

RDI APPLICATION
MANGANESE ROAD
WASHINGTON COUNTY,
UTAH

ATTACHMENTS 27

Biography and
Foundation
Charles Theobald

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KANE COUNTY, UTAH (2),)	
(3), AND (4), a Utah)	
political subdivision;)	Deposition of:
and STATE OF UTAH,)	
)	CHARLES RON THEOBALD
Plaintiffs (or)	
Plaintiff-Intervenor,)	
as to State of Utah in)	Case No. 2:10-cv-01073-CW
Kane County (2)),)	
)	Judge Clark Waddoups
vs.)	
)	
UNITED STATES OF)	
AMERICA,)	
)	
Defendant,)	
)	
and)	
)	
SOUTHERN UTAH)	
WILDERNESS ALLIANCE,)	
et al.,)	
)	
Defendant-Intervenors.)	

November 6, 2018 * 2:03 p.m. to 3:53 p.m.

Location: Kane County Administrative Offices
180 West 300 North
Kanab, Utah

Reporter: Denise M. Thomas, CRR/RPR

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A P P E A R A N C E S (Continued)

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P R O C E E D I N G S

CHARLES RON THEOBALD,
having been first duly sworn to tell the
truth, was examined and testified as follows:

EXAMINATION

BY MR. RAMPTON:

Q. Mr. Theobald, thank you again for doing
this for us today.

Would you please state and spell your full
name for the record?

A. My full name is Charles Ron Theobald.
Do you want me to spell Charles?

Q. No.

A. Theobald is T-h-e-o-b-a-l-d.

Q. And where do you presently reside?

A. In St. George, Utah.

Q. Do you have a street address?

A. Yes. 5628 North 1740 West, St. George,
Utah, 84770.

Q. Are you presently employed?

A. No. I'm retired.

Q. And how long have you been retired?

A. Oh, about -- gosh, I didn't write that

1 down. I guess it would be about ten years.

2 Q. We'll get into your employment history in
3 just a moment.

4 Have you ever had your deposition taken
5 before?

6 A. No. This is the first time.

7 Q. I will be asking you questions to which
8 you'll be responding on the record. The court
9 reporter will be taking down my questions and your
10 answers verbatim, and then after I complete my
11 examination, other attorneys around this table will
12 have an opportunity to ask questions as well.

13 A. Okay.

14 Q. If you don't understand a question that I
15 ask, tell me so, and I'll restate it.

16 A. Okay.

17 Q. When I'm asking you questions, there may
18 be objections interposed by one or more of the
19 attorneys here. They're making those objections for
20 the record. You may go ahead and answer my question
21 even if they object --

22 A. Okay.

23 Q. -- all right?

24 You're testifying today, Mr. Theobald, in
25 a case that's going to trial in February involving a

1 number of roads in Kane County, and it involves
2 R.S. 2477.

3 Do you know anything about R.S. 2477?

4 A. Not a lot. When I left the DOT, they was
5 just bringing up the D roads.

6 That's the D roads you're talking about,
7 right?

8 Q. Well, D roads and some B roads.

9 A. Oh, the B roads.

10 Q. In any event, what I'd like to do is start
11 with your employment experience and go into some
12 detail about what you did while employed, and then
13 I'm going to have you identify some maps.

14 A. Okay.

15 Q. Let me start by asking you where you
16 attended high school?

17 A. I attended high school at Dugway Proving
18 Grounds and graduated there in 1957 with a --

19 Q. And --

20 A. Go ahead.

21 Q. And following your graduation from high
22 school, did you have any additional education?

23 A. I went to about a year at Utah State in
24 1958.

25 Q. Following that one year of education, what

1 did you do next?

2 A. Then I went to work for the Department of
3 Transportation in 1959.

4 Q. Was that in Salt Lake City?

5 A. Yes. That was my headquarters at that
6 time.

7 Q. What position did you originally hold with
8 UDOT?

9 A. When I first went to work for them, I was
10 the field recorder. I worked under the party chief
11 at that time, which was Newel Dewsnap.

12 Q. What were the duties and responsibilities
13 of a field recorder when you first were employed by
14 UDOT?

15 A. My job was to keep a record of the roads
16 that we was traveling for the mileage, also surface
17 types of the roads, the widths of the roads. We
18 always picked up a culture along the road as far as
19 businesses, homes, churches, schools, that kind of
20 material.

21 Q. For what purpose were you doing this road
22 work?

23 A. This was basically for the B and C road
24 fund. We had to maintain -- we had to travel all the
25 county and city roads in each county. We went into

1 that county, and we was -- we stayed in trailers.
2 We'd go into a county and stay in that county till we
3 got that inventory completed. We traveled every
4 road, the city roads, the county roads and the major
5 forest roads, and that also was for mapping.

6 We'd take this information that we would
7 gather when we was out in the field, take it back
8 into our other department, which was the mapping
9 department, and they would make these maps that we've
10 been talking about.

11 Q. You mentioned a B and C funding program.
12 Can you explain that a little more?

13 A. Yes. The B roads was county roads, the C
14 roads was city roads.

15 Q. For what purpose was this information
16 being gathered for B roads?

17 I mean, how did the State use -- or UDOT
18 use that information?

19 A. That was basically for funding so the
20 State could fund the counties for maintenance of the
21 roads within their county.

22 All that money basically come from the
23 license plate money that you bought your cars with
24 that went into the system.

25 Q. And who made those funding decisions?

1 A. That come within a Department of Planning
2 division, and I had nothing to do with the monies of
3 that, but they would break that down into mileage for
4 the county, population and land area. They would
5 break it down that way. How they did that, I'm not
6 right sure, but they would come up with a dollar for
7 each county that they would get.

8 Q. When you said you went and stayed in
9 trailers, was that staying in trailers so you could
10 be close to drive roads within a particular county?

11 A. Yeah. We would go into a county and stay
12 there until we got that done.

13 Q. Was this something that you did on a
14 statewide basis?

15 A. Yes.

16 Q. When you first were working for UDOT, did
17 you go to all 29 counties within the State of Utah to
18 do this road work?

19 A. Yes. It took us a five year period to
20 travel the system.

21 Q. And how long on average would you be in
22 any one county?

23 A. Some of the smaller counties wouldn't be
24 that long, but like your San Juan County, Box Elder
25 County, you might be there three-four months

1 traveling these roads, and in traveling these roads,
2 I should maybe state that that's in a touring car.

3 If we couldn't get over these roads in a
4 touring car, we would tell the County Commission or
5 the road supervisor at that time that they couldn't
6 draw funds on that road. It had to be a maintained
7 road. Then they could go back in and put blades on
8 that road and bring it back up to a standard, and at
9 that time we would put that on a system so they could
10 draw funds on that.

11 Q. Back in 1959 or '60 when you first started
12 doing the recording work for UDOT, what kinds of
13 vehicles were you driving the roads in?

14 A. I was driving a -- I believe it was a 1962
15 Plymouth.

16 Q. And would you tell us in a little bit more
17 detail how you would gather the information on a
18 particular road?

19 A. Yeah. We had a regular sheet. I think
20 they called it a R8 sheet. That was just probably
21 our word for it, but, anyway, we would take a sheet
22 for each road. They had a road number assigned to
23 each road within the county. We made a sheet up for
24 that particular road showing basically starting from
25 00 to the end of the road.

1 On that sheet we would show the widths,
2 surface types and also the culture along that. Then
3 any new roads taking off we would indicate the road
4 taking off, and we would assign that a number. Then
5 we'd come back in with a -- what we used there was
6 just a compass. They didn't have the fantastic stuff
7 they got now to do that. We used a compass. We
8 would plot that new road onto the system, and that
9 basically -- the county would tell us what road was
10 theirs.

11 Q. Now, when you say "culture," what are you
12 referring to?

13 A. That would be homes, schools, churches,
14 fences, cattleguards. Anything basically along the
15 road we would indicate what was on that road, what
16 was next to the road.

17 Q. Now, what would you do with the R8 sheets
18 after you finished driving the roads?

19 A. All that information when we were through
20 with the county, we would take the maps we was
21 working on and these sheets, the books and take them
22 into the office. They would take them, the books,
23 take all the information we would put in there as far
24 as the lengths of the road, road numbers, so they
25 could identify that road number and how long it was.

1 They would tabulate that and come up with a total
2 mileage for that county.

3 Then the maps would be turned over to our
4 mapping department and add all the stuff that we put
5 onto the maps as far as new roads, surface type and
6 stuff like that.

7 Q. Now, you said when you would drive these
8 roads, and, once again, we're talking about the early
9 years when you were working for UDOT.

10 When you would drive these roads, you
11 would have a map with you?

12 A. Yeah, we'd have one of the old maps that
13 they had done before. We would take that old map out
14 and drive that big road we would travel to make sure
15 there wasn't any new ones that they -- they wanted to
16 have you pick up all the new roads that the county
17 was maintaining at that time so we could plot them
18 onto the new maps.

19 Q. Now, when you say "old maps," do you mean
20 the map that was immediately prior to --

21 A. Right.

22 Q. -- the map you were developing?

23 A. Right, uh-huh.

24 Q. How many of you would drive in these
25 passenger vehicles?

1 A. There was just -- when I first started,
2 there was just the supervisor, or the chief, then
3 myself. Just two.

4 Q. And the chief again was whom when you
5 started?

6 A. His name was Newel Dewsnap.
7 D-e-w-s-n-u-p, I think.

8 Q. Now, how long did you remain in the
9 position of recorder?

10 A. I did that for two years, from '59 to '61.

11 Q. And what position did you occupy starting
12 in 1961?

13 A. I become the inventory chief. I took over
14 the chief's job. Then there was a recorder assigned
15 to me under that, and we'd still do the same things.

16 Q. So you replaced Mr. Dewsnap is it?

17 A. (Witness nodding head affirmatively.)

18 Q. How did your duties and responsibilities
19 change when you became chief?

20 A. Well, I was the driver. I indicated what
21 roads we was going to do, when we was going to do
22 them, and one of the responsibilities there was
23 working a little closer with the county, the County
24 Commission and also whoever they assigned to go with
25 us over these roads, and usually it was the road

1 supervisor. Sometimes the County Commissioner would
2 come -- if the County Commissioner was over the roads
3 would come and ride with us, too, at times.

4 Q. All right. Now, let's talk about the
5 county involvement.

6 At what point in this process of
7 developing new maps would the county become involved?

8 A. Well, the counties are already involved
9 when we first start because they assign somebody to
10 go with us so they can tell us what roads are theirs
11 and new roads that come up that they was going to
12 take over and maintain. Then at the completion of
13 the inventory, once the new maps was made up, we had
14 the road mileage calculated to how many miles of road
15 that they had.

16 We would meet with the County Commission
17 and go over the maps to make sure that we had
18 everything they wanted on the maps and they was happy
19 with it, and we would give them a big set of maps and
20 some small maps, and then also we would get a written
21 statement from them if they did approve them maps,
22 and basically that was -- then we'd move on to the
23 next county.

24 Q. Did a county representative actually drive
25 in your vehicle?

1 A. Yeah, he rode with us all the time we was
2 in the county.

3 Q. How long were you the inventory chief?

4 A. For four years.

5 Q. Until approximately 1965?

6 A. Yes, uh-huh.

7 Q. And how did your position change in 1965?

8 A. Then I moved up to the supervisor over the
9 field operations.

10 Q. Give us a little bit more description of
11 the organization of UDOT that you were working in.

12 Were you working for a particular
13 division?

14 A. Yes. I was the -- with the planning
15 division we was involved in there was four sections
16 of our office. One was traffic, mapping, and ours
17 was inventory.

18 What was the other one? I can't remember
19 what the other one was. Been too long. I can't
20 remember what that third one was.

21 Q. When you became supervisor over field
22 operations, how did your duties and responsibilities
23 change?

24 A. It was my duty at that time to indicate
25 which counties we was going to work next. I'd

1 prepare the maps for the field crew to take out into
2 the field. My duty was to work with the County
3 Commission to let them know we was coming into the
4 county and approximately how long we anticipate being
5 there. At that time they would assign somebody to go
6 with us.

7 Q. How did you as supervisor make the
8 decision as to which county would be inventoried
9 next?

10 A. Through prior years that they did, that
11 was on a five year cycle, so we kind of followed that
12 same cycle that they was in, but sometimes one thing
13 would be moved up for some reason, somebody wanted
14 to -- they thought they had a lot more miles than
15 what we was indicating. We might move a county up so
16 we could move that county to bring them up-to-date.
17 We didn't want them to lose any more than they had to
18 if we could help them out and pick up the new roads.

19 Q. And you said that you would determine
20 which maps they would be working from?

21 A. Yeah. We'd take maps like you're going to
22 show me here, and from the maps that we did before,
23 they come up and they brought them up-to-date. I
24 would take them and renumber them, put new numbers on
25 them and make sure that the county -- the road

1 supervisor had all the information he needed to go
2 into the next county to work as far as vehicles and
3 stuff like that.

4 Q. I think you've already answered this
5 question, but before you went into a particular
6 county or had your crew go in to inventory a
7 particular county, you would first contact the
8 County Commissioner?

