

State of Utah)
 : ss.
County of Daggett)

Alexander S. Radosevich, 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.

D30

2. I have observed the road that Daggett County has designated as Road D30 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 1935, have lived in the Three Corners area of northeastern Utah, southern Wyoming and northwestern Colorado all of my life and presently live on the Willow Creek Ranch in Browns Park, near the Clay Basin, where the road is located. I have observed and traveled the road many times during my lifetime.

4. The road as it presently exists begins on the south end at its intersection with Browns Park Road, adjacent to Clay Basin Unit Well No. 4-S. It proceeds north on a winding path for approximately one mile to its intersection with Road D28, approximately one-third of a mile southeast of Clay Basin Camp.

5. I first observed the road as it existed in 1941, as a boy, when I attended the first grade at the Clay Basin Camp School. I attended the first grade at the Clay Basin Camp School for a three

month period during which a teacher was unavailable in Brown's Park. I lived with the Cooley family at Clay Basin Camp during the week and returned home on week ends. I also recall observing the road from trips with my family to receive tick shots from the nurse at Clay Basin Camp, to purchase drip gas from Mountain Fuel and to visit friends who resided and worked in and around the Clay Basin Camp.

6. From the time I first observed the road in 1941 to the present, I have seen evidence of construction, including grading, addition of gravel, berms, ditches, culverts, shoulders and disturbed areas at the sides of the road. In 1941, the northernmost portion of the road had been constructed from its intersection with road D28 down to the approximate location of the turn off to Clay Basin Well No. 1. Construction on the southern portion of the road on down to its intersection with Brown's Park Road was completed in the early 1960s.

7. Since 1941 and the early 1960s, I have observed construction and maintenance activities on the road, which 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 and the early 1960s 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 travel by large tanker trucks and trucks hauling drilling and well service equipment. It has also been used for access to grazing allotments, and hunting. To a lesser degree the road has also been used for transportation to and from the Clay Basin Camp and for transportation from the Clay Basin north to Rock Springs, Wyoming, and south to Vernal, Utah. I

personally have observed the aforementioned uses.

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

11. From the time I first observed the road in 1941 and thereafter in the early 1960s when the construction of the southern portion of the road was completed, it ran the same route as it does today and has been well established. I traveled and observed the road within the last month, in August of 2004. The entire road is approximately one mile long and the width of the traveled surface is approximately seventeen feet for most of its length, but ranges from fifteen to twenty feet. Along the road there are typically berms, ditches, shoulders and disturbed areas on each side of the traveled 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.

Alexander S. Radosevich

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

Notary Public

Residing at: _____