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Connie Hansen, Millard Recorder
05/14/2008 01:18:28 PM 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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Desert Mountain Road; County Road Number: MC640; State Geographic Information Database (SGID) Road Identification Number: RD143774. Total road length is 3.28 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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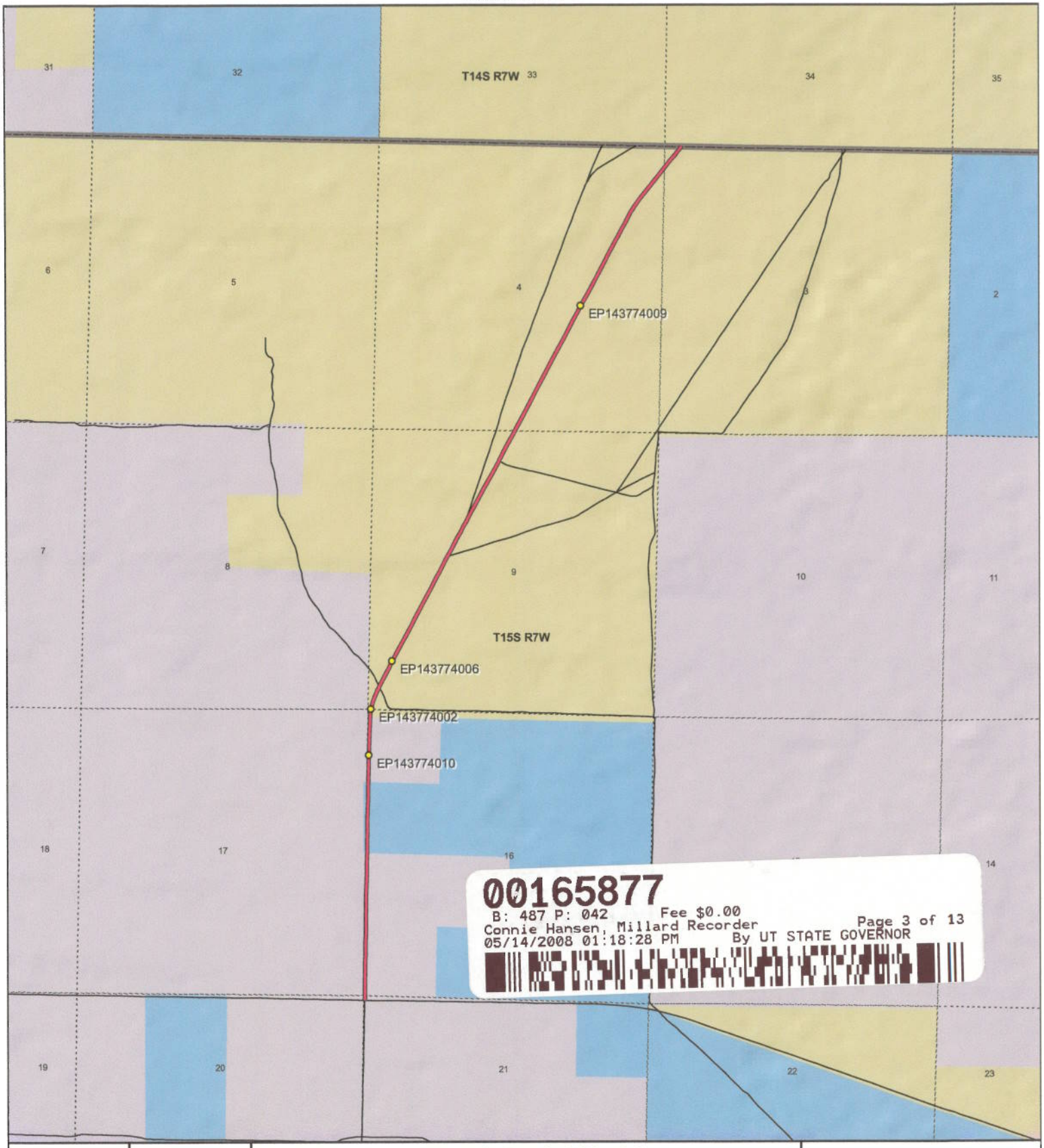
Connie Hansen, Millard Recorder Page 2 of 13
05/14/2008 01:18:28 PM By UT STATE GOVERNOR