9 A. Right, uh-huh.

10 Q. And, again, all 29 counties were on this
11 rotating schedule?

12 A. Right, uh-huh.

13 Q. Was Kane County always on a rotating
14 schedule?

15 A. Yes.

16 Q. Did you at any time, either as recorder or
17 inventory chief, actually drive roads in Kane County?

18 A. When I took over being the inventory
19 chief, it was my first county that I went to work in.

20 Q. So that would have been in approximately
21 1961?

22 A. Probably about '63 probably. I started in
23 '62, but I think it was about '63 is when I actually
24 come to Kane County.

25 Q. How long did you remain in the position of

1 supervisor over field operations?

2 A. Thirteen years, '78.

3 Q. During the period of time that you were
4 supervisor, did the procedure that you've described
5 here today change at all?

6 A. It changed in about -- I'm estimating,
7 about '76. A number of the states changed from
8 taking vehicles out onto the roads and checking them.
9 To move it a little faster, they started flying the
10 roads low altitude, basically the same locations any
11 roads taking off of that. Then they would indicate
12 that, and then they would send an inventory crew out
13 to pick up the new stuff that we was doing.

14 Q. Did you personally participate in that
15 program of flying over roads?

16 A. Yes. I was the pilot.

17 Q. When did you obtain your pilot license?

18 A. 1972.

19 Q. And in 1976 is when you started --

20 A. We started flying the systems.

21 Q. Who would accompanying you, if anyone, in
22 the plane?

23 A. We would have one of the recorders. He
24 would go up with me, and also we would take one of
25 the County Commission or the County Commissioner

1 representative with us in the airplane.

2 Q. So it was an airplane that would house at
3 least three people?

4 A. Four, uh-huh (yes).

5 Q. What kind of a plane was it?

6 A. We started in a Cessna 182, went to a
7 Cessna 206.

8 Q. Did a Mr. Scott Nay ever work for you?

9 A. Yes, he did.

10 Q. Do you recall when he started working for
11 you?

12 A. I remember the county he come to work with
13 me, but I don't remember what year that was.

14 Q. What county was it?

15 A. He started in Wayne County.

16 Q. And what was his position originally; do
17 you recall?

18 A. He was the recorder.

19 Q. Did he ever ride with you as recorder when
20 you were the driver in the counties?

21 A. Yes. That's when he started.

22 Q. Did he ever ride with you when you did
23 Kane County?

24 A. Yes. Oh, I don't think so. I don't think
25 so. No, I'm sure he didn't.

1 Q. You were supervisor for 13 years.
2 What did you do then in terms of your
3 employment?

4 A. After that?

5 Q. Yes.

6 A. Then I transferred to the Division of
7 Aeronautics. I did that in 1979.

8 Q. Do you recall who replaced you as
9 supervisor?

10 A. That was Scott Nay.

11 Q. What type of work did you do while you
12 were aeronautics?

13 A. I was the airport planning construction
14 supervisor, and what we did there was to help the
15 cities and the counties with the maintenance,
16 construction and funding of public airports in the
17 State of Utah.

18 Q. Did you continue to do any work for UDOT
19 in conjunction with the B road program?

20 A. There for a few years after I left they
21 could rent basically the airplane from aeronautics,
22 and being I was the one that did that before that
23 worked out real good, because then they would rent
24 the airplane, and I'd still be the pilot for them in
25 some of these inventory programs.

1 Q. And how long after you went with
2 aeronautics did you continue to fly roads?

3 A. I probably did that for -- probably a
4 couple-three years probably.

5 Q. How long were you with aeronautics?

6 A. I was with them 14 years.

7 Q. Did your duties and responsibilities
8 remain the same over that 14 year period?

9 A. After about them three years we didn't fly
10 much more with the inventory program for the B roads,
11 but we traveled -- my duties then was to working with
12 the airports, flying stadium employees, and also I
13 was one of four pilots that flew the governor.

14 Q. Did you ever fly a guy named Rampton?

15 A. I surely did.

16 Q. Was it from the Aeronautics Division that
17 you ultimately retired in 2003, I think?

18 A. I retired, yeah, in -- in '93, that's when
19 I retired from the State.

20 Q. In '93?

21 A. Yeah, 1993.

22 Q. Okay. Did you retire in 1993 from all
23 forms of employment?

24 A. No. I went to work for Creamer & Noble
25 Engineering down in St. George as an airport

1 consultant. I did airport master plans for numerous
2 airports in the State of Utah and outside of the
3 state.

4 Q. And how long did you work for Creamer &
5 Noble?

6 A. I worked for them about 10 years.

7 Q. That would take us to 2003.

8 What did you then do?

9 A. I retired.

10 MR. RAMPTON: I'm not going to mark these
11 large maps because I'm going to substitute smaller
12 maps that are actually marked, but I want to start
13 with a larger map.

14 Q. (By Mr. Rampton) I've put in front of
15 you, Mr. Theobald, a map, which is a map of Kane
16 County, and I'd just like you to tell me for the
17 record if you can identify this map, and the map is
18 in four parts running west to east, and you have in
19 front of you the easternmost part.

20 Can you recognize this map?

21 A. I do. I do.

22 Q. And what is this map?

23 A. This is just a map that the Department of
24 Transportation put together for the planning
25 division, which we worked in.

1 Q. Is this one of the maps that you prepared
2 through the process that you've described here today?

3 A. Yeah, this would have been one of the maps
4 that we took when we did the -- for the -- I think it
5 was in the next cycle. I don't know what year that
6 would have been, but this would have been when --
7 we'd have taken these maps, renumbered them, got them
8 ready to go for our road crew to go out and to run
9 each one of these roads.

10 Q. I note that at the bottom of the map it
11 shows 1965.

12 Do you see that?

13 A. Yeah.

14 Q. You've testified here today that you
15 personally did work in Kane County around 1965.

16 Did you work personally on this particular
17 map?

18 A. I did. I did.

19 Q. Is there anything that you can identify
20 that would indicate that you personally were involved
21 in making this map?

22 A. No, there's nothing there.

23 Q. Let me direct your attention to some red
24 numbers that appear. This happens to be
25 Hole-in-the-Rock Road that I'm pointing to. There's

1 some red numbers.

2 Do you recognize the handwriting?

3 A. Yeah. That probably would have come from
4 a fellow Wallace Meres. He was in charge of the
5 office when we was doing that. He put these maps
6 basically together. I was personally probably the
7 one that drove these maps, drove the roads on this
8 map.

9 Q. Now, when you say drove the roads on this
10 map --

11 A. Uh-huh (yes).

12 Q. -- you mean you drove the roads in
13 preparing this map or prior to the time that the map
14 was prepared?

15 A. Oh, I drove the roads before this map was
16 made. They're made from what I had done out there.

17 Q. I see. Let me make sure the record's
18 clear on how it worked.

19 You've testified that you did -- one of
20 your counties in or about 1965 was Kane County --

21 A. Uh-huh (yes).

22 Q. -- is that true?

23 A. Right.

24 Q. And you testified that this is a map that
25 was made from the information you gathered yourself?

1 A. Right, uh-huh. We probably gathered the
2 information probably in the latter part of '63 or
3 '64.

4 Q. Was it the practice of your planning
5 department to always drive the roads using an older
6 map before the newer map was prepared?

7 A. Yeah. That's the only way we could
8 prepare the new ones was from driving the old map.

9 Q. Once again, you did that in all 29 Utah
10 counties?

11 A. Right.

12 Q. Do you recall what map you worked from in
13 driving the roads in preparation of this 1965 map?

14 A. Would have been the one prior to this. I
15 don't know what year. That would probably have been
16 probably around '59 or '60 probably, the one done
17 before. This is what they give me to go out and to
18 do to update for this map.

19 Q. So this map was compiled from information
20 that you gathered on these roads in Kane County?

21 A. True. True. Why they give me the old
22 maps to number when you'd go out and do that is to
23 make sure nothing had changed on that. If the road
24 was still there, they still maintained them roads, so
25 that's one of the checks we had to make.

1 Q. Let's make sure the record is clear on how
2 the information got from your gathering of
3 information on a road by road basis to the final
4 production, this final map.

5 A. Uh-huh (yes).

6 Q. How did that process work?

7 A. Just from the field inventory. When we
8 was out there, we made all our corrections on the map
9 that they give us, which was prior to this. Then
10 we'd take all that information back into our mapping
11 department, and they'd make any changes that we'd
12 have from that inventory.

13 Q. Would you give the mapping department the
14 R8 sheets?

15 A. Uh-huh (yes), we'd give them the same
16 thing.

17 Q. Would the R8 sheets be kept by UDOT?

18 A. It was while I was there.

19 Q. How long would you keep those R8 sheets?

20 A. Well, when I was there, gosh, they kept
21 them for a number of years. I really can't tell you
22 how long it was before that, but they kept them for a
23 long time. That's the only record we really had to
24 go back on to. I don't know if they still do that or
25 not.

1 Q. The map itself is produced by the mapping
2 department within the planning division?

3 A. (Witness nodding head affirmatively.)

4 MR. RAMPTON: Because these maps, large
5 maps, are so cumbersome, Mr. Theobald, I've had my
6 office make some smaller maps, and I have put in
7 front of you -- well, let's have these marked.

8 (EXHIBIT 1 WAS MARKED.)

9 MR. RAMPTON: This '65 map, for the
10 record, is PLPCO No. 495496, 497 and 498.

11 Q. (By Mr. Rampton) Would you just confirm
12 for the record that this is a smaller version of the
13 map, the 1965 map, that you previously identified?

14 A. That is true. Our department when they
15 would make the big map, it reduced these down. We
16 usually give three to four copies to the county when
17 we'd come in and give them a big map after the job
18 was done.

19 Q. All right. Let's go back for a moment and
20 talk about, once again, how the county got involved
21 at this point.

22 Now, once a new map was prepared, was the
23 county asked to approve the new map?

24 A. Yes.

25 Q. And how did they generally indicate the

1 approval of the new map?

2 A. After our meeting, there was a form that
3 we had for them saying basically if they approved or
4 disapproved of that map, and we had that in our
5 records.

6 Q. Was this a UDOT form?

7 A. Yeah.

8 Q. And would you take that signed form
9 indicating acceptance of a map back to UDOT's
10 offices?

11 A. Yeah, they'd go back into our files there
12 at our office.

13 Q. Would you keep those acceptances in your
14 office --

15 A. Uh-huh (yes).

16 Q. -- for a period of time?

17 A. Yeah, till the next one was done
18 basically. Then we'd get a new one after that one
19 was done.

20 Q. After you got the new acceptances, would
21 you throw away the old acceptances?

22 A. Seems like we kept them for awhile, but
23 down the road a ways, yes, to clean out some of our
24 files sometimes we didn't keep them.

25 Q. How about the maps? When you got a new

1 map, would you throw away the old maps, or did you
2 keep the old maps?

3 A. We kept the old maps. We had a historical
4 cabinet where we kept all our maps.

5 Q. Were those files organized on a county by
6 county basis?

7 A. Right, uh-huh.

8 Q. So you could go to -- were they in some
9 kind of a looseleaf, or how were they contained?

10 A. We hung them in a big cabinet by county,
11 and so if anybody wanted to come in and see one of
12 the county maps, what roads the county was doing or
13 the County Commission wanted to see something, we
14 could pull that in and look at that particular map
15 they was interested in.

16 We usually kept them back for three or
17 four years, well cycled. That had to be over a 20
18 year period because it was a five year cycle we was
19 on when we first started -- when I started.

20 Q. So you could go to a particular county
21 which would have a particular file --

22 A. Uh-huh (yes).

23 Q. -- at UDOT's offices?

24 A. Right, at our office.

25 Q. And there you could look at not only the

1 current map but older maps as well?

2 A. True. True.

3 Q. Did the county generally, to your
4 knowledge, retain a copy of the acceptance form that
5 you've described?

6 A. I would have no idea if it did or not.

7 Q. You testified earlier that you would send
8 the new maps out to the county?

9 A. We would have a meeting with the county.
10 We'd leave them with them at that time if they was
11 approved.

12 Q. What would you do if the county did not
13 accept the map prepared by UDOT?

14 A. We'd find out what the problem was and
15 we'd fix it.

16 Q. What do you mean "fix it"?

17 A. Well, the only reason they wouldn't do
18 that is if we didn't have the right roads on there or
19 there's another road they wanted to have on there.
20 Then we would send a crew back out in the field to
21 pick up the information that they wanted on that map,
22 add it to that map and make up a new one.

23 Q. You testified that what your division or
24 your section would do with the information is you'd
25 add up mileage?

1 A. Yeah. We had to keep track of all the
2 miles within the State so we'd have an up-to-date
3 mileage for each county so they got the proper
4 allocation of funds.

5 Q. And you would do that in each and every
6 county in the State?

7 A. Uh-huh (yes).

8 Q. Now, for Kane County, for instance, in
9 1965 you would total up the total mileage of all the
10 roads, all the B roads, in the county?

