



**Exhibit A**

**DOC # 00354963**

Affidavits B: 0602 P: 0968  
Jayrene B Nielsen Sevier County Recorder Page 2 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE 0



**AFFIDAVIT OF JERALD OLDROYD**  
**BLACK KNOLL ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6230**

State of Utah                    )  
                                          : ss.  
County of Sevier                )

JERALD OLDROYD, 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 Glenwood, Sevier County, Utah. I have lived in Sevier County since 1933.

2. I have traveled and am familiar with a road in Sevier County known as the Black Knoll 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 Sevier County map showing the Black 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.

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. During this time period I have observed travel on the road by various means, including automobiles, bicycles, walking, pickups, campers, jeeps, horses, and four wheelers. During this time period, the road has been used daily.

5. During the time period from 1950 to 2006, I have used the road myself for the following uses: recreation, hunting and fishing.

**DOC # 00354963**

Affidavits B: 0602 P: 0969  
Jayrene B Nielsen Sevier County Recorder Page 3 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE 0



6. During the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: Oil and gas exploration, prospecting for minerals, livestock operations, farming, tourism, recreation, hunting and fishing.

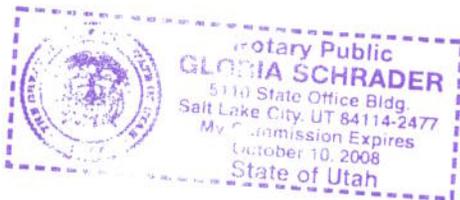
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 15 day of November, 2006.

  
JERALD OLDROYD

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of November, 2006.



