

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

Ent 251359 Bk 429 Pg 701
Date: 09-MAY-2008 2:10PM
Fee: None
Filed By: CT
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Garfield County as it pertains to the highway located in Garfield County known as FIVE MILE ROAD; County Road Number: 0197; State Geographic Information Database (SGID) Road Identification Number: RD090033. Total road length is 3.43 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

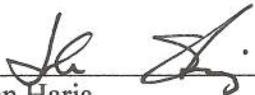
Internet at <http://recorded2477roads.utah.gov>.

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 23rd day of APRIL, 2008.

By the Governor's Designee



John Harja

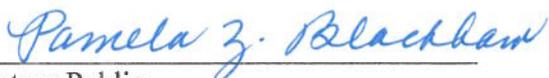
CERTIFICATION

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 23rd day of April, 2008.





Notary Public



FIVE MILE ROAD - Garfield County
SGID RD_ID RD090033

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Feb 27, 2008

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

- FIVE MILE ROAD
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile



EP090033001



EP090033002



EP090033003

EP000000000

EP000000000

EP000000000

FIVE MILE ROAD - Garfield County
SGID RD_ID RD090033

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 29, 2008



Attachment 3

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

Popular Name: FIVE MILE ROAD

County: Garfield

County Road Number: 0197

State Geographic Information Database (SGID) Road Identification Number: RD090033.

Total Road Length: 3.43 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 49 minutes 41.57 seconds North Latitude and -112 degrees 30 minutes 019.5 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,350,037.2 feet and Y = 10,267,002.3 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 49 minutes 31.07 seconds North Latitude and -112 degrees 26 minutes 38.11 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,367,786.8 feet and Y = 10,265,755.4 feet based on the US Survey Foot conversion.

This road may traverse:

Township 34 South Range 5 West, Section(s) 29,30, Salt Lake Base & Meridian

Township 34 South Range 6 West, Section(s) 25,26, 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: FIVE MILE ROAD

County: Garfield

County Road Number: 0197

State Geographic Information Database (SGID) Road Identification Number: RD090033.

Total Road Length: 3.43 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
RD090033	001	BLM	2.8 Miles	A
RD090033	002	PVT	0.62 Miles	(not shown)
		Total Road Length	3.43	_____

* 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 ROBERT P. VEATER

FIVE MILE ROAD

COUNTY ROAD NUMBER 0197

GARFIELD COUNTY, UTAH

State of Utah)
 : ss.
County of Garfield)

ROBERT P. VEATER, 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 have lived in Garfield County for 46 years.

2. I have traveled and am familiar with a road in Garfield County known as Five Mile Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1963, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Five Mile 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. The County also identifies this road according to the road number listed above.

3. 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 1963 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles, jeeps and ATV's. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was used daily, weather permitting, in 2007.

4. Throughout the time period from 1963 to 2007, I have used the road myself for hunting, trapping, sight seeing, ATV riding and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations, wood gathering, prospecting for minerals, recreation, biking, rock quarry access, rock hounding, hiking and government access.

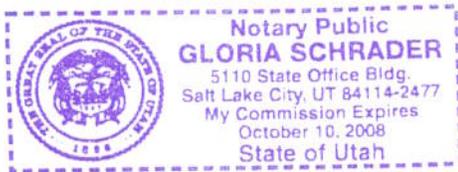
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

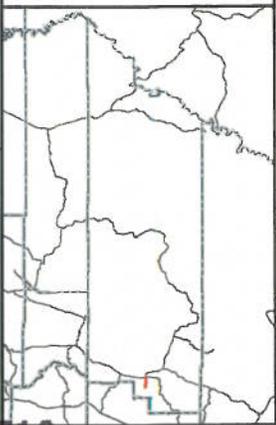
Dated this 12 day of July, 2007.

Robert P. Veater
ROBERT P. VEATER

SUBSCRIBED AND SWORN to before me this 12th day of July, 2007.



