

State of Utah)
 : ss.
County of Weber)

Elmer J. Widic, 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.

D28

2. I have observed the road that Daggett County has designated as Road D28 since 1965, and the road descriptions herein pertain to that road. It is located in the northeastern corner of Utah, in the Clay Basin.

3. I am familiar with the indicated road, because I lived and worked near its north end at the Clay Basin Camp for seventeen years, from 1965 until 1982, and traveled it almost daily. I have also had occasion to observe the road on return visits to the Clay Basin since 1982.

4. The road begins on the south end at its intersection with Brown's Park Road. It proceeds northeast for about a half mile and then turns 90 degrees and proceeds northwest for about one and one-half miles, ending at Clay Basin Camp.

5. I began working as Field Foreman of the Clay Basin Field in 1965 for Mountain Fuel Supply Company, which operated a number of gas wells in the Clay Basin Field. I remained so employed until 1982. During that time period I was personally familiar with the construction and maintenance activities on the of roads used for well service access in the Clay Basin Field, including Daggett County Road D28.

6. From the time I first began traveling the road in 1965, I observed evidence of construction, including grading, the addition of gravel, berms, ditches and disturbed areas at the sides of the road and culverts.

7. As Field Foreman for Mountain Fuel Supply Company, I was personally familiar with the construction and maintenance activities on the road. Such activities included grading with a road grader on an annual basis, monthly dragging of the road surface with pipes and tires pulled behind well service vehicles, and periodic installation, repair and cleaning work on culverts as needed. I specifically recall that culverts were often constructed of 20 inch pipe.

8. The road has been open to the public for all to use, to come and go as they please, from 1965 until 1982 and thereafter. I have never known the road to be closed.

9. Since before 1965 and continuing to the present, the road has been used for gas exploration and development, including frequent travel by large tanker trucks and trucks hauling drilling and well service equipment. It has also been used for access to grazing allotments by livestock owners, hunting, transportation to and from the Clay Basin Camp by residents who live there and visitors, and transportation from the Clay Basin north to Rock Springs, Wyoming, and south to Vernal, Utah. I personally have observed the aforementioned uses. I am personally acquainted with A. Wright Dickinson, whose livestock have grazed on the land surrounding the road for many years.

10. By my personal observation, travelers on the road from 1965 and thereafter included those who traveled by horseback, cars, recreational vehicles and trucks of all sizes.

11. When I first traveled the road in July of 1965 it ran the same route as it did in 2002, the last time I observed it, and I have no reason to believe that it does not run the same route today. The road was well established as of July of 1965. The entire road is approximately two miles long and the width of the traveled portion is approximately twenty-two feet for most of its length, but ranges from twenty to twenty-five feet. I recall that there was a 15 MPH speed limit sign near the north end of the road to warn travelers to slow down as they entered the residential area of Clay Basin Camp. Along the road there are typically berms, ditches and disturbed areas to facilitate maintenance and drainage, and occasional culverts for drainage. The surface of the road is native dirt, with gravel added and graded in.

Dated this _____ day of September, 2004.

Elmer J. Widic

SUBSCRIBED AND SWORN TO before me this _____ day of September, 2004.

Notary Public

Residing at: _____