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

00165825
B: 486 P: 273 Fee $0.00
Connie Hansen, Millard Recorder
05/14/2008 10:56:08 AM By UT STATE GOVERNOR

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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 4500 South; County Road Number: MC4504; State Geographic Information Database (SGID) Road Identification Number: RD142918. Total road length is 10.96 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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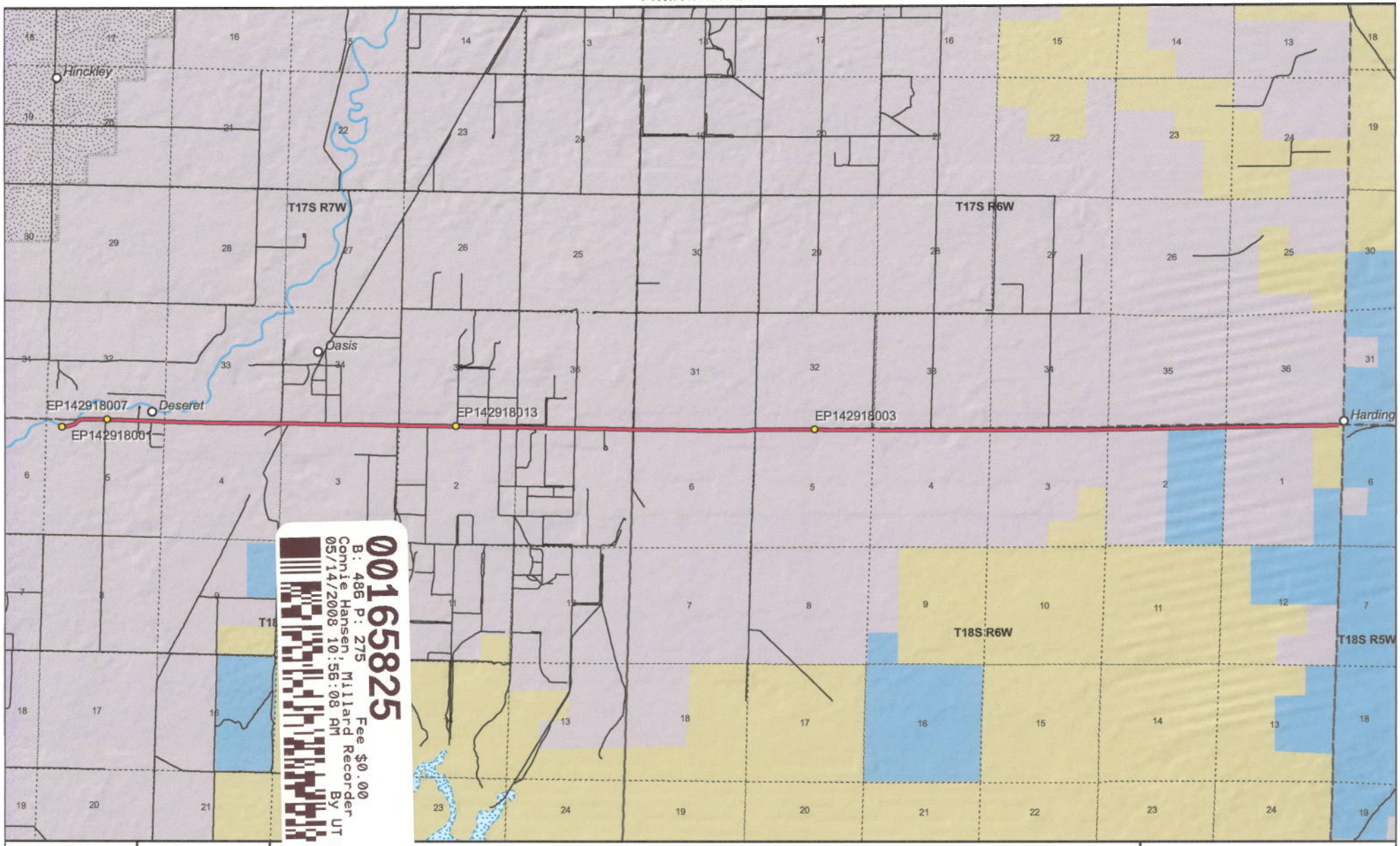

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1:71,969
1 inch equals 1.1 miles

4500 South - Millard County
SGID RD_ID RD142918

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

- 4500 South
- Other Roads
- Title V: Issued Or Under Consideration By BLM Or County
- 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 24, 2006