11 A. Uh-huh (yes).

12 Q. How would you go about determining the
13 mileage?

14 A. From the R8 sheet. We started
15 basically -- each road would -- on our sheet we would
16 make out there, we'd have the mileage on that sheet
17 starting from zero -- we'd take a road, we'd start
18 from 00, and we'd go all the way to the end of that
19 road with the total miles at the end. That's how we
20 got that mileage. Then when we come into the office,
21 we would have to go back into that and come up with
22 the total miles by surface type and length.

23 Q. And who would actually do the
24 computations? Who would total up the mileage?

25 For instance, for Kane County for 1965,

1 who would have done that?

2 A. Well, when I took over in the office, that
3 was my responsibility.

4 Q. Took over as?

5 A. As supervisor.

6 Q. So it was the supervisor that actually did
7 the computation of mileage?

8 A. Right, uh-huh.

9 Q. There's a color key on Exhibits 1 through
10 4, and can you tell for the record, indicate what
11 color the B roads appear in on the exhibit?

12 A. Blue.

13 Q. And is that true for all four sheets?

14 A. Right.

15 Q. Now, let's look at Exhibit --

16 A. Three?

17 Q. -- 3, and there's a green road. What --

18 A. Them are State highways.

19 Q. Are there any D roads or smaller roads
20 that don't qualify as B roads depicted on this map,
21 '65?

22 A. In some cases we went into a county and
23 their road had went primitive. I don't see any
24 special on this here. Sometimes we left that
25 primitive road on, but I don't see any on this one

1 that do that.

2 Now, the different colors, these are
3 forest roads in the yellow (indicating).

4 MR. RAMPTON: Okay. The witness is
5 indicating the Forest Service property he's indicated
6 in an aquamarine color, and they are yellow roads.

7 Q. (By Mr. Rampton) And you say those are
8 roads through Forest?

9 A. They're Forest roads, uh-huh (yes).

10 Q. Are those, nonetheless, B roads?

11 A. No, unless there's agreement between the
12 county and the Forest Service. Sometimes there will
13 be an agreement where the county will maintain that
14 road and the Forest Service will grant them to have
15 that B money on that road. I thought I seen one on
16 there that indicated that.

17 Q. Does this exhibit indicate then that the
18 roads that are marked in blue are roads that you
19 found to have been being maintained by the County?

20 A. Right. True.

21 Q. As of on or before 1965?

22 A. Uh-huh (yes).

23 Q. You mentioned primitive roads.

24 Was there a classification of B roads?

25 A. No, we didn't have a classification for

1 that. If it was a primitive road, they couldn't
2 receive funds for that road, so if they was
3 primitive, sometimes we'd have that on a map, but we
4 didn't color it in as anything.

5 Q. All right. I believe you testified that
6 some of the B roads became primitive.

7 A. Sometimes. Sometimes.

8 Q. But they weren't maintained?

9 A. They weren't maintained. We would --
10 instead of taking it off the map, if the county
11 wanted to have that later, we left it on there, so
12 when they put a blade on it they would let us know,
13 and we'd go back out and verify that they did put a
14 blade on it. Then we'd give them credit for that.

15 Q. How would you handle a road that was not
16 on the old map but which the county indicated they
17 had subsequently started to maintain?

18 What would you do with a road like that?

19 A. We would go out and plot that system so
20 mapping could replot it onto the map, then give them
21 credit for that.

22 Q. So you would actually go out and drive the
23 roads to verify that it was being maintained?

24 A. Right, uh-huh.

25 Q. Would the county have to let you know how

1 long they had been maintaining a particular road?

2 A. No. We never did ask them that, no. If
3 it was maintained and they said it was theirs, we
4 just went along with that.

5 MR. RAMPTON: Let's mark these as well.

6 (EXHIBITS 2A THROUGH 2D WERE MARKED.)

7 THE WITNESS: I might add, when we started
8 plotting these roads with the County Commission, or
9 the County Commissioner's representative that would
10 come with us, they was quite unhappy, because
11 sometimes they'd come back quite ill.

12 MR. RAMPTON: For the record, the court
13 reporter is going to go back and number the four
14 sheets that comprise the 1965 map as 1A, B, C and D.

15 And the 1970 map that I'm showing the
16 witness now, it's numbers, Bates stamp numbers, 499,
17 500, 501 and 502.

18 Q. (By Mr. Rampton) Let me place in front of
19 you a map that is dated 1970. It's a General Highway
20 Map of Kane County, and I'd just like you to verify
21 for the record that this is another map of Kane
22 County prepared by your planning division.

23 A. Yes, uh-huh. Yup.

24 Q. Now, how do you know that a particular map
25 is a map prepared by your planning division?

1 A. By Kane County, and it's prepared by the
2 Systems Planning Division, which was us. Planning
3 Statistics Section, that was our office that did
4 that.

5 Q. So the label on the map itself tells you
6 that it is a map prepared by your department?

7 A. Right, uh-huh.

8 Q. Is there any other way we can tell whether
9 a particular map is a map prepared by your department
10 depicting B roads other than the wording that appears
11 on the map in the lower right-hand corner?

12 A. Yeah, that would be probably the only way.

13 Q. Is another way the blue color of the
14 roads? Strike that.

15 Let me ask you this: Did your department
16 in mapping the B roads for a particular county always
17 use the color blue to identify the roads?

18 A. When I was in charge and running the
19 system, they was always blue.

20 Q. And that includes the period of time that
21 you were a recorder?

22 A. Uh-huh (yes), right.

23 Q. So there are at least two ways that we can
24 identify the maps prepared by your division. One is
25 by the legend appearing on the map --

1 A. Uh-huh (yes).

2 Q. -- and, two, by reason of the fact the
3 roads are identified in blue?

4 A. Yeah, we made all the B roads blue.

5 Q. In 1970, when this map was prepared, had
6 you become the supervisor?

7 A. I'm sure I did. Yes. I was in '65 to
8 '78, so, yeah, I would have prepared that.

9 Q. Now, you testified earlier that, as
10 supervisor, it was your job to put the numbers on the
11 roads?

12 A. Uh-huh (yes).

13 Q. Let me show you the sheet that's marked as
14 2D and ask you whether those red numbers on the
15 B roads, whether those are numbers that you would
16 have assigned?

17 A. Right, uh-huh.

18 Q. How would you go about assigning a
19 particular number to a particular road?

20 A. You could take a State route -- just for
21 identification to find that, we'd take a State route
22 and number off that. We would start like -- a single
23 road, we might go -- on that one there it's 11 --
24 11001. For other roads taking off that, we might
25 say, well, this is 1102, and then taking off that

1 would be 11021 just for identification on a map
2 somewhat where that road is located. We named them
3 off of the State route using the numbers.

4 Q. Now, this 1970 map, is it your
5 understanding that the '70 map would have been
6 prepared off of a markup of the '65 map?

7 A. It would have, yes.

8 Q. Do you recall whether you participated
9 directly in preparing the 1970 map?

10 A. Yes, I did.

11 Q. On D2, there is a road -- a couple of
12 roads at the top of the map that are not blue but
13 rather --

14 A. That's indicating a State route.

15 Q. So that's a State highway?

16 A. That's a State route, and some of them are
17 maybe a different color. Might be a federal route
18 also.

19 Q. So the mileage on that State route would
20 or would not be used in calculating the total
21 mileage?

22 A. No. No. The State routes was -- another
23 individual in my department took care of all the
24 State mileage, and that's what he figured, but, no,
25 there's no B money going to that at all.

1 Q. Now, I again note that in yellow -- there
2 are a number of roads that are in the forest marked
3 in yellow.

4 Do you see those roads?

5 A. Right, uh-huh.

6 Q. Are those roads added in to come up with
7 the mileage?

8 A. No, not unless there's some kind of
9 agreement made between the Forest Service and the
10 county to maintain that road, and sometimes that
11 happens.

12 MR. MANGUM: Before you do that, pass them
13 this way.

14 MR. RAMPTON: You want to see?

15 MR. MANGUM: Sure.

16 THE WITNESS: I understand now the State's
17 not doing it the way we used to.

18 MR. RAMPTON: Why don't you mark these.
19 Why don't we take five minutes.

20 (Recess from 3:03 p.m. to 3:10 p.m.)

21 (EXHIBITS 3A THROUGH 3D WERE MARKED.)

22 MR. RAMPTON: Let me double back for just
23 a moment.

24 Q. (By Mr. Rampton) When you were out
25 driving the B roads in a particular county to

1 inventory those roads, what were you looking for in
2 terms of indication of maintenance?

3 A. If you could -- well, if we could drive
4 over them with a touring car pretty good, that you
5 could see the blades, you could see somebody actually
6 put a blade on that road and it was still in pretty
7 good shape.

8 Q. Would you look at -- did the berming of
9 the sides of the roads have any effect?

10 A. We could always tell basically if somebody
11 had been on that, you know, before.

12 Q. Did you take into account features such as
13 water conduits, culverts?

14 A. Well, we indicated culverts. If we was
15 going down the road and there was culverts in the
16 road, then we would call that a graded and drained
17 road, so we did look at stuff like that.

18 Q. Would you indicate cattleguards?

19 A. Yes, cattleguards, fences.

20 Q. And these are all features that would have
21 been recorded on the R8 form?

22 A. Uh-huh (yes), and the fences was put on
23 the maps, too, and cattleguards was put on the map.

24 Q. Let me direct your attention to a set of
25 maps that have been marked as Exhibits 3A through 3D,

1 and it's marked as a Kane County highway map dated
2 1975.

3 Can you identify that as being a map
4 produced by your division?

5 A. Yes, I can.

6 Q. Would you have personally worked on this
7 particular map?

8 A. Yes.

9 Q. What would have been your role in the
10 preparation of this map?

11 A. As identifying the roads, putting the
12 numbers on the roads, getting ready for the crew to
13 go out into the field and work.

14 Q. With respect to Exhibit 3A, and the same
15 was true on the 1970 map, I believe. I pointed out a
16 road that was marked in purple that appears at the
17 top of the map.

