

**AFFIDAVIT OF KURT BRINKERHOFF**

**BALD KNOLL ROAD aka COAL ROAD**

**KANE COUNTY, UTAH**

**COUNTY ROAD NUMBER K3935**

State of Utah            )  
                                  :ss.  
County of Kane         )

Kurt Brinkerhoff, 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 Glendale, Kane County, Utah. I was born on July 6, 1939, and have lived in Kane County my entire life.

2. The road descriptions herein pertain to the above-named road as shown on the accompanying map reflecting the GPS location of the roads.

3. The road was constructed by Utah International in the early 1960's. I know from my personal knowledge that this road was used since at least as early as the early 1960's and has been continuously used until the present time.

4. I have personally observed and used the Coal Road (K3935) in Kane County since at least as early as the early 1960's. I am familiar with the indicated road because I have used to it access my grazing allotment and maintain my fences.

5. 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 the early 1960's and continuing through 1976 to the present.

6. At various times throughout the period indicated in Paragraph 5, the road has been used for access to grazing allotments, hunting, wood gathering, post cutting, family

outings, trapping, mining, and recreation. I have personal knowledge that some coal was mined near the east end of the road in the vicinity of K3950 and was taken out using large trucks. I have personally used the road for access to my grazing operations, deer hunting, post cutting, and firewood gathering since the early 1960's. The other indicated uses mentioned above are understood by reputation in the community to have occurred at various times during the indicated period and before.

7. By my observation, travelers on the roads from the early 1960's and continuing thereafter included those who went by means of jeeps, pick-up trucks (some with trailers), and 4X4 vehicles.

8. I have observed the Kane County Road Department crew blading the road with their equipment.

9. When I first observed the road, it followed the same route as last week when I last observed it.

Dated this 9<sup>th</sup> day of June, 2006.

Kurt Brinkerhoff  
Kurt Brinkerhoff

SUBSCRIBED AND SWORN TO before me this 9 day of June, 2006.

Marilyn B. Lawson  
Notary Public  
Residing at: Kanab, Kane, Utah

