



**Exhibit A**

**00574762**

B: 1139 P: 488 Fee \$0.00 Page 2 of 9  
Patsy Cutler, Iron County Recorder  
06/30/2008 10:39:25 AM By GOVERNOR/STATE OF UTAH



**AFFIDAVIT OF LYNN FIACK**  
**BERYL HIGHWAY**  
**IRON COUNTY, UTAH**  
**ROAD NUMBER 500A**

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 Beryl Highway. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2004 when I last observed it. Attached is a Iron County map showing Beryl Highway. 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 1950s and continuing through 1976 to 2004. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, 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 1950s to 2004, I have used the road myself for road maintenance, hunting 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, travel to and from schools, railroad maintenance, farming and traveling in and through the area.

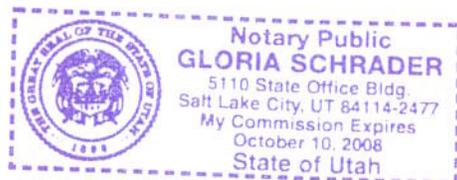
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 20th day of December, 2006.



  
NOTARY PUBLIC

**00574762**

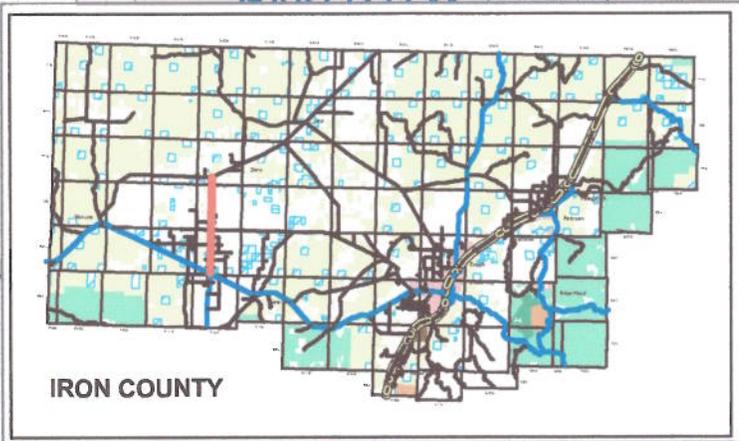
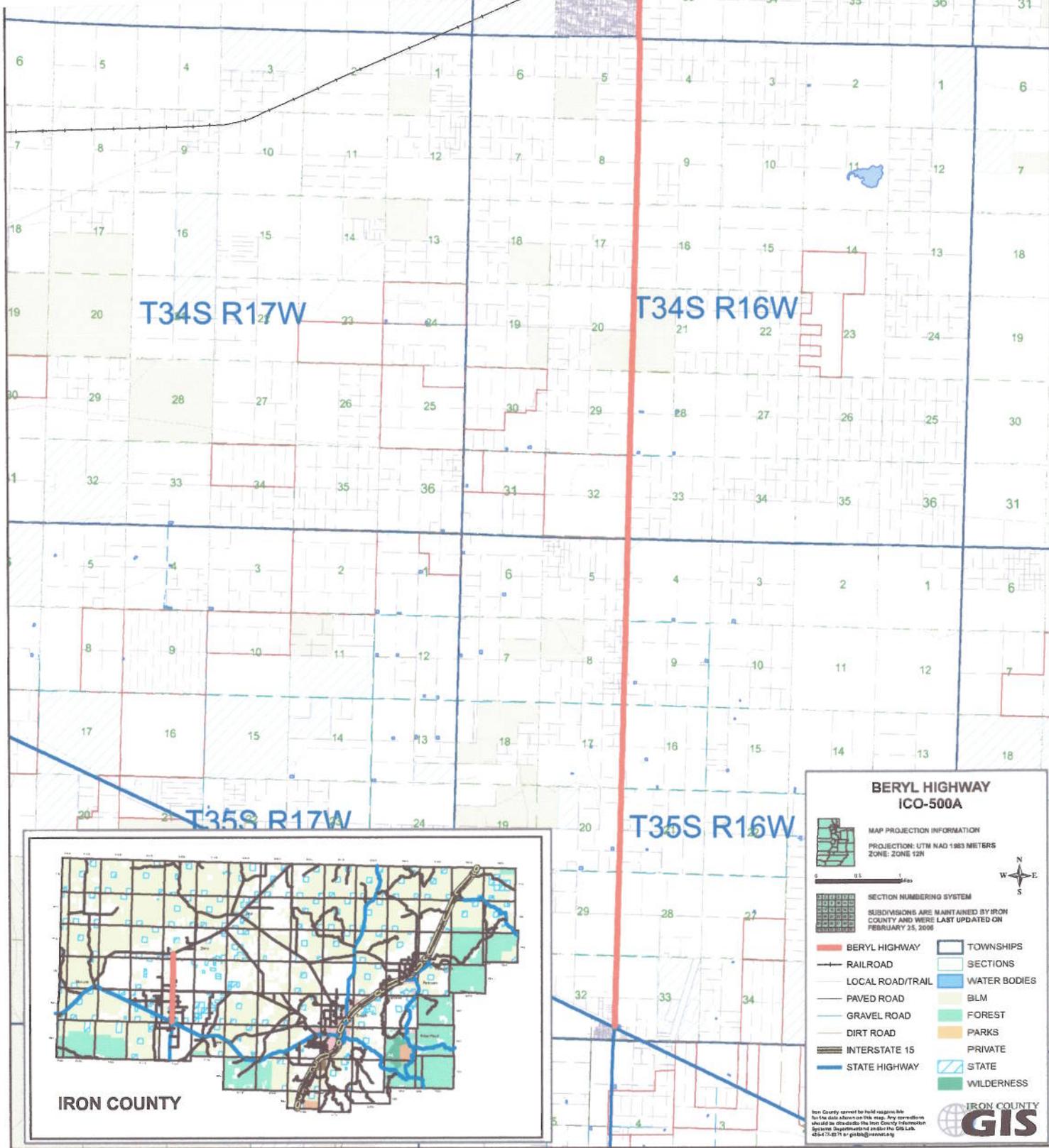
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# T33S R17W BERYL HIGHWAY ICO-500A