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Connie Hansen, Millard Recorder Page 3 of 13
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

1:28,667
1 inch equals 0.5 miles

Desert Mountain Road - Millard County
SGID RD_ID RD143774

Land Ownership Categories

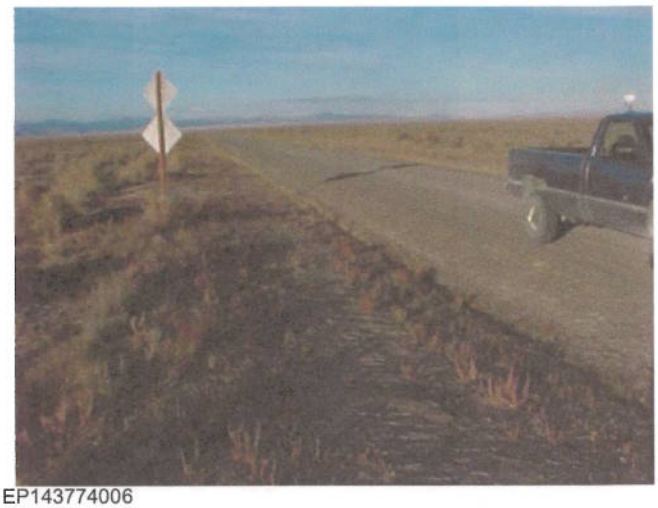
- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- Wilderness
- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Transportation Network

- Desert Mountain 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

EP143774002



EP143774006

EP143774009

EP143774010

EP000000000

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Connie Hansen, Millard Recorder Page 4 of 13
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

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Desert Mountain Road - Millard County
SGID RD_ID RD143774

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: Desert Mountain Road
County: Millard
County Road Number: MC640
State Geographic Information Database (SGID) Road Identification Number: RD143774.
Total Road Length: 3.28 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 30 minutes 31.72 seconds North Latitude and -112 degrees 38 minutes 58.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,316,094.0 feet and Y = 6,991,899.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 33 minutes 08.82 seconds North Latitude and -112 degrees 37 minutes 46.37 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,321,939.9 feet and Y = 7,007,720.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 14 South Range 7 West, Section(s) 34, Salt Lake Base & Meridian
Township 15 South Range 7 West, Section(s) 3,4,9,16,21, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

00165877
B: 487 P: 044 Fee $0.00 Page 5 of 13
Connie Hansen, Millard Recorder
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

Attachment 4
Road Centerline Description Cover Page(s)

Popular Name: Desert Mountain Road
County: Millard
County Road Number: MC640
State Geographic Information Database (SGID) Road Identification Number: RD143774.
Total Road Length: 3.28 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
RD143774	001	PVT	0.52 Miles	(not shown)
RD143774	002	ST	0.25 Miles	(not shown)
RD143774	003	PVT	0.25 Miles	(not shown)
RD143774	004	BLM	2.26 Miles	A
		Total Road Length	3.28	————

*** 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.

00165877
B: 487 P: 045 Fee $0.00
Connie Hansen, Millard Recorder Page 6 of 13
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

Attachment 5

00165877
B: 487 P: 046 Fee $0.00 Page 7 of 13
Connie Hansen, Millard Recorder
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