Gloria Schrader
NOTARY PUBLIC



FIVE MILE RD County Unique - 0197

- | | | |
|--|--|---|
| Land Ownership Categories | Misc | Transportation Network |
| <ul style="list-style-type: none"> BLM Private SITLA, State Trust Land USFS, National Forest National Park/Monument (NPS) | <ul style="list-style-type: none"> Wildlife Reserve National Rec. Area Wilderness State Park City / Town Municipalities Section = 1 Mile Monument Boundary | <ul style="list-style-type: none"> FIVE MILE RD State / U.S. Highway Local Roads |



1:26,274
1 inch equals 0.4 miles



Map prepared by the State of Utah
Automated Geographic Reference Center
AGRC
Room 0300 State Office Building
Salt Lake City, Utah 84114
30 Apr. 2007



AFFIDAVIT OF D. MALOY DODDS

FIVE MILE ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 0197

State of Utah)
 : ss.
County of Garfield)

D. MALOY DODDS, 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 Panguitch, Garfield County, Utah. I have lived in Garfield County for 76 years. I have been a Garfield County Commissioner for 12 years.

2. I have traveled and am familiar with a road in Garfield County known as Five Mile 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 2007 when I last observed it. Attached is a Garfield County map showing Five Mile 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 2007. Throughout this time period I have observed travel on the road by means of cars, trucks, ATVs and pickup trucks. Throughout this time period, the road has been used daily, for more than ten continuous years prior to 1976, and was so used in 2007.

5. Throughout the time period from the late 1940s to 2007, I have used the road myself for livestock operations, hunting, recreation and travel 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 wood gathering, Panguitch City water supply access, private property access and logging.

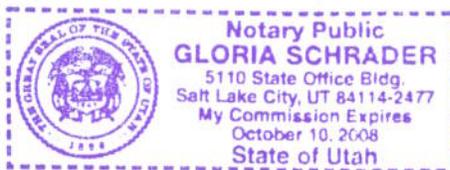
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed graders and county road maintenance equipment performing maintenance and construction activities on the road.

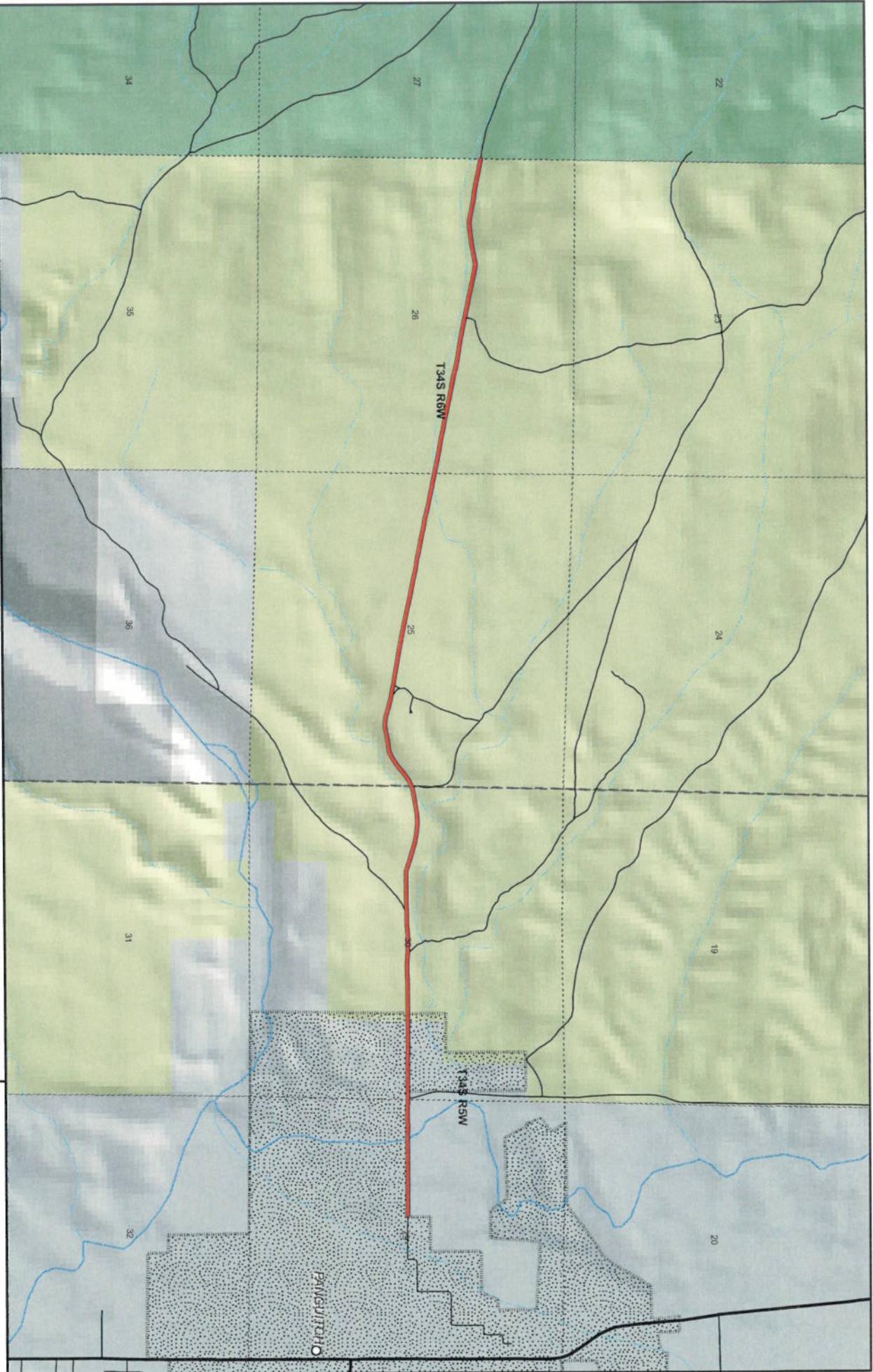
DATED this 9 day of July, 2007.


