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

Recorded NOV 13 2008 Filing No. 76042
At 9:15 AM/PM in Book 510 Page 502
Fee No Fee Debra L. Ames Rich County Recorder
Requested by 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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 AR116A; County Road Number: AR116A; State Geographic Information Database (SGID) Road Identification Number: RD170371. Total road length is 0.18 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 10th day of November, 2008.

By the Governor's Designee

John Harja

## CERTIFICATION

**State of Utah** )
: **ss**
**County of Salt Lake** )

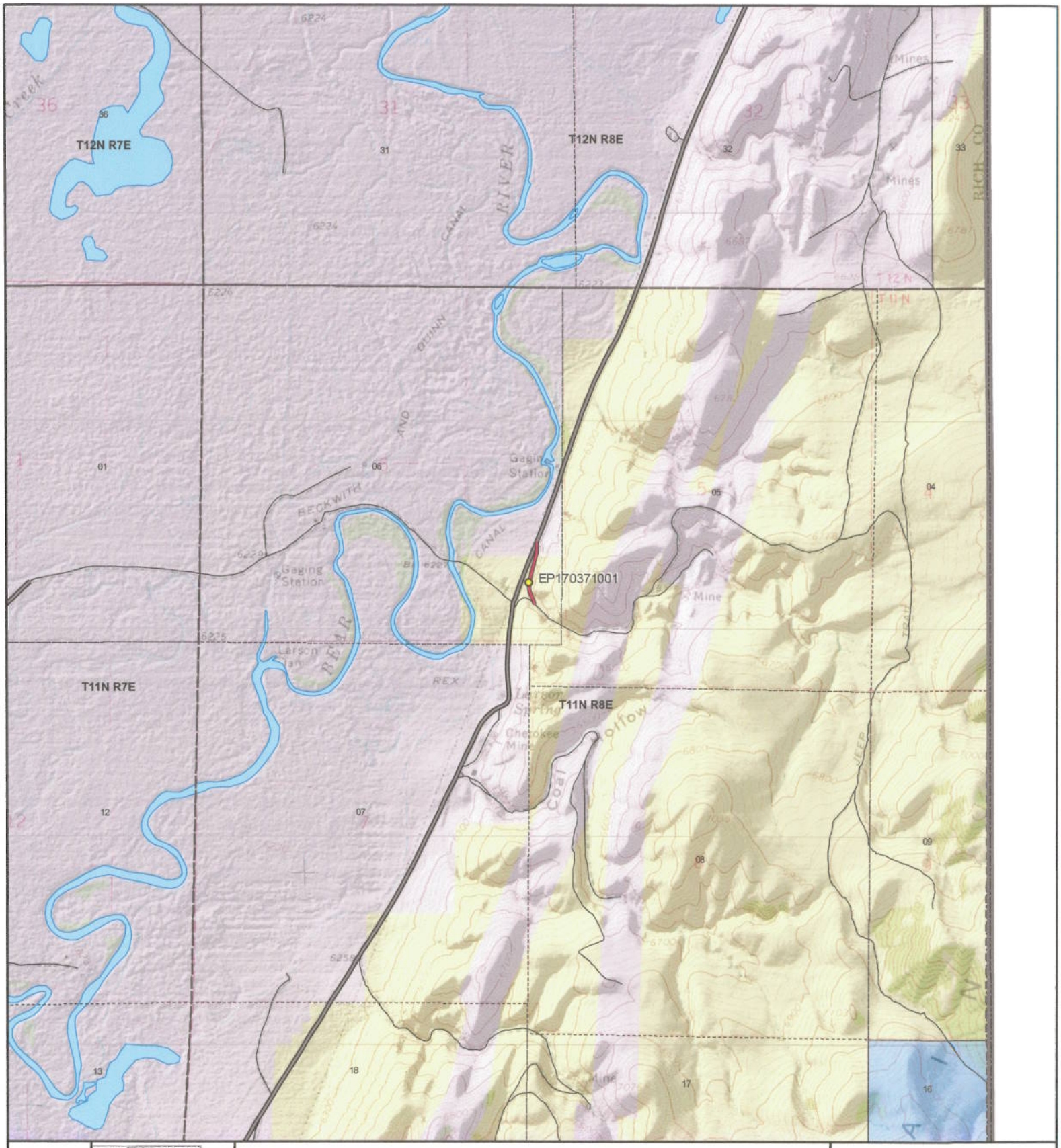
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

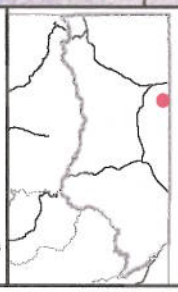
Dated this 10th day of November, 2008.

