

00165855

B: 486 P: 663 Fee \$0.00  
Connie Hansen, Millard Recorder  
05/14/2008 11:34:37 AM By UT STATE GOVERNOR Page 1 of 13



**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Millard County as it pertains to the highway located in Millard County known as Fool Creek Road; County Road Number: MC4011; State Geographic Information Database (SGID) Road Identification Number: RD142387. Total road length is 2.04 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.

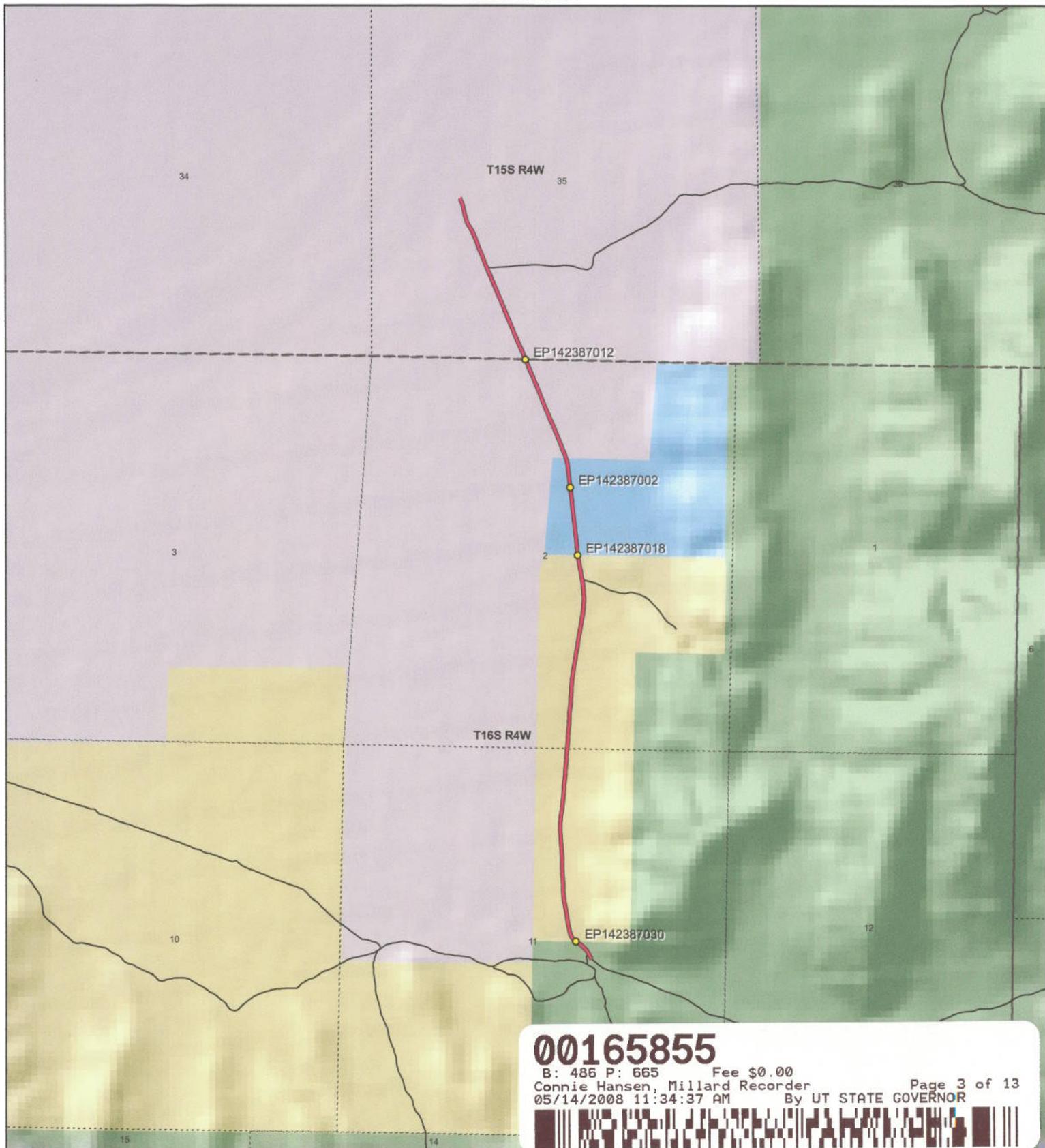
This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of 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





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**Fool Creek Road - Millard County**  
**SGID RD\_ID RD142387**

**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**

- Fool Creek Road
- Title V: Issued Or Under Consideration By BLM Or County
- Other Roads
- Photo Event Point
- Section = 1 Mile



1:21,252

1 inch equals 0.3 miles



Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Nov 26, 2006



Attachment 2



EP142387002



EP142387012



EP142387030



EP142387018

EP000000000

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*Fool Creek Road - Millard County*