18 Do you see this (indicating)?

19 A. Yeah. This here (indicating)?

20 Q. Yeah. And you said that was a State
21 route?

22 A. Right. That's State Route 9 going up over
23 Cedar Mountain down into Cedar City.

24 Q. Did you, during your tenure at the
25 Department of Transportation in the planning

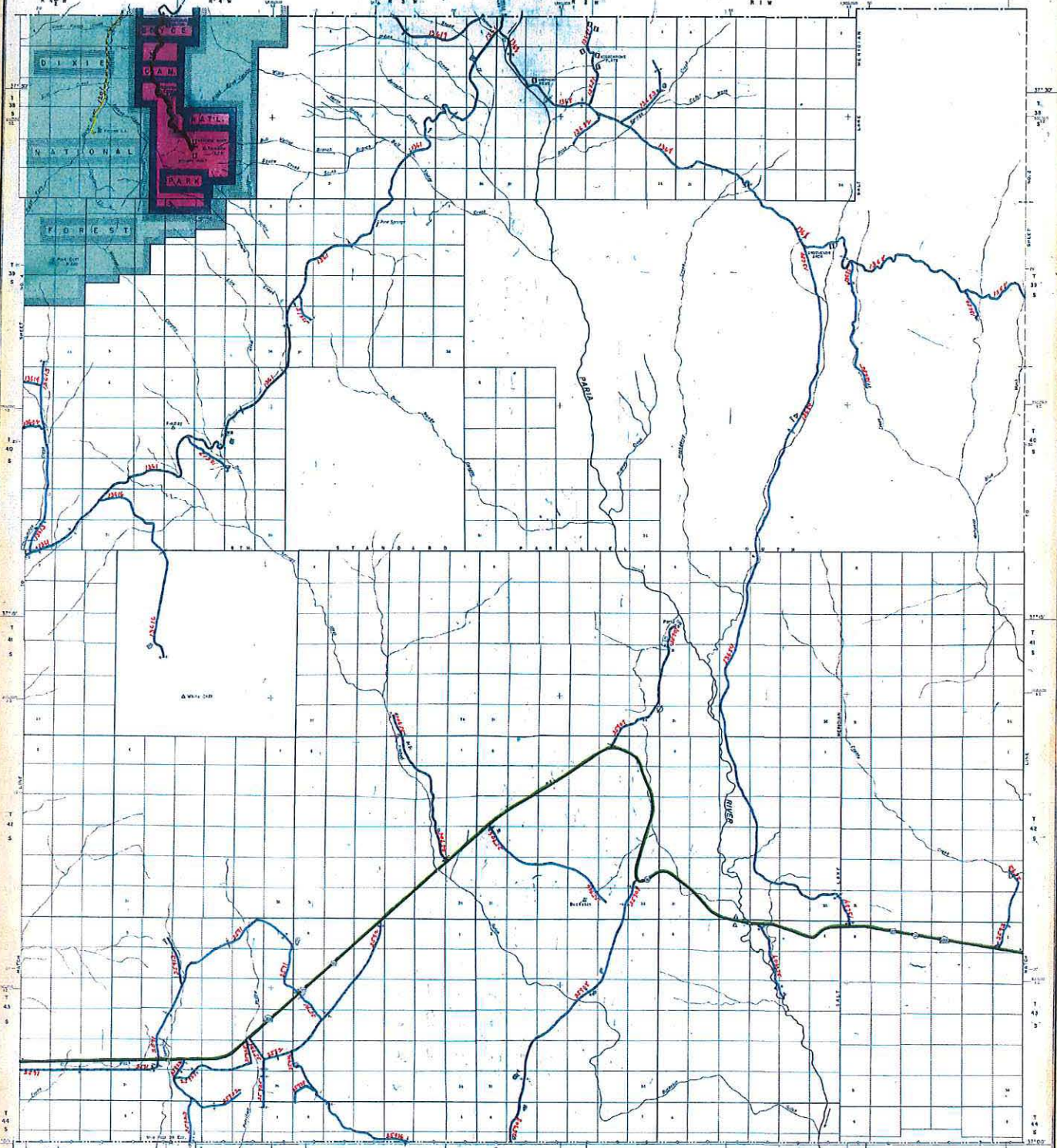
G A R F I E L D C O U N T Y

SHEET NO. 1

SHEET NO. 2

R 1 E

R 2 E



KANE COUNTY

A R I Z O N A

EXHIBIT LC
 WIT: Theobald
 DATE: 11-6-18
 C&C Court, LLC

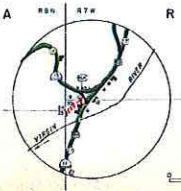
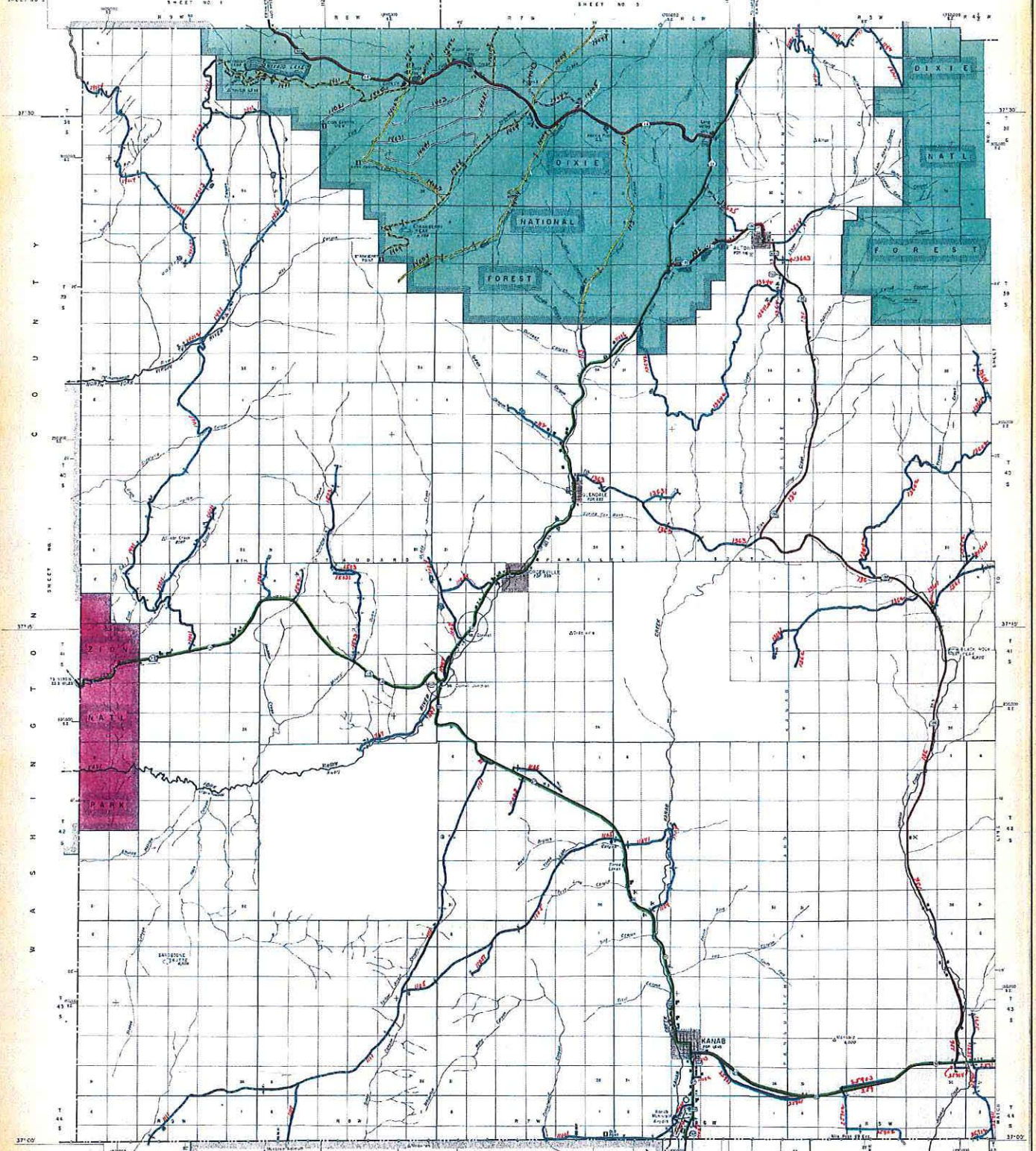


GENERAL HIGHWAY MAP
 KANE COUNTY
 UTAH
 SCALE
 1965
 PULSONG & ASSOCIATES
 PULSONG & ASSOCIATES, INC.
 1000 WEST 1000 SOUTH, SALT LAKE CITY, UTAH

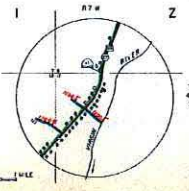
PLPC0000497

GENERAL HIGHWAY MAP 27x40 IN. APRIL 20, 1965

IRON COUNTY GARFIELD COUNTY



MT. CARMEL JUNCTION



MOUNT CARMEL

SCALE FOR ENLARGEMENTS

EXHIBIT 1B
WIT. Theobald
DATE: 11-6-18
CSCout, LLC



GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

1965
PLPCC000498

G A R F I E L D C O U N T Y

SHEET NO 4

SHEET NO 3

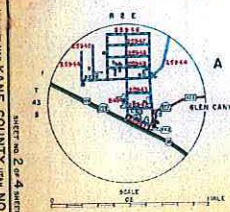
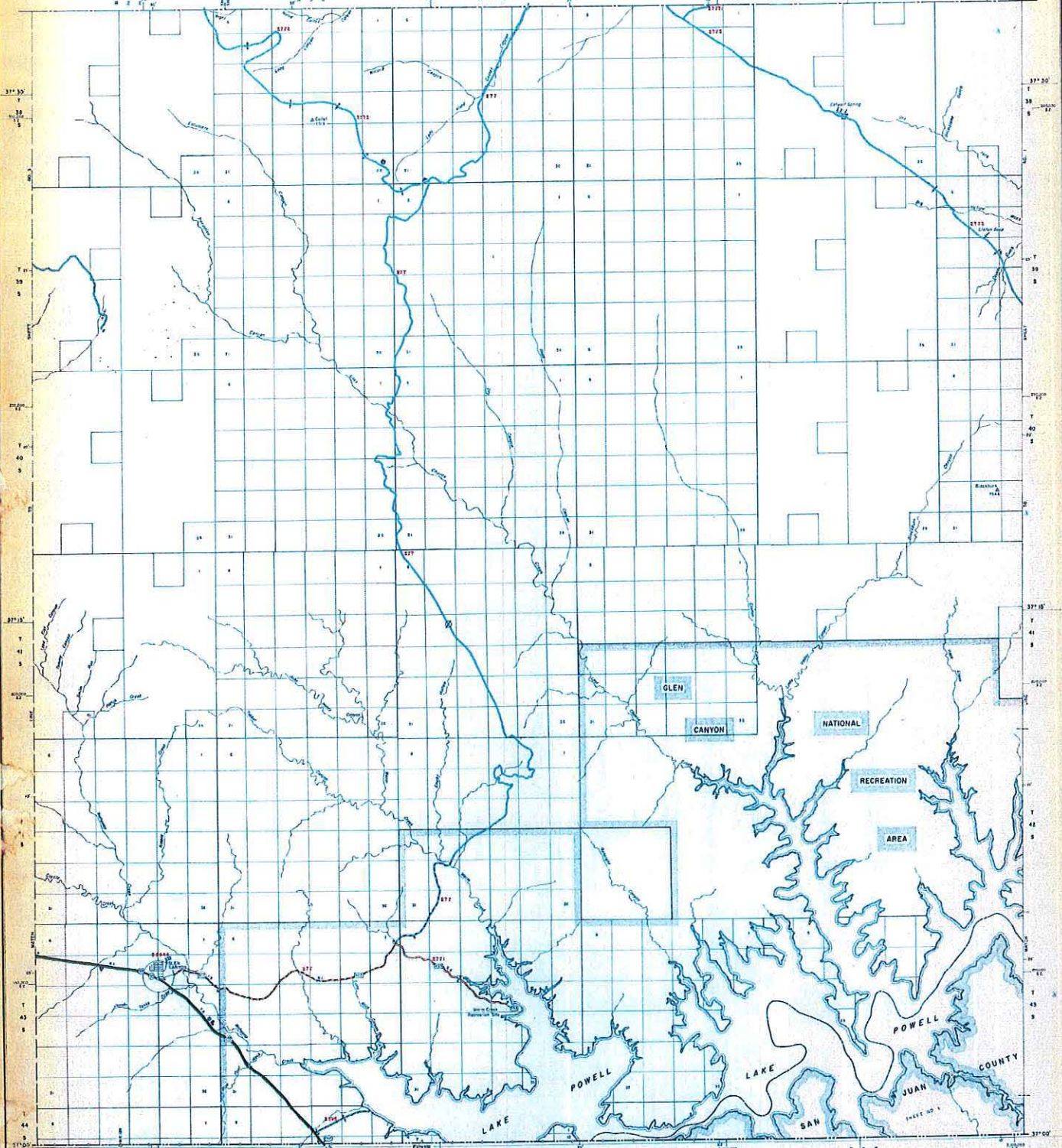


