

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

Recorded JUN 10 2008 Filing No. 74757  
At 3:32 AM/PM in Book P10 Page 1204  
Fee No fee Debra L. Ames Rich County Recorder  
Requested by Governor State of Utah

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Rich County as it pertains to the highway located in Rich County known as BIRCH CREEK RESERVOIR ROAD; County Road Number: BR56; State Geographic Information Database (SGID) Road Identification Number: RD170262. Total road length is 1.19 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.

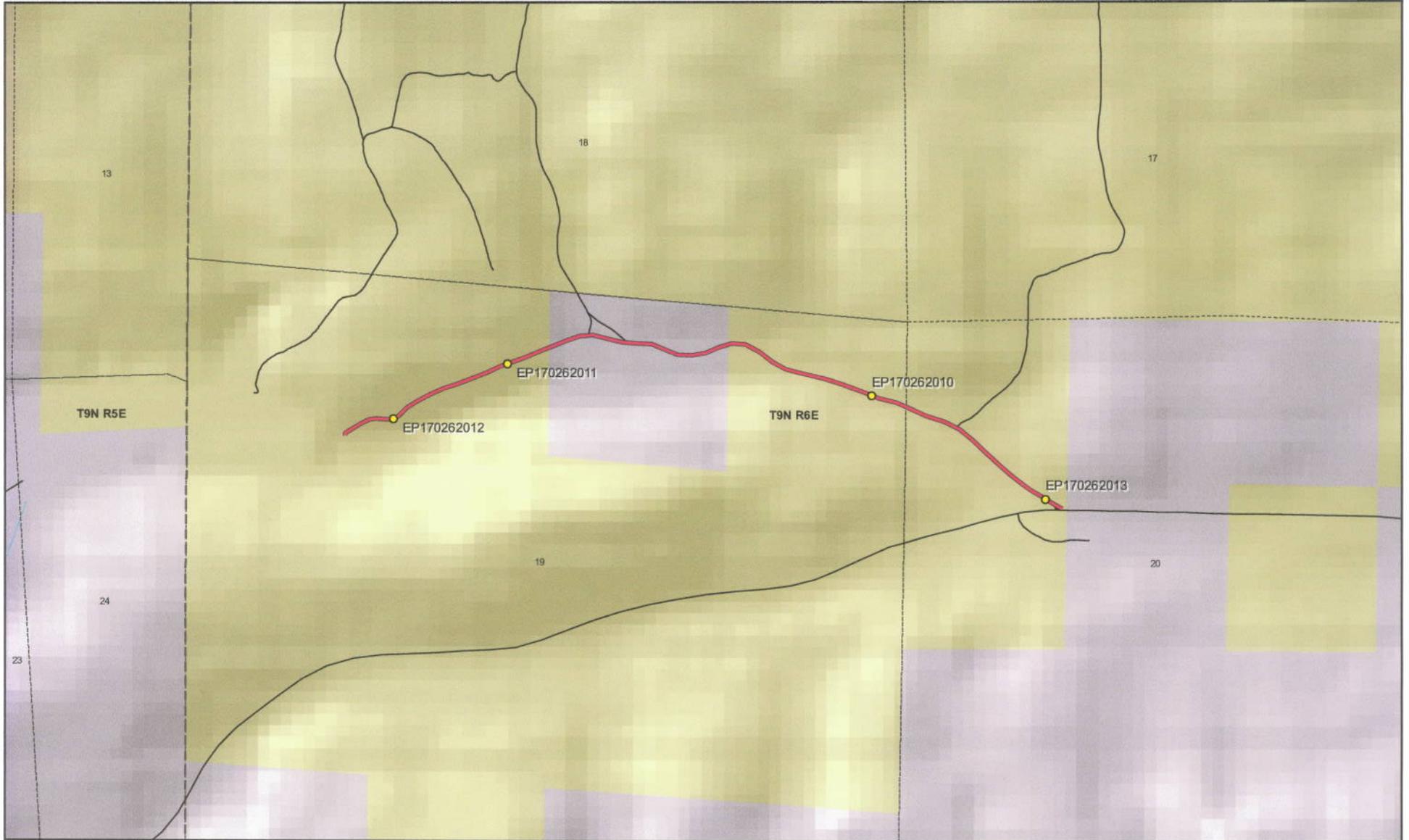
This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of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