**SGID RD\_ID RD142387**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
November 24, 2006



### Attachment 3

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

**Popular Name: Fool Creek Road**

**County: Millard**

**County Road Number: MC4011**

**State Geographic Information Database (SGID) Road Identification Number: RD142387.**

**Total Road Length: 2.04 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 26 minutes 37.58 seconds North Latitude and -112 degrees 15 minutes 43.34 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,425,218.6 feet and Y = 6,967,043.5 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 28 minutes 19.61 seconds North Latitude and -112 degrees 16 minutes 08.04 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,423,369.7 feet and Y = 6,977,382.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 15 South Range 4 West, Section(s) 35, Salt Lake Base & Meridian  
Township 16 South Range 4 West, Section(s) 2,11, 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: Fool Creek Road**

**County: Millard**

**County Road Number: MC4011**

**State Geographic Information Database (SGID) Road Identification Number: RD142387.**

**Total Road Length: 2.04 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>RD142387</b>	<b>001</b>	<b>FS</b>	<b>0.06 Miles</b>	<b>†(pending)</b>
<b>RD142387</b>	<b>002</b>	<b>BLM</b>	<b>1.01 Miles</b>	<b>A</b>
<b>RD142387</b>	<b>003</b>	<b>ST</b>	<b>0.25 Miles</b>	<b>(not shown)</b>
<b>RD142387</b>	<b>004</b>	<b>PVT</b>	<b>0.72 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>2.04</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.

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**Attachment 5**

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**AFFIDAVIT OF JAY ATKINSON**

**FOOL CREEK ROAD**

**MILLARD COUNTY, UTAH**

**ROAD NUMBER MC 4011**

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 Fool Creek 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 1995 when I last observed it. Attached is a Millard County map showing Fool Creek 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 1995. 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 was so used through 1995.

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5. Throughout the time period from the early 1940s to 1995, I have used the road myself for the following uses: hunting, rock hounding, 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, farming, traveling in and through the area, trapping, government access, picnicking, hiking and sightseeing.

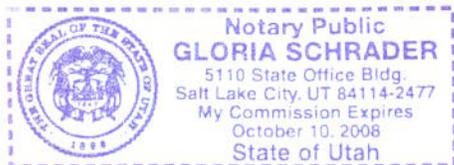
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 6<sup>th</sup> day of December, 2006.



Gloria Schrader  
NOTARY PUBLIC

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ROAD = MC4011  
FOOL CREEK ROAD

# Fool Creek

Fool

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# M I L L A R D C O U N T Y

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



**AFFIDAVIT OF WILLIAM THAYNE HENRIE**

**FOOL CREEK ROAD**

**MILLARD COUNTY, UTAH**

**ROAD NUMBER MC394011**

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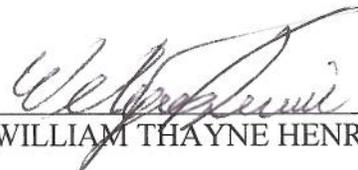
5. Throughout the time period from the 1950s to the present, I have used the road myself for camping, gathering fire wood, hunting, rock hounding, participating in search and rescue efforts and recreation.

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, farming, trapping, tourism, government access, picnicking, hiking and sightseeing.

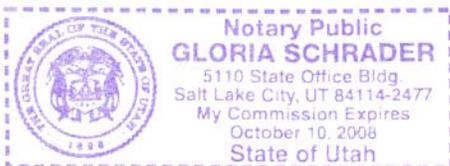
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 5<sup>th</sup> day of December, 2006.



  
NOTARY PUBLIC

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ROAD = MC4011  
FOOL CREEK ROAD

# Fool Creek

Fool

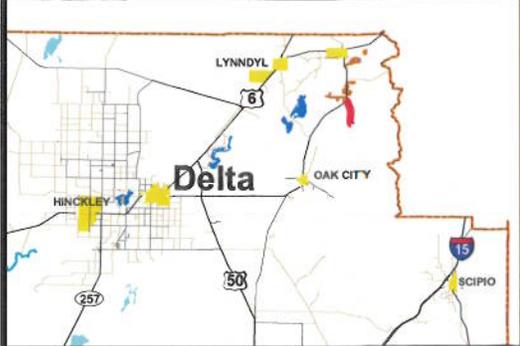
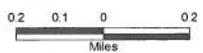
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## M I L L A R D C O U N T Y

