



## Exhibit A

**AFFIDAVIT OF LORIN T. MERKLEY**

**BAESER WASH ROAD**

**UINTAH COUNTY, UTAH**

**COUNTY ROAD NUMBER 3240**

State of Utah                    )  
  : ss  
County of Uintah                )

LORIN T. MERKLEY, 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. I currently reside in Uintah County, Utah. I have lived in Uintah County for 76 years.
2. I have traveled and am familiar with a road in Uintah County known as the Baeser Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2006 when I last observed it. Attached is a Uintah County map showing Baeser Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
3. I am informed that the County also identifies this road according to the road number listed above.
4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by various means, including oil field trucks and cattle trucks. Throughout this time period, the road has been used weekly for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from 1950 until the present, I have used the road myself for the following uses: livestock operation and wood gathering.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: Oil and gas exploration or development, fishing, traveling in and through the area, recreation, camping, picnicking, hiking, sight-seeing, hunting and government access.

7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to the present, for the uses described in the previous paragraphs.

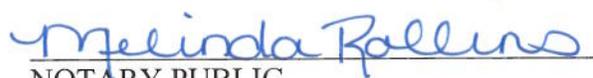
8. I observed the following evidence of maintenance/construction activities on the road prior to 1976: Oil field service companies with their graders and other road maintenance machinery on the road since 1950.

DATED this 17 day of October, 2006.

  
LORIN T. MERKLEY

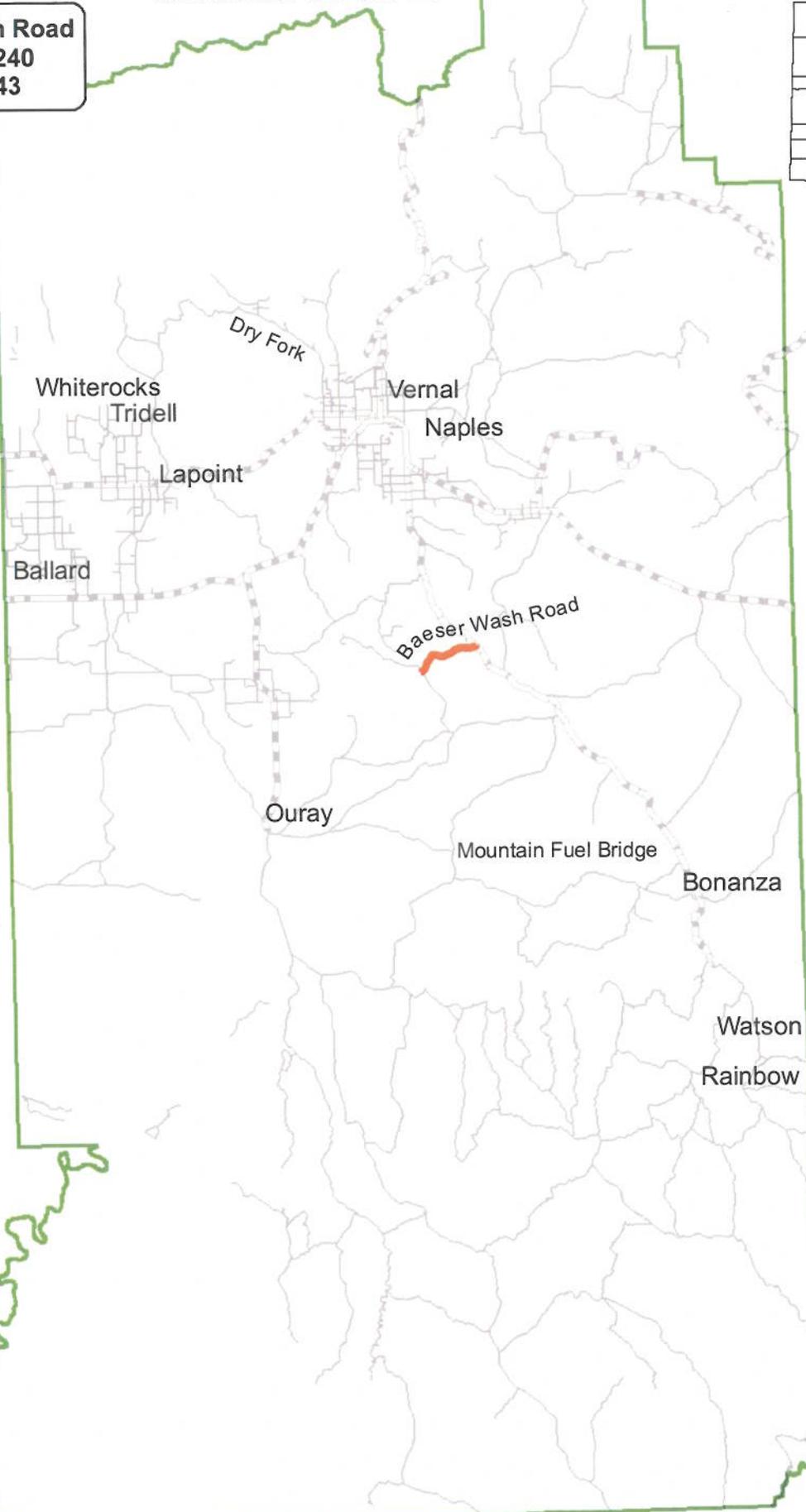
SUBSCRIBED AND SWORN to before me this 17 day of October, 2006.



