



## Exhibit A

**AFFIDAVIT OF LYNN JAMES  
EMIGRANT PASS ROAD  
COUNTY ROAD NUMBER 3  
BOX ELDER COUNTY, UTAH**

State of Utah )  
 :ss  
County of Box Elder )

Lynn James, 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 Cache County, Utah. I was born in Box Elder County and my father owned the Muddy Ranch in western Box Elder County until the early 1970's. I lived there years ago and am familiar with the area. I still own land and run cattle in the area.

2. I have traveled on and am familiar with a road in Box Elder County known as Emigrant Pass Road. I am also familiar with the land the road traverses. I am familiar with the road because my family and I have ranched in the area for many years. I have traveled the road many times since the early 1940s. When I first used and observed the road in the early 1940s, it followed the same route as in 2006 when I last observed it. Attached is a Box Elder County map showing Emigrant Pass 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. The County also identifies this road according to the road number listed above.

3. 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 1940s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by horseback and motor vehicles.

4. Throughout the time period described in the previous paragraph I have observed vehicles using the road at various times for ranching, wood gathering, hunting, trapping, sightseeing,

camping, recreation and traveling in and through the area.

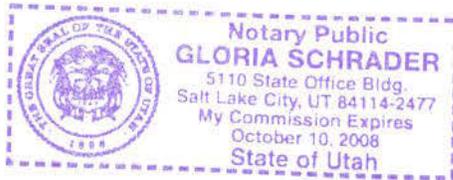
5. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to the present, for the uses described in the previous paragraph.

7. The road has been maintained by grading since at least as early as the 1950s. It has since been graded every year starting long before 1976 and continuing to the present.

DATED this 29 day of November, 2006.

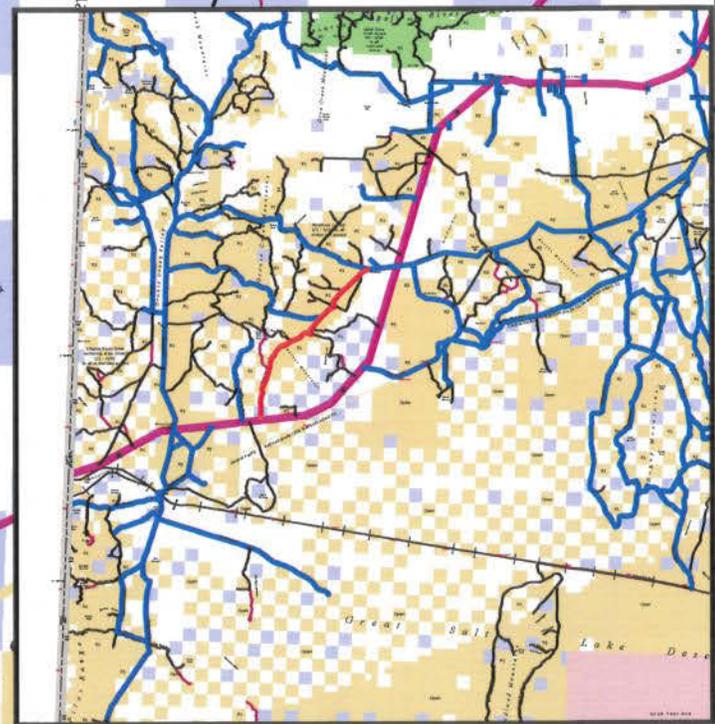
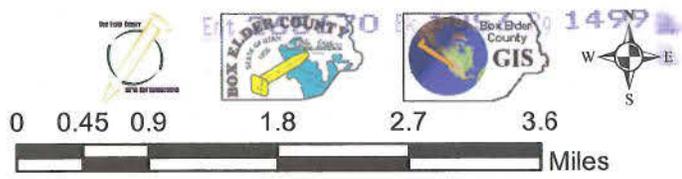
  
Lynn James

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of November, 2006.



  
NOTARY PUBLIC

Road Name: Emigrant Pass Road  
County Unique Number: 3



**AFFIDAVIT OF JOHN COLLOM**  
**EMIGRANT PASS ROAD**  
**COUNTY ROAD NUMBER 3**  
**BOX ELDER COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Box Elder         )

John Collom, 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 Box Elder County, Utah. I have been the Box Elder County Road Supervisor from 1983 to the present. I have been employed by the Box Elder County Road Department since 1961.

2. I have traveled worked on and am familiar with a road in Box Elder County known as Emigrant Pass Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1962, it followed the same route as in 2006 when I last observed it. Attached is a Box Elder County map showing Emigrant Pass 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. The County also identifies this road according to the road number listed above.

3. 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 1962 and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by horseback, cars, recreational vehicles and trucks. Throughout this time period, the road has been used numerous times during the week with year-round access. It was used continuously for more than ten years prior to 1976.

4. Throughout the time period from 1961 to the present, I have traveled the road in my capacity as Box Elder County road employee.

5. Throughout the time period described in the previous paragraph I have observed vehicles using the road at various times for ranching, farming, hunting, mining, sightseeing, camping, recreation and traveling in and through the area. The road accesses several rock mines, and the Air Force uses the road to access a tower they use for operations in the area.

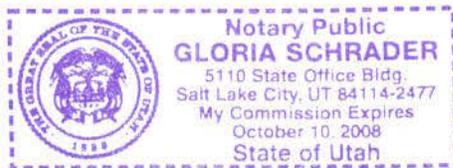
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1962 and continuing through 1976 to the present, for the uses described in the previous paragraph.

7. The road was constructed before I started working for the county and has been maintained by the county road crew ever since I started working there in 1962.

DATED this 28 day of November, 2006.