D. MALOY DODDS

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




NOTARY PUBLIC



FIVE MILE RD
County Unique - 0197

- Land Ownership Categories**
- BLM
 - Private
 - SITLA, State Trust Land
 - USFS, National Forest
 - National Park/Monument (NPS)

- Wildlife Reserve
- National Rec. Area
- Wilderness
- State Park

- Misc**
- City / Town
 - Municipalities
 - Section = 1 Mile
 - Monument Boundary

- Transportation Network**
- FIVE MILE RD
 - State / U.S. Highway
 - Local Roads



Map prepared by the State of Utah
 Administration Group
 AGRC, Government Services Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 July 10, 2007



1:26,274
 1 inch equals 0.4 miles

Appendix A to Attachment 4

Popular Name: FIVE MILE ROAD

County: Garfield

County Road Number: 0197

State Geographic Information Database (SGID) Road Identification Number: RD090033.

Road-Segment Number: 001

Road-Segment Length: 2.8 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 34 South Range 5 West, Section(s) 30, Salt Lake Base & Meridian

Township 34 South Range 6 West, Section(s) 25,26, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (FIVE MILE ROAD)-- 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 37 degrees 49 minutes 41.57 seconds North Latitude and -112 degrees 30 minutes 019.5 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,350,037.2 feet and Y = 10,267,002.3 feet; thence the following courses along the said road center line:

thence South 84 Degrees 11 Minutes 30 Seconds East 9.2 feet
thence South 79 Degrees 10 Minutes 41 Seconds East 20.4 feet
thence South 80 Degrees 42 Minutes 07 Seconds East 21.6 feet
thence South 76 Degrees 05 Minutes 46 Seconds East 52.1 feet
thence South 79 Degrees 28 Minutes 44 Seconds East 99.6 feet
thence South 78 Degrees 49 Minutes 40 Seconds East 108.8 feet
thence South 77 Degrees 12 Minutes 16 Seconds East 117.2 feet
thence South 80 Degrees 20 Minutes 01 Seconds East 126.9 feet
thence South 80 Degrees 50 Minutes 42 Seconds East 129.7 feet
thence South 80 Degrees 09 Minutes 59 Seconds East 123 feet
thence South 78 Degrees 09 Minutes 25 Seconds East 118.5 feet

