

Ent 390399 Page 1 of 13
Date: 07-MAY-2008 12:33PM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 EMERY/LINK CANYON; County Road Number: 905; State Geographic Information Database (SGID) Road Identification Number: RD080543. Total road length is 0.69 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 21st day of APRIL, 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 21st day of April, 2008.





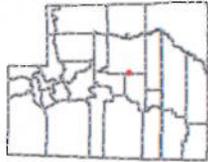
Notary Public

Attachment 1





1:13,162
1 inch equals 0.2 miles



EMERY/LINK CANYON - Emery County
SGID RD_ID RD080543

Land Ownership Categories

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

Transportation Network

- EMERY/LINK CANYON
- 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
Jan 28, 2008



Attachment 2



EP080543001



EP080543002



EP080543003



EP080543004

EP000000000

EP000000000

EMERY/LINK CANYON - Emery County
SGID RD_ID RD080543

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 1, 2008



Attachment 3

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

Popular Name: EMERY/LINK CANYON

County: Emery

County Road Number: 905

State Geographic Information Database (SGID) Road Identification Number: RD080543.

Total Road Length: 0.69 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 55 minutes 14.12 seconds North Latitude and -111 degrees 16 minutes 21.14 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,705,136.7 feet and Y = 6,775,653.4 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 55 minutes 29.01 seconds North Latitude and -111 degrees 15 minutes 43.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,708,111.9 feet and Y = 6,777,168.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 22 South Range 6 East, Section(s) 5,8, 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: EMERY/LINK CANYON

County: Emery

County Road Number: 905

State Geographic Information Database (SGID) Road Identification Number: RD080543.

Total Road Length: 0.69 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).

Road-Segments Listed by SGID Road Identification Number (RD_ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD080543	001	BLM	0.36 Miles	A
RD080543	002	PVT	0.3 Miles	(not shown)
RD080543	003	BLM	0.03 Miles	B
		Total Road Length	0.69	—————

* 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 LAMOND GARDNER

EMERY/LINK CANYON ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 905

State of Utah)
 : ss.
County of Emery)

LAMOND GARDNER, 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 Cleveland, 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 Emery/Link Canyon 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 2001 when I last observed it. Attached is an Emery County map showing Emery/Link Canyon 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 2001. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, recreational vehicles. Throughout the 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 late 1940s to 2001, I have used the road myself for irrigation surveys and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus livestock operations, mining, oil and gas exploration, recreation, rock hounding, hunting and government access.

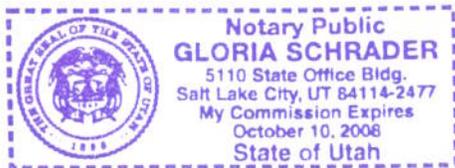
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 9 day of March, 2007.


LAMOND GARDNER

SUBSCRIBED AND SWORN to before me this 9th day of March, 2007.