AFFIDAVIT OF JAY ATKINSON

DESERT MOUNTAIN ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC 640

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 Desert Mountain 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 2006 when I last observed it. Attached is a Millard County map showing Desert Mountain 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 1950s 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 truck*s*. 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 early 1950s to 2006, 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, 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 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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Connie Hansen, Millard Recorder Page 9 of 13
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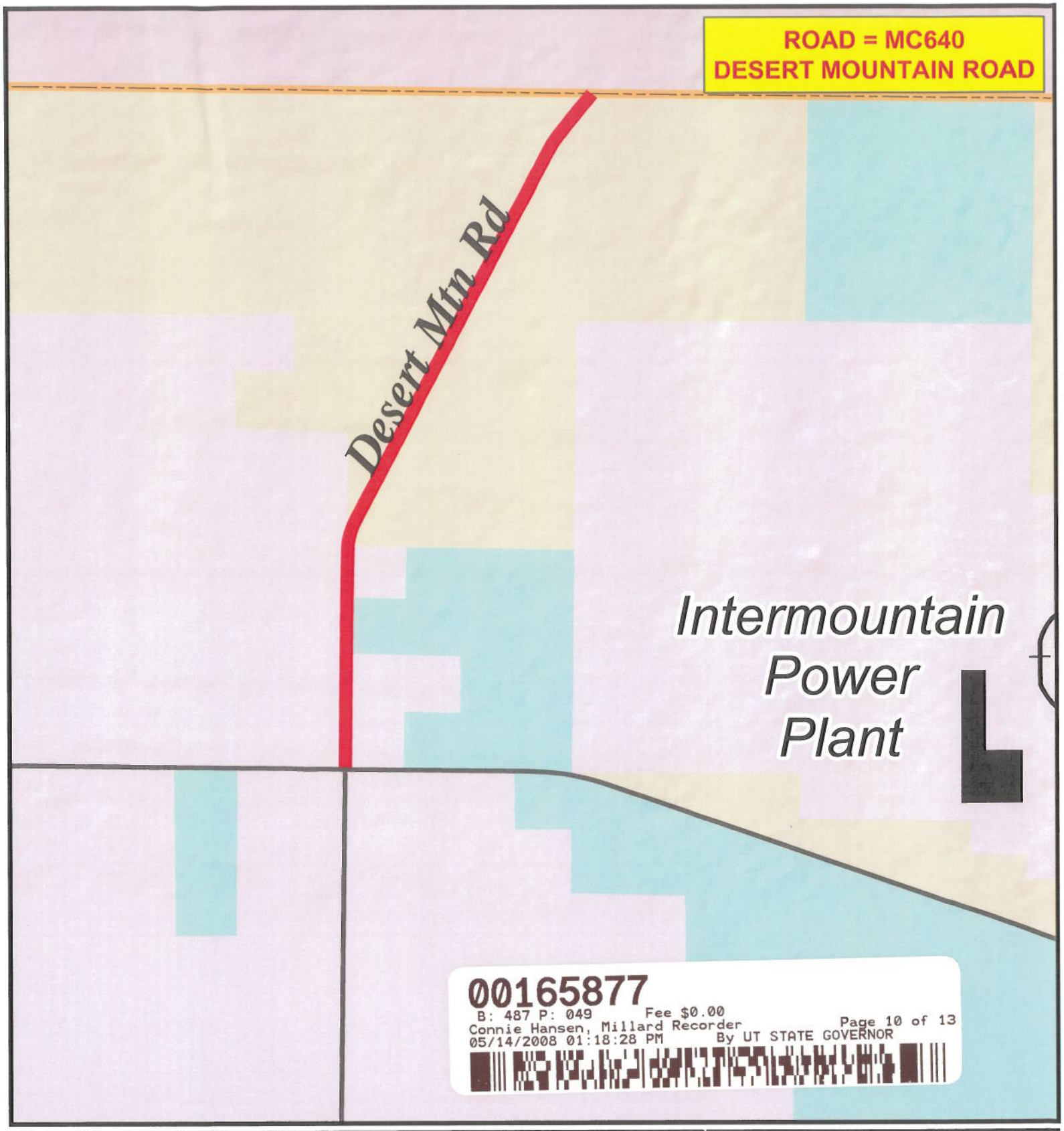