— B Class Road of Interest

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



## Appendix A to Attachment 4

**Popular Name: Fool Creek Road**

**County: Millard**

**County Road Number: MC4011**

**State Geographic Information Database (SGID) Road Identification Number: RD142387.**

**Road-Segment Number: 002**

**Road-Segment Length: 1.01 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 16 South Range 4 West, Section(s) 2,11, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Fool Creek Road)-- Segment 002 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 26 minutes 39.82 seconds North Latitude and -112 degrees 15 minutes 46 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,425,012.0 feet and Y = 6,967,271.4 feet; thence the following courses along the said road center line:

thence North 54 Degrees 46 Minutes 33 Seconds West 16.9 feet  
thence North 47 Degrees 07 Minutes 20 Seconds West 44.1 feet  
thence North 32 Degrees 27 Minutes 29 Seconds West 57.4 feet  
thence North 17 Degrees 32 Minutes 44 Seconds West 64.2 feet  
thence North 11 Degrees 16 Minutes 04 Seconds West 72.5 feet  
thence North 09 Degrees 42 Minutes 04 Seconds West 82.5 feet  
thence North 09 Degrees 00 Minutes 33 Seconds West 84.6 feet  
thence North 10 Degrees 43 Minutes 17 Seconds West 81.7 feet  
thence North 10 Degrees 07 Minutes 11 Seconds West 80.9 feet  
thence North 07 Degrees 09 Minutes 23 Seconds West 74.4 feet  
thence North 04 Degrees 09 Minutes 51 Seconds West 68.4 feet  
thence North 02 Degrees 43 Minutes 19 Seconds West 70.3 feet

thence North 03 Degrees 06 Minutes 45 Seconds West 73.9 feet  
thence North 03 Degrees 04 Minutes 33 Seconds West 74.9 feet  
thence North 03 Degrees 37 Minutes 13 Seconds West 74 feet  
thence North 02 Degrees 18 Minutes 52 Seconds West 75.2 feet  
thence North 01 Degrees 50 Minutes 04 Seconds West 74.2 feet  
thence North 02 Degrees 47 Minutes 33 Seconds West 75.9 feet  
thence North 03 Degrees 52 Minutes 31 Seconds West 79.2 feet  
thence North 04 Degrees 29 Minutes 12 Seconds West 76.7 feet  
thence North 03 Degrees 31 Minutes 23 Seconds West 70.3 feet  
thence North 03 Degrees 27 Minutes 52 Seconds West 71.6 feet  
thence North 01 Degrees 43 Minutes 29 Seconds West 66.6 feet  
thence North 01 Degrees 02 Minutes 31 Seconds East 55.5 feet  
thence North 03 Degrees 10 Minutes 50 Seconds East 43.1 feet  
thence North 01 Degrees 28 Minutes 33 Seconds East 10.5 feet  
thence North 03 Degrees 46 Minutes 18 Seconds East 13.8 feet  
thence North 06 Degrees 32 Minutes 45 Seconds East 44 feet  
thence North 09 Degrees 01 Minutes 51 Seconds East 52.5 feet  
thence North 06 Degrees 37 Minutes 13 Seconds East 48.9 feet  
thence North 07 Degrees 18 Minutes 26 Seconds East 47 feet  
thence North 06 Degrees 16 Minutes 58 Seconds East 48.6 feet  
thence North 05 Degrees 01 Minutes 05 Seconds East 49.4 feet  
thence North 04 Degrees 30 Minutes 40 Seconds East 50.7 feet  
thence North 03 Degrees 56 Minutes 12 Seconds East 48.7 feet  
thence North 03 Degrees 28 Minutes 30 Seconds East 49.7 feet  
thence North 03 Degrees 28 Minutes 30 Seconds East 49.7 feet  
thence North 04 Degrees 32 Minutes 33 Seconds East 50.4 feet  
thence North 03 Degrees 52 Minutes 49 Seconds East 49.4 feet  
thence North 03 Degrees 30 Minutes 00 Seconds East 49.3 feet  
thence North 04 Degrees 10 Minutes 14 Seconds East 50.4 feet  
thence North 04 Degrees 28 Minutes 49 Seconds East 51 feet  
thence North 04 Degrees 01 Minutes 45 Seconds East 52 feet  
thence North 02 Degrees 54 Minutes 20 Seconds East 52.6 feet  
thence North 05 Degrees 12 Minutes 49 Seconds East 51.1 feet  
thence North 04 Degrees 26 Minutes 59 Seconds East 43.5 feet  
thence North 03 Degrees 46 Minutes 18 Seconds East 9.2 feet  
thence North 04 Degrees 02 Minutes 00 Seconds East 56.3 feet  
thence North 03 Degrees 31 Minutes 17 Seconds East 58.9 feet  
thence North 03 Degrees 16 Minutes 58 Seconds East 57.5 feet  
thence North 03 Degrees 09 Minutes 15 Seconds East 54.2 feet  
thence North 03 Degrees 34 Minutes 14 Seconds East 53.3 feet  
thence North 04 Degrees 34 Minutes 28 Seconds East 50.1 feet  
thence North 03 Degrees 40 Minutes 07 Seconds East 52 feet  
thence North 02 Degrees 38 Minutes 26 Seconds East 50.9 feet  
thence North 01 Degrees 39 Minutes 39 Seconds East 47.6 feet  
thence North 06 Degrees 12 Minutes 21 Seconds East 46.2 feet  
thence North 04 Degrees 48 Minutes 33 Seconds East 47.8 feet  
thence North 03 Degrees 11 Minutes 22 Seconds East 48.3 feet  
thence North 04 Degrees 15 Minutes 36 Seconds East 49.4 feet  
thence North 03 Degrees 28 Minutes 29 Seconds East 49.7 feet

