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

00165738
B: 485 P: 053 Fee $0.00
Connie Hansen, Millard Recorder
05/14/2008 09:42:20 AM By UT STATE GOVERNOR
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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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Millard County as it pertains to the highway located in Millard County known as Tule Cutoff Road; County Road Number: MC138; State Geographic Information Database (SGID) Road Identification Number: RD140432. Total road length is 0.8 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
PAMELA Z. BLACKHAM
5110 State Office Bldg
Salt Lake City, Utah 84114
COMMISSION EXPIRES
May 3, 2011
STATE OF UTAH

Pamela Z. Blackham
Notary Public

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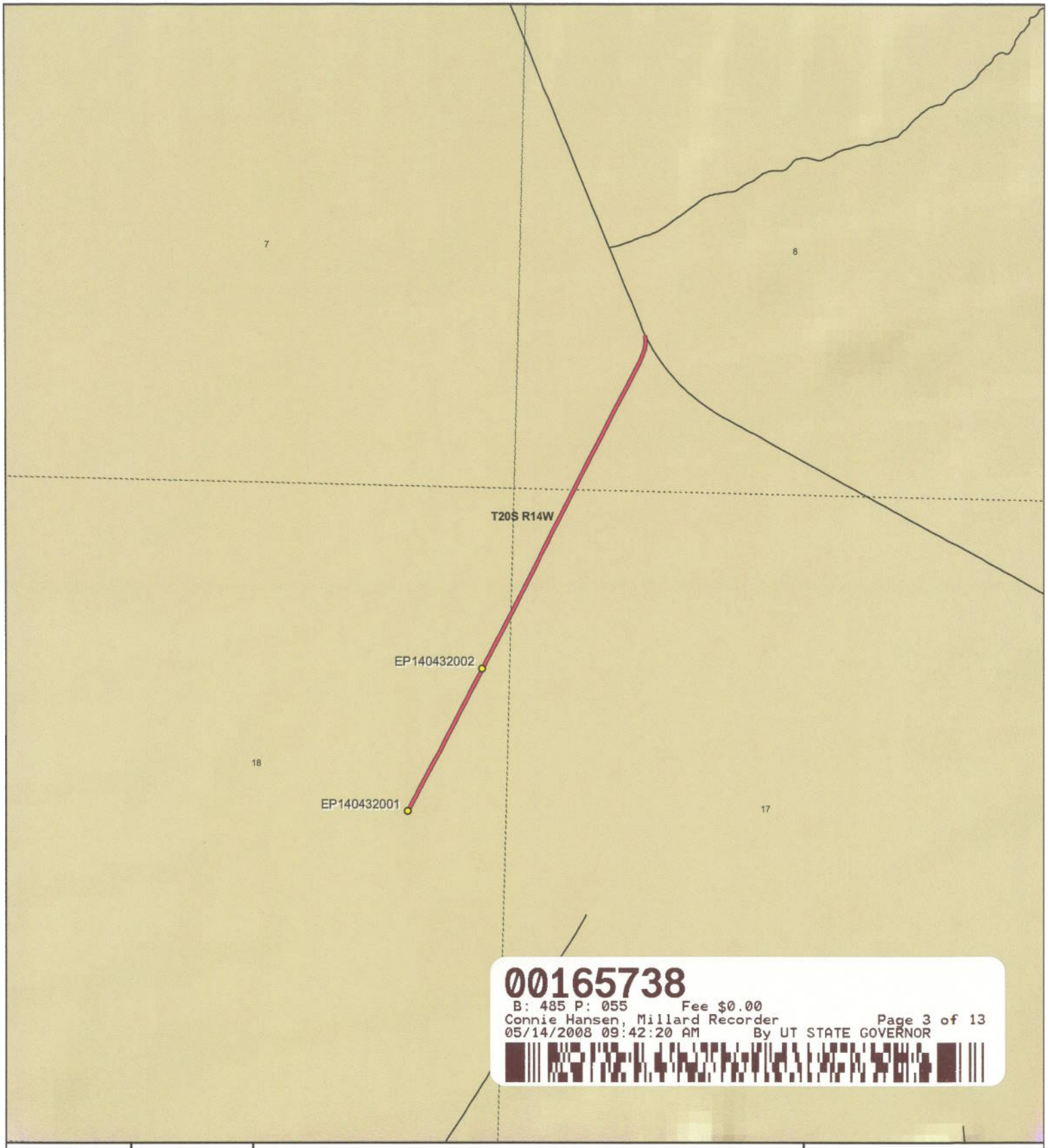

