

State of Utah)
 : ss.
County of Daggett)

A. Wright Dickinson, 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 1941, 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 was born in Rock Springs, Wyoming in 1931, have lived in the Three Corners area of northeastern Utah, southern Wyoming and northwestern Colorado most of my life and presently live in Maybell, Colorado, near the Clay Basin, where the road is located. I have observed and traveled the road many times during my lifetime.

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 first observed the road in 1941, as a boy, when I traveled it while tending livestock with my father and uncle on grazing allotments in the Clay Basin. My family has owned and operated the Vermillion Ranch and grazed livestock in the Clay Basin since 1885. I currently share a permit in a common

grazing allotment with Steve Pearson on the BLM land surrounding the road.

As recently as the spring of 2004, I traveled the road on horseback. I have also traveled the road to visit with friends who reside and work in and around the Clay Basin Camp.

6. From the time I first traveled the road in 1941, I observed evidence of construction, including grading, the addition of gravel, berms, ditches, culverts, shoulders and disturbed areas at the sides of the road.

7. Over the years since 1941, I have observed construction and maintenance activities on the road. Such Activities have included grading, addition of gravel, dragging of the road surface with pipes pulled behind well service vehicles and snow removal.

8. By my observation, the road has been open to the public for all to use, to come and go as they please, from 1941 until the present. I have never known the road to be closed.

9. Since before I first observed it in 1941 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, hunting, transportation to and from the Clay Basin Camp by residents and visitors, and transportation from the Clay Basin north to Rock Springs, Wyoming, and south to Vernal, Utah. I personally have observed all of the aforementioned uses.

10. By my personal observation, travelers on the road from 1941 and thereafter have included those who traveled by horseback, cars, recreational vehicles and trucks of all sizes.

11. When I first traveled the road in 1941 it ran the same route as it does today and was well established. I traveled and observed the road within the last month, in August of 2004. 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. There is a 15 MPH speed limit sign near the north end of the road to warn travelers to slow down as they enter the residential area of Clay Basin Camp. In the same vicinity there is also a caution sign warning motorists that children may be playing. Along the road there are typically berms, ditches, shoulders and disturbed areas on each side of the traveled road surface to facilitate maintenance and drainage. There are also occasional culverts for drainage. The surface of the road is native dirt, with gravel added and graded in.

Dated this _____ day of September, 2004.

A. Wright Dickinson

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

Notary Public

Residing at: _____