EP142918001

EP142918003

EP142918007

EP142918013

EP000000000

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EP000000000

4500 South - Millard County
SGID RD_ID RD142918

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: 4500 South
County: Millard
County Road Number: MC4504
State Geographic Information Database (SGID) Road Identification Number: RD142918.
Total Road Length: 10.96 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 17 minutes 09.24 seconds North Latitude and -112 degrees 40 minutes 08.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,309,553.2 feet and Y = 6,910,788.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 17 minutes 19.15 seconds North Latitude and -112 degrees 27 minutes 54.16 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,367,282.8 feet and Y = 6,911,102.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 17 South Range 6 West, Section(s) 31,36, Salt Lake Base & Meridian
Township 17 South Range 7 West, Section(s) 32,33,34,35,36, Salt Lake Base & Meridian
Township 18 South Range 6 West, Section(s) 1,2,3,4,5,6, Salt Lake Base & Meridian
Township 18 South Range 7 West, Section(s) 4,5, 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: 4500 South
County: Millard
County Road Number: MC4504
State Geographic Information Database (SGID) Road Identification Number: RD142918.
Total Road Length: 10.96 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
RD142918	001	PVT	9.49 Miles	(not shown)
RD142918	002	ST	0.49 Miles	(not shown)
RD142918	003	PVT	0.75 Miles	(not shown)
RD142918	004	BLM	0.22 Miles	A
		Total Road Length	10.96	_____

*** 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

4500 SOUTH

MILLARD COUNTY, UTAH

ROAD NUMBER MC 4504

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 4500 South. 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 4500 South. 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 the present. 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 is currently used daily.

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5. Throughout the time period from the early 1940s to the present, I have used the road myself for the following uses: hunting, farming, 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, picnicking, traveling in and through the area, 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 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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ROAD = MC4504
4500 SOUTH

Sutherland

Ashby Rd

DMAD Reservoir

136

Delta Airport

Gunnison Bend Reservoir

Sherwood Shores

Delta

125

Sevier Riv.

Oasis

Deseret

257

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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

0.7 0.35 0 0.7
Miles

N W E S

Map Printed: 12/03/06

LYNNDYL

6

Delta

OAK CI

HINCKLEY

50

257

50

AFFIDAVIT OF WILLIAM THAYNE HENRIE

4500 SOUTH

MILLARD COUNTY, UTAH

ROAD NUMBER MC4504

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 4500 South. 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 4500 South. 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 1955 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 State of Utah Department of Transportation and later 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

NOTARY PUBLIC

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ROAD = MC4504
4500 SOUTH

Sutherland

Ashby Rd

DMAD Reservoir

136

Delta Airport

Gunnison Bend Reservoir

Sherwood Shores

Delta

125

Sevier River

Oasis

Deseret

257

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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

0.7 0.35 0 0.7
Miles

N W E S

Map Printed: 12/03/06

LYNNDYL

6

Delta

OAK CI

HINCKLEY

50

257

Appendix A to Attachment 4

Popular Name: 4500 South
County: Millard
County Road Number: MC4504
State Geographic Information Database (SGID) Road Identification Number: RD142918.
Road-Segment Number: 004
Road-Segment Length: 0.22 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 17 South Range 6 West, Section(s) 36, Salt Lake Base & Meridian
Township 18 South Range 6 West, Section(s) 1, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (4500 South)-- Segment 004 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 17 minutes 18.75 seconds North Latitude and -112 degrees 28 minutes 09.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,366,099.7 feet and Y = 6,911,075.0 feet; thence the following courses along the said road center line:

thence North 88 Degrees 26 Minutes 42 Seconds East 15.1 feet
thence North 88 Degrees 43 Minutes 09 Seconds East 193.6 feet
thence North 88 Degrees 42 Minutes 39 Seconds East 192 feet
thence North 89 Degrees 05 Minutes 25 Seconds East 188 feet
thence North 88 Degrees 19 Minutes 08 Seconds East 178.2 feet
thence North 88 Degrees 38 Minutes 17 Seconds East 160.8 feet
thence North 88 Degrees 14 Minutes 50 Seconds East 130.3 feet
thence North 88 Degrees 30 Minutes 41 Seconds East 79.8 feet
thence South 89 Degrees 53 Minutes 50 Seconds East 45.6 feet more or less to **the ending point at:** 39 degrees 17 minutes 19.15 seconds North Latitude and -112 degrees 27 minutes 54.16 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet

coordinates of X = 1,367,282.8 feet and Y = 6,911,102.0 feet.