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1:12,284
1 inch equals 0.2 miles

Tule Cutoff Road - Millard County
SGID RD_ID RD140432

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

- Tule Cutoff Road
- Title V: Issued Or Under Consideration By BLM Or County
- Other Roads
- 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
Nov 26, 2006

EP140432001

EP140432002

EP000000000

EP000000000

EP000000000

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Tule Cutoff Road - Millard County
SGID RD_ID RD140432

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
November 22, 2006

Attachment 3

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

Popular Name: Tule Cutoff Road
County: Millard
County Road Number: MC138
State Geographic Information Database (SGID) Road Identification Number: RD140432.
Total Road Length: 0.8 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 04 minutes 09.96 seconds North Latitude and -113 degrees 27 minutes 30.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,084,362.6 feet and Y = 6,835,873.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 04 minutes 47.66 seconds North Latitude and -113 degrees 27 minutes 08.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,086,224.0 feet and Y = 6,839,647.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 20 South Range 14 West, Section(s) 8,17,18, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

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Attachment 4
Road Centerline Description Cover Page(s)

Popular Name: Tule Cutoff Road
County: Millard
County Road Number: MC138
State Geographic Information Database (SGID) Road Identification Number: RD140432.
Total Road Length: 0.8 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**
RD140432	**001**	**BLM**	**0.8 Miles**	**A**
		Total Road Length	**0.8**	———

*** 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.

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Attachment 5

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AFFIDAVIT OF JAY ATKINSON

TULE CUTOFF ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC138

State of Utah)
: ss.
County of Millard)

JAY ATKINSON, 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 Millard County, Utah. I have lived in Millard County for sixty-eight years. I was an employee of the Millard County Road Department from February of 1970 to April of 2000, and participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as Tule Cutoff Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1940s, it followed the same route as in 2006 when I last observed it. Attached is a Millard County map showing Tule Cutoff 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 1940s and continuing through 1976 to 2006. 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 weekly for ten continuous years prior to 1976, and was so used through 2006.

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5. Throughout the time period from the early 1940s to 2006, I have used the road myself for the following uses: hunting, county road work and recreation.

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: livestock operations, trapping, government access and sightseeing.

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 participated in maintenance and construction activities on the road. Construction and maintenance have been performed since the early 1950s by Millard County Road Department.

DATED this 6 day of December, 2006.

Jay Atkinson
JAY ATKINSON

SUBSCRIBED AND SWORN to before me this 6th day of December, 2006.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Gloria Schrader
NOTARY PUBLIC

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MILLARD COUNTY

B Class Road of Interest

- Interstate
- Highway Major
- Highway Minor
- B Class Road
- Unimproved Road
- County Border
- River
- Cities / Towns
- Lakes
- Lakes - Intermittent
- Township & Range Line
- Forest Service Lands
- BLM Lands
- State Trust Lands
- Private Lands

0.4 0.2 0 0.4
Miles

N W E S

Map Printed: 11/30/06

AFFIDAVIT OF WILLIAM THAYNE HENRIE

TULE CUTOFF ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC138

State of Utah)
: ss.
County of Millard)

WILLIAM THAYNE HENRIE, 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 Millard County, Utah. I have lived in Millard County for fifty-eight years. I have been an employee of the Millard County Road Department since June of 1990, have been the Road Department Supervisor from January 1993 to the present and have participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as the Tule Cutoff Road. I am also familiar with the land the road traverses. When I first used and observed the road in the 1950s, it followed the same route as in 2006 when I last observed it. Attached is a Millard County map showing Tule Cutoff 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 1950s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of 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.

