

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

Ent 251512 Bk 431 Pg 387  
Date: 21-MAY-2008 10:19AM  
Fee: None  
Filed By: LB  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 EGGNOG PIT ROAD; County Road Number: 0221B; State Geographic Information Database (SGID) Road Identification Number: RD090052. Total road length is 0.3 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 16<sup>th</sup> day of May, 2008.

By the Governor's Designee

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

**CERTIFICATION**

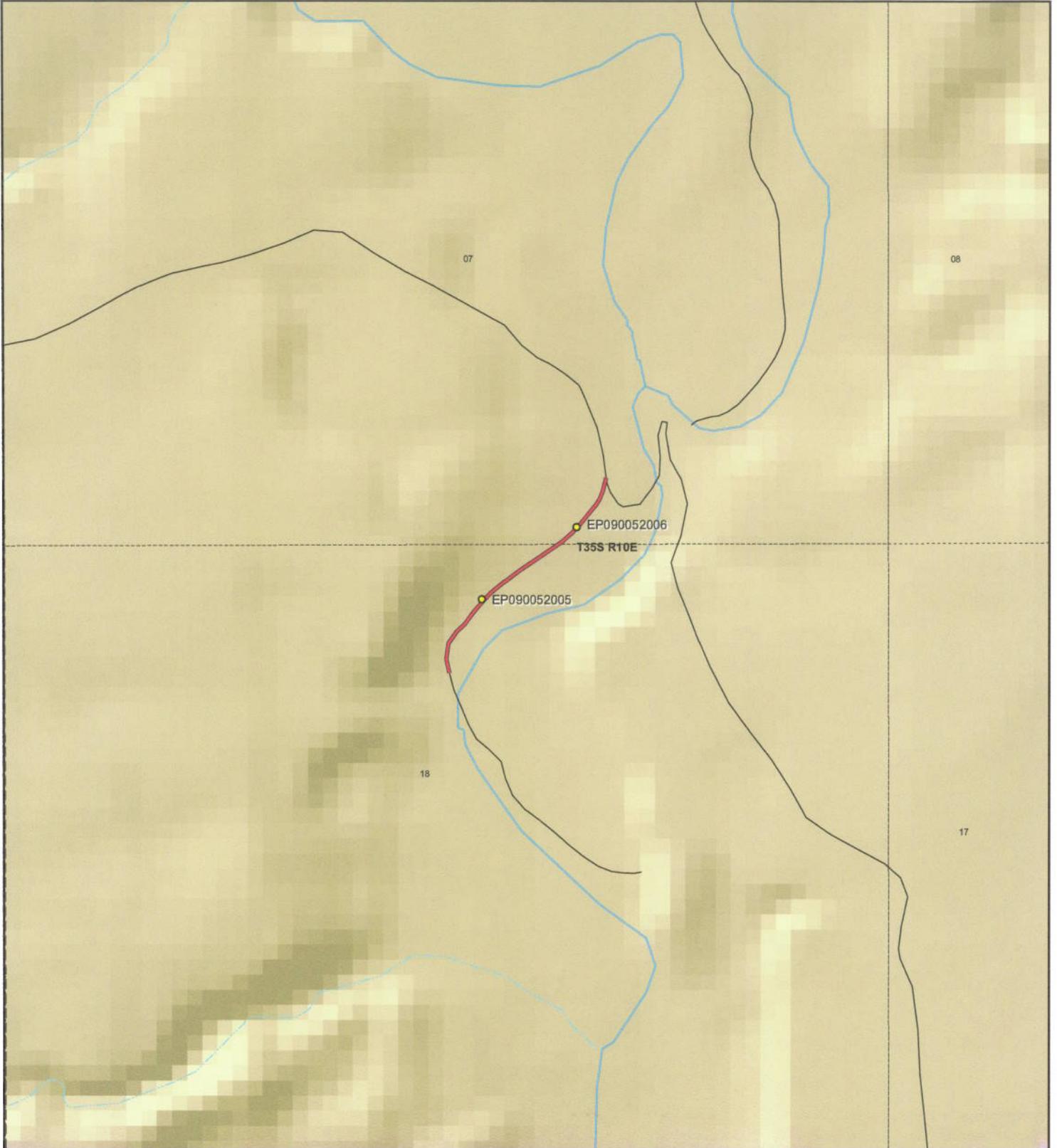
State of Utah                    )  
  : ss  
County of Salt Lake         )

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 16<sup>th</sup> day of May, 2008.



