

Ent 390316 Page 1 of 13  
Date: 07-MAY-2008 9:20AM  
Fee: None  
Filed By: DKS  
DIXIE SWASEY, Recorder  
EMERY COUNTY CORPORATION  
For: GOVERNOR/STATE OF UTAH

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Emery County as it pertains to the highway located in Emery County known as TOMSICH MOUNTAIN SPUR; County Road Number: 1021; State Geographic Information Database (SGID) Road Identification Number: RD080025. Total road length is 0.84 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 6<sup>th</sup> day of May, 2008.

By the Governor's Designee

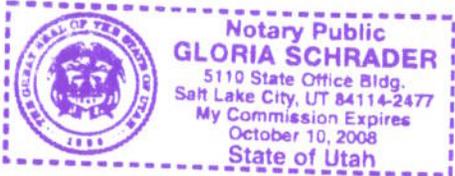
  
\_\_\_\_\_  
John Harja

**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 6<sup>th</sup> day of May, 2008.



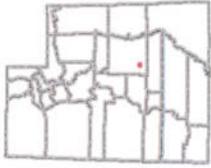
  
\_\_\_\_\_  
Notary Public

Attachment 1





1:11,190  
1 inch equals 0.2 miles



**TOMSICH MOUNTAIN SPUR - Emery County**  
**SGID RD\_ID RD080025**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

**Wilderness**

- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

**Transportation Network**

- TOMSICH MOUNTAIN SPUR
- Other Roads
- Title V: Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr. 28, 2008




Attachment 2



EP080025001



EP080025002



EP080025003



EP080025005

EP000000000

EP000000000

**TOMSICH MOUNTAIN SPUR - Emery County**  
**SGID RD\_ID RD080025**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
April 28, 2008



### Attachment 3

#### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name: TOMSICH MOUNTAIN SPUR**

**County: Emery**

**County Road Number: 1021**

**State Geographic Information Database (SGID) Road Identification Number: RD080025.**

**Total Road Length: 0.84 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 41 minutes 2.7 seconds North Latitude and -110 degrees 59 minutes 53.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,783,679.1 feet and Y = 6,689,829.8 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 41 minutes 02.23 seconds North Latitude and -110 degrees 59 minutes 08.32 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,787,262.2 feet and Y = 6,689,802.6 feet based on the US Survey Foot conversion.

This road may traverse:

Township 24 South Range 8 East, Section(s) 35,36, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4  
Road Centerline Description Cover Page(s)**

**Popular Name: TOMSICH MOUNTAIN SPUR**

**County: Emery**

**County Road Number: 1021**

**State Geographic Information Database (SGID) Road Identification Number: RD080025.**

**Total Road Length: 0.84 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD080025</b>	<b>001</b>	<b>BLM</b>	<b>0.3 Miles</b>	<b>A</b>
<b>RD080025</b>	<b>002</b>	<b>ST</b>	<b>0.3 Miles</b>	<b>(not shown)</b>
<b>RD080025</b>	<b>003</b>	<b>ST</b>	<b>0.12 Miles</b>	<b>(not shown)</b>
<b>RD080025</b>	<b>004</b>	<b>ST</b>	<b>0.1 Miles</b>	<b>(not shown)</b>
<b>RD080025</b>	<b>005</b>	<b>BLM</b>	<b>0.03 Miles</b>	<b>B</b>
		<b>Total Road Length</b>	<b>0.84</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

**Attachment 5**

AFFIDAVIT OF DEAN KING  
TOMSICH MOUNTAIN SPUR ROAD  
EMERY COUNTY, UTAH  
ROAD NUMBER 1021

State of Utah                    )  
  : ss.  
County of Emery                )

DEAN KING, 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 Green River, Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as Tomsich Mountain Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1940s it followed the same route as in 1997 when I last observed it. Attached is a Emery County map showing the Tomsich Mountain Spur Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that 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 late 1940s and continuing through 1976 to 1997. Throughout this time period I have observed travel on the road by various means, including trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used weekly for more than ten continuous years prior to 1976, and is presently used weekly.

5. Throughout the time period from the late 1940s to 1997, I have used the road myself for the following uses: mining and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: recreation, livestock operations, government access and hunting.