  
NOTARY PUBLIC

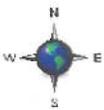
# UINTAH COUNTY

**Baerer Wash Road**  
**Road # 3240**  
**RD240443**



**Legend**

- Baerer Wash Road
- Roads**
- Class B Roads
- Federal or State
- Uintah County



**AFFIDAVIT OF ARDEN W. STEWART**

**BAESER WASH ROAD,**

**UINTAH COUNTY, UTAH**

**COUNTY ROAD NUMBER 3240**

State of Utah                    )  
  : ss  
County of Uintah                )

ARDEN W. STEWART, 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. I currently reside in Uintah County, Utah. I have lived in Uintah County 74 years

2. I have traveled and am familiar with a road in Uintah County known as the Baeser Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1948, it followed the same route as in the 1990's when I last observed it . Attached is a Uintah County map showing Baeser Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1948 and continuing through 1976 to the the 1990s. Throughout this time period I have observed travel on the road by various means, including oil field and farming vehicles and OHV's. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from 1948 until the 1990's, I have used the road myself for the following uses: wood gathering, recreation, hunting, fishing and traveling in the area.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: mining, farming, prospecting for minerals, livestock operations, oil and gas exploration or development, tourism, camping, picnicking, hiking, and/or sight-seeing, government access and trapping.

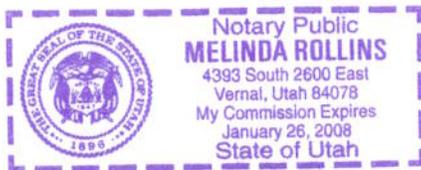
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1948 and continuing through 1976 until the present, for the uses described in the previous paragraphs.

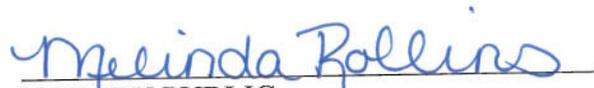
8. I observed the following evidence of maintenance/construction activities on the road prior to 1976: I have observed the graded surface of the road.

DATED this 17 day of October, 2006.

  
ARDEN W. STEWART

SUBSCRIBED AND SWORN to before me this 17 day of October, 2006.