thence North 03 Degrees 31 Minutes 24 Seconds East 53.9 feet  
 thence North 03 Degrees 39 Minutes 14 Seconds East 56.9 feet  
 thence North 04 Degrees 41 Minutes 57 Seconds East 56.3 feet  
 thence North 04 Degrees 12 Minutes 30 Seconds East 58.3 feet  
 thence North 05 Degrees 29 Minutes 34 Seconds East 58.4 feet  
 thence North 06 Degrees 58 Minutes 30 Seconds East 56.9 feet  
 thence North 08 Degrees 05 Minutes 22 Seconds East 58.4 feet  
 thence North 09 Degrees 43 Minutes 53 Seconds East 58.3 feet  
 thence North 10 Degrees 09 Minutes 56 Seconds East 57.7 feet  
 thence North 09 Degrees 08 Minutes 54 Seconds East 51.9 feet  
 thence North 08 Degrees 36 Minutes 03 Seconds East 50.8 feet  
 thence North 09 Degrees 51 Minutes 06 Seconds East 48.3 feet  
 thence North 09 Degrees 36 Minutes 44 Seconds East 53.3 feet  
 thence North 08 Degrees 18 Minutes 40 Seconds East 59.1 feet  
 thence North 07 Degrees 57 Minutes 02 Seconds East 59.4 feet  
 thence North 09 Degrees 43 Minutes 53 Seconds East 58.3 feet  
 thence North 08 Degrees 39 Minutes 31 Seconds East 56.8 feet  
 thence North 10 Degrees 08 Minutes 27 Seconds East 56.1 feet  
 thence North 08 Degrees 44 Minutes 01 Seconds East 52.2 feet  
 thence North 07 Degrees 16 Minutes 50 Seconds East 49.7 feet  
 thence North 06 Degrees 57 Minutes 10 Seconds East 49.3 feet  
 thence North 05 Degrees 46 Minutes 28 Seconds East 49.5 feet  
 thence North 02 Degrees 51 Minutes 57 Seconds East 47.3 feet  
 thence North 01 Degrees 20 Minutes 03 Seconds East 45.6 feet  
 thence North 00 Degrees 45 Minutes 29 Seconds West 42.3 feet  
 thence North 01 Degrees 44 Minutes 03 Seconds West 39.7 feet  
 thence North 01 Degrees 54 Minutes 18 Seconds West 35.5 feet  
 thence North 04 Degrees 42 Minutes 45 Seconds West 29.9 feet  
 thence North 06 Degrees 48 Minutes 47 Seconds West 26.1 feet  
 thence North 06 Degrees 05 Minutes 17 Seconds West 29.4 feet  
 thence North 06 Degrees 39 Minutes 14 Seconds West 35.7 feet  
 thence North 09 Degrees 17 Minutes 11 Seconds West 31.6 feet  
 thence North 08 Degrees 44 Minutes 27 Seconds West 9 feet  
 thence North 04 Degrees 42 Minutes 45 Seconds West 8.6 feet  
 thence North 11 Degrees 37 Minutes 26 Seconds West 23.4 feet  
 thence North 09 Degrees 57 Minutes 43 Seconds West 33.3 feet  
 thence North 09 Degrees 42 Minutes 33 Seconds West 46.2 feet  
 thence North 11 Degrees 59 Minutes 26 Seconds West 50.3 feet  
 thence North 10 Degrees 31 Minutes 04 Seconds West 50 feet  
 thence North 10 Degrees 02 Minutes 29 Seconds West 46.6 feet  
 thence North 10 Degrees 13 Minutes 05 Seconds West 42 feet  
 thence North 08 Degrees 31 Minutes 59 Seconds West 29.8 feet  
 thence North 20 Degrees 17 Minutes 49 Seconds West 7.7 feet  
 thence North 08 Degrees 04 Minutes 44 Seconds West 7.3 feet

more or less to **the ending point**  
**at:** 39 degrees 27 minutes 31.85 seconds North Latitude and -112 degrees 15 minutes 046.8 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,424,994.3 feet and Y = 6,972,536.1 feet.