Notary Public
GLORIA GARDNER
Commission Number 576232
My Commission Expires
October 16, 2012
State of Utah

Gloria Gardner
Notary Public

0503



Scale
1:23,453
1 inch = 0.37 miles

## AR116A - Rich County
## SGID RD_ID RD170371 CO_UNIQUE AR116A

**Land Ownership Categories**
- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- UDWR Wildlife Reserve

**Misc**
- Photo Event Point
- Section = 1 Mile

**Transportation Network**
- AR116A
- Title V: Issued Or Under Consideration By BLM Or County
- County B Road
- State / U.S. Highway
- Other Roads

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Oct 20, 2008

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*AR116A - Rich County*
*SGID RD_ID RD170371*

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
October 27, 2008

0505

## Attachment 3

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

**Popular Name: AR116A**
**County: Rich**
**County Road Number: AR116A**
**State Geographic Information Database (SGID) Road Identification Number: RD170371.**
**Total Road Length: 0.18 miles more or less.**

**Beginning at a point** on the road centerline located at 41 degrees 43 minutes 10.11 seconds North Latitude and -111 degrees 04 minutes 016.7 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,757,452.7 feet and Y = 3,786,158.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 41 degrees 43 minutes 019.3 seconds North Latitude and -111 degrees 04 minutes 16.37 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,757,473.3 feet and Y = 3,787,088.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 11 North Range 8 East, Section(s) 6, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

0506

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

**Popular Name: AR116A**
**County: Rich**
**County Road Number: AR116A**
**State Geographic Information Database (SGID) Road Identification Number: RD170371.**
**Total Road Length: 0.18 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** |
|---|---|---|---|---|
| **RD170371** | **001** | **BLM** | **0.14 Miles** | **A** |
| **RD170371** | **002** | **PVT** | **0.04 Miles** | **(not shown)** |
| | | **Total Road Length** | **0.18** | _____ |

*** 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.**

0507

# Attachment 5

**AFFIDAVIT OF THOMAS L. BRITTON**

**RICH COUNTY, UTAH**

**RICH COUNTY D ROAD NO. AR116A**

State of Utah )
: ss.
County of Rich )

I, THOMAS L. BRITTON, testify and declare under oath as follows:

1. I am an adult competent to testify about the matters set forth in this affidavit. My testimony is based upon my personal knowledge and experience. I was born on December 26, 1948, in Kalispell, Montana. I have lived in Rich County and have been involved in ranching in Rich County for 50 years. I have worked for the Rich County Roads Department since 1978.

2. I have traveled and am familiar with Rich County Road No. AR116A and the land it traverses.

3. I took the following steps to verify that the road I refer to in this affidavit and Rich County Road No. AR116A (the "Road") are the same road:

a. I examined a large Rich County map depicting the Road in relation to other roads, intersections and landmarks. I initialed the Road on the large map verifying that it is accurately depicted on the map and it is the road I refer to herein.

b. I examined the map attached to this affidavit depicting the Road and surrounding area and verified that the Road is accurately depicted on the map and is the road I refer to herein.

c. I viewed aerial photography of the Road, as well as ground photography, and verified that the aerial and ground photography accurately depict the road I refer to in this affidavit.

4. I have personally traveled the Road from the late 1960s through 1976 and continuing until 2006, ("the Time Period of My Experience"). It is the reputation in the community that the Road was traveled as early as the early 1960s, prior to my earliest recollection, and that the road was improved by Stauffer Chemical Company for mining operations.

5. When I last traveled and observed the Road in 2006, it appeared to follow the same route as in the late 1960s, when I first traveled and observed it.

6. During the Time Period of My Experience the Road has been traveled daily during periods of mining operations and weekly, weather permitting during other periods.

7. During the Time Period of My Experience I have personally traveled the Road by pickup truck and saddle horse and I have observed others from the general public traveling it by the same means, plus ATVs and mining vehicles.

8. During the Time Period of My Experience I have personally used the Road for hunting and recreation and road maintenance and I have observed others from the general public using the Road for the same purposes, plus livestock operations.

