



**Exhibit A**

**DOC # 00354973**

Affidavits B: 0603 P: 0056  
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07/01/2008 11:33:03 AM Fee \$0.00 By GOVERNOR OF STATE 0



**AFFIDAVIT OF PHIL BARNEY**  
**S/E ANNABELLA WATERLINE ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6387**

State of Utah                    )  
  : ss.  
County of Sevier                )

PHIL BARNEY 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 Salina City in Sevier County, Utah. I was born in Sevier County in 1942 leaving in 1967 for another work opportunity and returning to Sevier County in 1977. I have worked in Law Enforcement in Sevier County since 1977 and am presently the Sevier County Sheriff. Work related activities both for Law Enforcement and Search and Rescue has given me first hand knowledge of the majority of the roads in this county.
2. I have traveled and am familiar with a road in Sevier County known as the S/E Annabella Waterline Road (County Road Number 6387). I am also familiar with the land the road traverses. When I first used and observed the road in 1955, it followed the same route as 2006 when I last observed it. Attached is a Sevier County map showing S/E Annabella Waterline Road (County Road Number 6387). 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 1955 and continuing through 1976 to 2006.

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Throughout this time period I have observed travel on the road by various means, including automobiles, pickups, horseback, ATV's, motorcycles and bikes. Throughout this time period, the road has been used weekly.

5. Throughout the time period from 1955 to 2006, I have used the road myself for traveling through the area for hunting, search and rescue i.e. flooding and sheriff's activities and investigations and picnicking.

7. 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 uses: livestock operations, oil and gas exploration, mining, and prospecting for minerals.

8. 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 1950's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

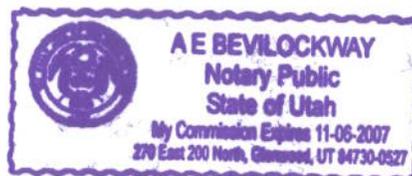
9. Prior to 1976, I observed gravel on the road as well as graders performing maintenance/construction activities on the road.

DATED this 14 day of November, 2006.

Phil Barney  
PHIL BARNEY

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of November, 2006.