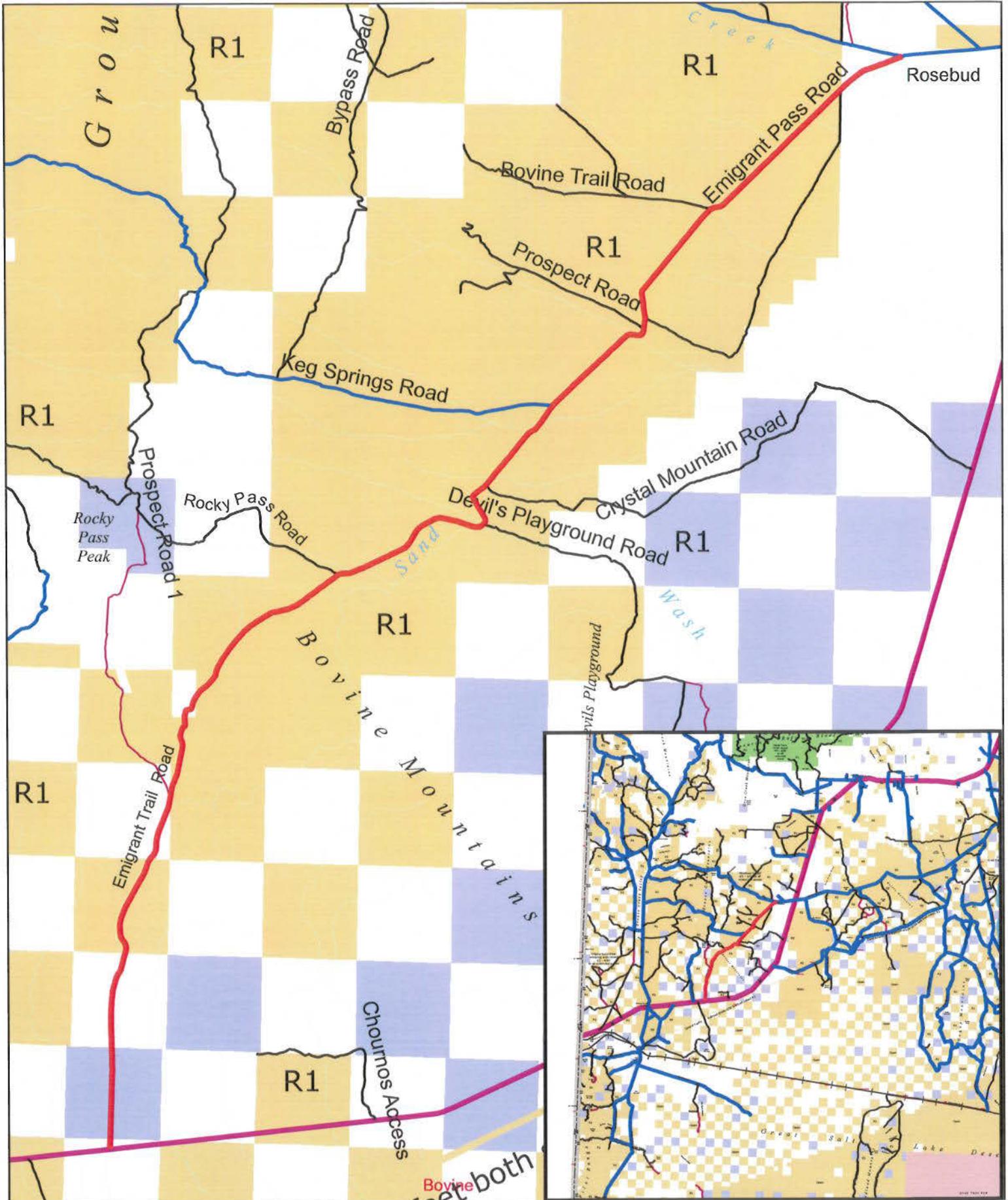
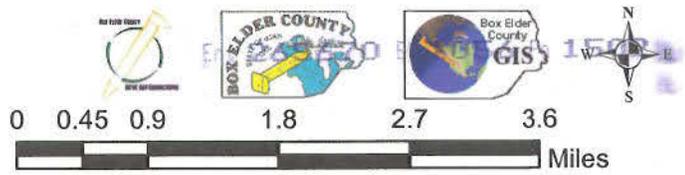
  
\_\_\_\_\_  
John Collom

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of November, 2006.



  
\_\_\_\_\_  
NOTARY PUBLIC

Road Name: Emigrant Pass Road  
County Unique Number: 3



## Exhibit B

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

**Popular Name: Emigrant Pass Road**

**County: Box Elder**

**County Road Number: 3**

**State Geographic Information Database (SGID) Road Identification Number: RD020071.**

**Total Road Length: 15.92 miles more or less.**

**Beginning at a point** on the road centerline located at 41 degrees 26 minutes 06.08 seconds North Latitude and -113 degrees 45 minutes 040.6 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,020,443.9 feet and Y = 3,690,288.5 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 41 degrees 36 minutes 21.58 seconds North Latitude and -113 degrees 36 minutes 022.7 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,064,433.3 feet and Y = 3,751,499.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 North Range 15 West, Section(s) 7, Salt Lake Base & Meridian

Township 10 North Range 16 West, Section(s) 12,13,14,22,23,27,33,34, Salt Lake Base & Meridian

Township 8 North Range 17 West, Section(s) 2,11, Salt Lake Base & Meridian

Township 9 North Range 16 West, Section(s) 4,5,6,7, Salt Lake Base & Meridian

Township 9 North Range 17 West, Section(s) 12,13,23,24,26,35, Salt Lake Base & Meridian