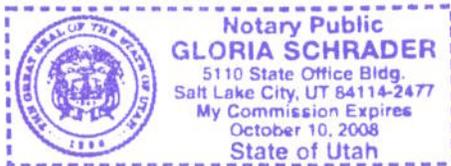
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed the graded surface of the road.

DATED this 8 day of March, 2007.

  
DEAN KING

SUBSCRIBED AND SWORN to before me this 8th day of March, 2007.



  
NOTARY PUBLIC

# Road #1021 Tomsich Mountain Spur

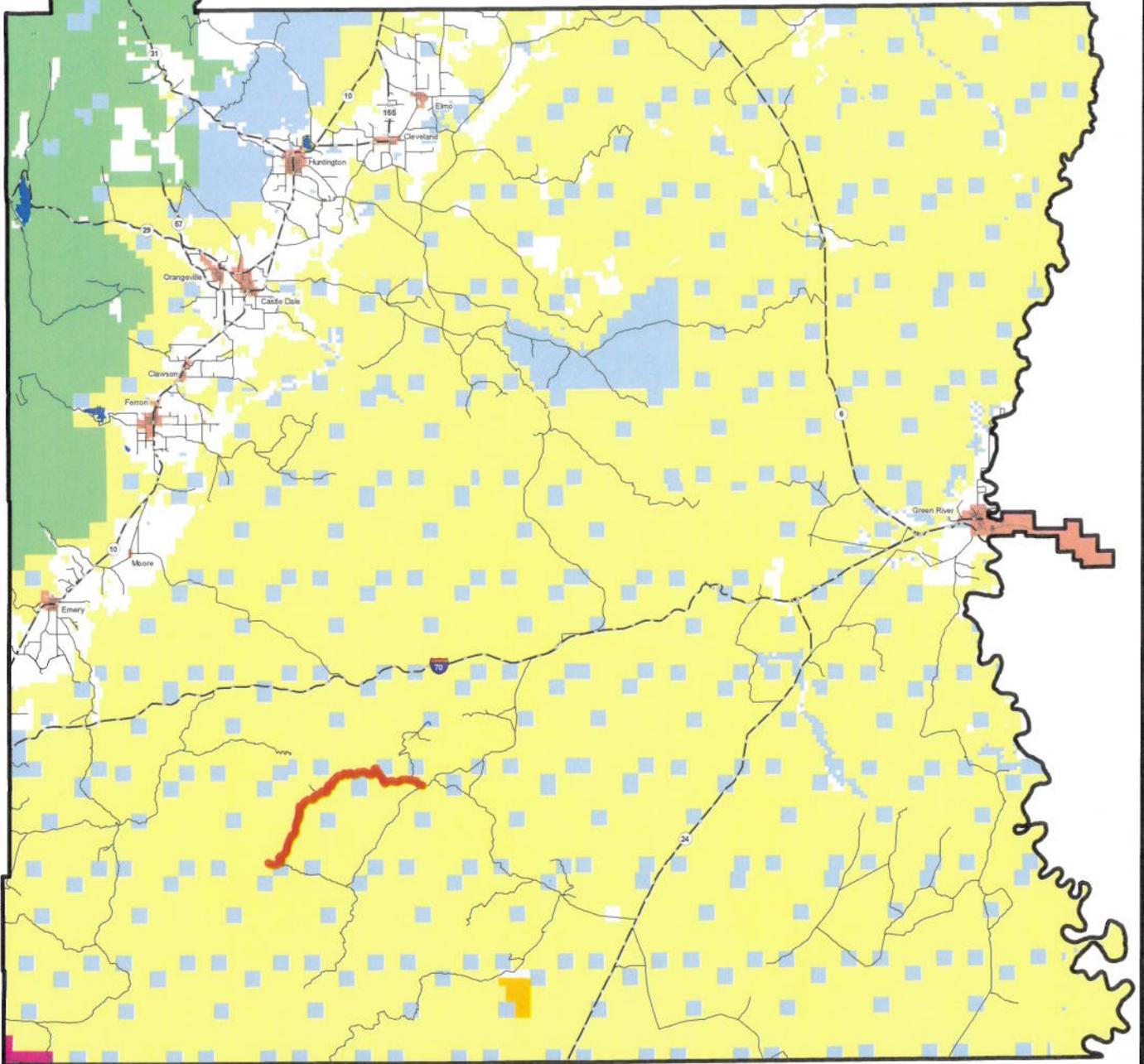
 Tomsich Mountain Spur

 Highway/Interstate

 B Class Road



- |  |   |   |   |
|--|---|---|---|
|  BLM  |  State   |  NPS |  Water         |
|  USFS |  Private |  USP |  City Boundary |



