

AFFIDAVIT OF VANE CAMPBELL

BALD KNOLL ROAD

COUNTY ROAD NUMBER K3935

KANE COUNTY, UTAH

State of Utah)
 :SS
County of Kane)

VANE CAMPBELL, 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 was born January 4, 1930, in Circleville, UT and moved to Alton, Kane County, Utah when I was two years old and have lived in Alton for the past 74 years. I started to work for the Kane County Road Department in 1967. I left the county in 1970 for other employment and returned to the county road department in 1972 and was made Superintendent of the Kane County Road Department in 1974. I worked for the road department until I retired in 1992.

2. I have traveled and am familiar with a road in Kane County known as the Bald Knoll Road. I am also familiar with the land the road traverses. When I first observed and personally used the road in 1967, it followed the same route as in 1992 when I last observed the road. To the best of my knowledge and based on my personal use of the road the location and route of the road on the map identified as "Attachment A" is the same route I traveled between 1967 and 1992. I signed and dated the map identified as Bald Knoll Road on "Attachment A." The route I traveled is depicted on "Attachment A" as going through Sections 34, 27, 22 and through the corner of Section 15, which goes through private property, through Sections 14, 13 (T40S R5W) then through Sections 18, 17 and 8 (T40S R4

½W) where it intersects with the Mill Creek Road. The road identified as number "K3935" on "Attachment A" is the route I used from 1967 to 1992.

3. During my travels on the Bald Knoll Road between 1967 and 1992, I would see other people using the road by various means, including pickup trucks and four-wheel drive vehicles. Every time I traveled the road it was open to passage and for the public to come and go as they pleased.

4. At the time I first traveled the road in 1967, I worked with the Kane County Road crews doing construction activities on the road, including dug ways, culverts, berms, and cattle guards. UDOT made periodic inspection of the class B roads and if the roads weren't maintained to a two wheel drive standard the county could lose the funding to maintain this Class B road. If problems were found UDOT would give Kane County a period of time to make the needed repairs. During the typical monsoon season, late July to end of September, one of the main problems along the road was at the Thompson Creek crossing area which is where flash floods would continually wash the road out. The road crew put in culverts to try to elevate the flooding problem but certain flood events would flood over them and plug them with debris. The Kane County Road Crews would maintain the roads twice a year, spring blading and fall blading, unless emergencies occurred where immediate attention was needed such as flood damage.

5. I am familiar with the 1972 Memorandum of Understanding between the BLM and the county because on January 4, 1988, I attended a meeting with the Kane County Commission and representatives from the BLM where we discussed the MOU of 1972 and amended on July 11, 1977, in which the Thompson Creek Road identified in the MOU was specifically mentioned. The purpose of the meeting was to clarify road maintenance issues. By my personal knowledge, I know the road referred to in the MOU as the Thompson Creek

Road is the same road known as the Bald Knoll Road today. As an employee of Kane County Road Department and an attendee of the meeting, I can clarify that all discussions during the meeting were consistent with BLM's concurrence as stated in the 1972 MOU that the road was a County maintained road for general public travel. During the meeting, the BLM consulted and coordinated with the county in assuring appropriate maintenance and cost share levels regarding the Thompson Creek Road and other roads identified in the 1972 MOU. It is my personal knowledge as a Kane County Road Department Employee between 1967 and 1992 that the BLM and County regularly maintained the roads identified in the MOU. The condition of the roads varied according to weather conditions and the specific locations of the roads subject to flood, landslides, and other conditions.

Having read the 1972 MOU, maintained and driven the road since 1967, and having participated in the 1988 MOU modification process I can confirm that the terms and conditions of the 1972 MOU were in full force and effect between 1972 and after 1988.

6. I am familiar with the road segment depicted on the 1965 Kane County General Highway Map going through Sections 27, 26, 23(corner), 24 (corner), 13 (corner), and Section 14. During my tenure with the county road department that segment was never maintained to the same higher maintenance standards as the segment depicted on "Attachment A". The route depicted as "K3935" on "Attachment A" going through Sections 34, 27, 22, corner 15, 14, 13(T40S R5W), 18, 17 and 8 (T40S R5W) accurately reflects the route I traveled regularly from 1967 to 1992, that I observed others regularly traveling between the Glendale Bench area and Mill Creek and that I and other Kane County road crew employees I worked with performed construction and maintenance on the road from 1967 through 1976 to 1992 when I retired.

DATED THIS 11 DAY OF November, 2007.

Vane Campbell
VANE CAMPBELL

SUBSCRIBED AND SWORN to before me this 11 day of November, 2007.

Jolene Sherratt
NOTARY PUBLIC

