

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

00165840
B: 486 P: 468 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 11:16:41 AM By UT STATE GOVERNOR Page 1 of 13

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Whiskey Creek Road; County Road Number: MC4375; State Geographic Information Database (SGID) Road Identification Number: RD142779. Total road length is 14.59 miles more or less.

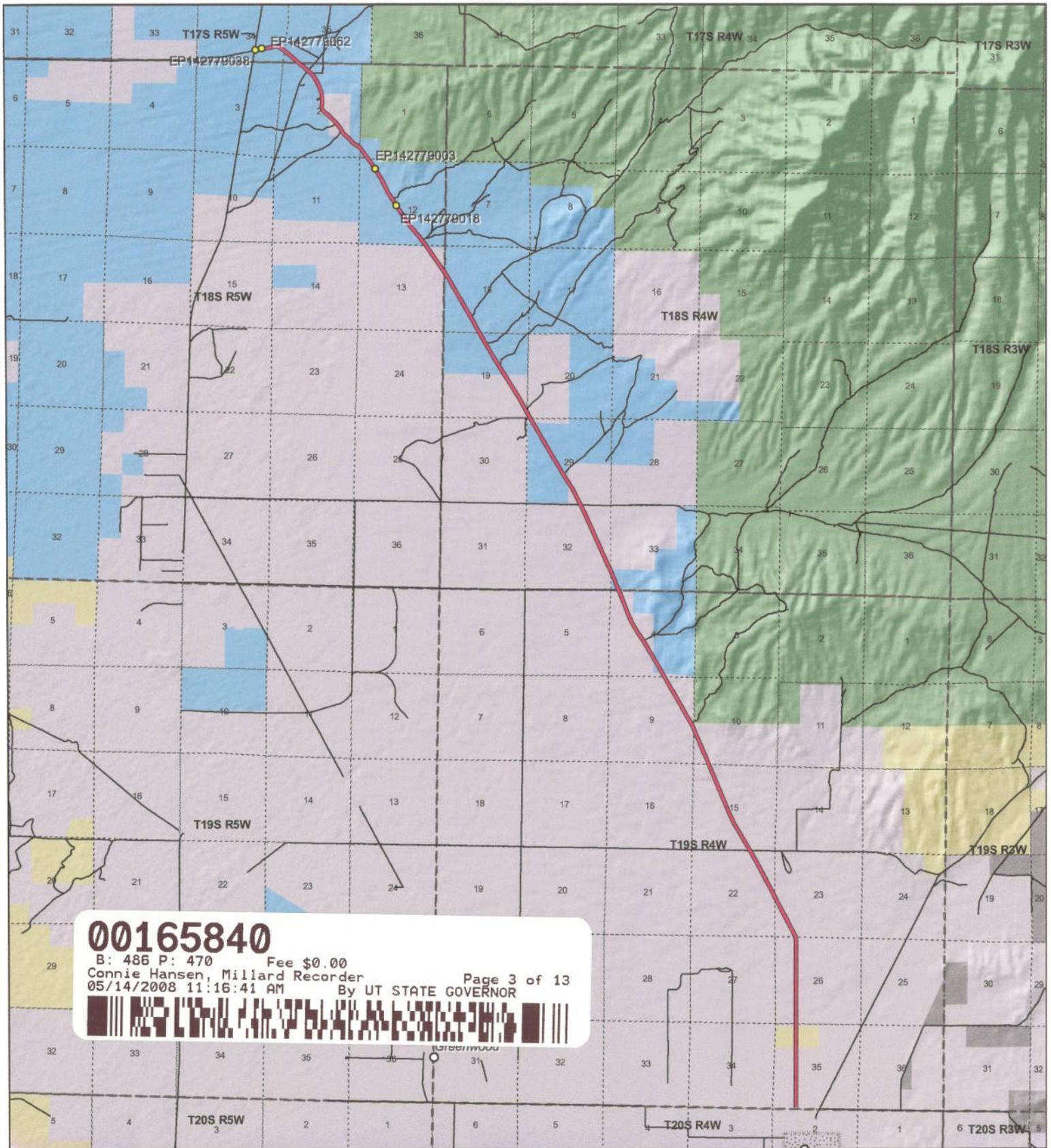
The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) 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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Whiskey Creek Road - Millard County
SGID RD_ID RD142779

Land Ownership Categories		Transportation Network
BLM	Wilderness	Whiskey Creek 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		

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



EP142779003



EP142779018



EP142779038



EP142779062

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Whiskey Creek Road - Millard County
SGID RD_ID RD142779



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: Whiskey Creek Road

County: Millard

County Road Number: MC4375

State Geographic Information Database (SGID) Road Identification Number: RD142779.

