, it followed the same route as in 2006 when I last observed it. Attached is a Iron County map showing Avon 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 the early 1970s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of cars, pickup trucks and road maintenance vehicles. Throughout this time period, the road has been used daily.

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5. Throughout the time period from the early 1970s to the present, I have used the road myself for 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 livestock operations, oil and gas exploration, farming, travel to and from schools, hunting, recreation, government access and traveling in and through the area.

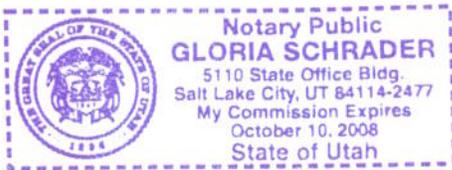
7. It is also the reputation in the community that this road has been open o the public for all to use, to come and go as they pleased, since at least as early as the 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 20<sup>th</sup> day of December, 2006.

  
NEIL JAMIESON FORSYTH

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of December, 2006.



  
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# AVON ROAD ICO-0042

T33S R14W

T33S R13

T34S R14W

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**AVON ROAD ICO-0042**

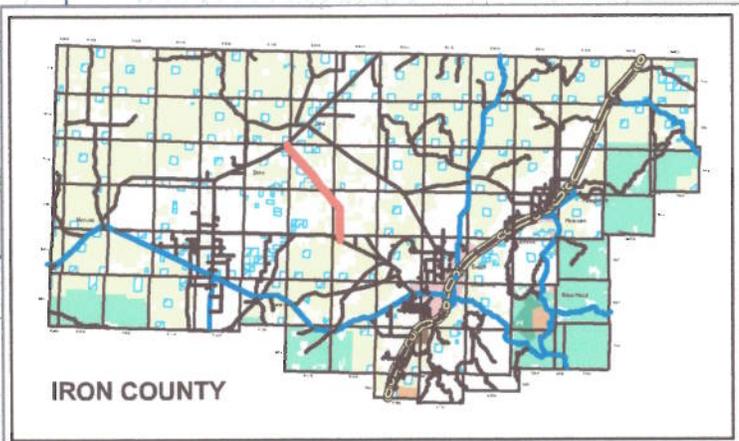
MAP PROJECTION INFORMATION  
 PROJECTION: UTM NAD 1983 METERS  
 ZONE: ZONE 12N

SECTION NUMBERING SYSTEM  
 SUBDIVISIONS ARE MAINTAINED BY IRON COUNTY AND WERE LAST UPDATED ON FEBRUARY 23, 2006

<ul style="list-style-type: none"> <li>Castlequard</li> <li>Culvert</li> <li>Fence</li> <li>Gully</li> <li>Intrusion Overview</li> <li>Material Site</li> <li>Other</li> <li>Pipe Line</li> <li>Proof of Const</li> <li>Road Photo</li> <li>Turnout</li> </ul>	<ul style="list-style-type: none"> <li>AVON ROAD</li> <li>RAILROAD</li> <li>LOCAL ROAD/TRAIL</li> <li>PAVED ROAD</li> <li>GRAVEL ROAD</li> <li>DIRT ROAD</li> <li>INTERSTATE 15</li> <li>STATE HIGHWAY</li> <li>TOWNSHIPS</li> <li>SECTIONS</li> <li>WATER BODIES</li> <li>BLM</li> <li>FOREST</li> <li>PARKS</li> <li>PRIVATE</li> <li>STATE</li> <li>WILDERNESS</li> </ul>
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Iron County cannot be held responsible for the data shown on this map. Any user wishing to use this data should contact the Iron County Information Systems Department and/or the GIS Lab. 319-777-6171 or gis@ironcounty.org

IRON COUNTY GIS



## Exhibit B

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

**Popular Name: AVON ROAD**

**County: Iron**

**County Road Number: 42**

**State Geographic Information Database (SGID) Road Identification Number: RD110042.**

**Total Road Length: 15.56 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 47 minutes 4.5 seconds North Latitude and -113 degrees 20 minutes 38.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,107,545.4 feet and Y = 10,254,807.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 58 minutes 07.66 seconds North Latitude and -113 degrees 28 minutes 049.1 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,069,590.5 feet and Y = 10,322,675.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 33 South Range 14 West, Section(s) 6,7,8,16,17,21,22,27,34,35, Salt Lake Base & Meridian  
Township 33 South Range 15 West, Section(s) 1, Salt Lake Base & Meridian  
Township 34 South Range 13 West, Section(s) 7,17,18,19,20,29,30,32, Salt Lake Base & Meridian  
Township 34 South Range 14 West, Section(s) 1,2,12, Salt Lake Base & Meridian  
Township 35 South Range 13 West, Section(s) 6, Salt Lake Base & Meridian

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