AFFIDAVIT OF DICK TIDWELL  
TOMSICH MOUNTAIN SPUR ROAD  
EMERY COUNTY, UTAH  
ROAD NUMBER 1021

State of Utah                    )  
  : ss.  
County of Emery                )

DICK TIDWELL, 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 Ferron, Emery County, Utah. I have lived in Emery and Carbon Counties for most of my life.

2. I have traveled and am familiar with a road in Emery County known as Tomsich Mountain Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s it followed the same route as in 2003 when I last observed it. Attached is a Emery County map showing the Tomsich Mountain Spur Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that 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 1950s and continuing through 1976 to 2003. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the early 1950s to 2003, I have used the road myself for mining.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: oil and gas exploration, livestock operations, tourism and government access.

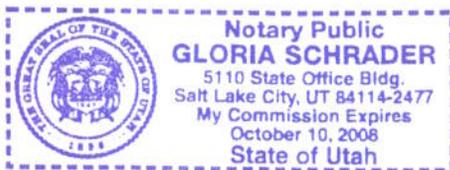
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed the graded surface of the road.

DATED this 5 day of March, 2007.

Dick Tidwell  
DICK TIDWELL

SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.



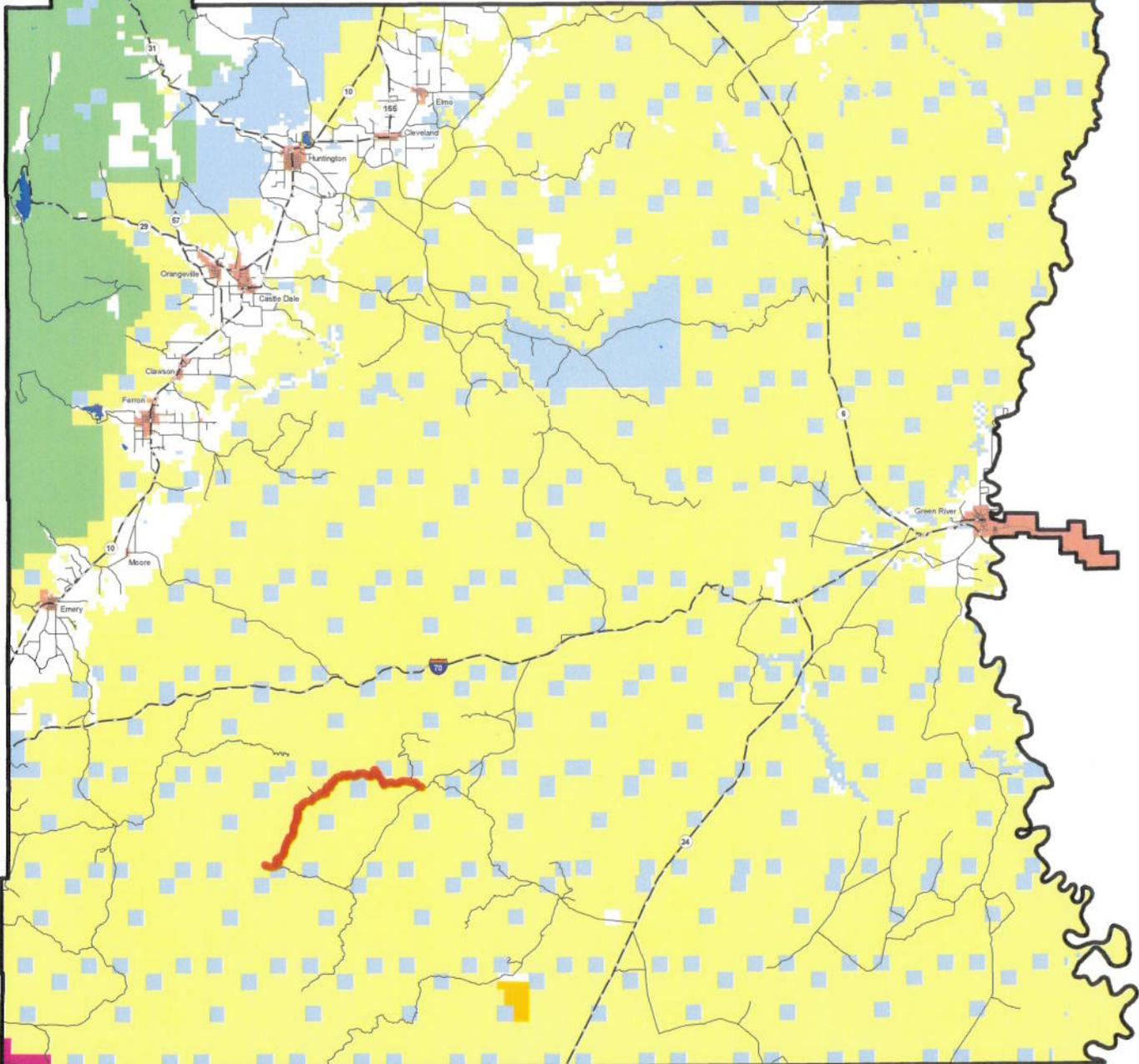
Gloria Schrader  
NOTARY PUBLIC

# Road #1021 Tomsich Mountain Spur

 Tomsich Mountain Spur  
 Highway/Interstate  
 B Class Road



 BLM	 State	 NPS	 Water
 USFS	 Private	 USP	 City Boundary



**Appendix A to Attachment 4**

**Popular Name: TOMSICH MOUNTAIN SPUR**

**County: Emery**

**County Road Number: 1021**

**State Geographic Information Database (SGID) Road Identification Number: RD080025.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.3 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 24 South Range 8 East, Section(s) 35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (TOMSICH MOUNTAIN SPUR)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 41 minutes 2.7 seconds North Latitude and -110 degrees 59 minutes 53.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,783,679.1 feet and Y = 6,689,829.8 feet; thence the following courses along the said road center line:

thence South 39 Degrees 59 Minutes 04 Seconds East	102.3 feet