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



		<p style="text-align: center;"><b>EGGNOG PIT ROAD - Garfield County</b> <b>SGID RD_ID RD090052</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td><b>Transportation Network</b></td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> EGGNOG PIT ROAD</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Title V: Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Other Roads</td> </tr> <tr> <td> USFS, National Forest</td> <td> State Sovereign Land</td> <td> Photo Event Point</td> </tr> <tr> <td> State Parks and Recreation</td> <td> National Recreation Area</td> <td> Section = 1 Mile</td> </tr> <tr> <td> Tribal, Indian Reservation</td> <td> USFWS, Natl. Wildlife Refuge</td> <td></td> </tr> <tr> <td> NPS, National Park</td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>	BLM	Wilderness	EGGNOG PIT ROAD	Private	UDWR Wildlife Reserve	Title V: Issued Or Under Consideration By BLM Or County	SITLA, State Trust Land	DOD, Military	Other Roads	USFS, National Forest	State Sovereign Land	Photo Event Point	State Parks and Recreation	National Recreation Area	Section = 1 Mile	Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge		NPS, National Park			<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 May 09, 2008</p>
<b>Land Ownership Categories</b>		<b>Transportation Network</b>																									
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Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge																										
NPS, National Park																											

Attachment 2



EP090052005



EP090052006

EP000000000

EP000000000

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EP000000000

**EGGNOG PIT ROAD - Garfield County**  
**SGID RD\_ID RD090052**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
December 13, 2007



## Attachment 3

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

**Popular Name: EGGNOG PIT ROAD**

**County: Garfield**

**County Road Number: 0221B**

**State Geographic Information Database (SGID) Road Identification Number: RD090052.**

**Total Road Length: 0.3 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 46 minutes 11.61 seconds North Latitude and -110 degrees 50 minutes 56.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,828,567.4 feet and Y = 10,244,859.5 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 46 minutes 23.05 seconds North Latitude and -110 degrees 50 minutes 44.98 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,829,493.6 feet and Y = 10,246,023.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 35 South Range 10 East, Section(s) 7,18, 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: EGGNOG PIT ROAD**

**County: Garfield**

**County Road Number: 0221B**

**State Geographic Information Database (SGID) Road Identification Number: RD090052.**

**Total Road Length: 0.3 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>RD090052</b>	<b>001</b>	<b>BLM</b>	<b>0.3 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>0.3</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 ARNOLD ALVEY**

**EGGNOG PIT ROAD**

**GARFIELD COUNTY, UTAH**

**ROAD NUMBER 0221B**

State of Utah                    )  
  : ss.  
County of Garfield            )

ARNOLD ALVEY, 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 Escalante, Garfield County, Utah. I was born and raised in Garfield County and have lived in the county for 78 years. I worked for the Garfield County Roads Department seasonally during the 1950s.

2. I have traveled and am familiar with a road in Garfield County known as Egnog Pit 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 1987 when I last observed it. Attached is a Garfield County map showing Egnog Pit 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. 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 1987. Throughout this time period I have observed travel on the road by means of cars, trucks, pickup trucks and ATVs. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was so used in 1987.

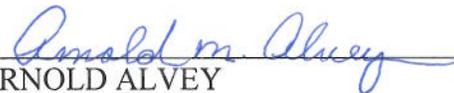
5. Throughout the time period from the early 1950s to 1987, I have used the road myself for livestock operations, county road maintenance, hunting, oil and gas exploration, recreation and travel in and through the area.

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, sightseeing, seismograph work and prospecting for minerals.

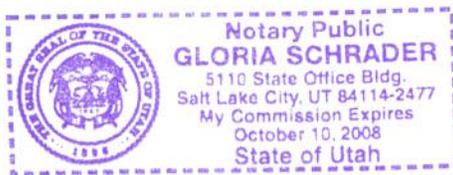
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