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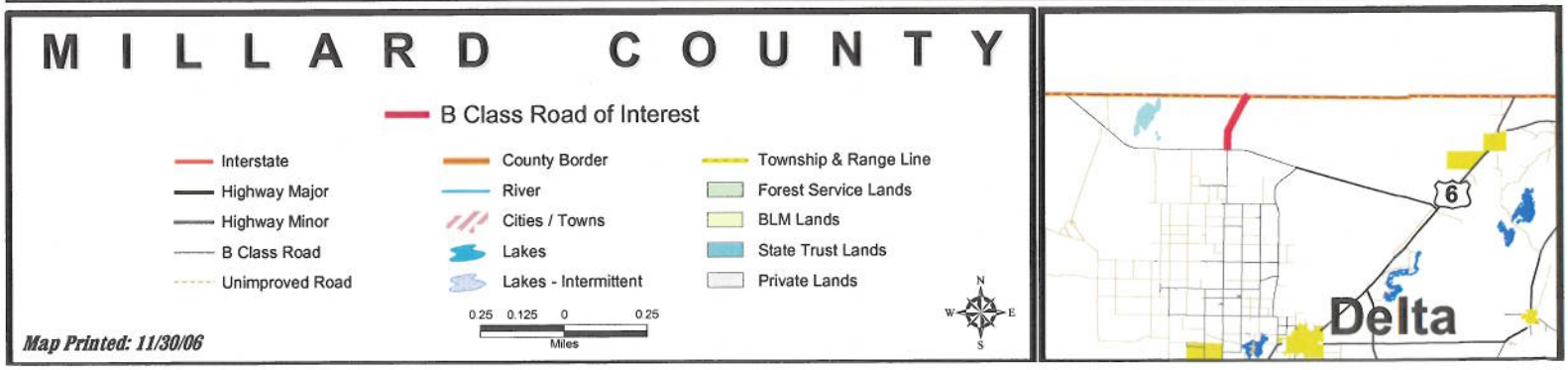

AFFIDAVIT OF WILLIAM THAYNE HENRIE

DESERT MOUNTAIN ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC640

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 Desert Mountain 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 Desert Mountain 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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Connie Hansen, Millard Recorder
05/14/2008 01:18:28 PM By UT STATE GOVERNOR

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.

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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Connie Hansen, Millard Recorder Page 12 of 13
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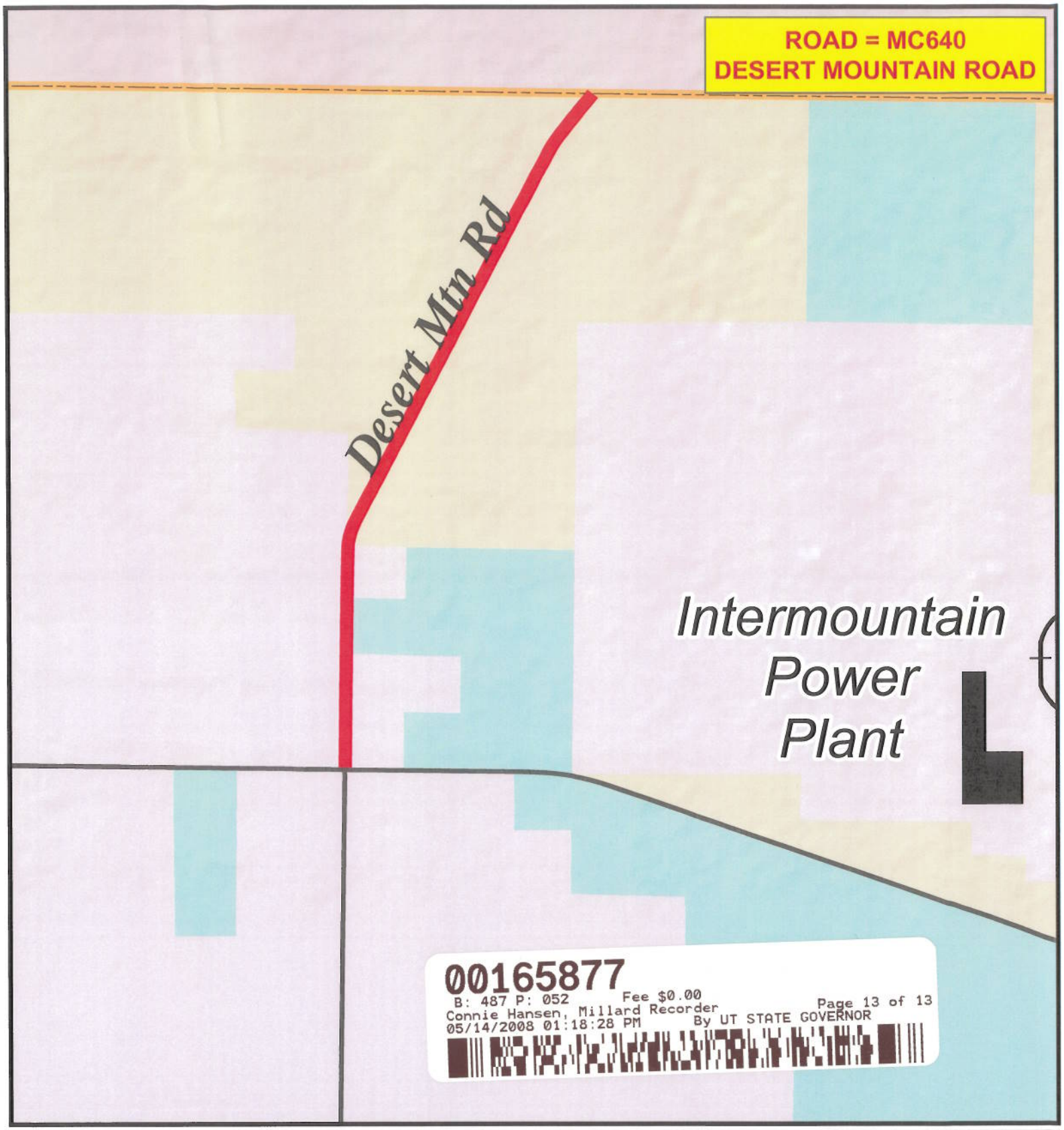