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**BERYL HIGHWAY ICO-500A**

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

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

|                  |              |
|------------------|--------------|
| BERYL HIGHWAY    | TOWNSHIPS    |
| RAILROAD         | SECTIONS     |
| LOCAL ROAD/TRAIL | WATER BODIES |
| PAVED ROAD       | BLM          |
| GRAVEL ROAD      | FOREST       |
| DIRT ROAD        | PARKS        |
| INTERSTATE 15    | PRIVATE      |
| STATE HIGHWAY    | STATE        |
|                  | WILDERNESS   |

Iron County cannot be held responsible for the data shown on this map. Any corrections should be obtained from the Iron County Information Services Department and/or the GIS Lab. 435-475-8171 or gislab@ironnet.org

**IRON COUNTY GIS**

**AFFIDAVIT OF NEIL JAMIESON FORSYTH**

**BERYL HIGHWAY**

**IRON COUNTY, UTAH**

**ROAD NUMBER 500A**

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 current 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 Beryl Highway. 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 2006 when I last observed it. Attached is an Iron County map showing Beryl Highway. 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 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.

**00574762**



5. Throughout the time period from the early 1960s 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, mining, oil and gas exploration, farming, prospecting for minerals, travel to and from schools, wood gathering, hunting, recreation, government access and traveling in and through the area.

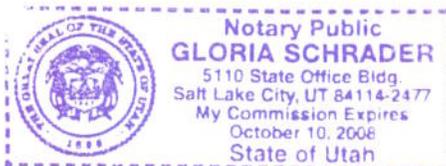
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