  
NOTARY PUBLIC

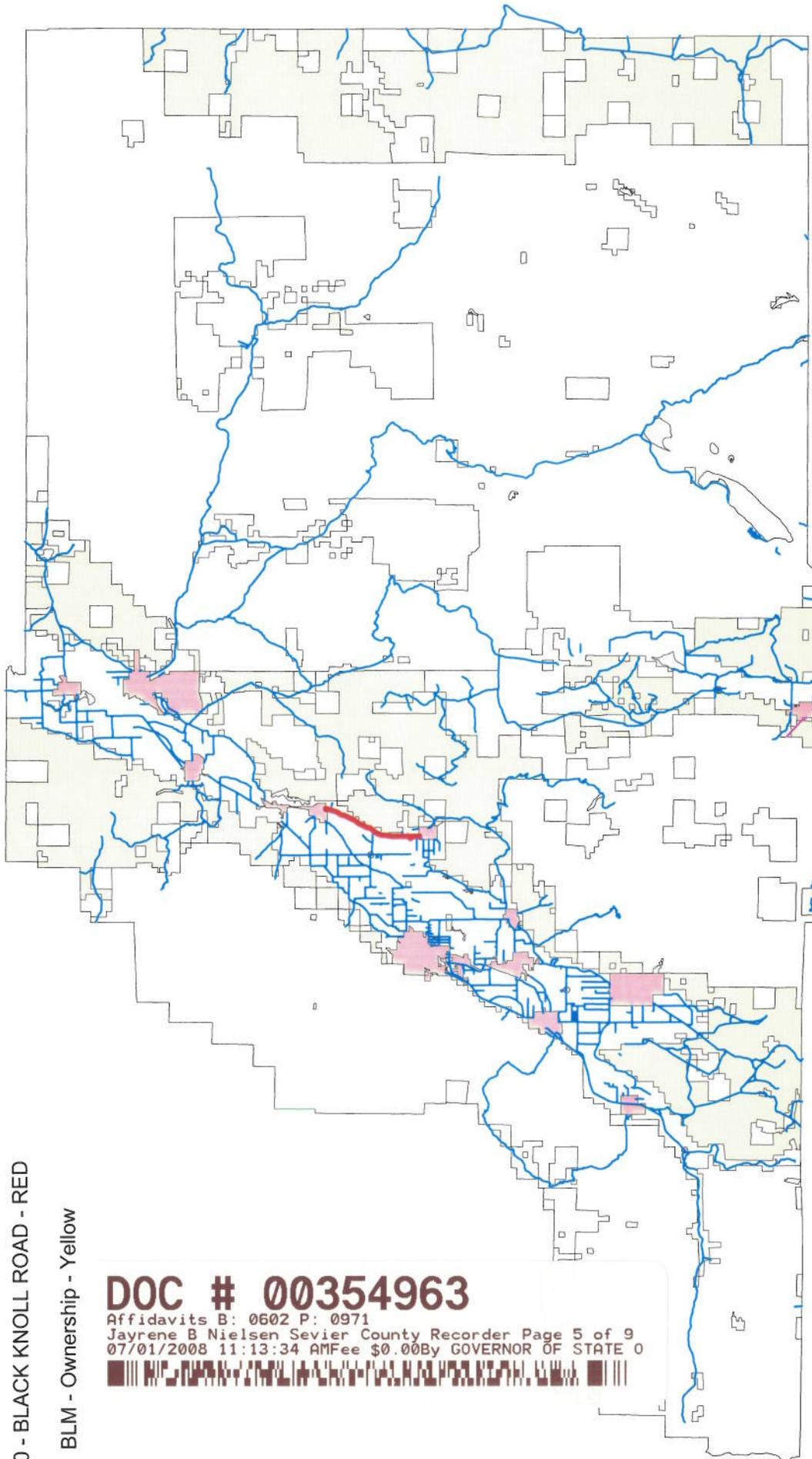
**THIS IS NOT A CLEAR  
NOTARY SEAL**

**DOC # 00354963**

Affidavits B: 0602 P: 0970  
Jayrene B Nielsen Sevier County Recorder Page 4 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE OF UTAH  


SEVIER COUNTY  
RS2477  
October 19, 2006

Class "B" Maintained Roads - Blue  
6230 - BLACK KNOLL ROAD - RED  
BLM - Ownership - Yellow



**DOC # 00354963**

Affidavits B: 0602 P: 0971  
Jayrene B Nielsen Sevier County Recorder Page 5 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE 0



**AFFIDAVIT OF IVAN COWLEY**  
**BLACK KNOLL ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6230**

State of Utah                    )  
                                          : ss.  
County of Sevier                )

IVAN COWLEY, 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 Venice, Sevier County, Utah. I have lived in Sevier County since the 1930's.
2. I have traveled and am familiar with a road in Sevier County known as the Black Knoll Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1940, it followed the same route as in September 2006 when I last observed it. Attached is a Sevier County map showing the Black 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.
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 1940 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including horses, walking, farm equipment, tractors, road equipment and vehicles. Throughout this time period, the road has been used daily.
5. Throughout the time period from 1940 to 2006, I have used the road myself for the following uses: Livestock operations, hauling wood, and recreation.

**DOC # 00354963**

Affidavits B: 0602 P: 0972  
Jayrene B Nielsen Sevier County Recorder Page 6 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE O



6. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following additional uses: Prospecting for minerals, oil and gas exploration or development, tourism, pinion nut gathering, government access, farming, logging, mail delivery, wood gathering, traveling to and from schools, and recreation such as camping, picnicking, hiking, sightseeing, hunting, fishing, and traveling through the area.

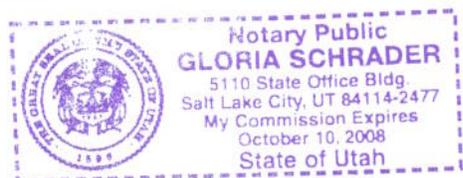
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1880 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

8. Construction and maintenance of the road before 1976 were performed by Sevier County. I know this because I personally observed graders, caterpillars, and dump trucks in the years 1940 to present.

DATED this 15<sup>th</sup> day of November, 2006.

  
IVAN COWLEY

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of November, 2006.