1206

**BIRCH CREEK RESERVOIR ROAD - Rich County**  
**SGID RD\_ID RD170262**

**Land Ownership Categories**

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

**Transportation Network**

- |   |
|---|
| BIRCH CREEK RESERVOIR ROAD                              |
| 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  
 Apr 17, 2008



1:12,603  
 1 inch equals 0.2 miles



Attachment 2



EP170262010



EP170262013



EP170262011



EP170262012

EP000000000

EP000000000

**BIRCH CREEK RESERVOIR ROAD - Rich County**  
**SGID RD\_ID RD170262**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
April 17, 2008



## Attachment 3

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

**Popular Name: BIRCH CREEK RESERVOIR ROAD**

**County: Rich**

**County Road Number: BR56**

**State Geographic Information Database (SGID) Road Identification Number: RD170262.**

**Total Road Length: 1.19 miles more or less.**

**Beginning at a point** on the road centerline located at 41 degrees 30 minutes 019.8 seconds North Latitude and -111 degrees 19 minutes 07.68 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,690,048.2 feet and Y = 3,707,953.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 41 degrees 30 minutes 14.36 seconds North Latitude and -111 degrees 17 minutes 053.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,695,716.4 feet and Y = 3,707,415.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 9 North Range 6 East, Section(s) 19,20, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4  
Road Centerline Description Cover Page(s)**

**Popular Name: BIRCH CREEK RESERVOIR ROAD**

**County: Rich**

**County Road Number: BR56**

**State Geographic Information Database (SGID) Road Identification Number: RD170262.**

**Total Road Length: 1.19 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>RD170262</b>	<b>001</b>	<b>BLM</b>	<b>0.34 Miles</b>	<b>A</b>
<b>RD170262</b>	<b>002</b>	<b>PVT</b>	<b>0.28 Miles</b>	<b>(not shown)</b>
<b>RD170262</b>	<b>003</b>	<b>BLM</b>	<b>0.57 Miles</b>	<b>B</b>
		<b>Total Road Length</b>	<b>1.19</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.

**Attachment 5**

**AFFIDAVIT OF GEORGE O. FRAZIER**

**BIRCH CREEK RESERVOIR ROAD**

**RICH COUNTY, UTAH**

**ROAD NUMBER BR56**

State of Utah                    )  
  : ss.  
County of Rich                 )

GEORGE O. FRAZIER, 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 Rich County, Utah. I have lived in Rich County for 64 years.

2. I have traveled and am familiar with a road in Rich County known as Birch Creek Reservoir Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1951, it followed the same route as in 2007 when I last observed it. Attached is a Rich County map showing Birch Creek Reservoir 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 1951 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles and jeeps. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was so used in 2007.

5. Throughout the time period from 1951 to 2007, I have used the road myself for

livestock operations, fishing, traveling in and through the area, hunting and camping.

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 prospecting for minerals, oil and gas exploration, tourism, recreation and government access.

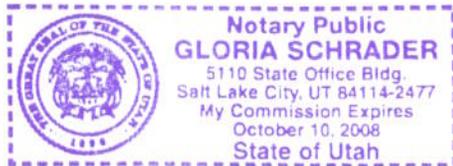
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed graders performing maintenance and construction activities.

DATED this 10 day of March, 2008.