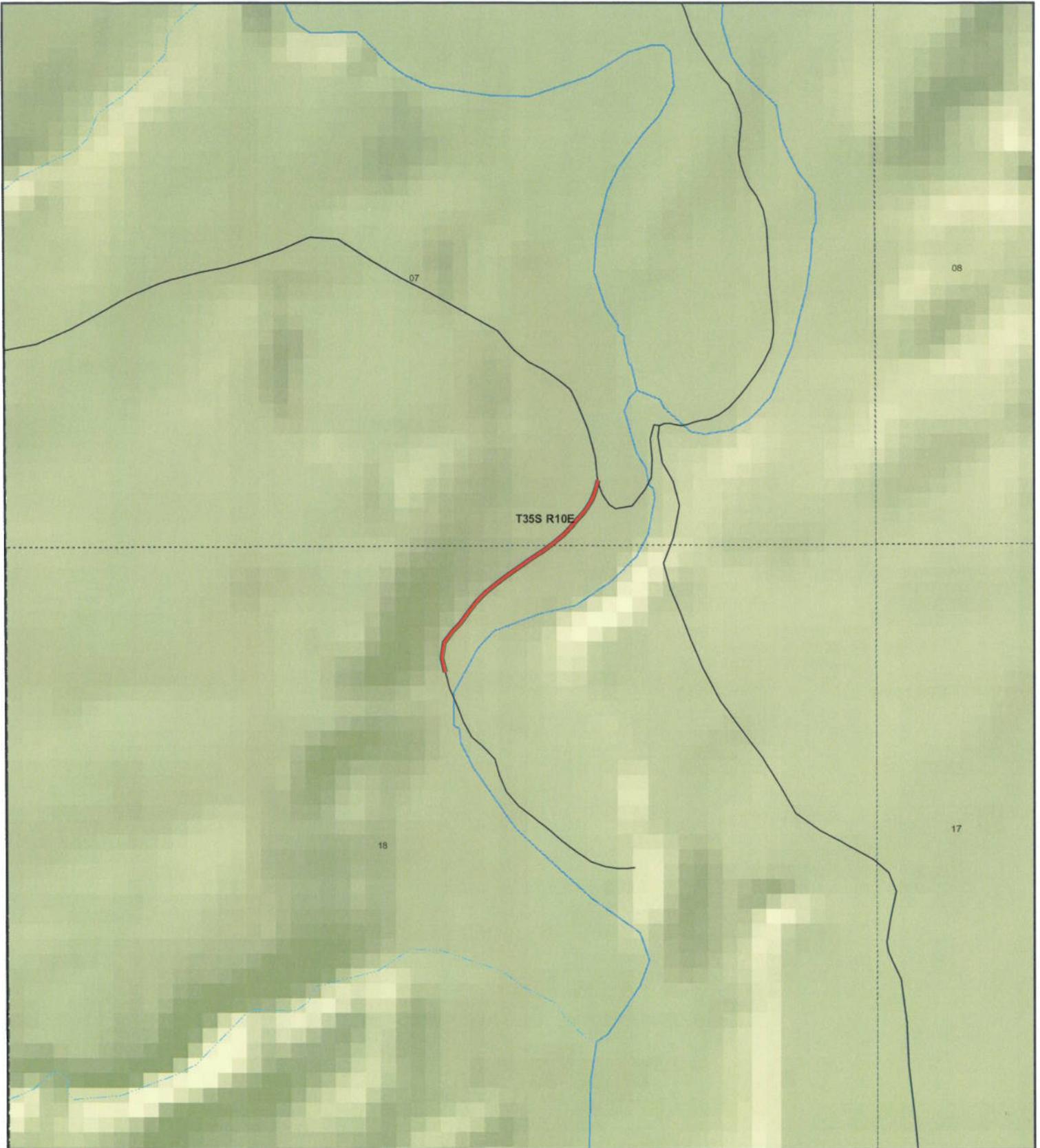
DATED this 11 day of July, 2007.

  
ARNOLD ALVEY

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of July, 2007.



  
NOTARY PUBLIC



**EGGNOG PIT RD**  
**County Unique - 0221B**

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park/Monument (NPS)
- ◆ National Rec. Area
- ◆ Wilderness
- ◆ State Park

**Transportation Network**

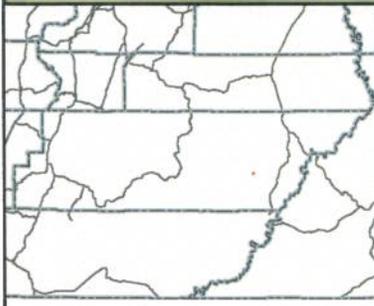
- EGGNOG PIT RD
- State / U.S. Highway
- Local Roads

**Misc**

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



1:9,300  
 1 inch equals 0.1 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jul 05, 2007



**AFFIDAVIT OF GERALD O. BARNEY**

**EGGNOG PIT ROAD**

**COUNTY ROAD NUMBER 0221B**

**GARFIELD COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Garfield            )

GERALD O. BARNEY, 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 67 years. I was employe as a part-time employee by the Garfield County Road Department for 12 years.

