

STATE OF NEVADA
 COUNTY OF LANDER

AFFIDAVIT

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

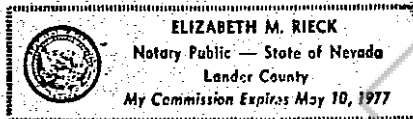
My name is Marc Durfee and I am a resident of Battle Mountain, Nevada, having lived here since 1948. I am very familiar with the road known as Rossi Haul Road and have been ever since I began work for Baroid at Rossi in 1947. I have read the Affidavit dated the 27th day of ~~June~~ ^{August}, 1973, given by Mr. Daniel Shovelin, and have personal knowledge that the facts he stated therein pertaining to the Rossi Haul Road are true and correct. I have been familiar with Baroid's (National Lead's) efforts to get the necessary easements from the Filippini's and Hill and how Mr. Shovelin himself finally succeeded in getting both landowners to sign.

In addition to National Lead drilling some water wells for the Filippini's and for Mr. Hill, as Mr. Hester, their Production Manager, stated they would, National also put in a cattle guard where the Haul Road intersects Highway 40. I worked at Baroid's Rossi Mine from 1947 until I retired in 1970. I am therefore very familiar with the construction and use of the Rossi Haul Road for the entire time between 1947 and 1970. In addition to National Lead, there have been all kind of users of that Road: Frank Maloney used the road for hauling, we (National Lead) have; and we also gave Dresser the right to use that Road for some hauling, but my recollection is that they never had any ore to haul. In addition to the ones who used the road for hauling ore, the Road has always been used very heavily by hunters and prospectors and people visiting the area. All sorts of people have used and are using it all the time; however, under National Lead's agreement with the Filippini's and with Mr. Hill, National is responsible for maintaining the road and keeping it in passable

shape. At the time the easements were first granted to National Lead, Mr. Hill owned the Ranch in the name of the Horseshoe Cattle Company. The Ranch is presently owned by a syndicate and is called "T Lazy S Ranch". I don't see how there could be any question regarding National Lead's right to use the road it constructed with its own money and has used all these years.

Marc Durfee
Marc Durfee

SWORN TO AND SUBSCRIBED before me this 1st day of ~~June~~ ^{September}, 1973.



Elizabeth M. Rieck
Notary Public
In and for Lander County, Nevada

My commission expires: May 10 - 1977



RECORDED AT THE REQUEST OF W. H. Fogleman, Jr.
on Sep. 9 19 74 at 11 mins. past 11 A.M.
Book 49 of OFFICIAL RECORDS, page 499-500 RECORDS OF
BLAKE COUNTY, NEVADA William C. DeTasio Recorder
File No. 59232 Fee \$ 4.00
FILE NO. 59232

BOOK 49 PAGE 500