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Connie Hansen, Millard Recorder
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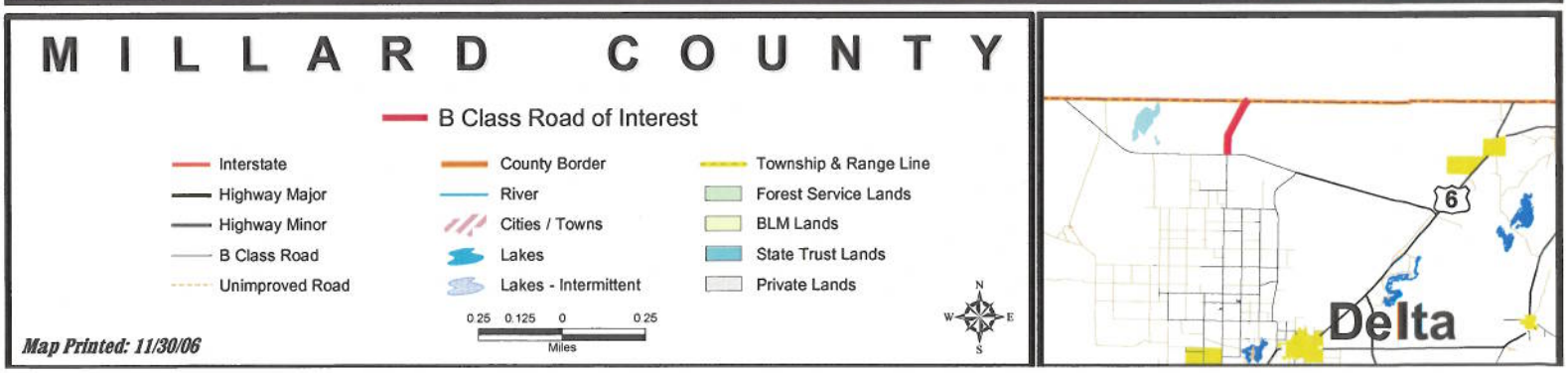

Appendix A to Attachment 4

Popular Name: Desert Mountain Road
County: Millard
County Road Number: MC640
State Geographic Information Database (SGID) Road Identification Number: RD143774.
Road-Segment Number: 004
Road-Segment Length: 2.26 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 14 South Range 7 West, Section(s) 34, Salt Lake Base & Meridian
Township 15 South Range 7 West, Section(s) 3,4,9, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Desert Mountain Road)-- 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 31 minutes 24.84 seconds North Latitude and -112 degrees 38 minutes 57.88 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,316,204.0 feet and Y = 6,997,273.2 feet; thence the following courses along the said road center line:

thence North 07 Degrees 27 Minutes 05 Seconds East 7.3 feet
thence North 10 Degrees 20 Minutes 08 Seconds East 39.1 feet
thence North 13 Degrees 22 Minutes 56 Seconds East 80.4 feet
thence North 18 Degrees 33 Minutes 12 Seconds East 123.8 feet
thence North 23 Degrees 25 Minutes 05 Seconds East 115.8 feet
thence North 23 Degrees 54 Minutes 50 Seconds East 7.2 feet
thence North 25 Degrees 32 Minutes 17 Seconds East 35.4 feet
thence North 25 Degrees 42 Minutes 57 Seconds East 15.7 feet
thence North 26 Degrees 15 Minutes 05 Seconds East 25.7 feet
thence North 26 Degrees 29 Minutes 05 Seconds East 144.1 feet

thence North 26 Degrees 57 Minutes 25 Seconds East 131 feet
thence North 27 Degrees 51 Minutes 01 Seconds East 121 feet
thence North 27 Degrees 18 Minutes 26 Seconds East 95.5 feet
thence North 26 Degrees 40 Minutes 27 Seconds East 39.8 feet
thence North 28 Degrees 14 Minutes 45 Seconds East 29.5 feet
thence North 28 Degrees 25 Minutes 19 Seconds East 131.7 feet
thence North 28 Degrees 08 Minutes 28 Seconds East 173.5 feet
thence North 27 Degrees 42 Minutes 48 Seconds East 195.5 feet
thence North 27 Degrees 37 Minutes 20 Seconds East 202.4 feet
thence North 27 Degrees 41 Minutes 50 Seconds East 197.7 feet
thence North 27 Degrees 35 Minutes 36 Seconds East 200.5 feet
thence North 27 Degrees 34 Minutes 41 Seconds East 183.8 feet
thence North 27 Degrees 53 Minutes 54 Seconds East 158.2 feet
thence North 27 Degrees 51 Minutes 04 Seconds East 131.4 feet
thence North 27 Degrees 25 Minutes 49 Seconds East 121.2 feet
thence North 28 Degrees 04 Minutes 01 Seconds East 111.1 feet
thence North 27 Degrees 51 Minutes 12 Seconds East 105 feet
thence North 27 Degrees 35 Minutes 00 Seconds East 101 feet
thence North 27 Degrees 46 Minutes 13 Seconds East 94.1 feet
thence North 28 Degrees 21 Minutes 00 Seconds East 56.1 feet
thence North 30 Degrees 38 Minutes 59 Seconds East 5.7 feet
thence North 27 Degrees 45 Minutes 31 Seconds East 33.5 feet
thence North 27 Degrees 42 Minutes 29 Seconds East 109.6 feet
thence North 27 Degrees 33 Minutes 24 Seconds East 109.5 feet
thence North 27 Degrees 23 Minutes 08 Seconds East 103.8 feet
thence North 27 Degrees 19 Minutes 10 Seconds East 63 feet
thence North 28 Degrees 15 Minutes 44 Seconds East 87.8 feet
thence North 27 Degrees 46 Minutes 02 Seconds East 127.6 feet
thence North 28 Degrees 15 Minutes 44 Seconds East 87.8 feet
thence North 26 Degrees 45 Minutes 29 Seconds East 49.7 feet
thence North 26 Degrees 45 Minutes 29 Seconds East 16.6 feet
thence North 27 Degrees 42 Minutes 51 Seconds East 149.4 feet
thence North 27 Degrees 51 Minutes 02 Seconds East 168.2 feet
thence North 27 Degrees 36 Minutes 24 Seconds East 167.5 feet
thence North 27 Degrees 23 Minutes 08 Seconds East 163.1 feet
thence North 28 Degrees 18 Minutes 57 Seconds East 154.8 feet
thence North 29 Degrees 00 Minutes 29 Seconds East 143.4 feet
thence North 28 Degrees 16 Minutes 23 Seconds East 128.9 feet
thence North 27 Degrees 54 Minutes 41 Seconds East 101.3 feet
thence North 29 Degrees 05 Minutes 35 Seconds East 41.4 feet
thence North 26 Degrees 33 Minutes 51 Seconds East 26.9 feet
thence North 27 Degrees 59 Minutes 12 Seconds East 38.8 feet
thence North 22 Degrees 26 Minutes 13 Seconds East 11 feet
thence North 19 Degrees 07 Minutes 34 Seconds East 5.9 feet
thence North 26 Degrees 59 Minutes 37 Seconds East 135.9 feet
thence North 27 Degrees 46 Minutes 45 Seconds East 159.6 feet
thence North 27 Degrees 54 Minutes 12 Seconds East 167.9 feet
thence North 27 Degrees 45 Minutes 30 Seconds East 83.7 feet
thence North 27 Degrees 37 Minutes 12 Seconds East 79.8 feet