A E Bevilockway  
NOTARY PUBLIC

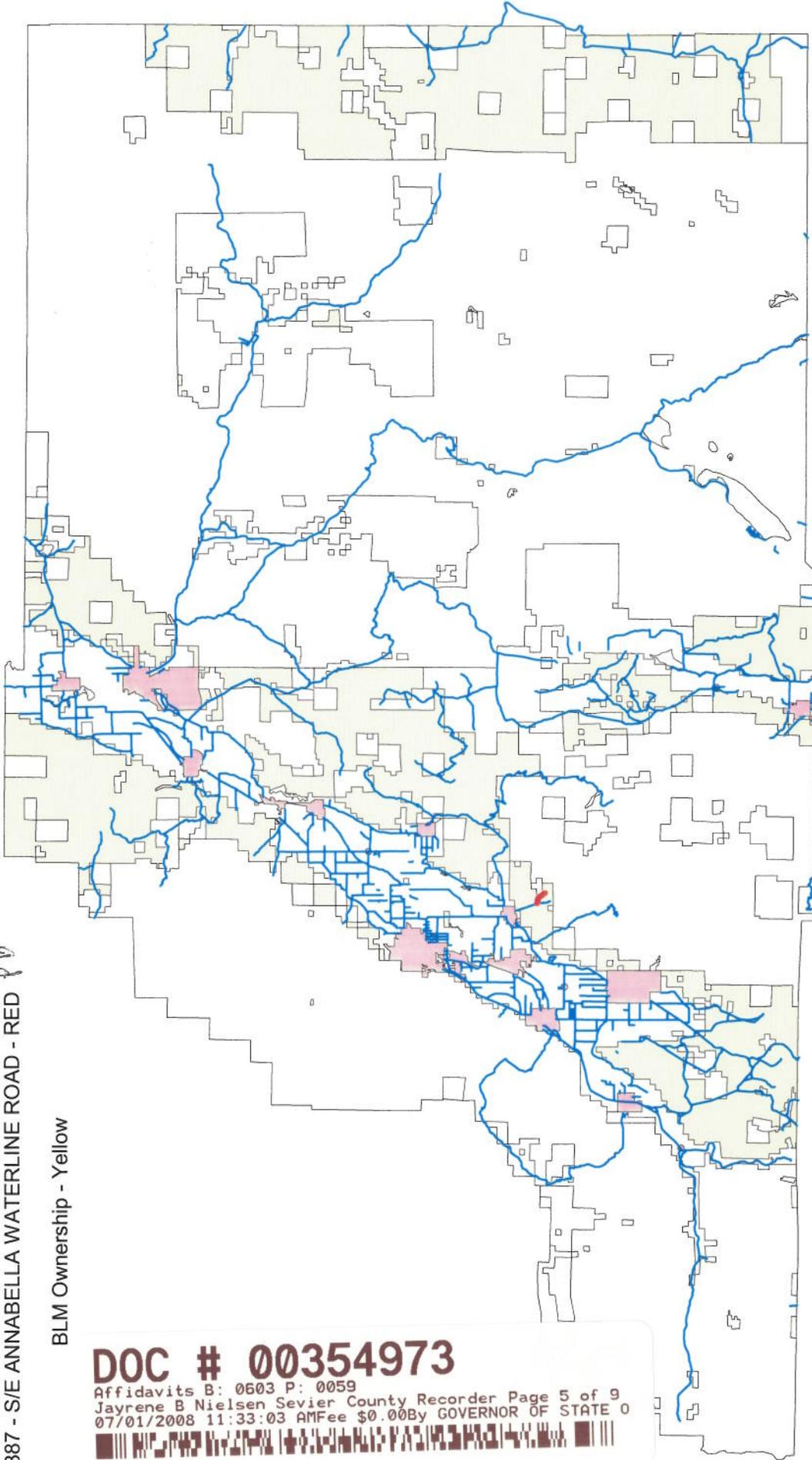


SEVIER COUNTY  
RS2477  
October 18, 2006

Class "B" Maintained Roads - Blue

6387 - S/E ANNABELLA WATERLINE ROAD - RED 

BLM Ownership - Yellow



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**AFFIDAVIT OF WALTER ROBERTS**  
**SOUTHEAST ANNABELLA WATERLINE ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6387**

State of Utah                    )  
  : ss.  
County of Sevier                )

WALTER ROBERTS 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 Annabella, Sevier County, Utah. I have lived in Sevier County since 1927.
2. I have traveled and am familiar with a road in Sevier County known as the Southeast Annabella Waterline 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 2006 when I last observed it. Attached is a Sevier County map showing the Southeast Annabella Waterline 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 identifier 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 trucks, horses, and four wheelers. 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: I helped to construct a dam for Annabella City in 1970 and hunting.

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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 uses: Wood gathering, hunting, and traveling in and through the area.

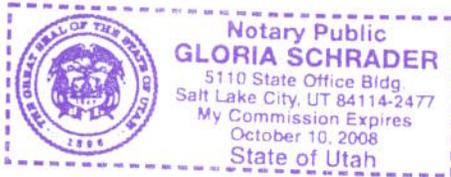
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 15 day of November, 2006.

