

BALD KNOLL ROAD
KANE COUNTY, UTAH
COUNTY ROAD NUMBER K3935

State of Utah)
 : ss.
County of Kane)

ROY MACKELPRANG, 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 in Kanab, Kane County Utah in 1939 and have lived in Kanab, Kane County, Utah for about 68 years. My family has owned the Bald Knoll grazing allotment since the Taylor Grazing Act of 1934. I helped my father with his ranching operation in Kane County since I was a young boy. I bought the Bald Knoll grazing allotment from my father in about the early 1970s.

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 the late 1940s the road was extremely rough and not maintained but we still used the road to travel to our private property in Section 1, 12 (T40S R5W), Sections 6, 7 (T40S 4 ½ W). In the early 1960s, the road was realigned in Sections 13 & 14 (T40S R5W) and the realignment enhanced the road and made it much easier to travel. In the mid 1960s the Kane County Road Department maintained the Bald Knoll Road as it appears on "Attachment A". The "Attachment A" map depicts the same route as I traveled in the early 1960s through 2006 when I

last observed the road. 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 27, 22 and through the corner of Section 15, which goes through private property, through Section 14, 13 (T40S R5W) then through Section 18, 17 and 8 (T40S R4 ½ W) where it intersects with the Mill Creek Road.

3. During my travels on the Bald Knoll Road in the late 1940s and through 2006, I would see other people using the road by various means including horses, farm tractors, two wheel drive car, pickup trucks and four-wheel drive vehicles. In the 1950s I rode in a two wheel drive car with Foster Masterson and his younger brother. Every time I traveled the road it was open to passage and for the public to come and go as they pleased.

4. The first time I personally drove on this road was the late 1940s. In 1955 & 1956 I drove my fathers tractor on this road to build a fence on the boundary of Section 23 and 26 and Section 22. My family drove this road for many hunting and camping trips. I'm very familiar with this road because my father, Arthur Mackelprang, bought this homesteaded in the mid 1920s from the Swapp Family. My family had cattle and goat operations on this ground. When I was a small child I rode on a Combine pulled by Hubert Bunting. He was harvesting the wheat on my father's farm. Buntings used the Bald Knoll Road to pull the combine to my father farm to harvest the wheat.

5. I am familiar with the road segment depicted on the 1965 Kane County General Highway Map going through Sections 4 (T40S R5W), 33, 28, 27, 22 (corner), 23, 14, 13, 24 and back into Section 13 (T40S R5W), Sections 18, 17, 8 (T40S R4 ½ W) where it intersects with Mill Creek Road. That segment was never maintained to the same higher maintenance standards

as the segment depicted on "Attachment A" 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 ½ W) where it intersects with the Mill Creek Road.

This route was never considered as the primary travel route between the Glendale Bench area and Mill Creek. The route depicted as "K3935" on "Attachment A" accurately reflects the route I traveled regularly from the late 1940s to 2006 and that I observed others regularly traveling between the Glendale Bench area and Mill Creek.

6. Prior to 1976, I personally observed evidence of construction such as cattle guards, dug ways, culverts and berms on the Bald Knoll Road. I have seen the Kane County road crew maintaining the road with blades and loaders.

DATED THIS 28 DAY OF December, 2007.

Roy Mackelprang
ROY MACKELPRANG

SUBSCRIBED AND SWORN to before me this 28 day of December, 2007.



Barbara W. Hansen
NOTARY PUBLIC