2. I have traveled and am familiar with a road in Garfield County known as Eggnog Pit 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 the mid 1960s when I last observed it. Attached is a Garfield County map showing Eggnog Pit 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 the mid 1950s and continuing through the mid 1960s. Throughout this time period I have observed travel on the road by various means, including cars, trucks, and jeeps. Throughout this time period, the

period, the road has been used weekly, for more than ten continuous years prior to 1976, and was used weekly in the mid 1960s.

4. Throughout the time period from the mid 1950s to the mid 1960s, I have used the road for hunting, rock hounding, picnicking, hiking and sight seeing.

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, prospecting for minerals, tourism, borrow pit access, oil and gas exploration and government access.

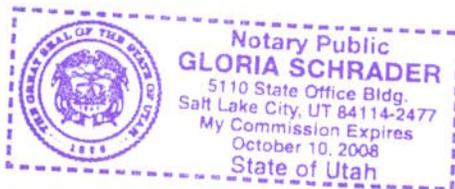
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I personally graded this road.

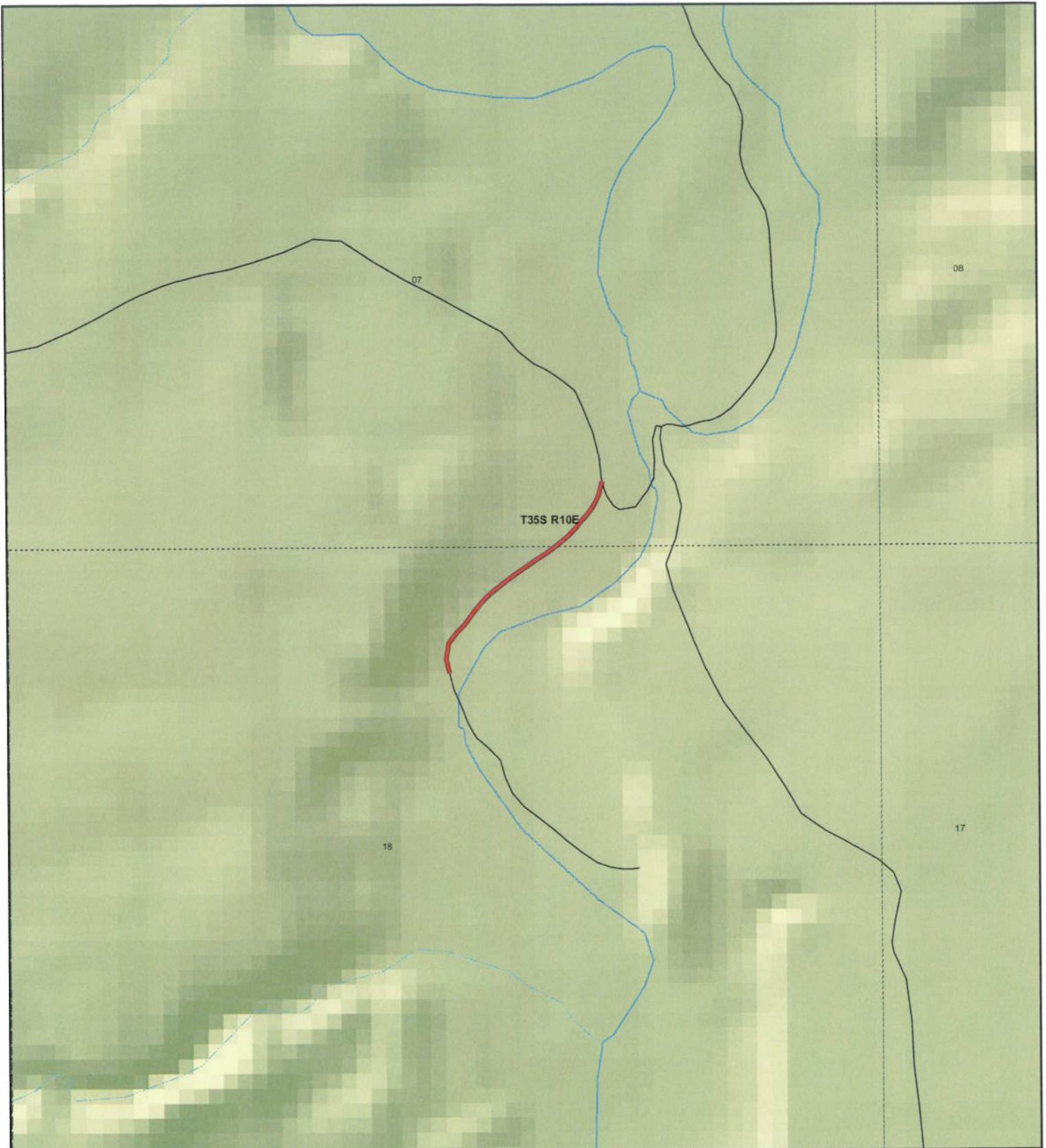
Dated this 7-11 day of July, 2007.