EXHIBIT 203
 W/F: *Thobald*
 DATE: 11-6-18
 CBOCout, LLC



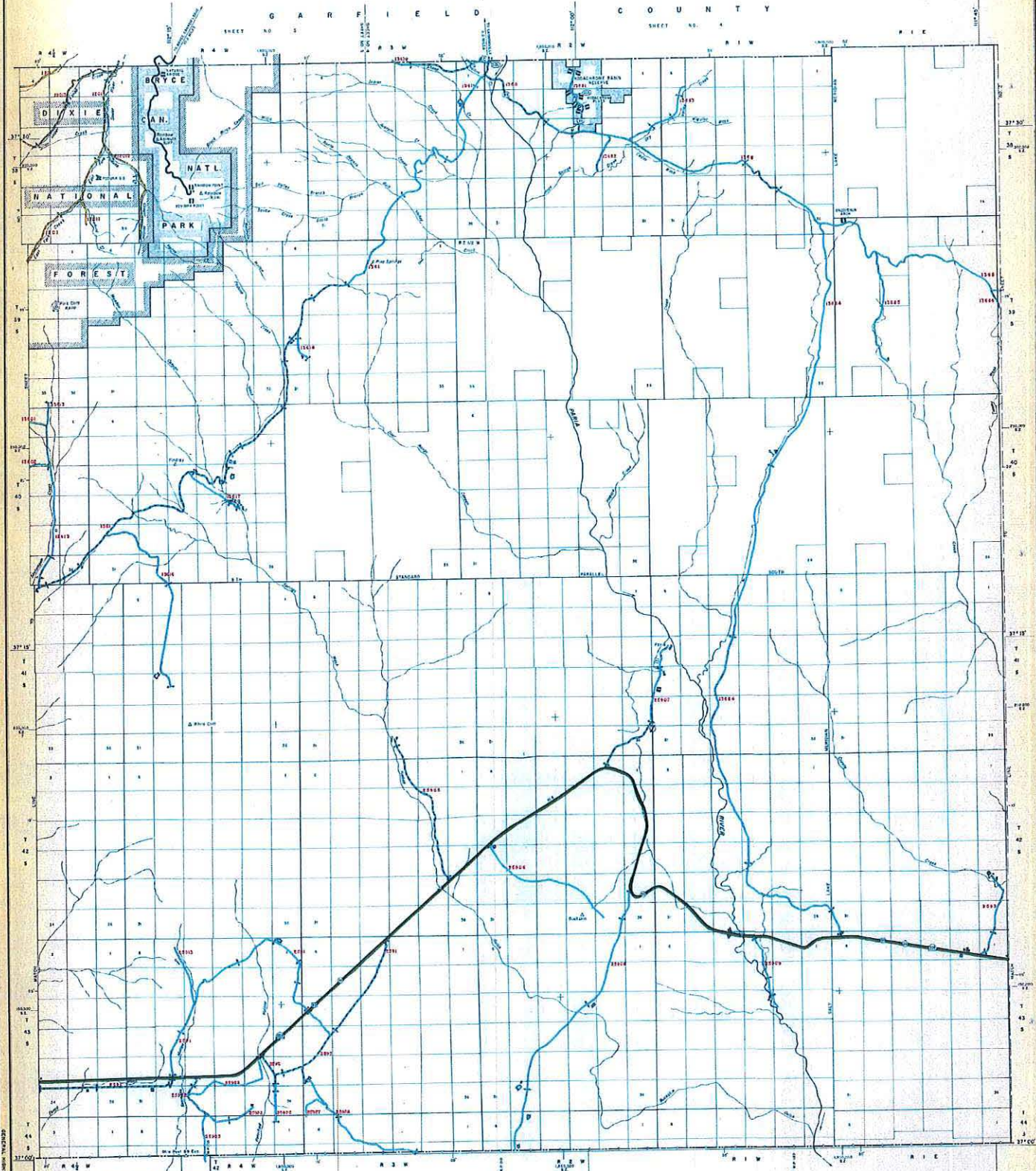
GENERAL HIGHWAY MAP
 KANE COUNTY
 UTAH

SCALE
 1" = 1 MILE

1970

PLPCO000500

GARFIELD COUNTY



ARIZONA

COCONINO COUNTY

UNAPPORTED LAND

GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

SCALE
1970

EXHIBIT 3c
WIT: Theobald
DATE: 11-5-18
CISCOUT, LLC



PAULINE H. HARRIS
COUNTY ENGINEER

PLPCO000501

SHEET NO. 3 OF 4 SHEETS

IRON COUNTY GARFIELD COUNTY

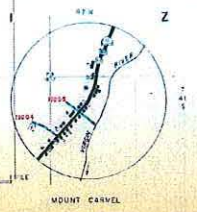
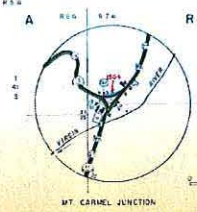
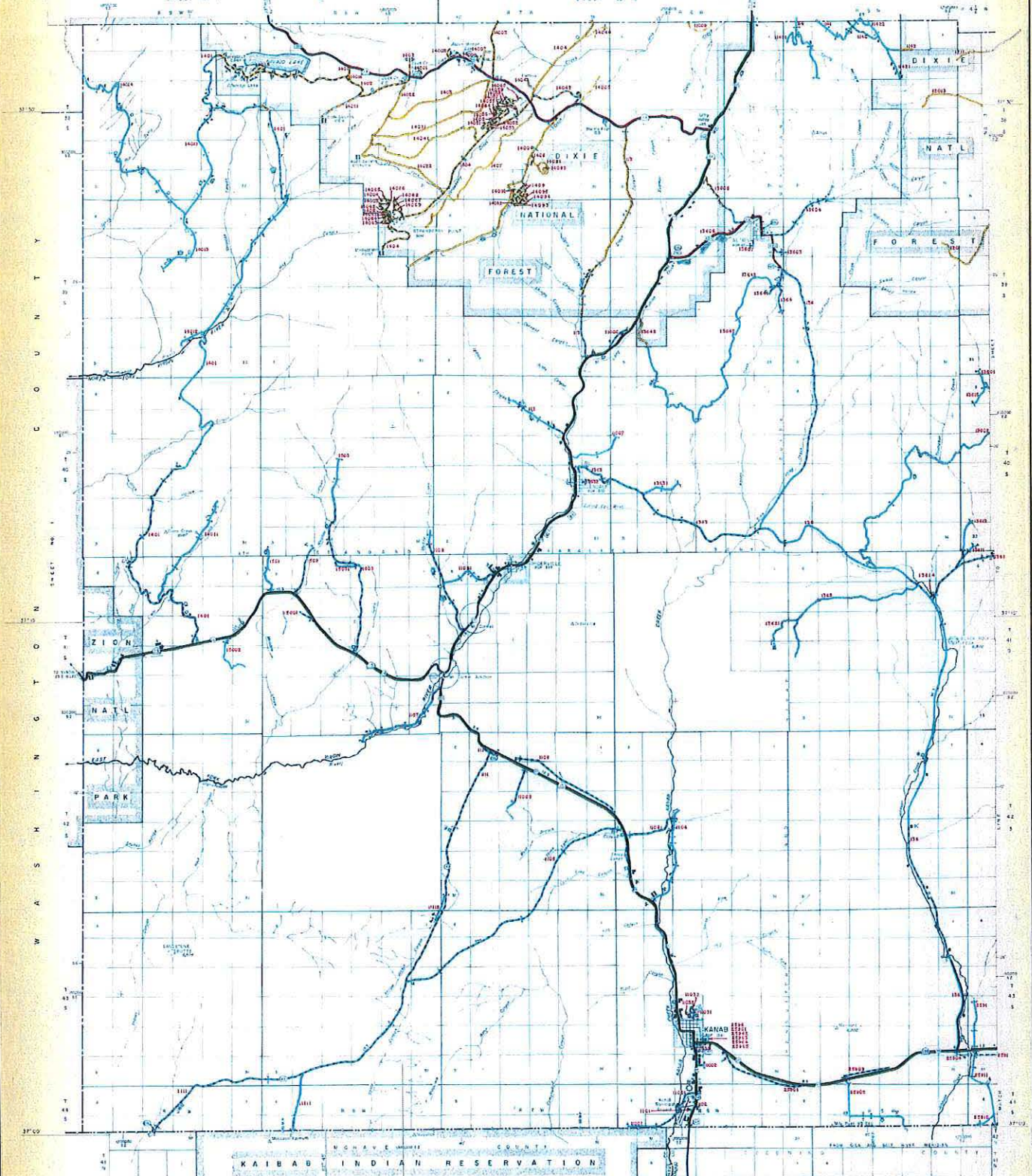
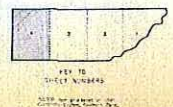
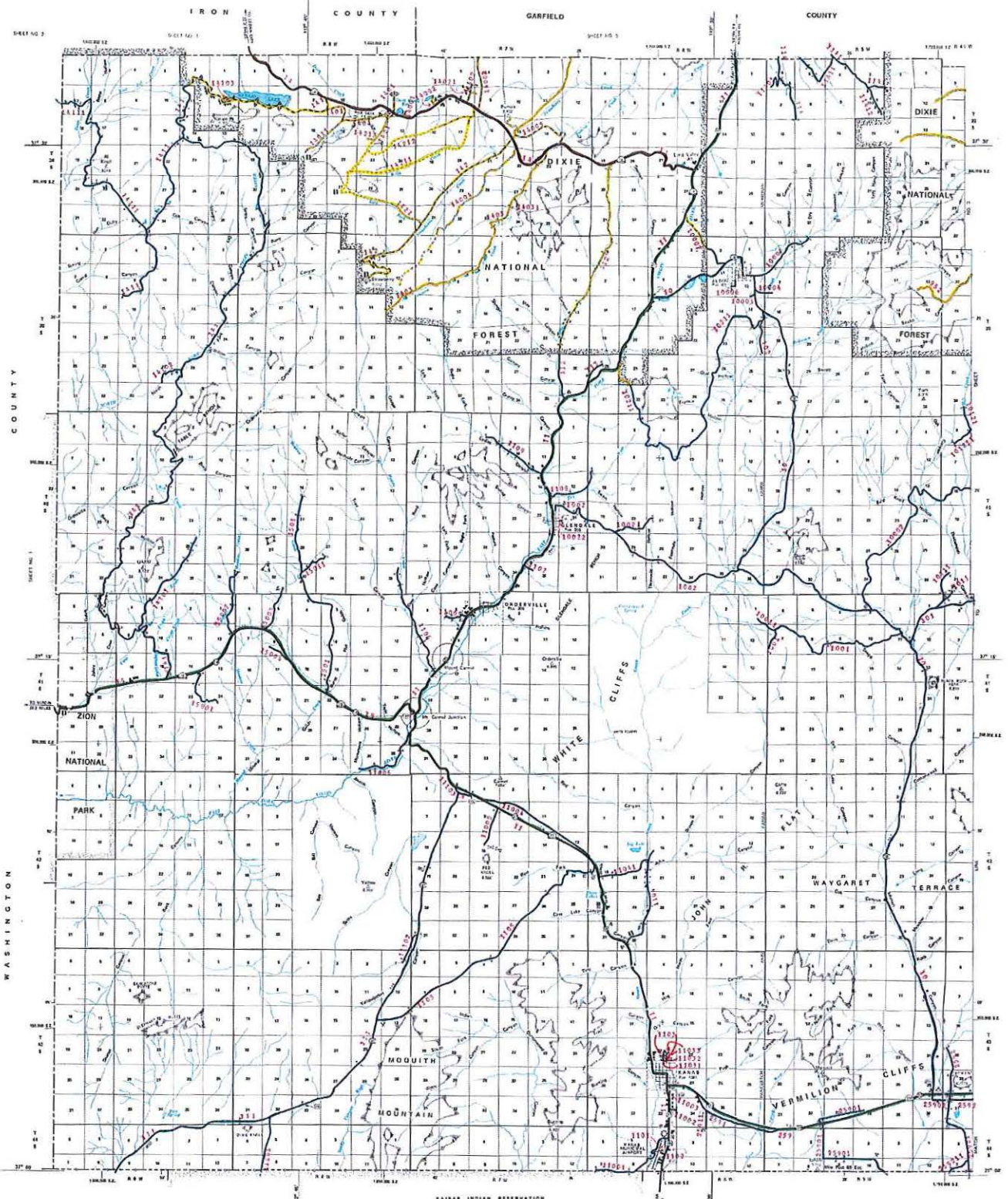


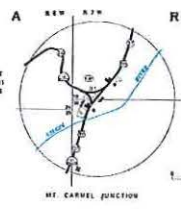
EXHIBIT 20
w/ Theobald
DATE: 11-6-18
CISCOUL, LLC



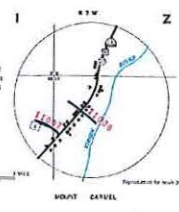
GENERAL HIGHWAY MAP
KANE COUNTY
UTAH
SCALE
1970
PLPC0000502



SHEET 2 OF 4 SHEETS
GENERAL HIGHWAY MAP OF KANE COUNTY, UTAH, NO. 13



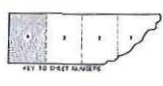
MT. CARMEL JUNCTION



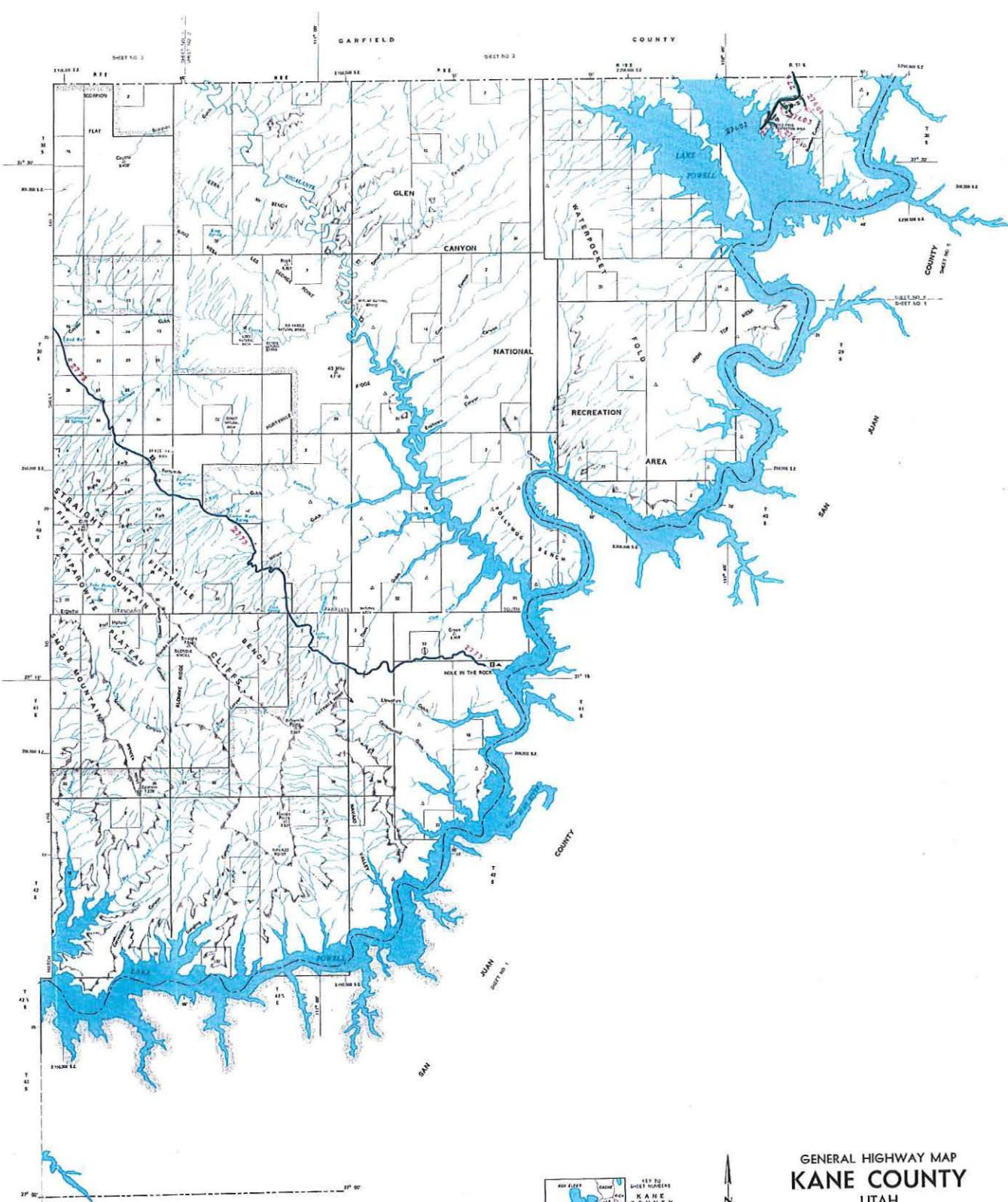
MOUNT CARMEL

SCALE FOR ENLARGEMENTS

EXHIBIT 3A
 WITH THEBOLD
 DATE: 11-6-18
 CIRCUIT, LLC



GENERAL HIGHWAY MAP
KANE COUNTY
 UTAH
 SCALE
 1975
 PLPC000506

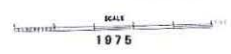


ARIZONA
COCHISE COUNTY



GENERAL HIGHWAY MAP KANE COUNTY UTAH

PREPARED BY THE
UTAH STATE DEPARTMENT OF HIGHWAYS
SYSTEMS PLANNING DIVISION
PLANNING STATISTICS SECTION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