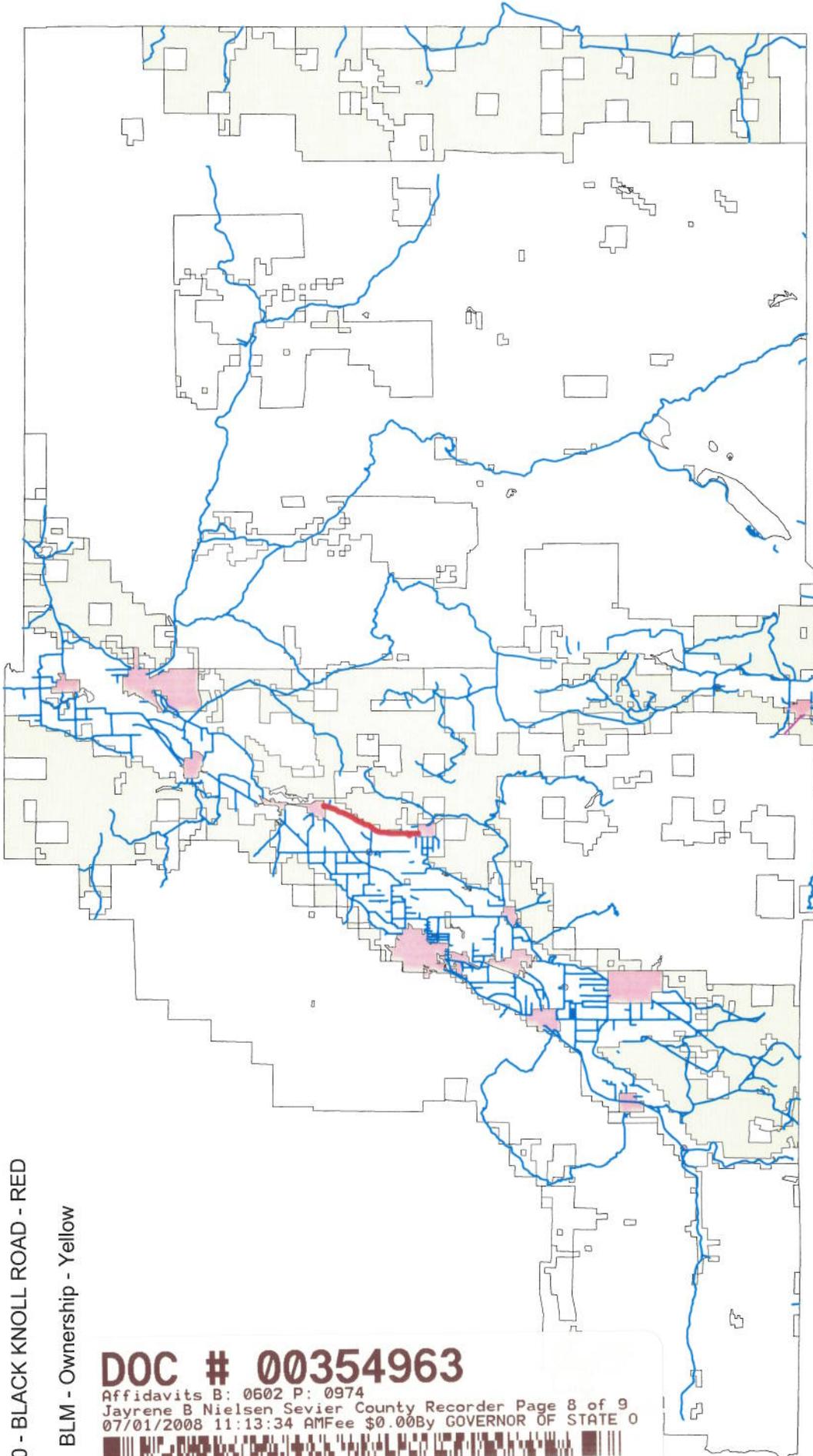
  
Notary Public  
GLORIA SCHRADER  
5110 State Office Bldg.  
Salt Lake City, UT 84114-2477  
My Commission Expires  
October 10, 2008  
State of Utah

  
NOTARY PUBLIC

**DOC # 00354963**  
Affidavits B: 0602 P: 0973  
Jayrene B Nielsen Sevier County Recorder Page 7 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE O  


SEVIER COUNTY  
RS2477  
October 19, 2006

Class "B" Maintained Roads - Blue  
6230 - BLACK KNOLL ROAD - RED  
BLM - Ownership - Yellow



**DOC # 00354963**

Affidavits B: 0602 P: 0974  
Jayrene B Nielsen Sevier County Recorder Page 8 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE 0



## Exhibit B

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

**Popular Name:** 61p, 187g \_Black Knoll Road

**County:** Sevier

**County Road Number:** 6230

**State Geographic Information Database (SGID) Road Identification Number:** RD210063.

**Total Road Length:** 4.67 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 46 minutes 07.29 seconds North Latitude and -111 degrees 59 minutes 25.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,500,573.7 feet and Y = 6,720,628.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 49 minutes 54.56 seconds North Latitude and -111 degrees 58 minutes 01.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,507,327.5 feet and Y = 6,743,587.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 23 South Range 2 West, Section(s) 1,11,12,14,23,26, Salt Lake Base & Meridian

**DOC # 00354963**

Affidavits B: 0602 P: 0975  
Jayrene B Nielsen Sevier County Recorder Page 9 of 9  
07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE 0