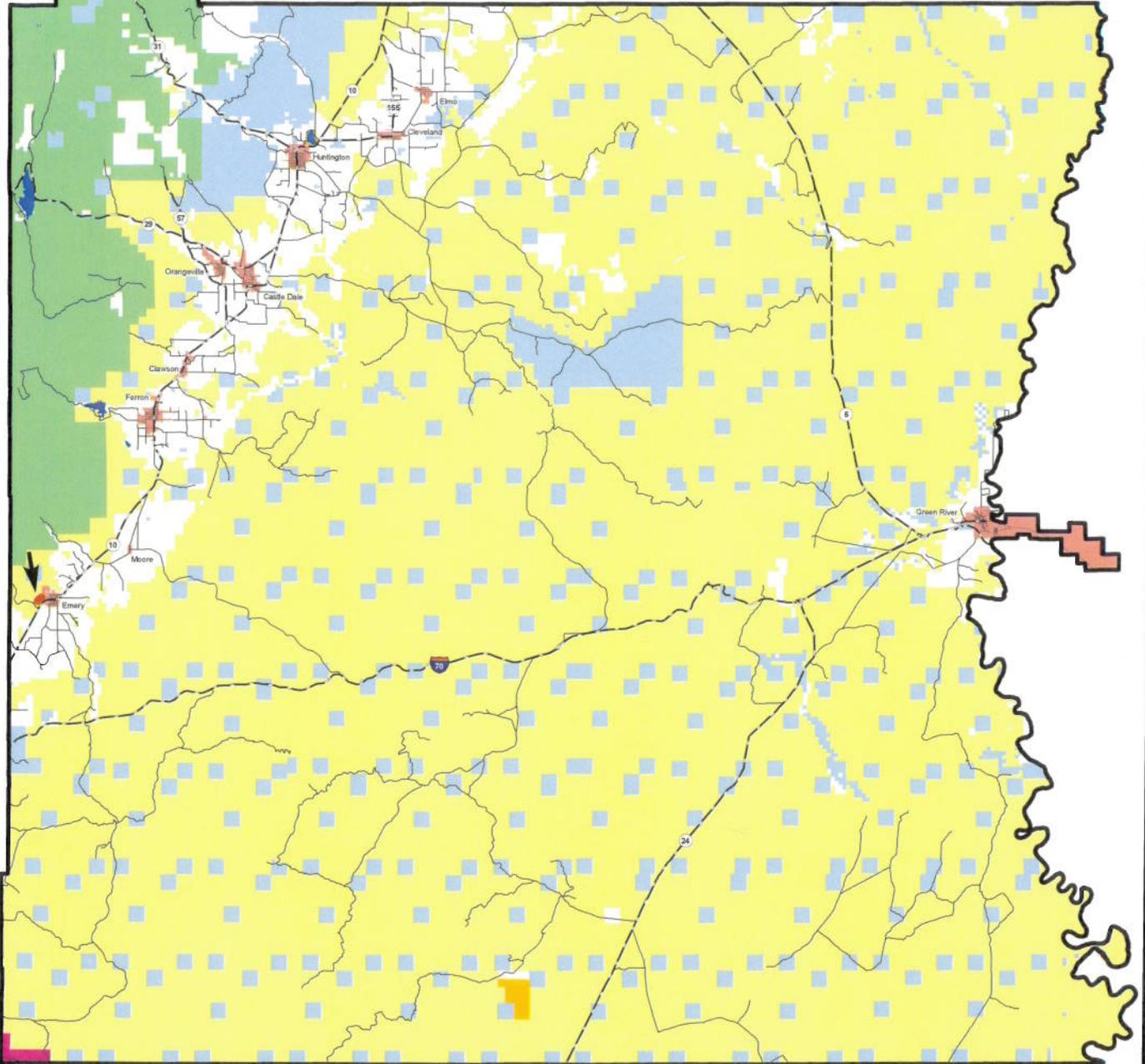

NOTARY PUBLIC

Road #905 Emery/Link Canyon

-  Emery/Link Canyon
-  Highway/Interstate
-  B Class Road



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



AFFIDAVIT OF E. JAMES NIELSEN
EMERY/LINK CANYON ROAD
EMERY COUNTY, UTAH
ROAD NUMBER 905

State of Utah)
 : ss.
County of Emery)

E. JAMES NIELSEN, 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 Clawson, Emery County, Utah. I have lived in Emery County my entire life. I have been employed as the supervisor of the Emery County Weed and Mosquito Department since 1980.

2. I have traveled and am familiar with a road in Emery County known as Emery/Link Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s, it followed the same route as in 2004 when I last observed it. Attached is an Emery County map showing Emery/Link Canyon 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 mid 1950s and continuing through 1976 to 2004. Throughout this time period I have observed travel on the road by means of pickup trucks, horses, and ATVs. Throughout the 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 mid 1950s to 2004, I have used the road

myself for county weed and mosquito control, plant surveys, hunting, rock hounding and traveling in and through the area.

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

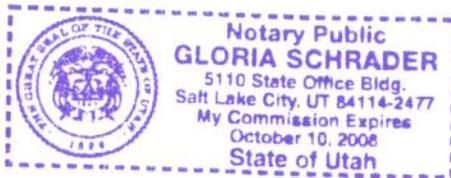
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 7 day of March, 2007.


E. JAMES NIELSEN

SUBSCRIBED AND SWORN to before me this 7th day of March, 2007.