PLPC000503

EXHIBIT 3B
WIT: Theobald
DATE: 11-6-18
CICCoast, LLC

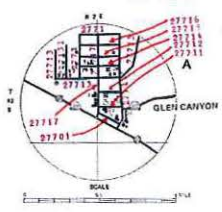
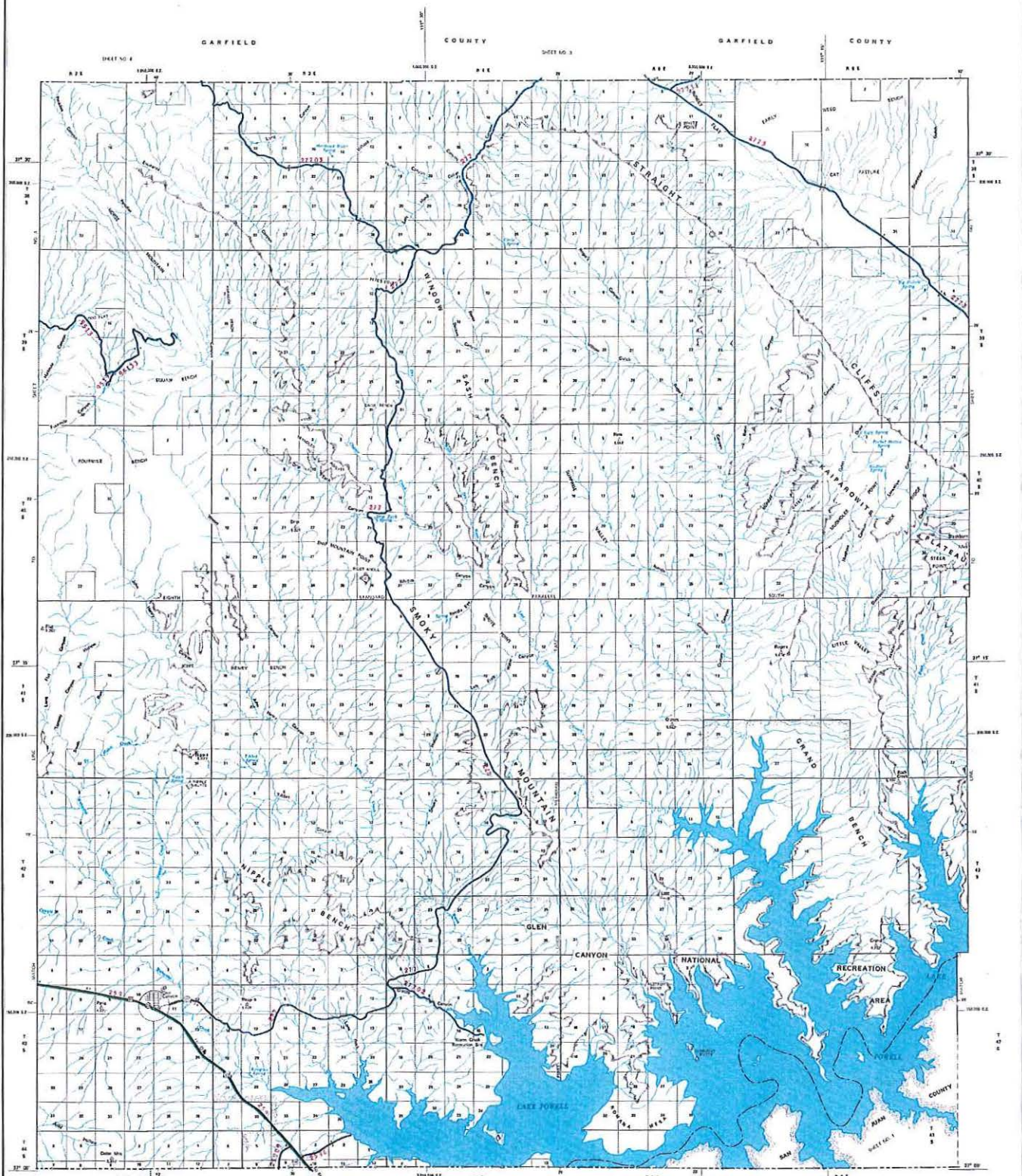


EXHIBIT 3c
WIT: Theobald
DATE: 11-16-18
COCOUNT, LLC

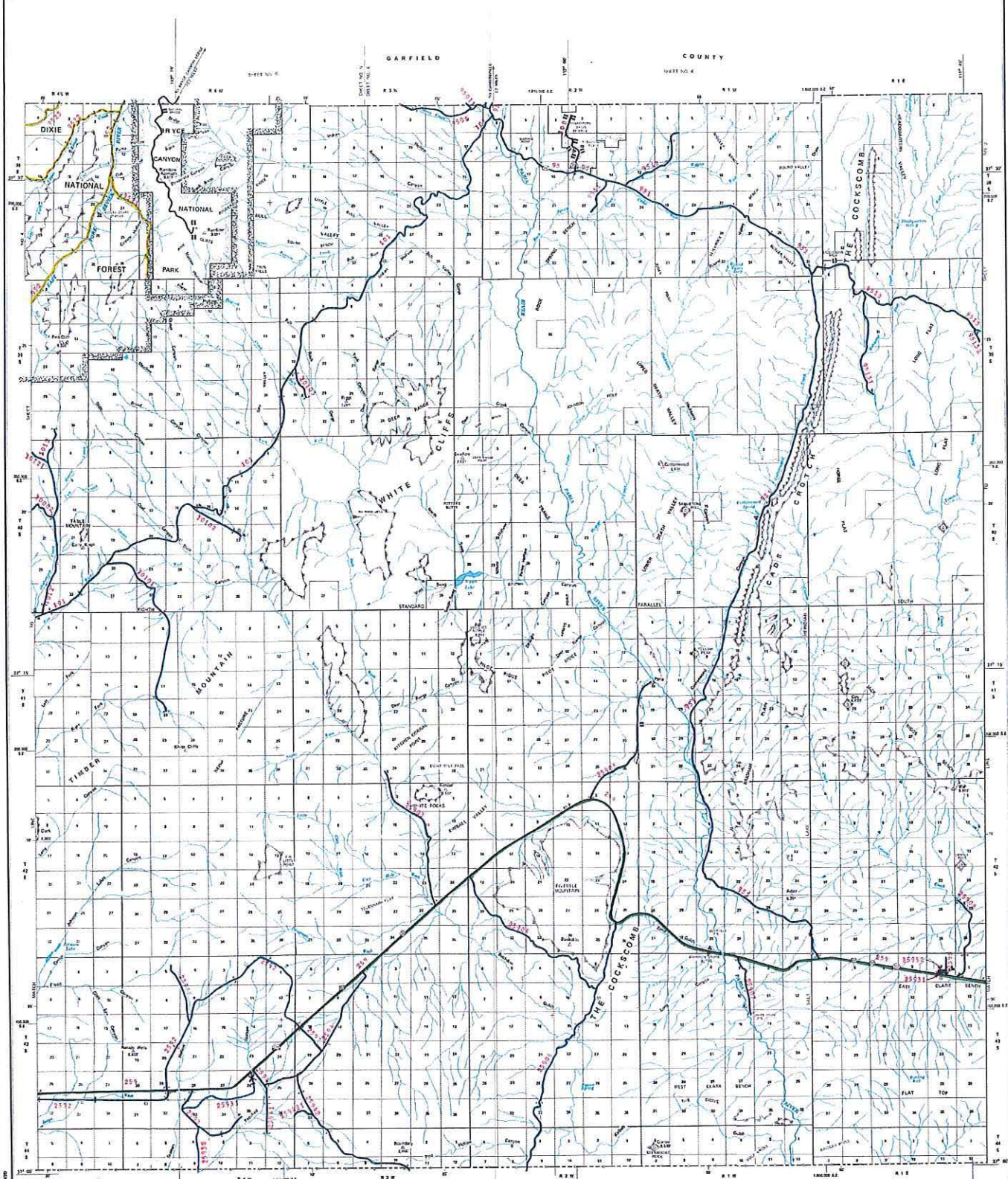
Published by the State of Utah
Date of the map as shown
for public use at national and
state level. Not for sale.
Scale: One inch = 10 miles
Scale: One inch = 10 miles



UNRAVELED EDITION
GENERAL HIGHWAY MAP
KANE COUNTY
UTAH
SCALE
1:100,000
1975
SOLVING PAGES
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Cocount, LLC, Salt Lake City, Utah
PLPCO000504

KANE COUNTY, UTAH, SHEET NO. 13

GENERAL HIGHWAY MAP APPROVED APRIL 18 1975



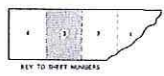
GARFIELD COUNTY
COCORINO COUNTY
ARIZONA

GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

SCALE
1975

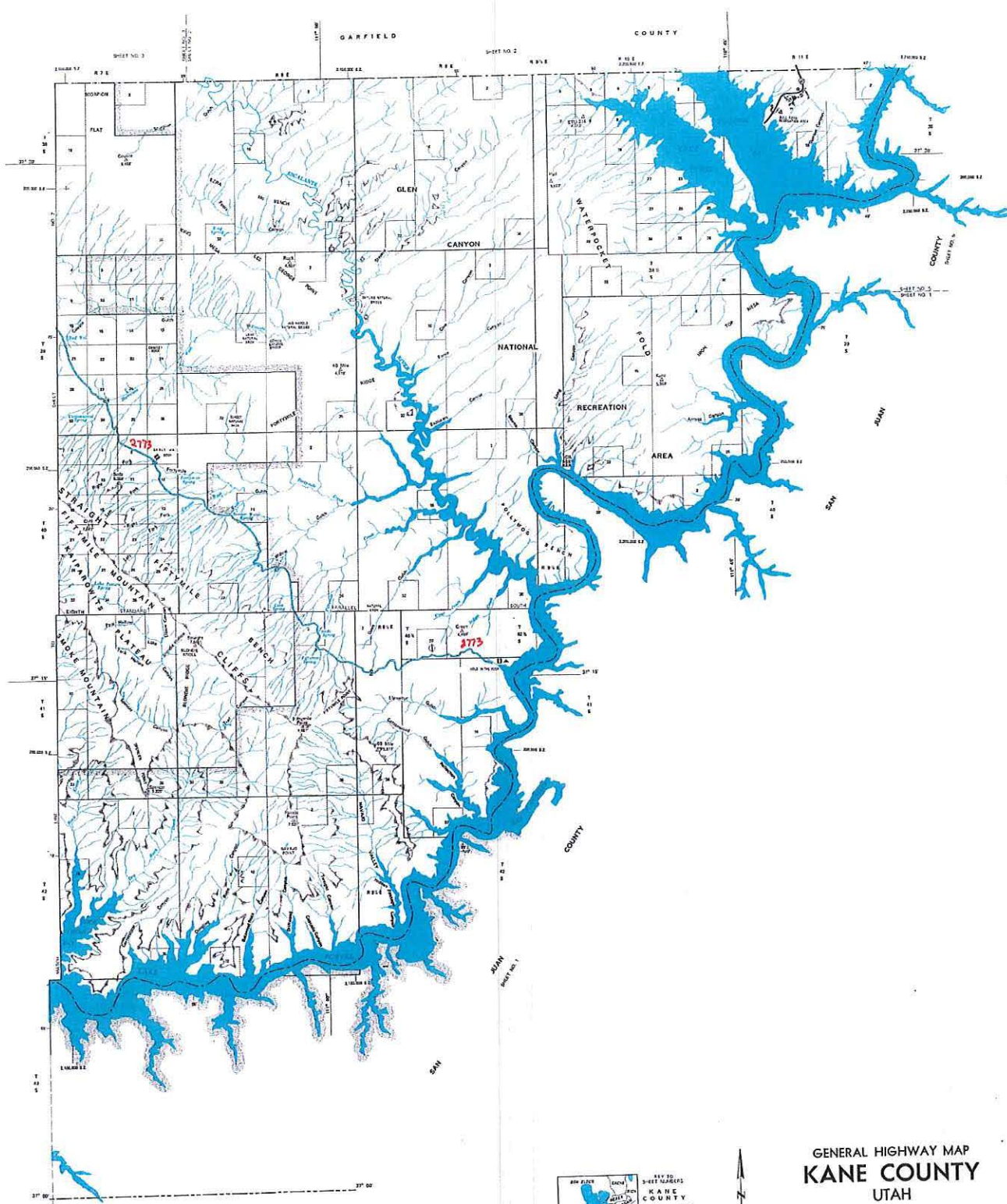
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EXHIBIT 30
WIT: Theobald
DATE: 11-6-18
Circuit, LLC