  
GERALD O. BARNEY

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of July, 2007.



  
NOTARY PUBLIC



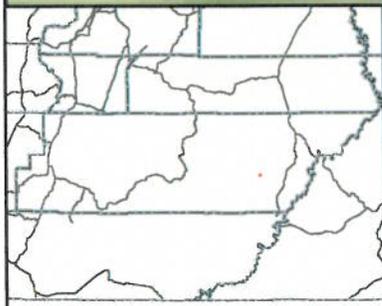
T35S R10E

07

08

18

17



**EGGNOG PIT RD**  
**County Unique - 0221B**

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park/Monument (NPS)
- ◆ National Rec. Area
- ◆ Wilderness
- ◆ State Park

**Transportation Network**

- EGGNOG PIT RD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- ⋯ Municipalities
- ⋯ Section = 1 Mile
- ⋯ Monument Boundary



1:9,300  
1 inch equals 0.1 miles



Map prepared by the State of Utah  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jul 05, 2007



## Appendix A to Attachment 4

**Popular Name: EGGNOG PIT ROAD**

**County: Garfield**

**County Road Number: 0221B**

**State Geographic Information Database (SGID) Road Identification Number: RD090052.**

**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 35 South Range 10 East, Section(s) 7,18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EGGNOG PIT 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 46 minutes 11.61 seconds North Latitude and -110 degrees 50 minutes 56.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,828,567.4 feet and Y = 10,244,859.5 feet; thence the following courses along the said road center line:

thence North 12 Degrees 51 Minutes 31 Seconds West 86.1 feet  
thence North 07 Degrees 59 Minutes 41 Seconds East 93.2 feet  
thence North 35 Degrees 13 Minutes 52 Seconds East 84.7 feet  
thence North 45 Degrees 42 Minutes 46 Seconds East 65.2 feet  
thence North 35 Degrees 59 Minutes 10 Seconds East 26.1 feet  
thence North 35 Degrees 59 Minutes 22 Seconds East 72.1 feet  
thence North 40 Degrees 15 Minutes 59 Seconds East 72.2 feet  
thence North 43 Degrees 12 Minutes 55 Seconds East 72 feet  
thence North 50 Degrees 59 Minutes 03 Seconds East 59.3 feet  
thence North 52 Degrees 02 Minutes 45 Seconds East 43.5 feet  
thence North 54 Degrees 17 Minutes 55 Seconds East 15.3 feet

thence North 51 Degrees 43 Minutes 19 Seconds East 17.1 feet  
thence North 51 Degrees 41 Minutes 41 Seconds East 40 feet  
thence North 55 Degrees 21 Minutes 48 Seconds East 48.9 feet  
thence North 55 Degrees 02 Minutes 18 Seconds East 59.4 feet  
thence North 55 Degrees 16 Minutes 01 Seconds East 70.8 feet  
thence North 56 Degrees 32 Minutes 18 Seconds East 78 feet  
thence North 54 Degrees 38 Minutes 49 Seconds East 63 feet  
thence North 54 Degrees 38 Minutes 48 Seconds East 21.5 feet  
thence North 49 Degrees 07 Minutes 02 Seconds East 81.2 feet  
thence North 42 Degrees 56 Minutes 46 Seconds East 68.5 feet  
thence North 38 Degrees 17 Minutes 49 Seconds East 52.1 feet  
thence North 40 Degrees 26 Minutes 42 Seconds East 40.7 feet  
thence North 39 Degrees 25 Minutes 33 Seconds East 32.9 feet  
thence North 39 Degrees 36 Minutes 05 Seconds East 23.5 feet  
thence North 30 Degrees 52 Minutes 42 Seconds East 43.7 feet  
thence North 21 Degrees 25 Minutes 24 Seconds East 48.8 feet  
thence North 14 Degrees 48 Minutes 42 Seconds East 84.3 feet more or less to **the ending**

**point at:** 37 degrees 46 minutes 23.05 seconds North Latitude and -110 degrees 50 minutes 44.98 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,829,493.6 feet and Y = 10,246,023.0 feet.