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5. Throughout the time period from the 1950s to the present, I have used the road myself for camping, gathering fire wood, hunting, rock hounding, participating in search and rescue efforts and recreation.

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 mining, prospecting for minerals, livestock operations, trapping, tourism, government access, picnicking, hiking and sightseeing.

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 other maintenance equipment performing maintenance and construction activities on the road. Maintenance on the road has been performed since 1955 by the Millard County Road Department.

DATED this 5 day of December, 2006.

WILLIAM THAYNE HENRIE

SUBSCRIBED AND SWORN to before me this 5th day of December, 2006.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Gloria Schrader
NOTARY PUBLIC

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ROAD = MC138
TULE CUTOFF ROAD

Notch Pk
Sawtooth Canyon
Sawtooth Mountains
Hell'n Mariah Cyn
Taylor Canyon
Valley
Sawtooth Cove
Tank Cy
113d24'13"
39d2'32"
36
40
Skull Rock Pass
Tule
Black Hills
Politician Point

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MILLARD COUNTY

B Class Road of Interest

- Interstate
- Highway Major
- Highway Minor
- B Class Road
- Unimproved Road
- County Border
- River
- Cities / Towns
- Lakes
- Lakes - Intermittent
- Township & Range Line
- Forest Service Lands
- BLM Lands
- State Trust Lands
- Private Lands

0.4 0.2 0 0.4
Miles

N W E S

Map Printed: 11/30/06

Appendix A to Attachment 4

Popular Name: Tule Cutoff Road
County: Millard
County Road Number: MC138
State Geographic Information Database (SGID) Road Identification Number: RD140432.
Road-Segment Number: 001
Road-Segment Length: 0.8 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 20 South Range 14 West, Section(s) 8,17,18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Tule Cutoff 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 39 degrees 04 minutes 09.96 seconds North Latitude and -113 degrees 27 minutes 30.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,084,362.6 feet and Y = 6,835,873.2 feet; thence the following courses along the said road center line:

thence North 24 Degrees 57 Minutes 27 Seconds East 19.2 feet
thence North 25 Degrees 32 Minutes 28 Seconds East 34.6 feet
thence North 26 Degrees 48 Minutes 00 Seconds East 47.5 feet
thence North 26 Degrees 04 Minutes 47 Seconds East 44.3 feet
thence North 27 Degrees 29 Minutes 41 Seconds East 27.4 feet
thence North 28 Degrees 12 Minutes 00 Seconds East 13.1 feet
thence North 27 Degrees 30 Minutes 21 Seconds East 20.4 feet
thence North 26 Degrees 36 Minutes 02 Seconds East 25.4 feet
thence North 26 Degrees 01 Minutes 01 Seconds East 33.3 feet
thence North 26 Degrees 53 Minutes 08 Seconds East 40.9 feet
thence North 27 Degrees 37 Minutes 16 Seconds East 49.7 feet
thence North 27 Degrees 22 Minutes 49 Seconds East 53 feet