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Revised Edition
1975

Vertical text on the left margin: ARIZONA, KANE COUNTY, NO. 13



ARIZONA
COCHISE COUNTY

EXHIBIT 4A
W.P. Theobald
DATE: 11-5-18
CIRCOR, LLC



GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

PREPARED BY THE
UTAH DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING DIVISION
PLANNING STATISTICS SECTION

IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

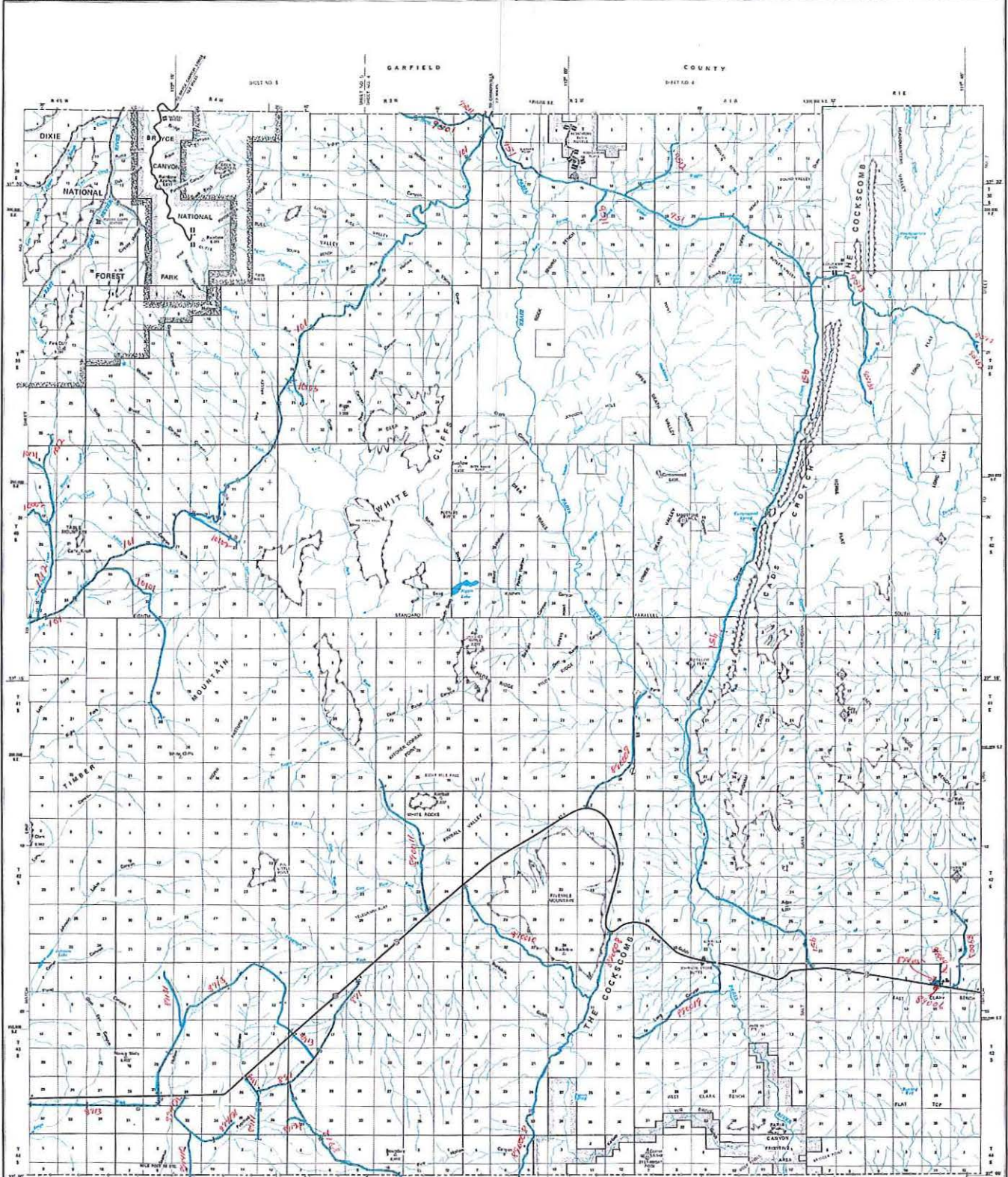
SCALE
1977

PLPCO000507
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1977

FEDERAL HIGHWAY MAP APPROVED MARCH 27, 1977



GARFIELD COUNTY
DIXIE TO 2
COCOA
UNIMPROVED LAND
UNIMPROVED LAND

A R I Z O N A
GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

SCALE
1977

EXHIBIT 4c
with Theobald
DATE: 11-6-18
CBOOut, LLC

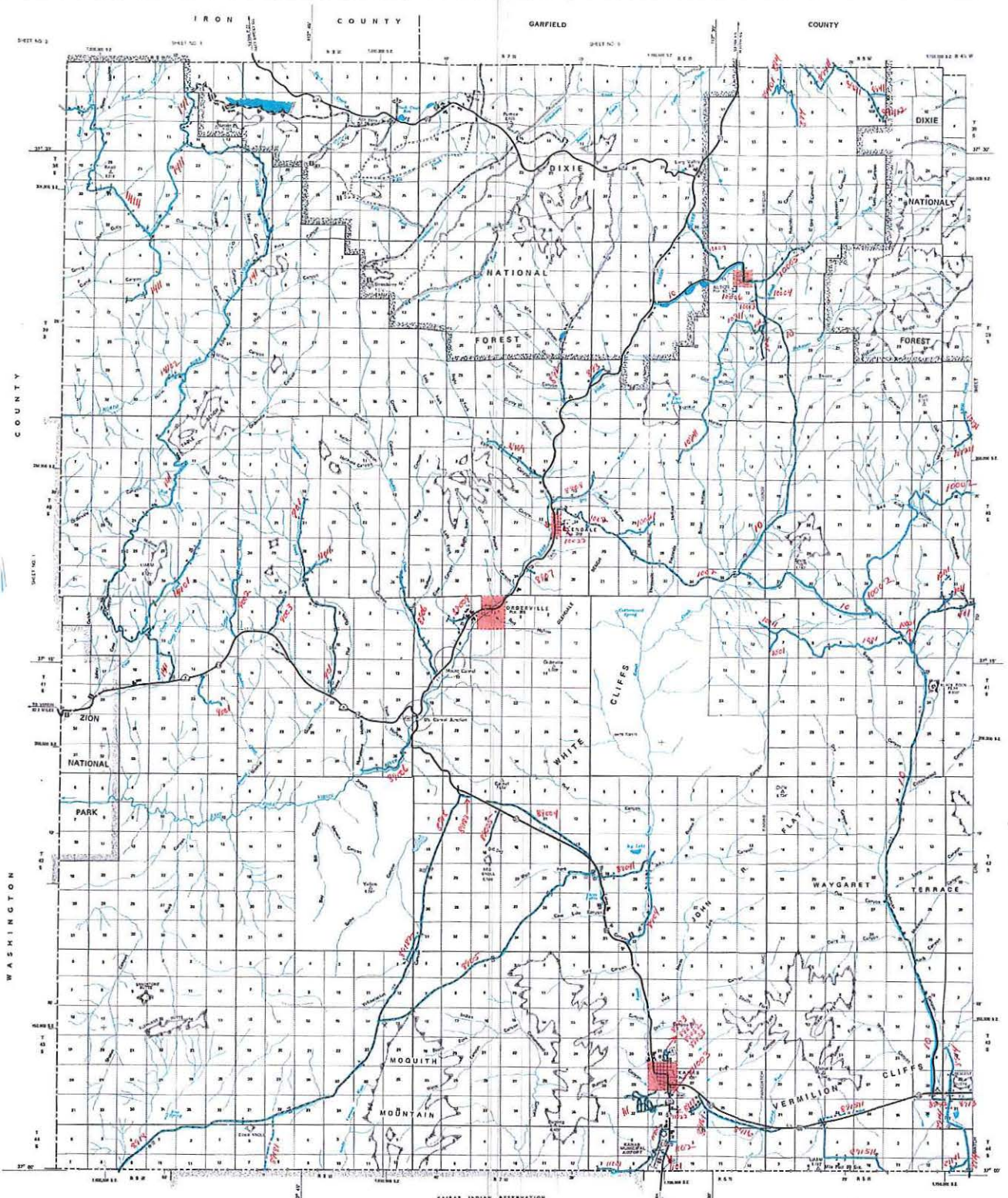


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GENERAL HIGHWAY MAP KANE COUNTY, UTAH NO. 13

GENERAL HIGHWAY MAP APPROVED MARCH 27, 1977



GENERAL HIGHWAY MAP OF KANE COUNTY, UTAH, NO. 13

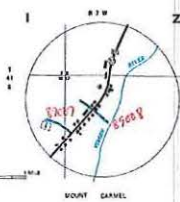
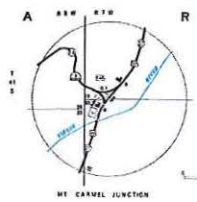
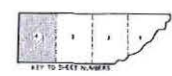


EXHIBIT 40
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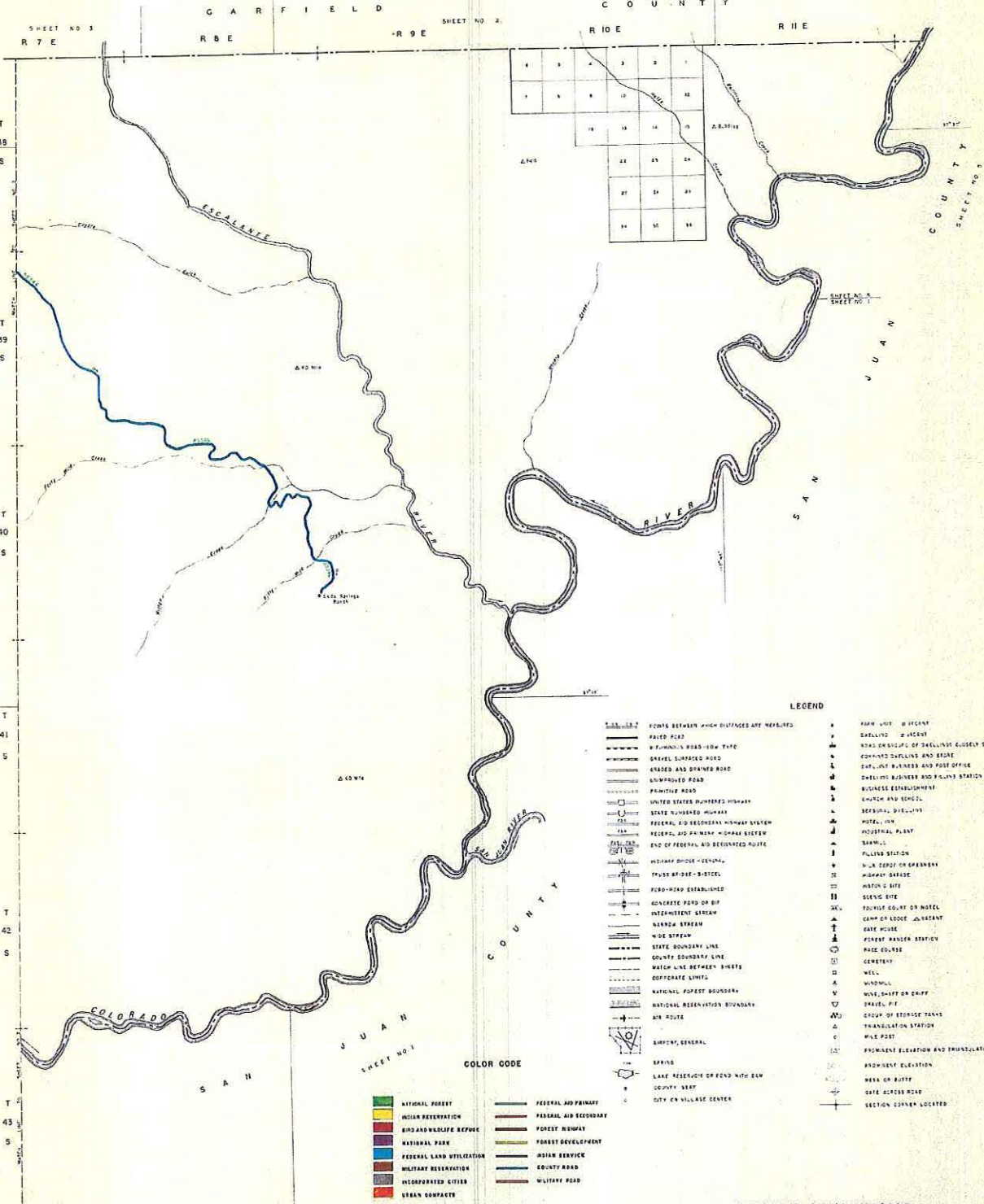