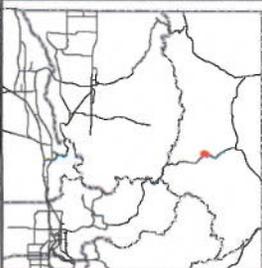
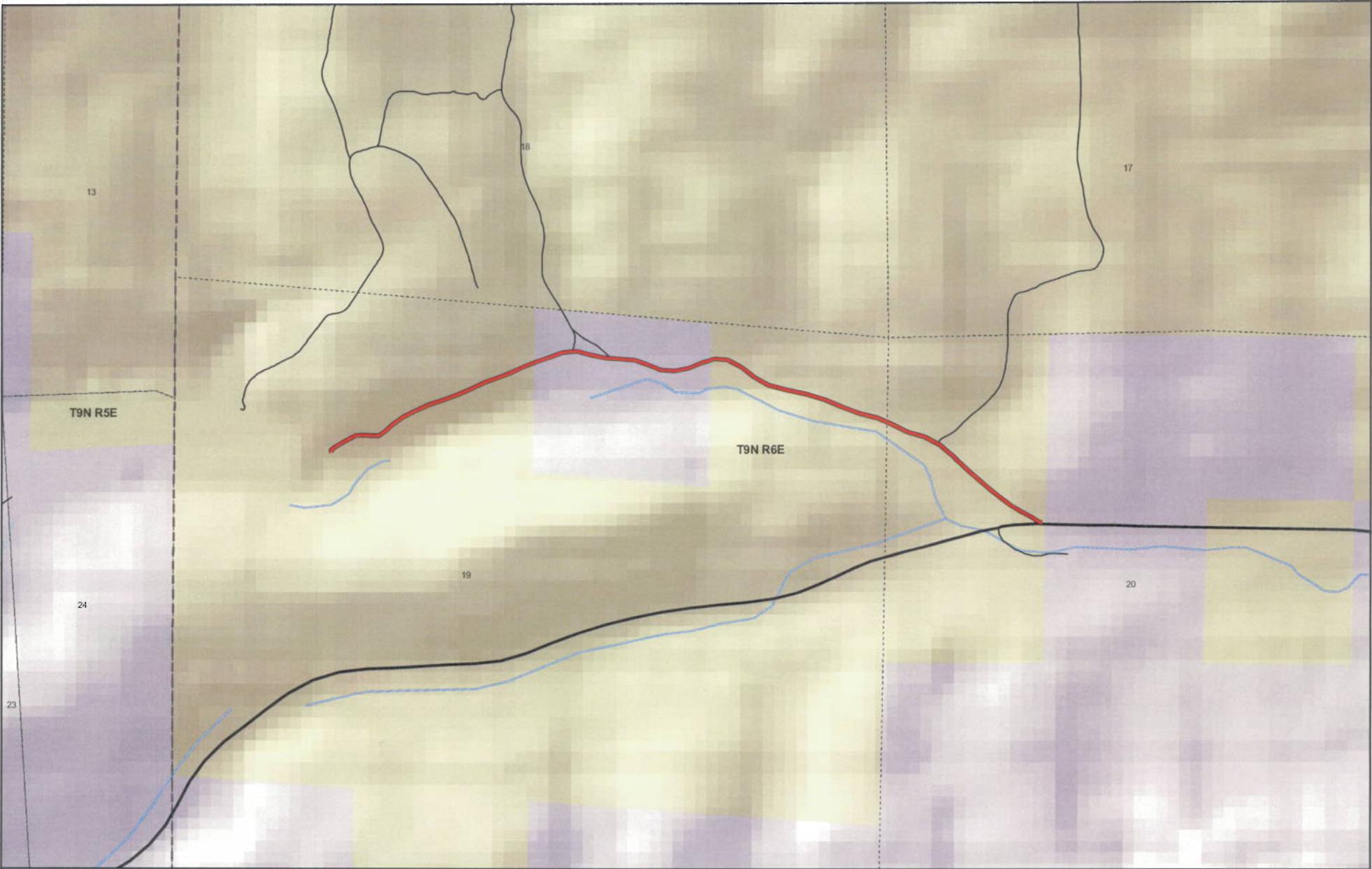
  
\_\_\_\_\_  
GEORGE O. FRAZIER

SUBSCRIBED AND SWORN to before me this 5th day of March, 2008.