thence South 80 Degrees 19 Minutes 36 Seconds East 119.3 feet
 thence South 89 Degrees 42 Minutes 49 Seconds East 126.7 feet
 thence North 83 Degrees 10 Minutes 22 Seconds East 138.7 feet
 thence North 82 Degrees 16 Minutes 44 Seconds East 137.3 feet
 thence North 80 Degrees 04 Minutes 22 Seconds East 137.4 feet
 thence North 79 Degrees 09 Minutes 48 Seconds East 127.5 feet
 thence North 79 Degrees 34 Minutes 04 Seconds East 93.3 feet
 thence South 80 Degrees 01 Minutes 25 Seconds East 79 feet
 thence South 77 Degrees 57 Minutes 42 Seconds East 89 feet
 thence South 78 Degrees 45 Minutes 04 Seconds East 104.8 feet
 thence South 78 Degrees 52 Minutes 37 Seconds East 122.5 feet
 thence South 77 Degrees 24 Minutes 31 Seconds East 132.3 feet
 thence South 77 Degrees 31 Minutes 57 Seconds East 141 feet
 thence South 78 Degrees 07 Minutes 25 Seconds East 147.7 feet
 thence South 77 Degrees 54 Minutes 23 Seconds East 111.5 feet
 thence South 77 Degrees 58 Minutes 57 Seconds East 40 feet
 thence South 79 Degrees 34 Minutes 28 Seconds East 153.3 feet
 thence South 79 Degrees 48 Minutes 25 Seconds East 154.8 feet
 thence South 80 Degrees 29 Minutes 00 Seconds East 153.9 feet
 thence South 80 Degrees 03 Minutes 22 Seconds East 156.7 feet
 thence South 78 Degrees 43 Minutes 05 Seconds East 158.4 feet
 thence South 78 Degrees 18 Minutes 37 Seconds East 161 feet
 thence South 78 Degrees 24 Minutes 04 Seconds East 167 feet
 thence South 78 Degrees 32 Minutes 04 Seconds East 175.3 feet
 thence South 77 Degrees 57 Minutes 31 Seconds East 181.1 feet
 thence South 77 Degrees 58 Minutes 17 Seconds East 179.7 feet
 thence South 79 Degrees 05 Minutes 58 Seconds East 180.6 feet
 thence South 79 Degrees 16 Minutes 43 Seconds East 183.5 feet
 thence South 80 Degrees 09 Minutes 05 Seconds East 191.7 feet
 thence South 79 Degrees 31 Minutes 22 Seconds East 196.4 feet
 thence South 78 Degrees 51 Minutes 58 Seconds East 196.9 feet
 thence South 78 Degrees 09 Minutes 33 Seconds East 1.8 feet
 thence South 78 Degrees 09 Minutes 08 Seconds East 194.6 feet
 thence South 78 Degrees 22 Minutes 26 Seconds East 195.2 feet
 thence South 77 Degrees 23 Minutes 59 Seconds East 193.9 feet
 thence South 77 Degrees 40 Minutes 56 Seconds East 190.7 feet
 thence South 78 Degrees 25 Minutes 25 Seconds East 186.4 feet
 thence South 78 Degrees 17 Minutes 06 Seconds East 181.2 feet
 thence South 79 Degrees 07 Minutes 18 Seconds East 177.6 feet
 thence South 79 Degrees 41 Minutes 39 Seconds East 174.6 feet
 thence South 79 Degrees 52 Minutes 01 Seconds East 173.8 feet
 thence South 79 Degrees 01 Minutes 08 Seconds East 171 feet
 thence South 78 Degrees 06 Minutes 57 Seconds East 163.2 feet
 thence South 78 Degrees 42 Minutes 43 Seconds East 155.1 feet
 thence South 77 Degrees 52 Minutes 30 Seconds East 147.8 feet
 thence South 78 Degrees 05 Minutes 10 Seconds East 145.7 feet
 thence South 78 Degrees 32 Minutes 57 Seconds East 148.1 feet
 thence South 78 Degrees 50 Minutes 09 Seconds East 160 feet
 thence South 79 Degrees 15 Minutes 21 Seconds East 171.2 feet

