



**Exhibit A**

**00574712**

B: 1139 P: 38 Fee \$0.00  
Patsy Cutler, Iron County Recorder Page 2 of 9  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH



**AFFIDAVIT OF LYNN FIACK**  
**SILVER MINE BENCH ROAD**  
**IRON COUNTY, UTAH**

**ROAD NUMBER 25**

State of Utah                    )  
                                          : SS.  
County of Iron                    )

**00574712**

B: 1139 P: 39                    Fee \$0.00  
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06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH



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 Silver Mine Bench 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 Silver Mine Bench 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, road maintenance vehicles and trucks. Throughout this time period, the road has been used daily.

5. Throughout the time period from the early 1960s to 1987, I have used the road

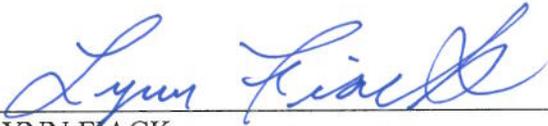
myself for road maintenance and travel in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed vehicles from the general public using the road at various times for livestock operations, farming, and traveling in and through the area.

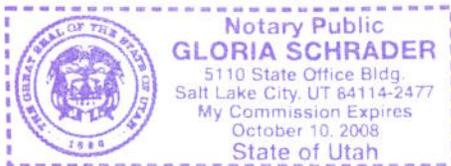
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 21 day of December, 2006.

  
LYNN FIACK

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of December, 2006.



  
NOTARY PUBLIC

**00574712**

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# SILVER MINE BENCH ICO-0025

**T35S R17W**

**T36S R17W**

**T36S R16W**

**00574712**

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## SILVER MINE BENCH ICO-0025



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

- Cattlequard
- Culvert
- Fence
- Jct DND
- Road Photo
- Survey Monument
- SILVER MINE BENCH
- WATER BODIES
- TOWNSHIPS
- SECTIONS
- RAILROAD
- LOCAL ROAD/RAIL
- PAVED ROAD
- GRAVEL ROAD
- DIRT ROAD
- INTERSTATE 15
- STATE HIGHWAY
- BLM
- FOREST
- PARKS
- PRIVATE
- STATE
- WILDERNESS

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IRON COUNTY

**AFFIDAVIT OF NEIL JAMIESON FORSYTH**  
**SILVER MINE BENCH ROAD**  
**IRON COUNTY, UTAH**  
**ROAD NUMBER 25**

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 Silver Mine Bench 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 2006 when I last observed it. Attached is a Iron County map showing Silver Mine Bench 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 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 weekly.

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5. Throughout the time period from the early 1960s to the present, I have used the road myself for hunting and 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, farming, mining, prospecting for minerals, travel to and from schools, mail delivery, wood gathering, recreation, government access and traveling in and through the area.

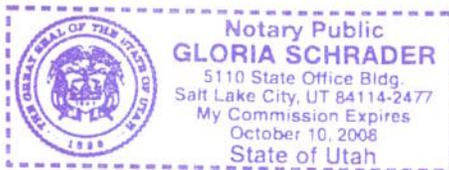
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

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

  
NEIL JAMIESON FORSYTH

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



  
NOTARY PUBLIC

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# SILVER MINE BENCH ICO-0025

**T35S R17W**

**00574712**

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**T36S R17W**

**T36S R16W**

## SILVER MINE BENCH ICO-0025



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, 2009

- Cattlequard
- Culvert
- Fence
- Jct DND
- Road Photo
- Survey Monument
- SILVER MINE BENCH
- WATER BODIES
- TOWNSHIPS
- SECTIONS
- RAILROAD
- LOCAL ROAD/RAIL
- PAVED ROAD
- GRAVEL ROAD
- DIRT ROAD
- INTERSTATE 15
- STATE HIGHWAY
- BLM
- FOREST
- PARKS
- PRIVATE
- STATE
- WILDERNESS

Iron County cannot be held responsible for the data shown on this map. Any corrections should be provided to the Iron County Information Systems Department at the GIS Lab 43477-0271 or [gis@ironcountyu.gov](mailto:gis@ironcountyu.gov)



IRON COUNTY

## Exhibit B

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

**Popular Name: SILVER MINE BENCH ROAD**

**County: Iron**

**County Road Number: 25**

**State Geographic Information Database (SGID) Road Identification Number: RD110025.**

**Total Road Length: 8.69 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 36 minutes 16.87 seconds North Latitude and -113 degrees 42 minutes 45.35 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 999,506.7 feet and Y = 10,191,631.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 43 minutes 45.35 seconds North Latitude and -113 degrees 42 minutes 40.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,000,971.0 feet and Y = 10,236,971.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 35 South Range 17 West, Section(s) 25,26,36, Salt Lake Base & Meridian

Township 36 South Range 17 West, Section(s) 1,12,13,23,24,25,36, Salt Lake Base & Meridian

Township 37 South Range 17 West, Section(s) 1, Salt Lake Base & Meridian

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