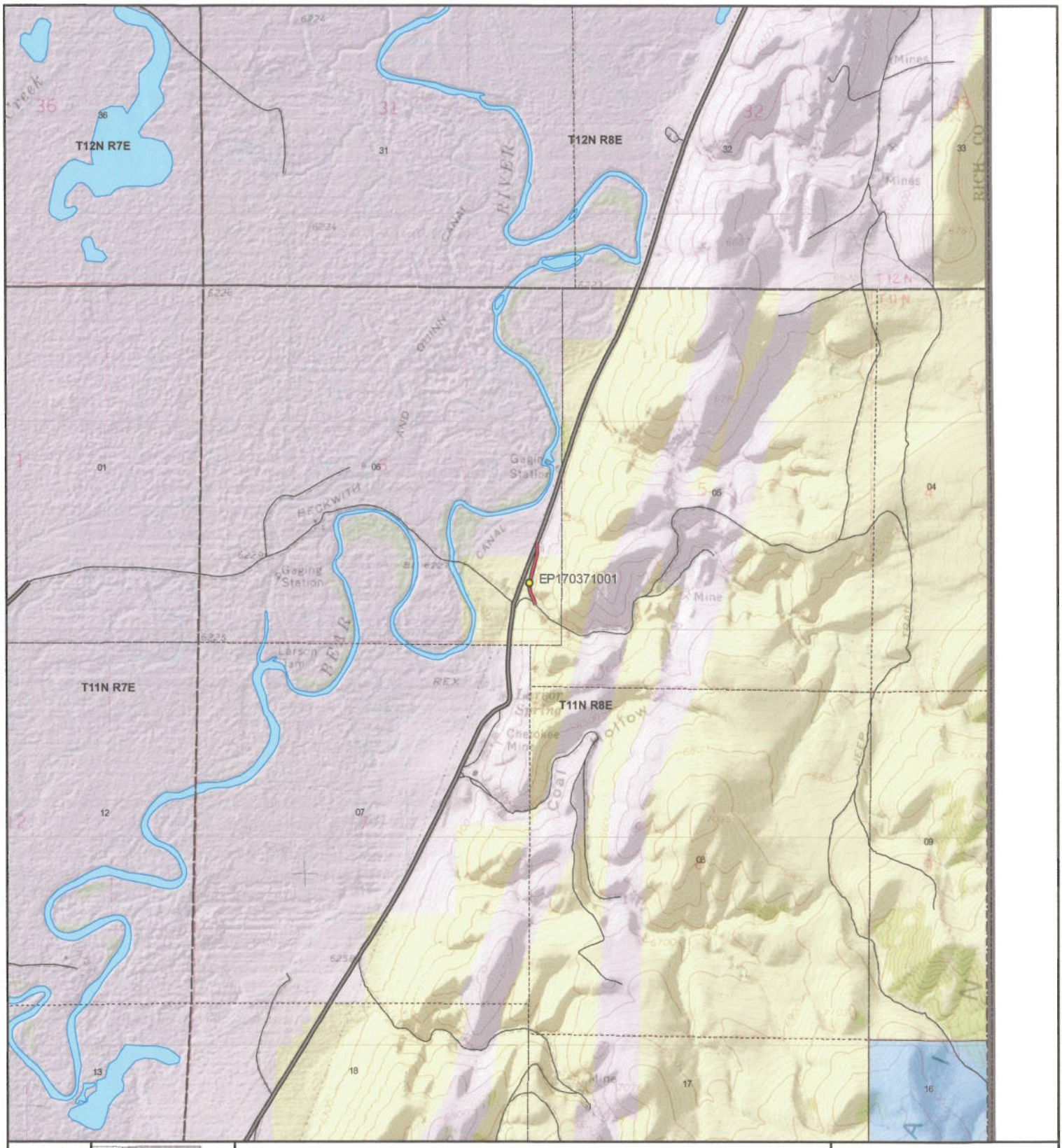
DATED this 27 day of October, 2008.

THOMAS L. BRITTON

SUBSCRIBED AND SWORN to before me this 27th day of October, 2008.

