

STATE OF NEVADA  
 COUNTY OF LANDER

|  
 |  
 |

AFFIDAVIT

BEFORE ME, the undersigned Notary Public in and for Lander County, Nevada, personally appeared Daniel Shovelin, known to me to be the person whose name is subscribed below, who, having been duly sworn, on oath stated:

My name is Daniel Shovelin and I am a resident of Battle Mountain, Nevada, having lived here since 1916. I am over the age of twenty-one (21) years.

I am very familiar with the road known as the Rossi Haul Road and was personally involved in obtaining for National Lead Company the rights-of-way required for the road's initial construction. My recollection is that the Rossi Haul Road construction contract was let to Hunt & Frandsen, Contractors, some time around 1946 or early 1947. The Road lies in Elko and Eureka Counties and runs from N L's Rossi Mine in Elko County approximately 28 miles before it intersects Highway 40, from which it then runs West about 2 1/2 miles to N L's Plant at Dunphy, Nevada. Work on the Road began in May 1947 and the old National Lead Company began hauling over it around August of that year, shipping its ore via Wells Fargo trucks down to Los Angeles.

The way in which I became involved in helping to acquire the rights-of-way for the Road was that I owned and ran a garage and parts and supply house in Battle Mountain and a National Lead representative came up from Los Angeles and tried unsuccessfully to get an easement from the two land owners, Filippini and Hill. Then Mr. Hester, National's Production Manager, came up here and spent a couple of weeks also trying to get the easements but also couldn't make it. I remember that Mr. Hester talked with me on a Sunday and told me he couldn't do it and guessed he'd have to go back to Los Angeles and eat crow. I told Mr. Hester to give me the papers and let me

try. The first place I went to was the Horseshoe Cattle Company Ranch (now called T Lazy S) owned by Mr. Hill. I knew he'd be the toughest one to get. I don't remember his first name, but he was quite a gentleman. His son, Elmer, later took over the Ranch from him. Some syndicate owns it now. Anyway, the first place I came to was Mr. Hill's. We talked awhile and then I told him I wanted to get an easement for National Lead's haul road. He said, "No." I asked why. He said, "Well, if National Lead puts a nice road up there it will be too easy for cattle rustlers to get in and rustle our cattle." As I got up and got ready to go, Mr. Hill asked me what I was going to get out of it - any money? I told him, "No," but that if National comes in they would need parts and supplies and that would be my pay. Mr. Hill then said, "O.k., if that's the case, I'll sign."

I then went to see the Filippinis - they were sitting up on their porch. When I talked to them, Joe was pretty quiet but Julie got mad as the dickens and slammed things around and said she would be damned if she would sign anything and then went inside. I stayed and talked with Joe and Joe said, "Did you get Hill?" I said, "Yes," and showed him the paper Mr. Hill had signed. Joe then talked with Julie and both of them signed. They asked me about whether National was going to pay any money and I said, "No, but Mr. Hester said that he would drill some water wells for you fellows and that's about all." That seemed to satisfy him.

After the Haul Road was finished by Hunt & Frandsen, National began hauling ore some time in August of 1947, as I said, and since that time everybody who has wanted to use the road has used it. There are casual visitors, hunters, prospectors, all sorts of people who have used it all along and who are using it all the time. I don't see how the hell anyone could keep you fellows from using that Haul Road because National Lead has had those easements

RECORDED AT THE REQUEST OF W. H. Fogleman, Jr.  
 On Sep. 9, 1974, at 10 mins. past 11 A. M.  
 Book 49 of OFFICIAL RECORDS, page 497-498 RECORDS OF  
 IREKA COUNTY, NEVADA. William A. DeLoach Recorder.  
 File No. 59231 Fee \$ 4.00

Daniel Shovelin  
 Daniel Shovelin

SWORN TO AND SUBSCRIBED before me this 27<sup>th</sup> day of August, 1973.

M. S. FISHER  
 Notary Public - State of Nevada  
 Lander County  
 My Commission Expires Jan. 17, 1975

M. S. Fisher  
 Notary Public

In and for Lander County, Nevada  
 My Commission Expires: Jan 17, 1975 - 2 - BOOK 49 - PAGE 498