

Timeline of Sand and Gravel Activity for Parcel Number 19-001-0005

- Sworn affidavit of Mac M. Wade (“Mr. Wade”) signed and notarized in 1995 testifies that Mr. Wade was a resident of Weber County for 88 years. During that time Mr. Wade learned that residents of Pleasant View and contractors hauled many loads of gravel from this property. Mr. Wade also stated in his affidavit that he personally rode on wagons hauling shale and gravel from this property between the years 1912 and 1915.
- Sworn affidavit of Earl B. Cragun (“Mr. Cragun”) signed and notarized in 1995 testifies that Mr. Cragun was a resident of Weber County for 87 years. During that time Mr. Wade also learned that residents of Pleasant View and contractors hauled many loads of gravel from this property.
- Randy Marriott has continued the prior uses of sand and gravel extraction and hauling from this property since he purchased it in the mid-1990s. *to present.*
C.S.

AFFIDAVIT OF MAC M. WADE

After being first duly sworn, I, Mac M. Wade, state the following regarding my understanding and knowledge of the prescriptive easement existing on a particular gravel road described more fully below:

1. I have been a resident of Weber County, State of Utah, for 88 years.
2. I am familiar with the gravel road which runs East from the East line of Highway 89 along the South line of sections 13, and 14, T 7 N, R 2 W, SLB&M, then originally continued East to 500 West; presently however, the road stops at the East boundary of The Albert L. Liston Family Partnership property.
3. I personally observed and rode over this gravel road for over eighty years; I also know that this road was first used by my father, William M. Wade and Calvin Cragun for farming purposes.
4. I have seen, and have had conversations with individuals who are no longer alive, who indicated to me that this gravel road was at one time, a two lane road wide enough for two wagons to pass by.
5. I am know of my own knowledge that Earl B. Cragun has graded and maintained this gravel road regularly for the last forty (40) years. [1954 to present]
6. I know that prior to the time that Earl B. Cragun was involved in the upkeep and maintenance of the gravel road, Earl Larson, who has since passed away, maintain the gravel roadway for a minimum of ten years.
7. I know of my own knowledge that at one time William M. Wade, my father, had an easement over this road, and that David Johns and his family used this road continuously traveling between their home, the Utah Hot Springs, and Perry, Utah, from 1912 to 1932-34 when the Pineview Highline Canal was constructed.
8. I have had conversations with early residents of Pleasant View, Utah, who related to me that they had themselves hauled, and seen the contractors, who constructed the Utah Hot Springs resort haul many loads of gravel from the foothills down this road from where a loading trap had been constructed. I personally rode on wagons hauling shale and gravel over this roadway between 1912 and 1915.
9. I have had conversations with individuals who have seen the Tate, Simmons and Wade families use this roadway constantly until around 1932-34.
10. When the Pineview Highline Canal was constructed in approximately 1932-34, this particular roadway was used to transport equipment and materials for construction of the canal.

11. I have seen ranchers use this roadway as access to and for the movement of their cattle and sheep for many years.
12. Calvin and Willard Cragun purchased open farm land in section 13 in approximately 1919, and they, and all subsequent owners of this farm land have used this roadway up until it was blocked off by GORDON C. ORTON Construction in 1995.
13. From conversations with landowners, together with my own experiences and observations I state and declare that the roadway described below has been constantly used and open to the public for more than 100 years.
14. The legal description is noted as follows:
- Roadway along the South line of Sections 13 and 14, T 7 N, R 2 W, SLB&M, beginning of the East line of Highway 89 and running East to the East line of the Albert L. Liston Family Partnership property.
15. I know that since 1950, the fruit farmers have used this roadway every year to transport their produce and fruit from lands in section 13 to the processing plant on Highway 89 and continue to use this roadway to transport fruit to this date.
16. I know that the western part of this roadway, as described above, has been open to the public, and has never been closed or obstructed since I was born.
17. It is my belief and understanding that a prescriptive easement was created many years ago, and now Gordon C. Orton Construction company is attempting to prevent use of that easement.

Dated July 26, 1995

Mac M. Wade
Mac M. Wade, Affiant

MAC M. WADE, having appeared before me, and on this date did swear and subscribe that the above affidavit was of his own knowledge and belief, and that all he stated was true and correct to the best of his knowledge.

Dated July 26, 1995

Diana Banta
Notary Public

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AFFIDAVIT OF EARL B. CRAGUN

After being first duly sworn, I, Earl B. Cragun, state the following regarding my understanding and knowledge of the prescriptive easement existing on a particular gravel road described more fully below:

1. I am a resident of Weber County, State of Utah.
2. I have been a resident of Weber County for 87 years.
3. I am familiar with the gravel road which runs East from the East line of Highway 89 along the South line of the sections 13, and 14, T 7 N, R 2 W, SLB&M, then originally continued East to 500 West; presently however, the road stops at the East boundary of The Albert L. Liston Family Partnership property.
4. I have seen, and have had conversations with individuals who are no longer alive, who indicated to me that this gravel road was at one time, a two lane road wide enough for two wagons to pass by.
5. I have myself, or had done by my order, graded and maintained this gravel road regularly throughout the year for the last forty (40) years. [1954 to present]
6. Prior to the time that I was involved in the upkeep and maintenance of the gravel road, Earl Larson, who has since passed away, maintain the gravel roadway for a minimum of ten years.
7. I know of my own knowledge that at one time William M. Wade had an easement to this road, and that David Johns and his family used this road continuously traveling between his home, the Utah Hot Springs and Perry Utah.
8. I have had conversations with early residents of Pleasant View, Utah who related to me that they had themselves hauled and seen the contractors, who constructed the Utah Hot Springs resort, haul many loads of gravel from the foothills down this road from where a loading trap had been constructed.
9. I have had conversations with individuals who had seen the Tate, Simmons and Wade families use this roadway constantly until around 1932-34.
10. When the Pineview Highline Canal was constructed in approximately 1932-34, this particular roadway was used to transport equipment and materials for construction of the canal.
11. I have seen ranchers use this roadway as access to trail their cattle and sheep for many years.
12. Calvin and Willard Cragun purchased open farm land in section 13, T 7 N, R 2 W, SLB&M, in approximately 1919, and they, and all subsequent owners of this farm land have used

this road for farm purposes up until it was blocked off by GORDON C. ORTON Construction in 1995.

13. From conversations with landowners, together with my own experiences and observations I state and declare that the roadway described below has been constantly used and open to the public for more than 100 years.

14. Since 1950, the fruit farmers have used this roadway every year to transport their produce and fruit from lands in section 13 to the processing plant on Highway 89 and continue to use this roadway to transport fruit to this date. It was also used for farm purposes prior to 1950.

15. I know that the western part of this roadway, as described above, has been open to the public, and has never been closed or obstructed even before I was born in 1909.

16. The legal description is noted as follows:

Roadway along the South line of Sections 13 and 14, T 7 N, R 2 W, SLB&M; beginning on the East line of Highway 89 and running East to the East line of the Albert L. Liston Family Partnership property.

17. It is my belief and understanding that a prescriptive easement was created many years ago, and now Gordon C. Orton Construction company is attempting to prevent use of that easement.

Dated

July 26, 1995

Earl B. Cragun
Earl B. Cragun, Affiant

EARL B. CRAGUN, having appeared before me, and on this date did swear and subscribe that the above affidavit was of his own knowledge and belief, and that all he stated was true and correct to the best of his knowledge.

Dated July 26, 1995

Diana Banta
Notary Public