Notary Public
GLORIA GARDNER
Commission Number 576232
My Commission Expires
October 16, 2012
State of Utah

NOTARY PUBLIC




## AR116A - Rich County
## SGID RD_ID RD170371 CO_UNIQUE AR116A

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

**Misc**
- Photo Event Point
- Section = 1 Mile

**Transportation Network**
- AR116A
- Title V: Issued Or Under Consideration By BLM Or County
- County B Road
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- Other Roads

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Oct 20, 2008

**AFFIDAVIT OF N. SETH WESTON**

**RICH COUNTY, UTAH**

**RICH COUNTY D ROAD NO. AR116A**

State of Utah )
: ss.
County of Rich )

I, N. SETH WESTON, testify and declare under oath as follows:

1. I am an adult competent to testify about the matters set forth in this affidavit. My testimony is based upon my personal knowledge and experience. I was born on December 27, 1941, in Laketown, Rich County, Utah. I have lived in Rich County all of my life and have been involved in ranching in Rich County all of my life.

2. I have traveled and am familiar with Rich County Road No. AR116A and the land it traverses.

3. I took the following steps to verify that the road I refer to in this affidavit and Rich County Road No. AR116A (the " Road") are the same road:

a. I examined a large Rich County map depicting the Road in relation to other roads, intersections and landmarks. I initialed the Road on the large map verifying that it is accurately depicted on the map and it is the road I refer to herein.

b. I examined the map attached to this affidavit depicting the Road and surrounding area and verified that the Road is accurately depicted on the map and is the road I refer to herein.

c. I viewed aerial photography of the Road, as well as ground photography, and verified that the aerial and ground photography accurately depict the road I refer to in this affidavit.

4. I have personally traveled the Road from the early1950s through 1976 and continuing until 2008, ("the Time Period of My Experience"). It is the reputation in the community that the Road was traveled as early as the early 1950s, prior to my earliest recollection.

5. When I last traveled and observed the Road in 2008, it appeared to follow the same route as in the early 1950s, when I first traveled and observed it.

6. During the Time Period of My Experience the Road has been traveled weekly, weather permitting.

7. During the Time Period of My Experience I have personally traveled the Road by various means, including pickup truck and horseback, and I have observed others from the general public traveling it by the same means.

8. During the Time Period of My Experience I have personally used the Road for livestock operations and I have observed others from the general public using the Road for the same purposes, plus hunting and recreation.

DATED this 28 day of October, 2008.