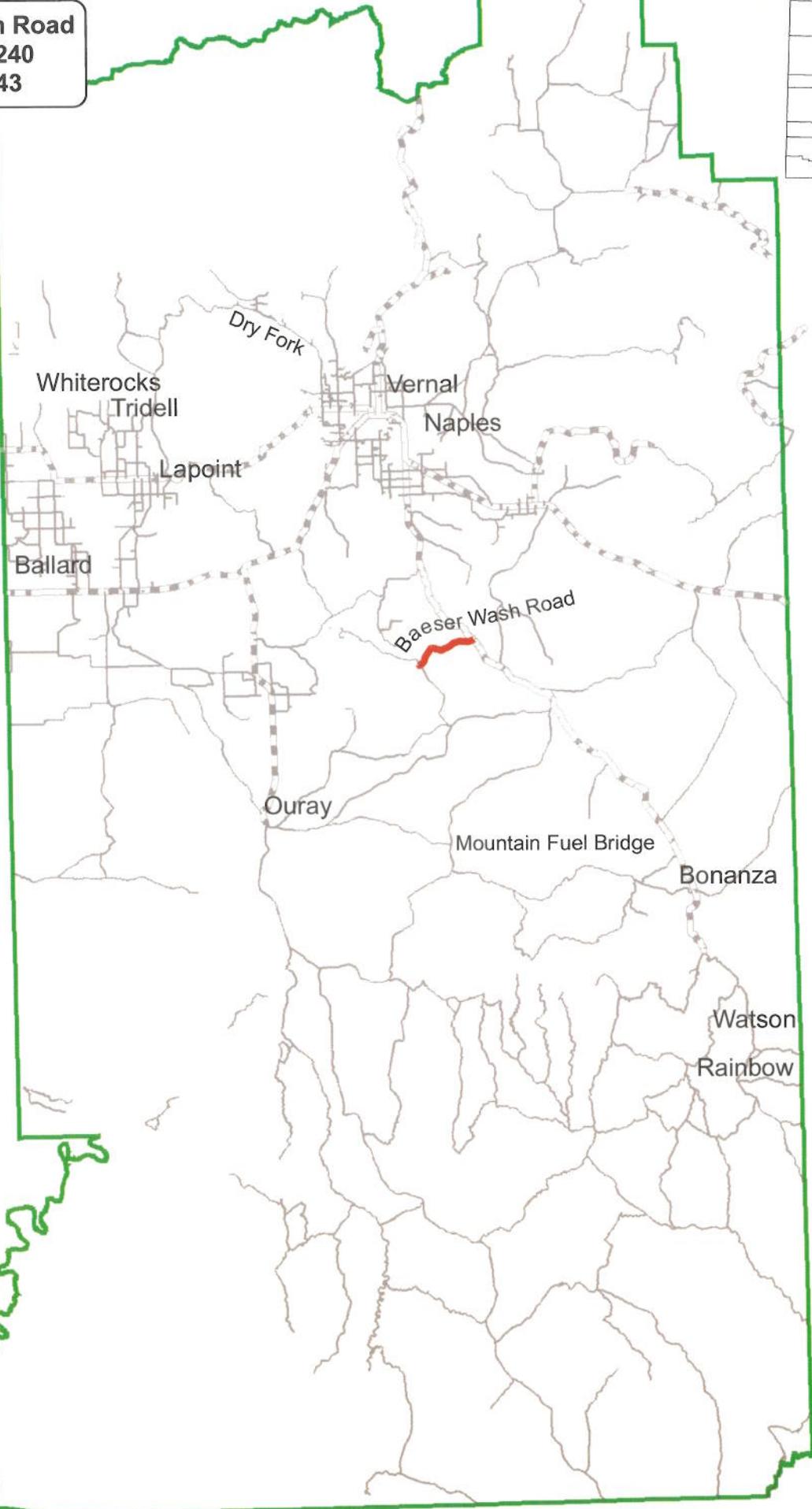
  
NOTARY PUBLIC

# UINTAH COUNTY

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**Baerer Wash Road**  
Road # 3240  
RD240443



**Legend**

- Baerer Wash Road
- Roads**
- Class B Roads
- Federal or State
- Uintah County



## Exhibit B

### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name: Baeser Wash Road**

**County: Uintah**

**County Road Number: 3240**

**State Geographic Information Database (SGID) Road Identification Number: RD240443.**

**Total Road Length: 4.3 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 13 minutes 36.05 seconds North Latitude and -109 degrees 29 minutes 021.8 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,201,757.4 feet and Y = 7,257,603.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 14 minutes 56.79 seconds North Latitude and -109 degrees 25 minutes 25.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,219,910.4 feet and Y = 7,266,191.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 7 South Range 22 East, Section(s) 3,4,5,6,7, Salt Lake Base & Meridian