thence North 28 Degrees 03 Minutes 18 Seconds East 167.8 feet
thence North 27 Degrees 29 Minutes 26 Seconds East 189.9 feet
thence North 27 Degrees 35 Minutes 52 Seconds East 199.8 feet
thence North 27 Degrees 09 Minutes 37 Seconds East 175.7 feet
thence North 27 Degrees 02 Minutes 21 Seconds East 170.7 feet
thence North 28 Degrees 25 Minutes 00 Seconds East 174.7 feet
thence North 27 Degrees 49 Minutes 54 Seconds East 180.8 feet
thence North 27 Degrees 10 Minutes 27 Seconds East 191.2 feet
thence North 27 Degrees 31 Minutes 49 Seconds East 203.7 feet
thence North 27 Degrees 47 Minutes 45 Seconds East 206.8 feet
thence North 27 Degrees 59 Minutes 12 Seconds East 193.8 feet
thence North 27 Degrees 18 Minutes 29 Seconds East 167 feet
thence North 28 Degrees 14 Minutes 38 Seconds East 143.4 feet
thence North 27 Degrees 09 Minutes 37 Seconds East 101.7 feet
thence North 27 Degrees 58 Minutes 00 Seconds East 63.7 feet
thence North 29 Degrees 30 Minutes 10 Seconds East 64.7 feet
thence North 28 Degrees 32 Minutes 55 Seconds East 190.3 feet
thence North 28 Degrees 03 Minutes 45 Seconds East 218.2 feet
thence North 27 Degrees 51 Minutes 22 Seconds East 214.8 feet
thence North 27 Degrees 56 Minutes 34 Seconds East 203.8 feet
thence North 27 Degrees 52 Minutes 03 Seconds East 182 feet
thence North 27 Degrees 27 Minutes 20 Seconds East 153.5 feet
thence North 27 Degrees 47 Minutes 42 Seconds East 119.8 feet
thence North 28 Degrees 17 Minutes 46 Seconds East 45.2 feet
thence North 28 Degrees 10 Minutes 53 Seconds East 65.3 feet
thence North 27 Degrees 43 Minutes 01 Seconds East 160.6 feet
thence North 28 Degrees 14 Minutes 29 Seconds East 164.7 feet
thence North 28 Degrees 53 Minutes 41 Seconds East 165.4 feet
thence North 32 Degrees 07 Minutes 17 Seconds East 162.1 feet
thence North 35 Degrees 53 Minutes 36 Seconds East 153.3 feet
thence North 38 Degrees 04 Minutes 44 Seconds East 143.2 feet
thence North 38 Degrees 36 Minutes 47 Seconds East 142.6 feet
thence North 37 Degrees 36 Minutes 20 Seconds East 146.8 feet
thence North 39 Degrees 29 Minutes 28 Seconds East 140.9 feet
thence North 38 Degrees 16 Minutes 38 Seconds East 128.9 feet
thence North 37 Degrees 27 Minutes 41 Seconds East 16.6 feet
thence North 37 Degrees 45 Minutes 11 Seconds East 94.2 feet
thence North 39 Degrees 55 Minutes 19 Seconds East 100.6 feet
thence North 40 Degrees 12 Minutes 49 Seconds East 83.3 feet
thence North 39 Degrees 09 Minutes 29 Seconds East 72.3 feet
thence North 40 Degrees 32 Minutes 27 Seconds East 48.2 feet
thence North 38 Degrees 15 Minutes 25 Seconds East 33.2 feet
thence North 37 Degrees 55 Minutes 48 Seconds East 84.8 feet
thence North 44 Degrees 41 Minutes 08 Seconds East 0.9 feet
thence North 39 Degrees 09 Minutes 29 Seconds East 21.7 feet more or less to **the ending point at:** 39 degrees 33 minutes 08.82 seconds North Latitude and -112 degrees 37 minutes 46.37 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,321,939.9 feet and Y = 7,007,720.5 feet.