

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

Ent 103240 Bk 895 Pg 351 -363  
Date: 30-MAY-2008 9:43AM  
Fee: None  
Filed By: LCJ  
LOUISE JONES, Recorder  
SAN JUAN COUNTY CORPORATION  
For: 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 San Juan County as it pertains to the highway located in San Juan County known as OLD SUMMIT ROAD; County Road Number: B318; State Geographic Information Database (SGID) Road Identification Number: RD190349. Total road length is 2.28 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

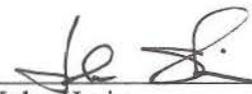
Internet at <http://recorded2477roads.utah.gov>.

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 22<sup>nd</sup> day of May, 2008.

By the Governor's Designee

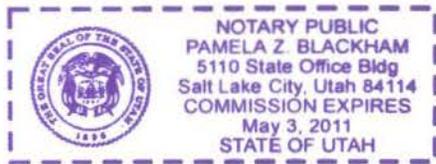
  
\_\_\_\_\_  
John Harja

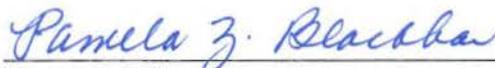
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

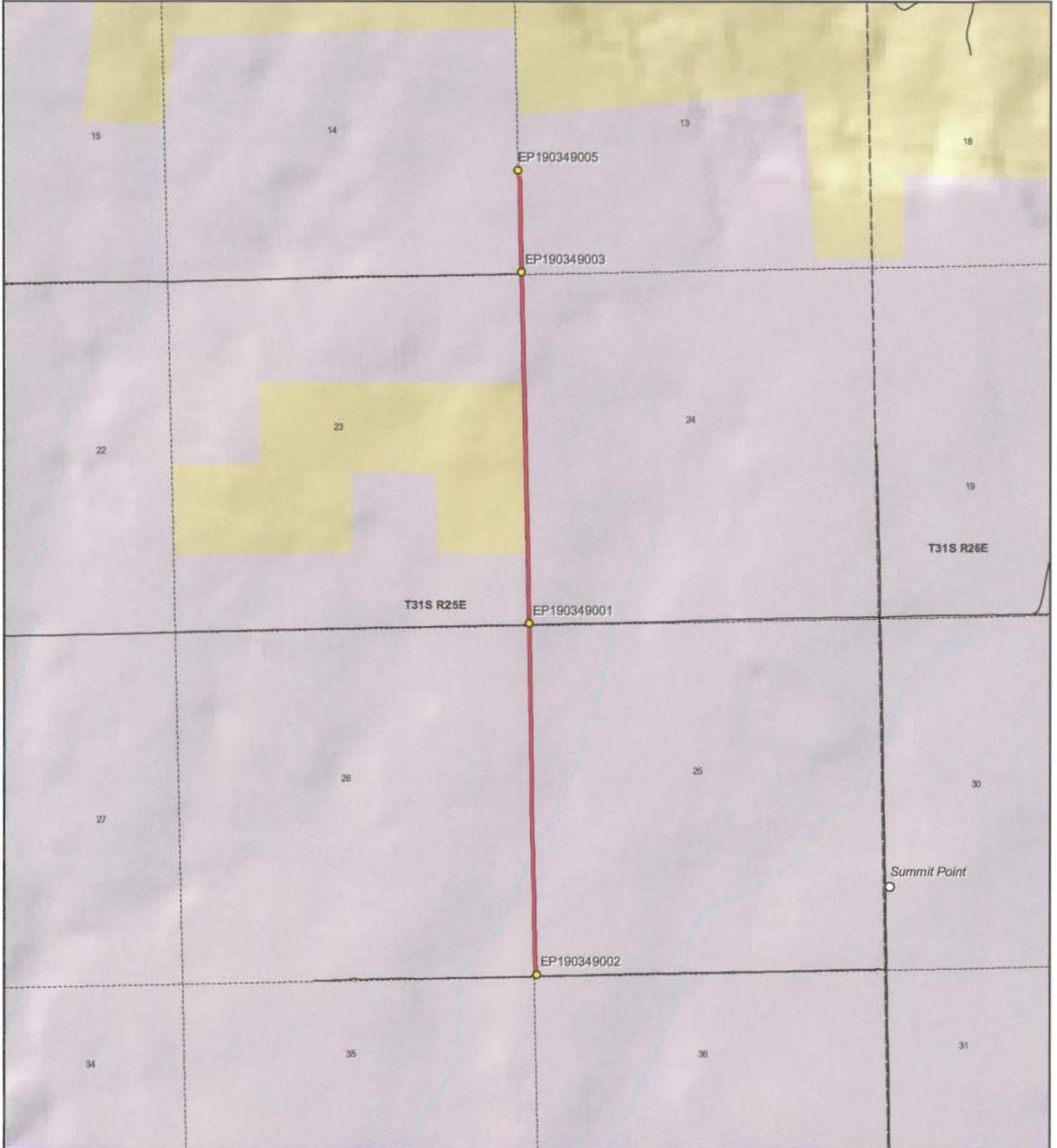
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 22<sup>nd</sup> day of May, 2008.