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

  
NEIL JAMESON FORSYTH

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



  
NOTARY PUBLIC

**00574762**

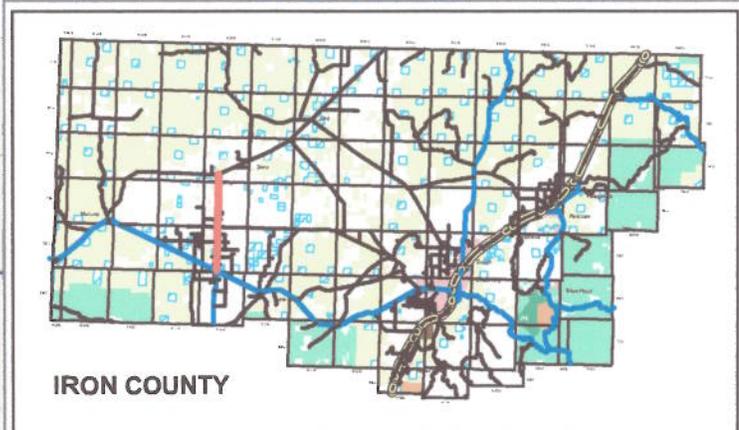
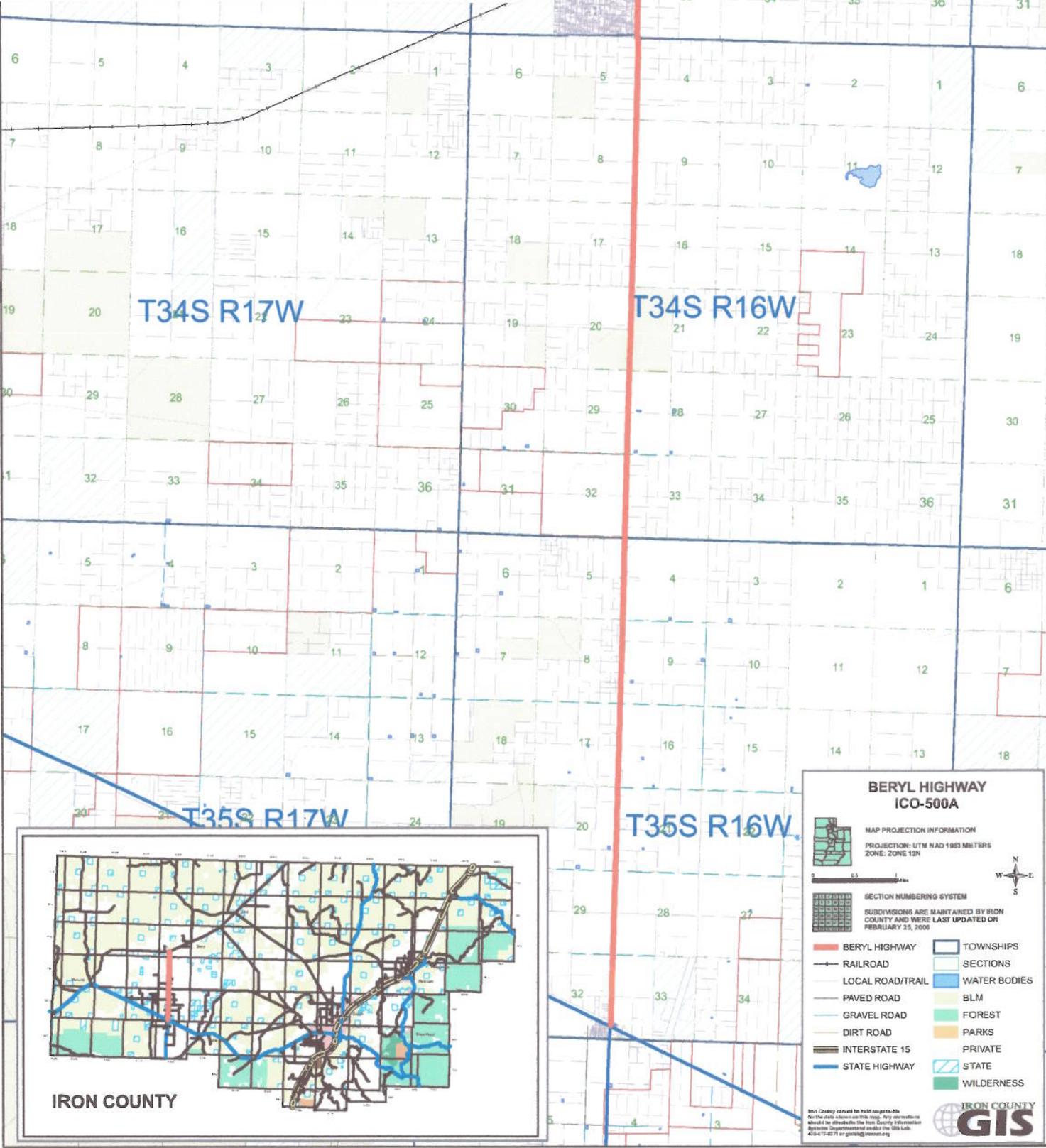
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# T33S R17W BERYL HIGHWAY ICO-500A

## 00574762

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### BERYL HIGHWAY ICO-500A

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

|  |                  |  |              |
|--|------------------|--|--------------|
|  | BERYL HIGHWAY    |  | TOWNSHIPS    |
|  | RAILROAD         |  | SECTIONS     |
|  | LOCAL ROAD/TRAIL |  | WATER BODIES |
|  | PAVED ROAD       |  | BLM          |
|  | GRAVEL ROAD      |  | FOREST       |
|  | DIRT ROAD        |  | PARKS        |
|  | INTERSTATE 15    |  | PRIVATE      |
|  | STATE HIGHWAY    |  | STATE        |
|  |                  |  | WILDERNESS   |

Iron County cannot be held responsible for the data shown on this map. Any construction should be verified by the Iron County Information Systems Department and/or the BLM. 434-781-7171 or gis@ironcount.org

**Exhibit B**

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

**Popular Name: BERYL HIGHWAY ROAD**

**County: Iron**

**County Road Number: 500A**

**State Geographic Information Database (SGID) Road Identification Number: RD119906.**

**Total Road Length: 13.07 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 42 minutes 34.16 seconds North Latitude and -113 degrees 39 minutes 22.28 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,016,723.6 feet and Y = 10,229,400.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 53 minutes 45.87 seconds North Latitude and -113 degrees 39 minutes 033.6 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,017,382.3 feet and Y = 10,297,344.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 33 South Range 16 West, Section(s) 28,32,33, Salt Lake Base & Meridian

Township 34 South Range 16 West, Section(s) 5,8,9,16,20,21,29,32, Salt Lake Base & Meridian

Township 35 South Range 16 West, Section(s) 5,8,9,16,21,28,32,33, Salt Lake Base & Meridian

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