  
\_\_\_\_\_  
NOTARY PUBLIC

1213



**Rich County**  
**BIRCH CREEK RESERVIOR ROAD**  
 County Unique - BR56

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest

- ◆ Wildlife Reserve
- ◆ State Park

- Misc**
- City / Town
  - Municipalities
  - Section = 1 Mile

- Transportation Network**
- BIRCH CREEK RESERVIOR ROAD
  - State / U.S. Highway
  - Local Roads



1:12,474  
 1 inch equals 0.2 miles



Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Mar 05, 2008



**AFFIDAVIT OF WESLEY TINGEY**  
**BIRCH CREEK RESERVOIR ROAD**  
**RICH COUNTY, UTAH**  
**ROAD NUMBER BR56**

State of Utah                    )  
  : ss.  
County of Rich                 )

WESLEY TINGEY, 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 Rich County, Utah. I have lived in Rich County most of my life for the past 64 years.
2. I have traveled and am familiar with a road in Rich County known as Birch Creek Reservoir 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 2007 when I last observed it. We went there for school picnics when I was a young boy. Attached is a Rich County map showing Birch Creek Reservoir 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 2007. Throughout this time period I have observed travel on the road by means of cars, trucks, cattle trucks, pickup trucks and ATVs. Throughout this time period, the road has been used daily, weather permitting for more than ten continuous years prior to 1976, and was so used in 2007.

5. Throughout the time period from the early 1950s to 2007, I have used the road myself for recreation, livestock operations, monitoring and operation of the reservoirs as president of the Woodruff Irrigation Company and fishing.

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 oil and gas exploration and hunting.

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.

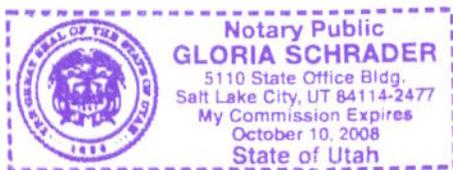
8. Prior to 1976, I observed the graded surface of the road and evidence of maintenance and construction activities such as berms along the road. I also know that the Woodruff Irrigation Company had some gravel hauled in for road repairs in the early 1980s.

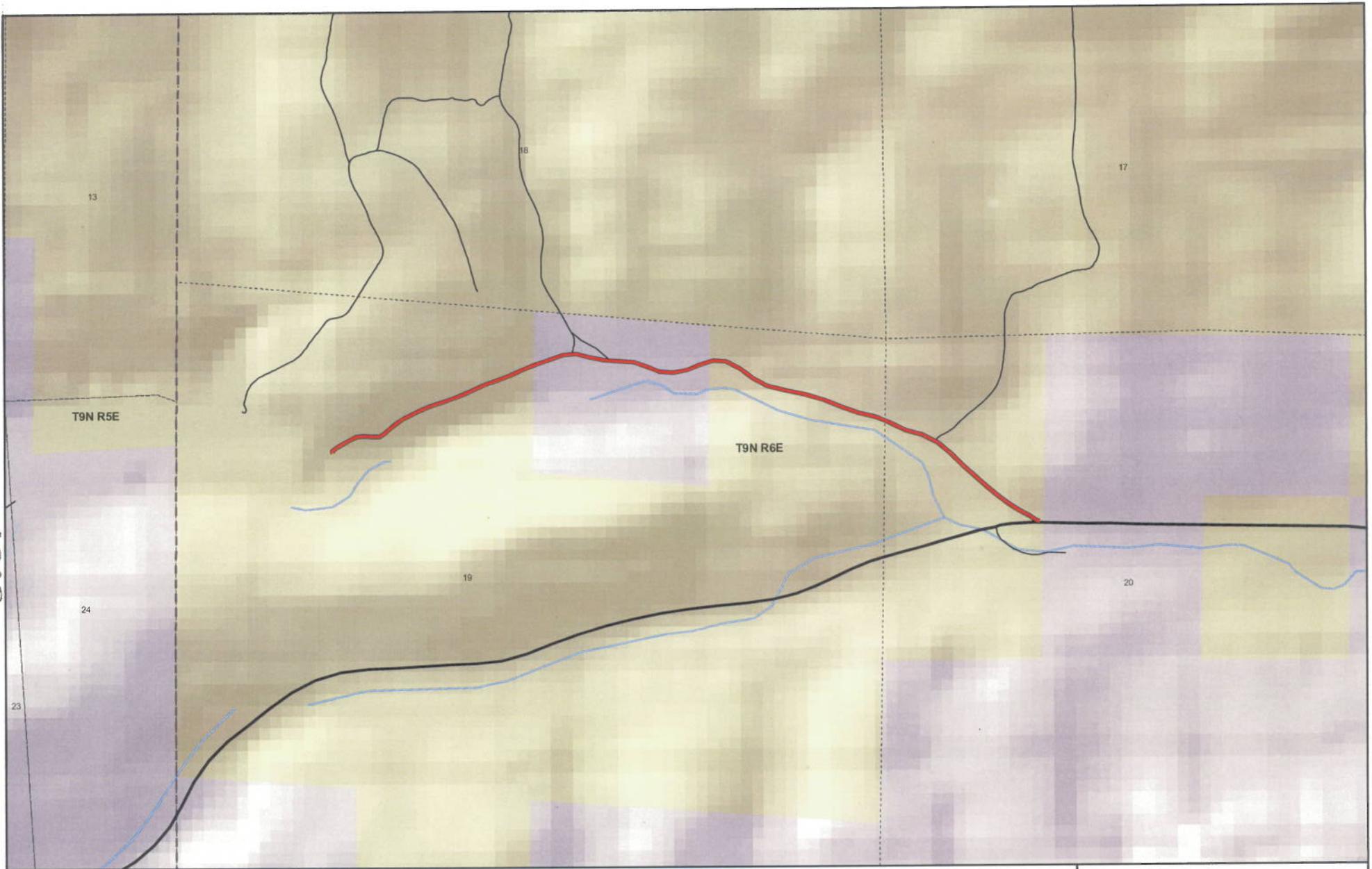
DATED this 10 day of March, 2008.