  
\_\_\_\_\_  
Notary Public

Attachment 1



<p>1:23,560 1 inch equals 0.4 miles</p>		<p style="text-align: center;"><b>OLD SUMMIT ROAD - San Juan County</b> <b>SGID RD_ID RD190349</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> OLD SUMMIT ROAD</td> <td> Title V: Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Other Roads</td> <td> Photo Event Point</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Section = 1 Mile</td> <td></td> </tr> <tr> <td> USFS, National Forest</td> <td> State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td> State Parks and Recreation</td> <td> National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td> Tribal, Indian Reservation</td> <td> USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td> NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>		BLM	Wilderness	OLD SUMMIT ROAD	Title V: Issued Or Under Consideration By BLM Or County	Private	UDWR Wildlife Reserve	Other Roads	Photo Event Point	SITLA, State Trust Land	DOD, Military	Section = 1 Mile		USFS, National Forest	State Sovereign Land			State Parks and Recreation	National Recreation Area			Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge			NPS, National Park				<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Apr 09, 2008</p>
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NPS, National Park																																			

Attachment 2



EP190349001



EP190349002



EP190349003



EP190349005

EP000000000

EP000000000

**OLD SUMMIT ROAD - San Juan County**  
**SGID RD\_ID RD190349**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
April 11, 2008



## Attachment 3

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

**Popular Name: OLD SUMMIT ROAD**

**County: San Juan**

**County Road Number: B318**

**State Geographic Information Database (SGID) Road Identification Number: RD190349.**

**Total Road Length: 2.28 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 03 minutes 15.71 seconds North Latitude and -109 degrees 08 minutes 010.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,320,986.6 feet and Y = 10,356,393.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 05 minutes 14.65 seconds North Latitude and -109 degrees 08 minutes 10.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,320,654.9 feet and Y = 10,368,420.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 31 South Range 25 East, Section(s) 13,24,25, 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: OLD SUMMIT ROAD**

**County: San Juan**

**County Road Number: B318**

**State Geographic Information Database (SGID) Road Identification Number: RD190349.**

**Total Road Length: 2.28 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).**

<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>RD190349</b>	<b>001</b>	<b>PVT</b>	<b>1.2 Miles</b>	<b>(not shown)</b>
<b>RD190349</b>	<b>002</b>	<b>BLM</b>	<b>0.49 Miles</b>	<b>A</b>
<b>RD190349</b>	<b>003</b>	<b>PVT</b>	<b>0.59 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>2.28</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 LEWIS DALE FULLER**

**OLD SUMMIT ROAD**

**SAN JUAN COUNTY, UTAH**

**COUNTY ROAD NUMBER B318**

State of Utah                    )  
  : ss  
County of San Juan            )

Lewis Dale Fuller, 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 San Juan County, Utah. I have lived in San Juan County since 1932. I either supervised or personally graded the roads in San Juan County from 1960 to 1993.

2. I have traveled and am familiar with a road in San Juan County known as Old Summit Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1960, it followed the same route as in 2006, when I last observed it. Attached is a San Juan County map showing Old Summit 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 identifies this road according to the road number described 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 1960 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including

pickup trucks, horses, jeeps, motorcycles, ATV's and road maintenance vehicles. Throughout this time period, the road has been used daily.

5. Throughout the time period from 1960 to 2006, I have used the road myself for the following uses: traveling in and through the area, ATV recreation and county road maintenance.

6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus the following uses: hunting, mining and livestock operations.

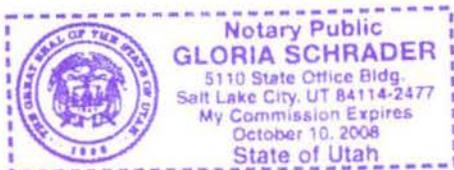
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. I observed the following evidence of construction and maintenance performed on the road prior to 1976: I personally graded the road.