Total Road Length: 14.59 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 06 minutes 38.97 seconds North Latitude and -112 degrees 16 minutes 23 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,421,059.7 feet and Y = 6,845,807.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 17 minutes 26.06 seconds North Latitude and -112 degrees 23 minutes 44.08 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,386,950.5 feet and Y = 6,911,597.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 17 South Range 5 West, Section(s) 34,35, Salt Lake Base & Meridian

Township 18 South Range 4 West, Section(s) 18,19,20,29,32,33, Salt Lake Base & Meridian

Township 18 South Range 5 West, Section(s) 1,2,12,13, Salt Lake Base & Meridian

Township 19 South Range 4 West, Section(s) 4,9,10,15,22,23,26,35, 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: Whiskey Creek Road
County: Millard
County Road Number: MC4375
State Geographic Information Database (SGID) Road Identification Number: RD142779.
Total Road Length: 14.59 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
RD142779	001	PVT	0.71 Miles	(not shown)
RD142779	002	BLM	0.25 Miles	A
RD142779	003	PVT	4.56 Miles	(not shown)
RD142779	004	ST	0.23 Miles	(not shown)
RD142779	005	PVT	0.89 Miles	(not shown)
RD142779	006	ST	0.25 Miles	(not shown)
RD142779	007	PVT	1.17 Miles	(not shown)
RD142779	008	ST	0.81 Miles	(not shown)
RD142779	009	PVT	0.67 Miles	(not shown)
RD142779	010	ST	1.4 Miles	(not shown)
RD142779	011	PVT	0.37 Miles	(not shown)
RD142779	012	ST	1.63 Miles	(not shown)
RD142779	013	PVT	0.33 Miles	(not shown)
RD142779	014	ST	0.01 Miles	(not shown)
RD142779	015	PVT	0.28 Miles	(not shown)
RD142779	016	ST	1.05 Miles	(not shown)
Total Road Length			14.59	

* 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
WHISKEY CREEK ROAD
MILLARD COUNTY, UTAH
ROAD NUMBER MC4375

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 Whiskey 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 2006 when I last observed it. Attached is a Millard County map showing Whiskey 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 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 daily 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 2000, 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.

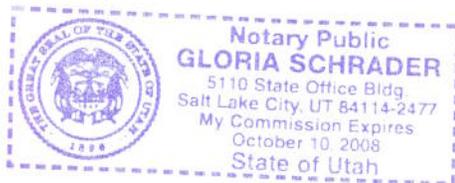
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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.



Gloria Schrader
NOTARY PUBLIC





**ROAD = MC4375
WHISKEYCREEK ROAD**

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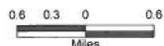
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MILLARD COUNTY

— 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



AFFIDAVIT OF WILLIAM THAYNE HENRIE

WHISKEY CREEK ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC4375

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 Whiskey 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 Whiskey 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.

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.

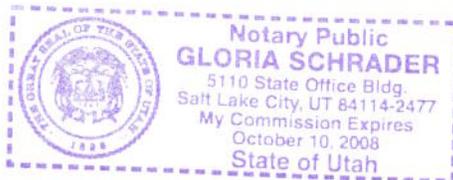
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 5th day of December, 2006.