  
WESLEY TINGEY

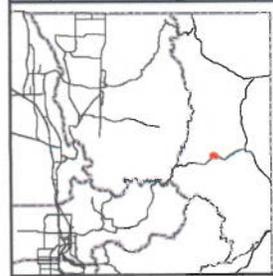
SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of March, 2008.

  
NOTARY PUBLIC





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**Rich County**  
**BIRCH CREEK RESERVIOR ROAD**  
**County Unique - BR56**

- Land Ownership Categories**
- ◆ BLM
  - ◆ Private
  - ◆ SITLA, State Trust Land
  - ◆ USFS, National Forest

- ◆ Wildlife Reserve
- ◆ State Park

- Misc**
- City / Town
  - Municipalities
  - Section = 1 Mile

- Transportation Network**
- BIRCH CREEK RESERVIOR ROAD
  - State / U.S. Highway
  - Local Roads



1:12,474  
 1 inch equals 0.2 miles



Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Mar 05, 2008



## Appendix A to Attachment 4

**Popular Name: BIRCH CREEK RESERVOIR ROAD**

**County: Rich**

**County Road Number: BR56**

**State Geographic Information Database (SGID) Road Identification Number: RD170262.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.34 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 9 North Range 6 East, Section(s) 19, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BIRCH CREEK RESERVOIR 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 41 degrees 30 minutes 019.8 seconds North Latitude and -111 degrees 19 minutes 07.68 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,690,048.2 feet and Y = 3,707,953.4 feet; thence the following courses along the said road center line:

thence North 07 Degrees 19 Minutes 55 Seconds West 18.8 feet  
thence North 43 Degrees 01 Minutes 57 Seconds East 8.1 feet  
thence North 54 Degrees 53 Minutes 29 Seconds East 28.8 feet  
thence North 58 Degrees 38 Minutes 47 Seconds East 54.8 feet  
thence North 59 Degrees 49 Minutes 23 Seconds East 69.2 feet  
thence North 65 Degrees 17 Minutes 48 Seconds East 65.2 feet  
thence North 83 Degrees 00 Minutes 53 Seconds East 59.5 feet  
thence South 86 Degrees 39 Minutes 59 Seconds East 66.8 feet  
thence North 89 Degrees 01 Minutes 31 Seconds East 58.4 feet  
thence North 58 Degrees 49 Minutes 36 Seconds East 53.1 feet  
thence North 46 Degrees 30 Minutes 25 Seconds East 86.8 feet