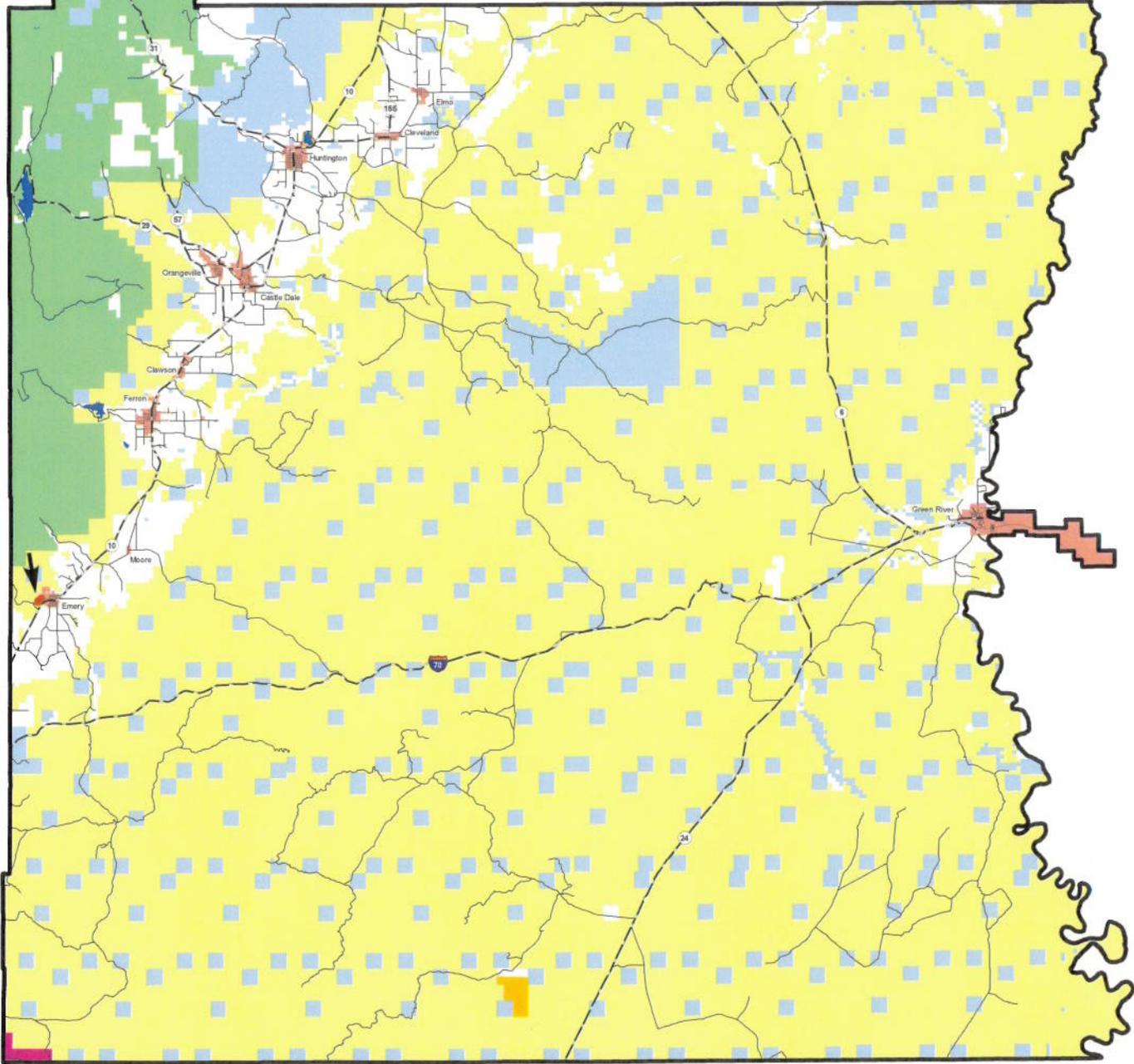

NOTARY PUBLIC

Road #905 Emery/Link Canyon

 Emery/Link Canyon
 Highway/Interstate
 B Class Road



 BLM	 State	 NPS	 Water
 USFS	 Private	 USP	 City Boundary



Appendix A to Attachment 4

Popular Name: EMERY/LINK CANYON

County: Emery

County Road Number: 905

State Geographic Information Database (SGID) Road Identification Number: RD080543.

Road-Segment Number: 001

Road-Segment Length: 0.36 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 22 South Range 6 East, Section(s) 8, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EMERY/LINK CANYON)-- 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 55 minutes 14.12 seconds North Latitude and -111 degrees 16 minutes 21.14 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,705,136.7 feet and Y = 6,775,653.4 feet; thence the following courses along the said road center line:

thence South 77 Degrees 35 Minutes 33 Seconds East 250.3 feet

thence South 77 Degrees 28 Minutes 57 Seconds East 193.6 feet

thence South 78 Degrees 44 Minutes 41 Seconds East 211.1 feet

thence South 83 Degrees 13 Minutes 35 Seconds East 202.1 feet

thence North 82 Degrees 15 Minutes 19 Seconds East 215.8 feet

thence North 69 Degrees 58 Minutes 42 Seconds East 224.9 feet

thence North 53 Degrees 48 Minutes 28 Seconds East 226.8 feet

thence North 46 Degrees 05 Minutes 32 Seconds East 264.2 feet

thence North 46 Degrees 01 Minutes 13 Seconds East 119.3 feet more or less to **the ending**

point at: 38 degrees 55 minutes 17.49 seconds North Latitude and -111 degrees 15 minutes 59.29 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet

coordinates of X = 1,706,862.3 feet and Y = 6,775,998.7 feet.

Appendix B to Attachment 4

Popular Name: EMERY/LINK CANYON

County: Emery

County Road Number: 905

State Geographic Information Database (SGID) Road Identification Number: RD080543.

Road-Segment Number: 003

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 22 South Range 6 East, Section(s) 5, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EMERY/LINK CANYON)-- Segment 003 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 55 minutes 28.18 seconds North Latitude and -111 degrees 15 minutes 44.98 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,707,990.6 feet and Y = 6,777,084.2 feet; thence the following courses along the said road center line:

thence North 42 Degrees 30 Minutes 29 Seconds East 91.7 feet

thence North 74 Degrees 32 Minutes 06 Seconds East 61.5 feet more or less to **the ending point at:** 38 degrees 55 minutes 29.01 seconds North Latitude and -111 degrees 15 minutes 43.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,708,111.9 feet and Y = 6,777,168.2 feet.