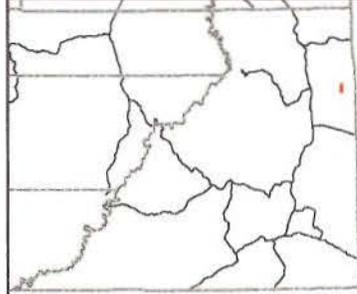
Dated this 18 day of September, 2007.

Lewis Dale Fuller  
Lewis Dale Fuller

SUBSCRIBED AND SWORN TO before me this 18th day of September, 2007.



Gloria Schrader  
Notary Public



**OLD SUMMIT**  
**County Unique - B318**

**Land Ownership Categories**

- BLM
- US Forest Service
- Private
- State Lands
- National Parks & Monuments (NPS)
- Wilderness
- National Recreation Area
- State Parks
- Tribal Lands

**Transportation Network**

- OLD SUMMIT
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:23,162  
1 inch equals 0.4 miles  
Aug 01, 2007

**AFFIDAVIT OF LYNN L. ADAMS**

**OLD SUMMIT ROAD**

**SAN JUAN COUNTY, UTAH**

**COUNTY ROAD NUMBER B318**

State of Utah                    )  
  : ss  
County of San Juan            )

Lynn L. Adams, 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 San Juan County, Utah. I have lived in San Juan County for 82 years. I worked for the San Juan County Roads Department from 1961 to 1987.

2. I have traveled and am familiar with a road in San Juan County known as Old Summit Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1939, it followed the same route as in 2007, when I last observed it. Attached is a San Juan County map showing Old Summit 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 identifies this road according to the road number described 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 1939 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including: car, truck, pickup, motorcycle, and ATV. Throughout this time period, the road has been used daily,

weather permitting, for more than 10 continuous years prior to 1976 and was used daily, weather permitting, in 2007.

5. Throughout the time period from 1939 to 2007, I have used the road myself for the following uses: maintenance services and livestock operations.

6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus the following uses: hunting, ranching, mineral prospecting, wood gathering, and oil and gas exploration.

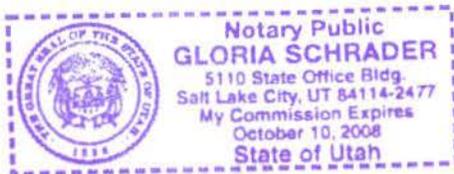
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. I personally performed maintenance activities prior to 1976.

