

**AFFIDAVIT OF TREVOR K. LEACH  
BALD KNOLL (AKA) COAL ROAD  
KANE COUNTY, UTAH  
COUNTY ROAD NUMBER K 3935**

State of Utah            )  
                                  : ss  
County of Kane         )

Trevor K. Leach, 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 Kanab, Kane County, Utah. I was born in Alton, Kane County, Utah on July 24, 1920 and have lived in Kane County, Utah 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 road.

3. I am familiar with this road because I traveled it from the time I was a child about six years old, riding horses on it in about 1926 or 1927. My father had goats and when we were herding them, we camped just off the side of the road; there was an old camp ground there at that time. I remember traveling this road with my family in a wagon pulled by horses to move our goat camp. Ranchers, sheep and goat herders used the road in the late 1920's and 1930's. Art and Frank Mackelprang ran goats and camped all along the road. It is the reputation in the community people traveled to Marysvale over this road taking a bedroll, a few bales of hay and some water and would be gone for about two weeks. They traveled to Marysvale to get sugar, flour, salt, and supplies for the stores in Kanab and Fredonia. The part of the road from the south to section 13 or 14, has been used at least as early as the late 1800's and has been continually used to the present time. I am familiar with the remainder of the road from section 13 east to Millcreck, because I built drill site roads and pads off of the main K3935, with my D-4 Cat in the early 1960's. I built side roads for the drilling operations and built roads on Table Mountain also. I worked on this road with Jack Mognett and we were hired by the Utah International Corporation

to build drill site roads off the main roads. Jack and I also did maintenance with a D-4 and D-6 Cat on areas that needed to be repaired on K3935.

4. The road from section 34 to section 13, has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800's and early 1900's and continuing through 1976 until the present. The road from section 13 to Millcreek Road K4400, has been open to the public for all to use to come and go as they please from at least as early as the early 1960's and continuing through 1976 until the present.

5. At various times throughout the period indicated in Paragraph 4, the road has been used for: prospecting for minerals and coal, livestock operations, farming, tourism, wood gathering and post cutting, hunting, recreation such as camping, and sightseeing, accessing private property, and traveling in and through the area. Utah International Corporation mined coal for testing to see what minerals were in it. I personally have observed vehicles using the road for all the above-named uses all my life, until the present, and I used the road myself for hunting, accessing private property, wood gathering and post cutting, livestock operations and traveling in and through the area. I personally used a D-9 cat to mine coal for Utah International. I worked in conjunction with Jack Magnott. The other indicated uses mentioned above are understood by reputation in the community to have occurred at various times during the indicated period.

6. By my observation, travelers on the road from 1925 and continuing thereafter included those who went by means of wagon & horse team, trucks, 4X4's, ATV's, cattle trucks, semi-trucks, construction equipment, D-4, D-6 & D-9 caterpillars, and cars. The road was used daily for more than ten years prior to 1976, and is presently used daily. I witnessed a wreck on this road where Mark Hamblin driving a semi-truck with a dump bed full of about 10-15 tons of coal, arrived at a sharp curve and took the corner too fast and tipped the truck over. Jack Mognett and I turned the truck up right with our cats.

7. Construction and maintenance of the road before 1976 was performed by employees of Utah International. Kane County, in later years, started to blade the road using their equipment. I know this because I have personally observed the county on the road with their road graders. I have personally done maintenance on this road with my D-4 cat when it was needed.

8. When I first used and observed the road, it followed the same route as in 2005, when I last observed it.

Dated this 21<sup>st</sup> day of September, 2006.

Trevor K. Leach

Trevor K. Leach

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of September 2006.

Marilyn B. Lawson

Notary Public

Residing at Kanab, Kane, Utah



