

Exhibit A

00574727

B: 1139 P: 173 Fee \$0.00
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06/30/2008 10:21:24 AM By GOVERNOR/STATE OF UTAH



AFFIDAVIT OF LYNN FIACK

BABOON PEAK ROAD

IRON COUNTY, UTAH

ROAD NUMBER 45

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 Baboon Peak 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 1987 when I last observed it. Attached is a Iron County map showing Baboon Peak 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 1987. 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 weekly.

5. Throughout the time period from the early 1960s to 1987, 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, communication access and traveling in and through the area.

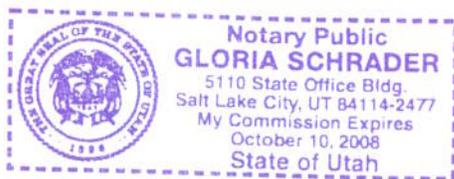
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 20th day of December, 2006.




NOTARY PUBLIC

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BABOON PEAK ICO-0045

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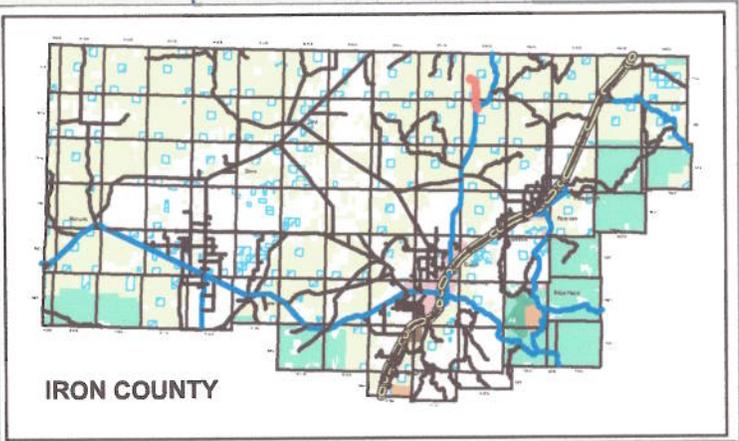
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IRON COUNTY

**BABOON PEAK
ICO-0045**

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

BABOON PEAK	Cattlequard
RAILROAD	Road Photo
LOCAL ROAD/TRAIL	Turnout
PAVED ROAD	BLM
GRAVEL ROAD	FOREST
DIRT ROAD	PARKS
INTERSTATE 15	PRIVATE
STATE HIGHWAY	STATE
TOWNSHIPS	WILDERNESS
SECTIONS	WATER BODIES

Iron County cannot be held responsible for the data shown on this map. Any corrections should be directed to the Iron County Information Systems Department at either the GIS Lab, 420-477-6271 or gis@ironcounty.gov

**IRON COUNTY
GIS**

AFFIDAVIT OF NEIL JAMIESON FORSYTH
BABOON PEAK ROAD
IRON COUNTY, UTAH
ROAD NUMBER 45

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 Baboon Peak 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 Baboon Peak 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, access to communication towers, prospecting for minerals, hunting, recreation, government access and traveling in and through the area.

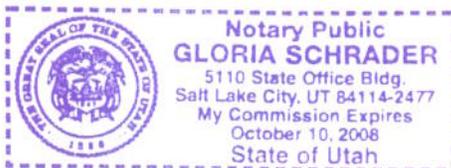
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 20th day of December, 2006.


NEIL JAMESON FORSYTH

SUBSCRIBED AND SWORN to before me this 20th day of December, 2006.




NOTARY PUBLIC

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BABOON PEAK ICO-0045

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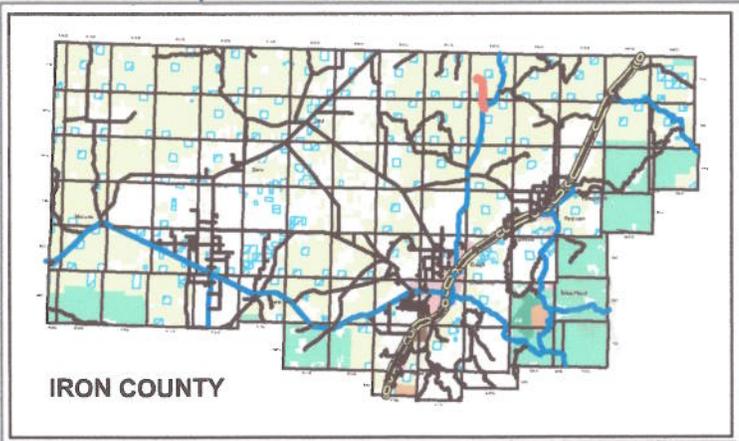
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BABOON PEAK ICO-0045

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.

BABOON PEAK	Cattleguard
RAILROAD	Road Photo
LOCAL ROAD/TRAIL	Turnout
PAVED ROAD	BLM
GRAVEL ROAD	FOREST
DIRT ROAD	PARKS
INTERSTATE 15	PRIVATE
STATE HIGHWAY	STATE
TOWNSHIPS	WILDERNESS
SECTIONS	WATER BODIES

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IRON COUNTY GIS

Exhibit B

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

Popular Name: BABOON PEAK ROAD

County: Iron

County Road Number: 45

State Geographic Information Database (SGID) Road Identification Number: RD110045.

Total Road Length: 4.95 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 02 minutes 24.77 seconds North Latitude and -112 degrees 59 minutes 39.13 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,210,112.0 feet and Y = 10,346,076.9 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 06 minutes 01.02 seconds North Latitude and -113 degrees 00 minutes 45.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,205,164.0 feet and Y = 10,368,033.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 31 South Range 10 West, Section(s) 19,20,29,32, Salt Lake Base & Meridian

Township 32 South Range 10 West, Section(s) 5,8,9, Salt Lake Base & Meridian

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