thence North 55 Degrees 46 Minutes 40 Seconds East 103.6 feet  
thence North 63 Degrees 19 Minutes 59 Seconds East 110.2 feet  
thence North 64 Degrees 48 Minutes 06 Seconds East 113.9 feet  
thence North 72 Degrees 07 Minutes 12 Seconds East 120.8 feet  
thence North 70 Degrees 04 Minutes 01 Seconds East 122.3 feet  
thence North 67 Degrees 03 Minutes 42 Seconds East 117 feet  
thence North 64 Degrees 58 Minutes 21 Seconds East 117 feet  
thence North 69 Degrees 42 Minutes 52 Seconds East 113.5 feet  
thence North 68 Degrees 47 Minutes 30 Seconds East 109.6 feet  
thence North 66 Degrees 35 Minutes 02 Seconds East 108.8 feet  
thence North 67 Degrees 48 Minutes 50 Seconds East 90.6 feet more or less to **the ending**

**point at:** 41 degrees 30 minutes 26.78 seconds North Latitude and -111 degrees 18 minutes 46.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,691,656.6 feet and Y = 3,708,663.3 feet.

## Appendix B to Attachment 4

**Popular Name: BIRCH CREEK RESERVOIR ROAD**

**County: Rich**

**County Road Number: BR56**

**State Geographic Information Database (SGID) Road Identification Number: RD170262.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.57 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 9 North Range 6 East, Section(s) 19,20, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BIRCH CREEK RESERVOIR ROAD)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 41 degrees 30 minutes 27.05 seconds North Latitude and -111 degrees 18 minutes 27.96 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,693,068.7 feet and Y = 3,708,693.3 feet; thence the following courses along the said road center line:

thence North 73 Degrees 35 Minutes 29 Seconds East 29.3 feet  
thence South 85 Degrees 42 Minutes 51 Seconds East 106 feet  
thence South 62 Degrees 48 Minutes 26 Seconds East 122.9 feet  
thence South 52 Degrees 57 Minutes 58 Seconds East 129.3 feet  
thence South 60 Degrees 43 Minutes 55 Seconds East 127.6 feet  
thence South 76 Degrees 30 Minutes 20 Seconds East 151.1 feet  
thence South 77 Degrees 13 Minutes 51 Seconds East 160.7 feet  
thence South 73 Degrees 22 Minutes 06 Seconds East 157.5 feet  
thence South 69 Degrees 06 Minutes 21 Seconds East 151.4 feet  
thence South 69 Degrees 35 Minutes 43 Seconds East 147.4 feet  
thence South 76 Degrees 19 Minutes 36 Seconds East 141.1 feet

thence South 67 Degrees 21 Minutes 24 Seconds East 84.6 feet  
thence South 67 Degrees 22 Minutes 22 Seconds East 44.1 feet  
thence South 65 Degrees 05 Minutes 37 Seconds East 139.3 feet  
thence South 73 Degrees 34 Minutes 49 Seconds East 141.2 feet  
thence South 63 Degrees 53 Minutes 30 Seconds East 133.4 feet  
thence South 50 Degrees 12 Minutes 05 Seconds East 133.9 feet  
thence South 47 Degrees 30 Minutes 02 Seconds East 141 feet  
thence South 47 Degrees 31 Minutes 32 Seconds East 133.3 feet  
thence South 49 Degrees 47 Minutes 40 Seconds East 125.2 feet  
thence South 51 Degrees 27 Minutes 17 Seconds East 108.8 feet  
thence South 53 Degrees 18 Minutes 47 Seconds East 101.9 feet  
thence South 60 Degrees 10 Minutes 44 Seconds East 103.2 feet  
thence South 59 Degrees 43 Minutes 36 Seconds East 89.6 feet  
thence South 59 Degrees 11 Minutes 30 Seconds East 73.6 feet  
thence South 73 Degrees 32 Minutes 52 Seconds East 21.6 feet more or less to **the ending**

**point at:** 41 degrees 30 minutes 14.36 seconds North Latitude and -111 degrees 17 minutes 053.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,695,716.4 feet and Y = 3,707,415.0 feet.