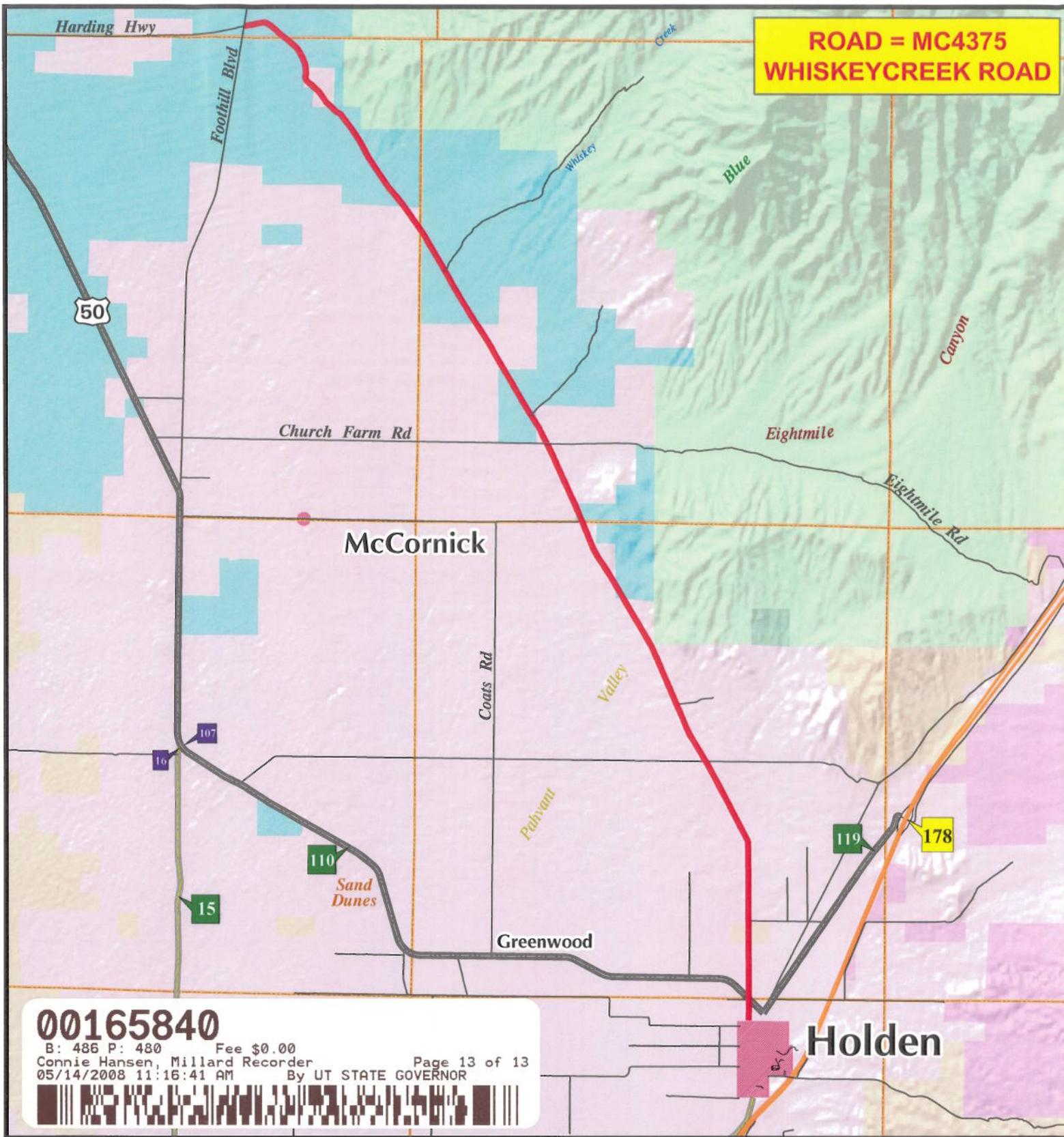



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M I L L A R D C O U N T Y

— 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

0.6 0.3 0 0.5
Miles

Map Printed: 12/03/06



Appendix A to Attachment 4

Popular Name: Whiskey Creek Road

County: Millard

County Road Number: MC4375

State Geographic Information Database (SGID) Road Identification Number: RD142779.

Road-Segment Number: 002

Road-Segment Length: 0.25 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 19 South Range 4 West, Section(s) 35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Whiskey 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 07 minutes 16 seconds North Latitude and -112 degrees 16 minutes 23.64 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,421,041.9 feet and Y = 6,849,554.6 feet; thence the following courses along the said road center line:

thence North 00 Degrees 18 Minutes 29 Seconds West 3.9 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 38.1 feet
thence North 00 Degrees 12 Minutes 12 Seconds East 36.8 feet
thence North 00 Degrees 48 Minutes 54 Seconds East 33.5 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 24.3 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 29.2 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 48.6 feet
thence North 03 Degrees 36 Minutes 58 Seconds West 56.9 feet
thence North 04 Degrees 03 Minutes 25 Seconds East 43.1 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 50.5 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 49.9 feet

thence North 00 Degrees 18 Minutes 29 Seconds West 48.9 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 47.3 feet
thence North 01 Degrees 32 Minutes 40 Seconds West 45.6 feet
thence North 00 Degrees 44 Minutes 08 Seconds West 44 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 43 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 42 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 39.4 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 37.1 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 36.1 feet
thence North 00 Degrees 13 Minutes 38 Seconds East 35.1 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 37.4 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 38.4 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 40 feet
thence North 00 Degrees 47 Minutes 08 Seconds West 39.4 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 37.7 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 35.4 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 34.5 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 34.8 feet
thence North 00 Degrees 12 Minutes 45 Seconds East 36.1 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 36.8 feet
thence North 01 Degrees 16 Minutes 45 Seconds West 38.7 feet
thence North 01 Degrees 18 Minutes 16 Seconds West 37.7 feet
thence North 00 Degrees 18 Minutes 29 Seconds West 29.2 feet more or less to **the ending**

point at: 39 degrees 07 minutes 28.94 seconds North Latitude and -112 degrees 16 minutes 23.89 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,421,033.5 feet and Y = 6,850,863.6 feet.