thence South 74 Degrees 34 Minutes 08 Seconds East	106.4 feet
thence South 67 Degrees 24 Minutes 59 Seconds East	117.2 feet
thence South 65 Degrees 06 Minutes 32 Seconds East	99.4 feet
thence South 65 Degrees 11 Minutes 22 Seconds East	99.7 feet
thence South 67 Degrees 59 Minutes 13 Seconds East	131.3 feet
thence South 73 Degrees 50 Minutes 36 Seconds East	121.5 feet
thence South 73 Degrees 57 Minutes 52 Seconds East	31.5 feet
thence South 76 Degrees 52 Minutes 08 Seconds East	148.2 feet
thence South 76 Degrees 48 Minutes 45 Seconds East	120.9 feet
thence South 68 Degrees 53 Minutes 50 Seconds East	101.6 feet

thence South 69 Degrees 40 Minutes 17 Seconds East 142.4 feet  
thence South 72 Degrees 01 Minutes 27 Seconds East 171.5 feet  
thence South 71 Degrees 53 Minutes 07 Seconds East 90.3 feet more or less to **the ending**  
**point at:** 38 degrees 40 minutes 57.12 seconds North Latitude and -110 degrees 59 minutes 35.06 seconds  
West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet  
coordinates of X = 1,785,144.3 feet and Y = 6,689,274.4 feet.

## Appendix B to Attachment 4

**Popular Name: TOMSICH MOUNTAIN SPUR**

**County: Emery**

**County Road Number: 1021**

**State Geographic Information Database (SGID) Road Identification Number: RD080025.**

**Road-Segment Number: 005**

**Road-Segment Length: 0.03 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 24 South Range 8 East, Section(s) 36, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (TOMSICH MOUNTAIN SPUR)-- Segment 005 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 41 minutes 01.45 seconds North Latitude and -110 degrees 59 minutes 09.71 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,787,152.3 feet and Y = 6,689,723.2 feet; thence the following courses along the said road center line:

thence North 52 Degrees 58 Minutes 04 Seconds East 95 feet

thence North 56 Degrees 53 Minutes 18 Seconds East 40.6 feet more or less to **the ending point at:** 38 degrees 41 minutes 02.23 seconds North Latitude and -110 degrees 59 minutes 08.32 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,787,262.2 feet and Y = 6,689,802.6 feet.