N. Seth Weston

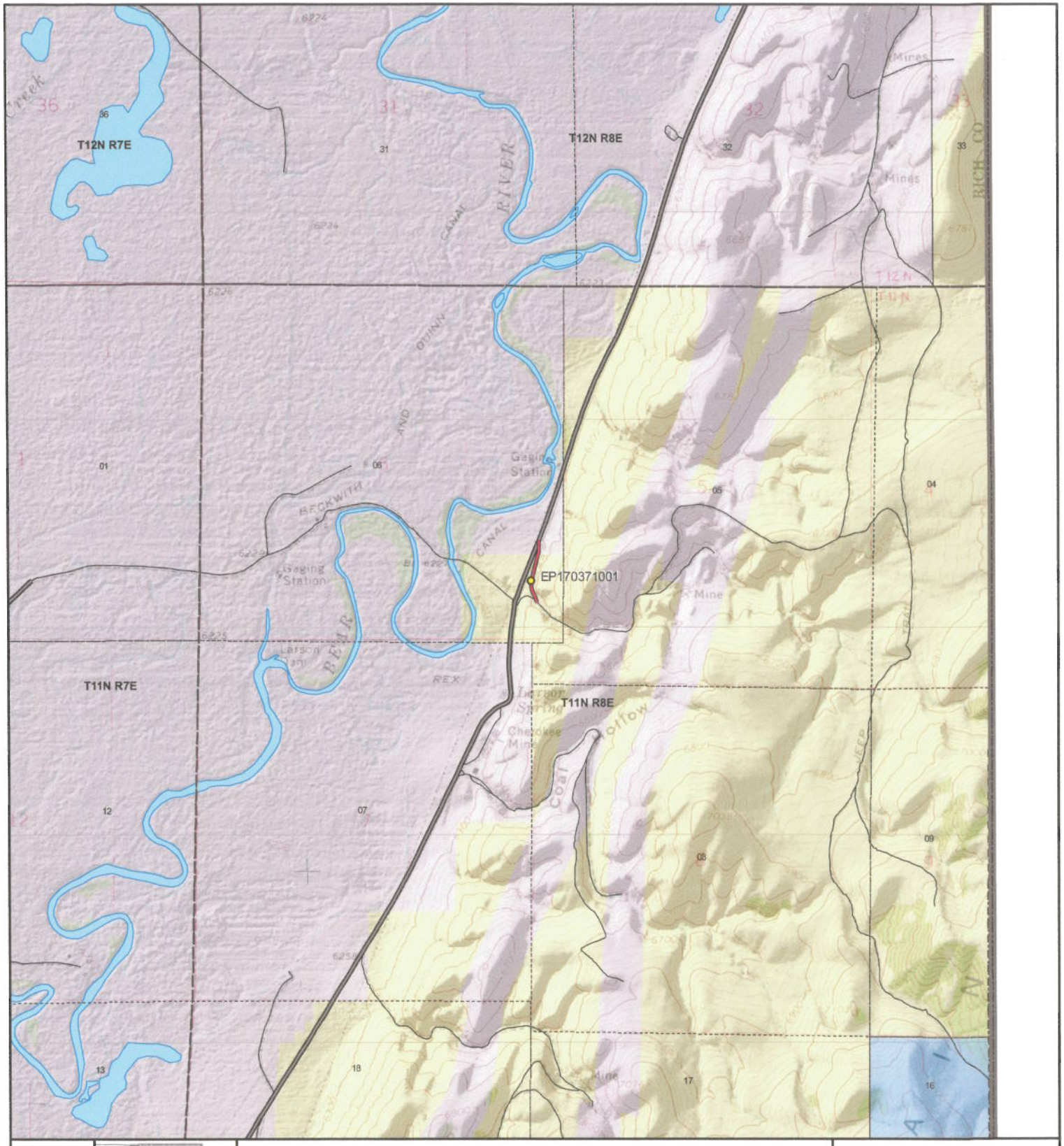
N. SETH WESTON

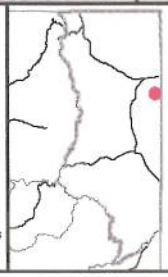
SUBSCRIBED AND SWORN to before me this 28th day of October, 2008.

Notary Public
GLORIA GARDNER
Commission Number 576232
My Commission Expires
October 16, 2012
State of Utah

Gloria Gardner

NOTARY PUBLIC



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## *AR116A - Rich County*
## *SGID RD_ID RD170371 CO_UNIQUE AR116A*

***Land Ownership Categories***
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Map prepared by the State of Utah
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Oct 20, 2008

***Attachment 1 SGID Road ID Number RD_ID: RD170371 Page 1 of 1***

**Appendix A to Attachment 4**

**Popular Name: AR116A**
**County: Rich**
**County Road Number: AR116A**
**State Geographic Information Database (SGID) Road Identification Number: RD170371.**
**Road-Segment Number: 001**
**Road-Segment Length: 0.14 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 11 North Range 8 East, Section(s) 6, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (AR116A)-- 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 43 minutes 10.11 seconds North Latitude and -111 degrees 04 minutes 016.7 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,757,452.7 feet and Y = 3,786,158.6 feet; thence the following courses along the said road center line:

thence North 26 Degrees 23 Minutes 27 Seconds West 50.1 feet
thence North 24 Degrees 54 Minutes 42 Seconds West 33.9 feet
thence North 26 Degrees 42 Minutes 51 Seconds West 46.5 feet
thence North 22 Degrees 11 Minutes 08 Seconds West 64.4 feet
thence North 12 Degrees 21 Minutes 54 Seconds West 66.1 feet
thence North 02 Degrees 00 Minutes 44 Seconds East 72.3 feet
thence North 11 Degrees 42 Minutes 01 Seconds East 81.9 feet
thence North 16 Degrees 50 Minutes 16 Seconds East 84.5 feet
thence North 12 Degrees 54 Minutes 37 Seconds East 80.2 feet
thence North 14 Degrees 55 Minutes 30 Seconds East 78.6 feet
thence North 14 Degrees 35 Minutes 04 Seconds East 72.7 feet
thence North 10 Degrees 03 Minutes 21 Seconds East 33.1 feet more or less to **the ending**

**point at:** 41 degrees 43 minutes 17.34 seconds North Latitude and -111 degrees 04 minutes 16.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah North Zone NAD 83 feet coordinates of X = 1,757,462.7 feet and Y = 3,786,890.3 feet.