GENERAL HIGHWAY MAP
KANE COUNTY
 UTAH

1977

PLPCO00510

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- LEGEND**
- POINTS BETWEEN HIGH DISTANCES ARE MEASURED
 - PAVED ROAD
 - UNPAVED ROAD - LOW TYPE
 - GRAVEL GRADED ROAD
 - GRADED AND GRAVEL ROAD
 - UNGRAVELLED ROAD
 - PRIMITIVE ROAD
 - UNITED STATES NUMBERED HIGHWAY
 - STATE NUMBERED HIGHWAY
 - FEDERAL AID SECONDARY HIGHWAY SYSTEM
 - FEDERAL AID PRIMARY HIGHWAY SYSTEM
 - END OF FEDERAL AID DESIGNATED ROUTE
 - HIGHWAY BRIDGE - CONCRETE
 - TRUSS BRIDGE - WOOD
 - ROAD-BUILD ESTABLISHED
 - CONCRETE POND OR DAM
 - INTERMITTENT STREAM
 - NARROW STREAM
 - WIDE STREAM
 - STATE BOUNDARY LINE
 - COUNTY BOUNDARY LINE
 - MATCH LINE BETWEEN SHEETS
 - COPPERATE LIMITS
 - NATIONAL FOREST BOUNDARY
 - NATIONAL RESERVATION BOUNDARY
 - AIR ROUTE
 - SHIPWAY, GENERAL
 - SPRING
 - LAKE RESERVOIR OR POND WITH DAM
 - COUNTY SEAT
 - CITY OR VILLAGE CENTER
 - FARM HOME
 - SHEDDING
 - ROAD OR BRIDGE OF TALL AND CLOSE SPACES
 - CONCRETE DAMS AND BEARS
 - EXP. BUS. AND POST OFFICE
 - SHEDDING BUSINESS AND PULLY STATION
 - BUSINESS ESTABLISHMENT
 - CHURCH AND SCHOOL
 - RESIDENTIAL DEVELOPMENT
 - HOTEL, INN
 - INDUSTRIAL PLANT
 - BARNS
 - FILLING STATION
 - WATER DEPOT OR SPRINGWAY
 - HIGHWAY SERVICE
 - WATER SITE
 - SEWER SITE
 - FOURTH COURT OR HOTEL
 - CAMP OF LODGE, RESORT
 - RAIL HOUSE
 - FOUNTAIN BAZILLER STATION
 - RAIL COURSE
 - CEMETERY
 - WELL
 - WINDMILL
 - WELL, SHED OR GAFF
 - TRAVEL P.T.
 - GROUP OF STORAGE TANKS
 - TRANSLATION STATION
 - MILE POST
 - PROMINENT ELEVATION AND INSULATION STATION
 - PROMINENT ELEVATION
 - WELL OR BUTTE
 - STATE CLOSURE ROAD
 - SECTION CORNER LOCATED

- COLOR CODE**
- NATIONAL FOREST
 - INDIAN RESERVATION
 - BIRD AND WILDLIFE REFUGE
 - NATIONAL PARK
 - FEDERAL LAND UTILIZATION
 - MILITARY RESERVATION
 - INCORPORATED CITIES
 - URBAN CONTACTS
 - FEDERAL AID PRIMARY
 - FEDERAL AID SECONDARY
 - FOREST HIGHWAY
 - FOREST DEVELOPMENT
 - INDIAN SERVICE
 - COUNTY ROAD
 - MILITARY ROAD



GENERAL HIGHWAY MAP
KANE COUNTY
UTAH
 PREPARED BY THE
UTAH STATE ROAD COMMISSION
DIVISION OF HIGHWAY PLANNING
 IN COOPERATION WITH THE
U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
 1950
 POLARIC PROJECTION

REPRODUCED BY 40-50-50
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 Map No. 11-15-70
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EXHIBIT 5A
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 DATE: 11-15-16
 CRICourt, LLC

G A R F I E L D C O U N T Y
S H E E T N O . 4
R 2 E R 3 E R 4 E R 5 E R 6 E

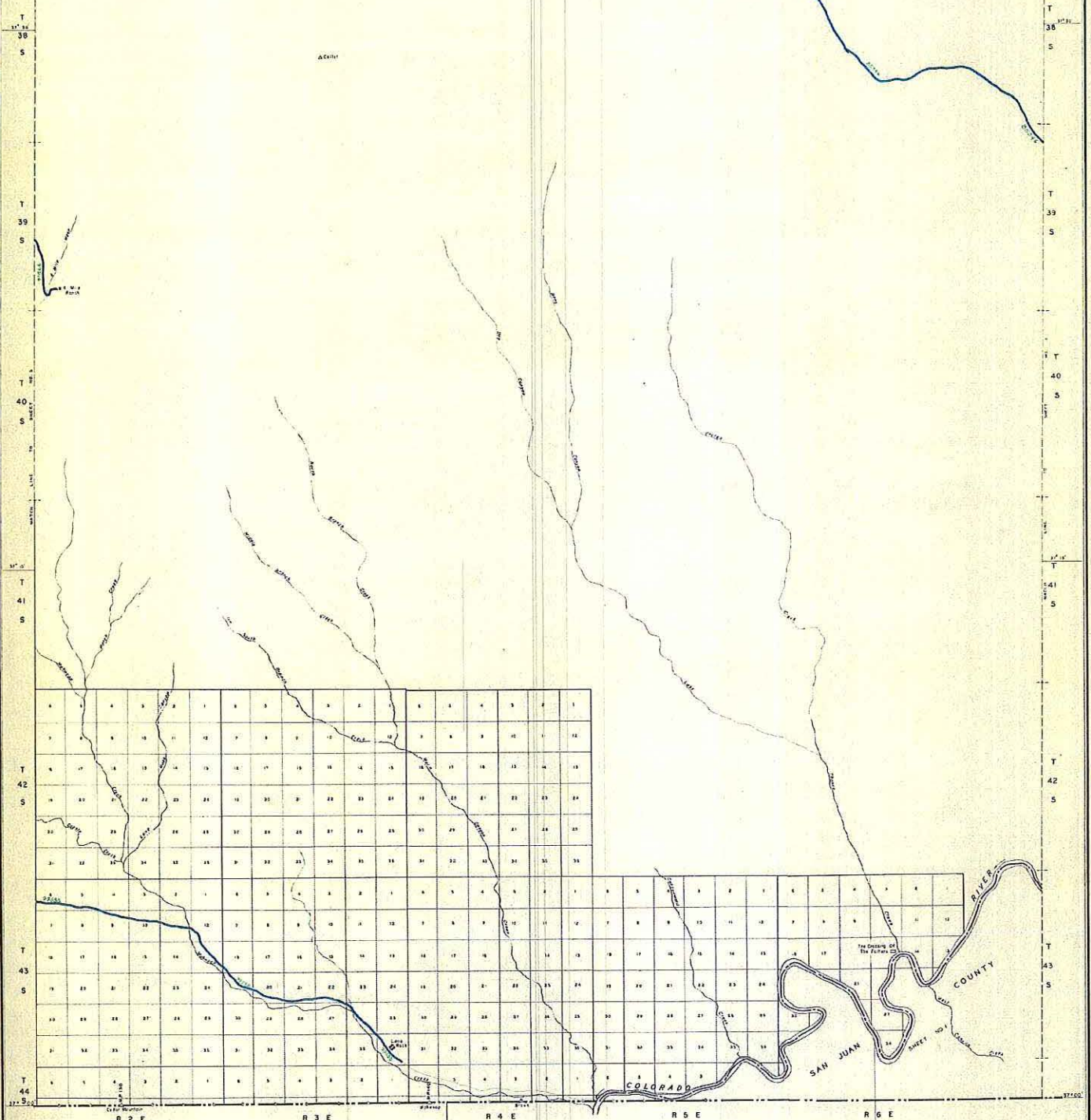


EXHIBIT **SB**
 WIT: **Theobald**
 DATE **11-6-18**
 COCourt, LLC



GENERAL HIGHWAY MAP
 KANE COUNTY
 UTAH

SCALE
 1950
 POLYCONIC PROJECTION

PLPC000481

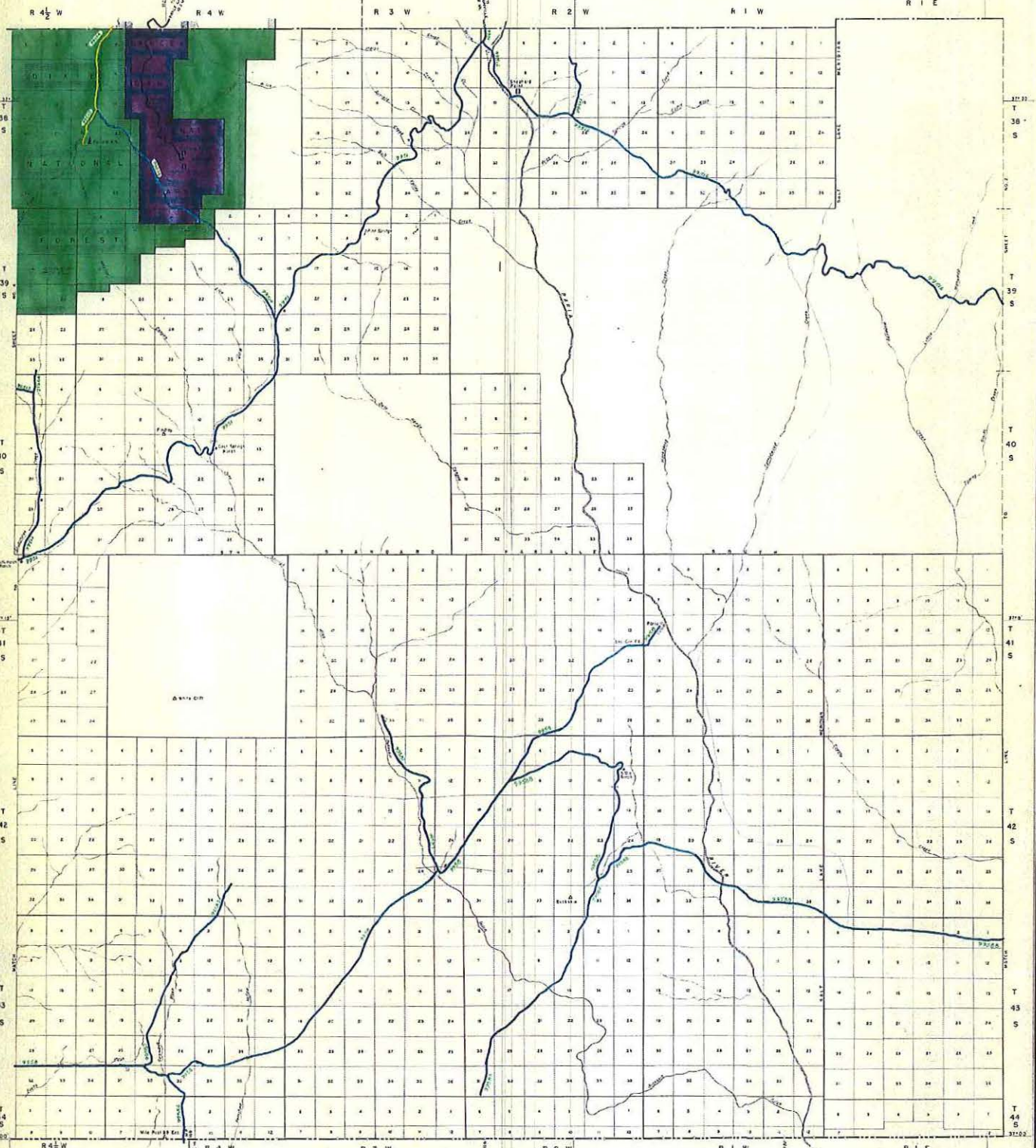
KANE COUNTY ROAD NO. 13

GENERAL HIGHWAY MAP ENCLOSED

G A R F I E L D C O U N T Y

SHEET NO. 3

SHEET NO. 4



A R I Z O N A

GENERAL HIGHWAY MAP
KANE COUNTY
UTAH

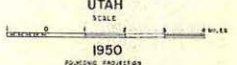


EXHIBIT 50
 WITH Theobald
 DATE 11-6-18
 C/O COUT, LLC

PLPC0000482