thence South 79 Degrees 44 Minutes 46 Seconds East 177.2 feet
 thence South 80 Degrees 14 Minutes 17 Seconds East 178.3 feet
 thence South 79 Degrees 52 Minutes 11 Seconds East 177.5 feet
 thence South 80 Degrees 38 Minutes 50 Seconds East 156.4 feet
 thence South 80 Degrees 00 Minutes 08 Seconds East 22 feet
 thence South 79 Degrees 07 Minutes 27 Seconds East 174.3 feet
 thence South 72 Degrees 25 Minutes 42 Seconds East 10.7 feet
 thence South 75 Degrees 25 Minutes 37 Seconds East 189.1 feet
 thence South 74 Degrees 10 Minutes 37 Seconds East 167.7 feet
 thence South 84 Degrees 20 Minutes 40 Seconds East 148.5 feet
 thence North 78 Degrees 51 Minutes 08 Seconds East 157 feet
 thence North 79 Degrees 14 Minutes 23 Seconds East 159.2 feet
 thence North 82 Degrees 03 Minutes 33 Seconds East 128.5 feet
 thence North 65 Degrees 36 Minutes 06 Seconds East 119 feet
 thence North 52 Degrees 25 Minutes 42 Seconds East 143.1 feet
 thence North 51 Degrees 25 Minutes 52 Seconds East 162.1 feet
 thence North 52 Degrees 29 Minutes 38 Seconds East 148.7 feet
 thence North 67 Degrees 57 Minutes 49 Seconds East 111.3 feet
 thence North 67 Degrees 57 Minutes 50 Seconds East 33.2 feet
 thence North 75 Degrees 39 Minutes 23 Seconds East 21.6 feet
 thence North 78 Degrees 21 Minutes 15 Seconds East 130.2 feet
 thence North 78 Degrees 33 Minutes 26 Seconds East 147.8 feet
 thence North 80 Degrees 57 Minutes 57 Seconds East 147.1 feet
 thence North 87 Degrees 59 Minutes 11 Seconds East 154.3 feet
 thence South 85 Degrees 55 Minutes 34 Seconds East 163.2 feet
 thence South 79 Degrees 23 Minutes 46 Seconds East 166.4 feet
 thence South 73 Degrees 41 Minutes 00 Seconds East 167.5 feet
 thence South 71 Degrees 56 Minutes 34 Seconds East 168.7 feet
 thence South 72 Degrees 54 Minutes 22 Seconds East 166.8 feet
 thence South 88 Degrees 35 Minutes 20 Seconds East 164.1 feet
 thence North 89 Degrees 21 Minutes 27 Seconds East 168.3 feet
 thence North 88 Degrees 49 Minutes 10 Seconds East 172.3 feet
 thence North 88 Degrees 01 Minutes 16 Seconds East 168.7 feet
 thence North 89 Degrees 41 Minutes 33 Seconds East 27.6 feet
 thence North 89 Degrees 41 Minutes 33 Seconds East 10.2 feet
 thence North 89 Degrees 21 Minutes 20 Seconds East 111.6 feet
 thence North 85 Degrees 19 Minutes 11 Seconds East 55.9 feet
 thence North 89 Degrees 05 Minutes 45 Seconds East 31.5 feet
 thence North 84 Degrees 54 Minutes 20 Seconds East 66.8 feet
 thence North 85 Degrees 58 Minutes 11 Seconds East 96 feet
 thence North 89 Degrees 20 Minutes 39 Seconds East 108 feet
 thence South 88 Degrees 51 Minutes 32 Seconds East 116.9 feet
 thence South 89 Degrees 14 Minutes 46 Seconds East 70.9 feet
 thence South 89 Degrees 22 Minutes 05 Seconds East 60.1 feet
 thence South 87 Degrees 08 Minutes 33 Seconds East 136.7 feet
 thence South 89 Degrees 53 Minutes 24 Seconds East 135.2 feet
 thence North 88 Degrees 50 Minutes 15 Seconds East 131.9 feet
 thence North 89 Degrees 32 Minutes 52 Seconds East 129.9 feet
 thence North 89 Degrees 16 Minutes 13 Seconds East 133.6 feet

thence North 89 Degrees 01 Minutes 18 Seconds East 140.1 feet
thence North 88 Degrees 22 Minutes 10 Seconds East 142.1 feet
thence South 89 Degrees 54 Minutes 40 Seconds East 131.2 feet more or less to **the ending**
point at: 37 degrees 49 minutes 30.78 seconds North Latitude and -112 degrees 27 minutes 19.05 seconds
West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet
coordinates of X = 1,364,502.7 feet and Y = 10,265,759.2 feet.