  
WALTER ROBERTS

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



  
NOTARY PUBLIC

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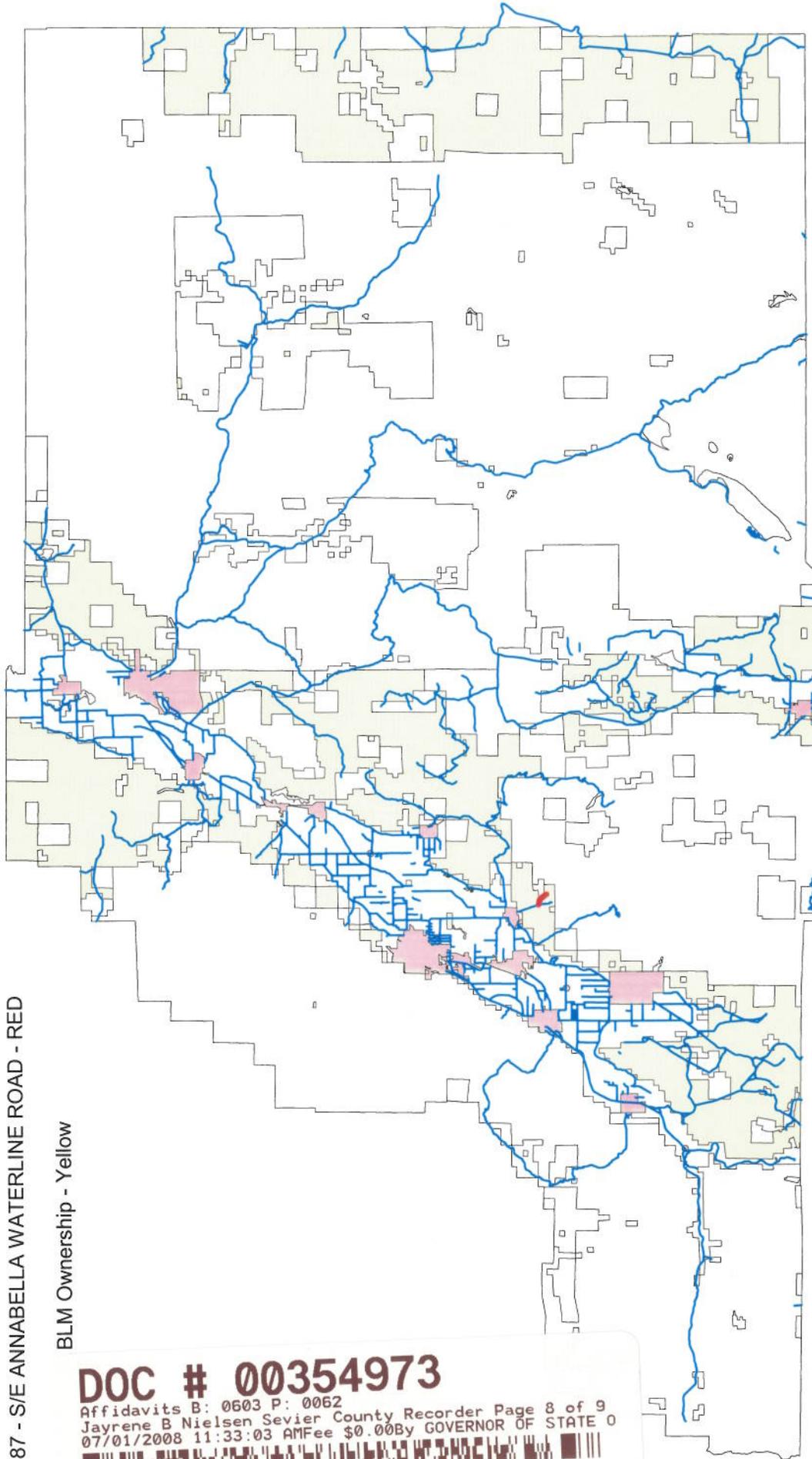


SEVIER COUNTY  
RS2477  
October 18, 2006

Class "B" Maintained Roads - Blue

6387 - S/E ANNABELLA WATERLINE ROAD - RED

BLM Ownership - Yellow



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## Exhibit B

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

**Popular Name:** 1059da\_Southeast Annabella Waterline Road

**County:** Sevier

**County Road Number:** 6387

**State Geographic Information Database (SGID) Road Identification Number:** RD210071.

**Total Road Length:** 0.67 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 41 minutes 16.26 seconds North Latitude and -112 degrees 02 minutes 58.05 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,483,558.4 feet and Y = 6,691,282.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 40 minutes 56.87 seconds North Latitude and -112 degrees 02 minutes 26.07 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,486,083.1 feet and Y = 6,689,305.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 24 South Range 2 West, Section(s) 29, Salt Lake Base & Meridian

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