thence North 28 Degrees 49 Minutes 14 Seconds East 59.3 feet
thence North 28 Degrees 20 Minutes 16 Seconds East 65 feet
thence North 26 Degrees 53 Minutes 56 Seconds East 66.8 feet
thence North 26 Degrees 37 Minutes 15 Seconds East 71.7 feet
thence North 27 Degrees 10 Minutes 11 Seconds East 74.7 feet
thence North 27 Degrees 08 Minutes 09 Seconds East 77.6 feet
thence North 26 Degrees 28 Minutes 45 Seconds East 80.1 feet
thence North 27 Degrees 19 Minutes 49 Seconds East 79.2 feet
thence North 26 Degrees 35 Minutes 28 Seconds East 78.3 feet
thence North 27 Degrees 08 Minutes 38 Seconds East 76.9 feet
thence North 26 Degrees 53 Minutes 07 Seconds East 68.2 feet
thence North 27 Degrees 37 Minutes 26 Seconds East 43.4 feet
thence North 27 Degrees 01 Minutes 41 Seconds East 22.2 feet
thence North 26 Degrees 55 Minutes 13 Seconds East 25.8 feet
thence North 25 Degrees 42 Minutes 27 Seconds East 44.9 feet
thence North 26 Degrees 43 Minutes 22 Seconds East 55.6 feet
thence North 27 Degrees 11 Minutes 21 Seconds East 64 feet
thence North 26 Degrees 59 Minutes 46 Seconds East 69.4 feet
thence North 27 Degrees 51 Minutes 04 Seconds East 74.4 feet
thence North 27 Degrees 59 Minutes 19 Seconds East 78.2 feet
thence North 27 Degrees 59 Minutes 23 Seconds East 83.1 feet
thence North 26 Degrees 46 Minutes 35 Seconds East 16.6 feet
thence North 27 Degrees 21 Minutes 01 Seconds East 70 feet
thence North 26 Degrees 21 Minutes 51 Seconds East 88.5 feet
thence North 26 Degrees 27 Minutes 30 Seconds East 88.9 feet
thence North 27 Degrees 24 Minutes 13 Seconds East 88.9 feet
thence North 27 Degrees 01 Minutes 41 Seconds East 88.6 feet
thence North 26 Degrees 27 Minutes 19 Seconds East 90.4 feet
thence North 27 Degrees 00 Minutes 35 Seconds East 90.8 feet
thence North 26 Degrees 48 Minutes 14 Seconds East 94.3 feet
thence North 26 Degrees 57 Minutes 34 Seconds East 97.4 feet
thence North 26 Degrees 42 Minutes 00 Seconds East 97.6 feet
thence North 27 Degrees 03 Minutes 14 Seconds East 96.4 feet
thence North 27 Degrees 15 Minutes 53 Seconds East 92.9 feet
thence North 28 Degrees 00 Minutes 17 Seconds East 4.8 feet
thence North 27 Degrees 02 Minutes 03 Seconds East 87.9 feet
thence North 27 Degrees 21 Minutes 31 Seconds East 92.6 feet
thence North 26 Degrees 32 Minutes 25 Seconds East 93 feet
thence North 27 Degrees 10 Minutes 17 Seconds East 93.2 feet
thence North 27 Degrees 04 Minutes 43 Seconds East 93.5 feet
thence North 26 Degrees 59 Minutes 31 Seconds East 93 feet
thence North 26 Degrees 32 Minutes 32 Seconds East 92.3 feet
thence North 27 Degrees 07 Minutes 32 Seconds East 88.3 feet
thence North 27 Degrees 38 Minutes 49 Seconds East 85.4 feet
thence North 27 Degrees 42 Minutes 32 Seconds East 81.7 feet
thence North 27 Degrees 08 Minutes 37 Seconds East 76.9 feet
thence North 26 Degrees 37 Minutes 01 Seconds East 72.5 feet
thence North 25 Degrees 03 Minutes 47 Seconds East 69.7 feet
thence North 23 Degrees 56 Minutes 44 Seconds East 61.5 feet

thence North 18 Degrees 01 Minutes 04 Seconds East 49.1 feet
thence North 10 Degrees 00 Minutes 32 Seconds East 36.7 feet
thence North 04 Degrees 24 Minutes 43 Seconds East 28 feet
thence North 01 Degrees 25 Minutes 35 Seconds West 49.9 feet more or less to **the ending point at:** 39 degrees 04 minutes 47.66 seconds North Latitude and -113 degrees 27 minutes 08.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,086,224.0 feet and Y = 6,839,647.7 feet.