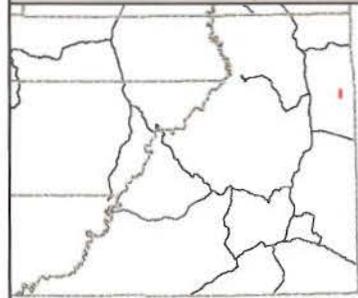
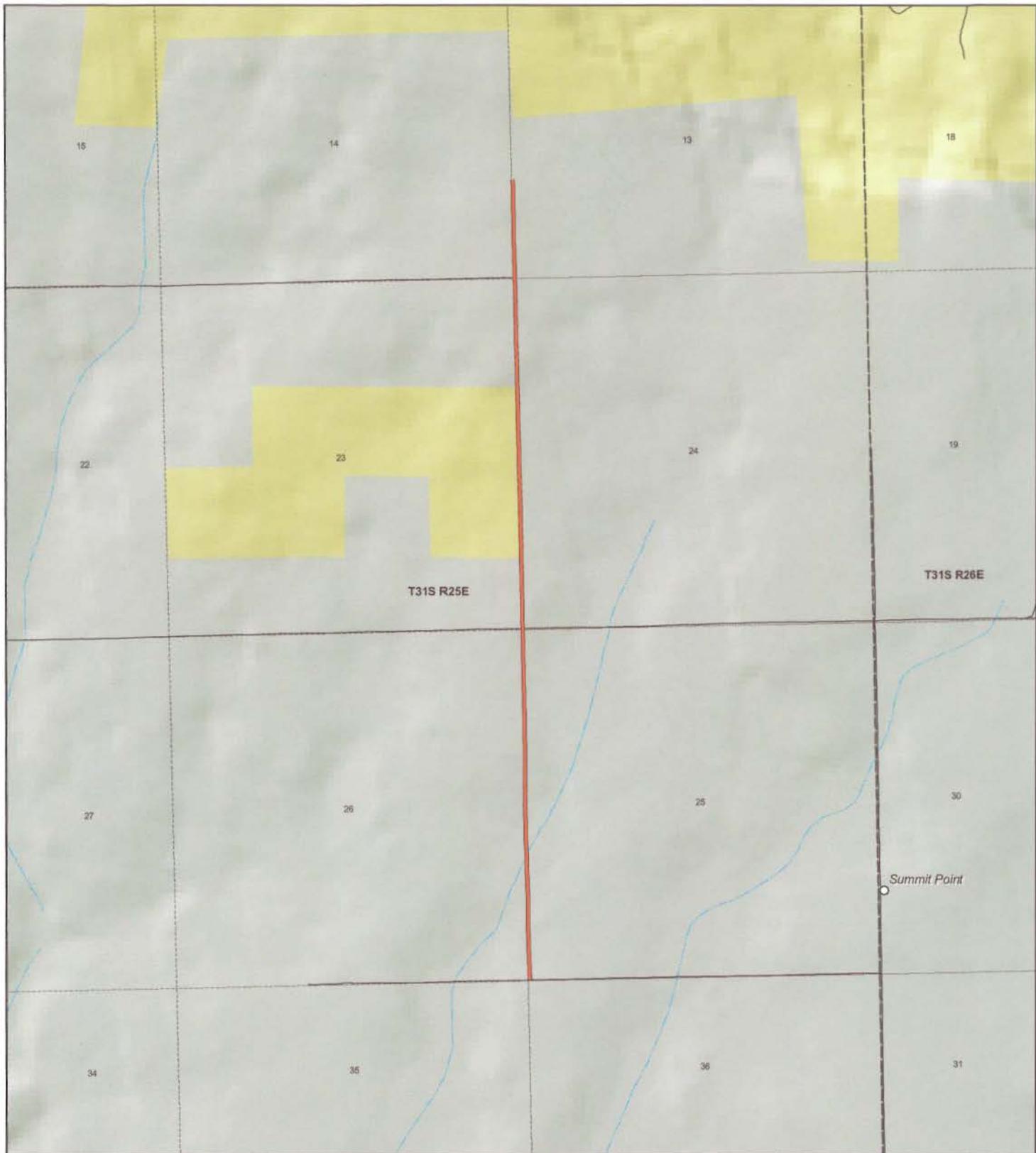
Dated this 18 day of September, 2007.

  
Lynn L. Adams

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of September, 2007.



  
Notary Public



**OLD SUMMIT**  
**County Unique - B318**

**Land Ownership Categories**

- BLM
- US Forest Service
- Private
- State Lands
- National Parks & Monuments (NPS)
- Wilderness
- National Recreation Area
- State Parks
- Tribal Lands

**Transportation Network**

- OLD SUMMIT
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:23,162  
1 inch equals 0.4 miles  
Aug 01, 2007

## Appendix A to Attachment 4

**Popular Name: OLD SUMMIT ROAD**

**County: San Juan**

**County Road Number: B318**

**State Geographic Information Database (SGID) Road Identification Number: RD190349.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.49 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 31 South Range 25 East, Section(s) 24, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (OLD SUMMIT 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 38 degrees 04 minutes 18.44 seconds North Latitude and -109 degrees 08 minutes 10.29 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,320,818.5 feet and Y = 10,362,736.8 feet; thence the following courses along the said road center line:

thence North 01 Degrees 23 Minutes 39 Seconds West 145.9 feet  
thence North 01 Degrees 22 Minutes 58 Seconds West 208 feet  
thence North 01 Degrees 32 Minutes 17 Seconds West 212.3 feet  
thence North 01 Degrees 51 Minutes 39 Seconds West 216.6 feet  
thence North 02 Degrees 12 Minutes 59 Seconds West 215.7 feet  
thence North 01 Degrees 33 Minutes 06 Seconds West 210 feet  
thence North 01 Degrees 12 Minutes 44 Seconds West 205.7 feet  
thence North 01 Degrees 13 Minutes 43 Seconds West 202.1 feet  
thence North 01 Degrees 29 Minutes 17 Seconds West 205.4 feet  
thence North 01 Degrees 58 Minutes 59 Seconds West 212 feet  
thence North 01 Degrees 28 Minutes 03 Seconds West 209 feet

thence North 01 Degrees 56 Minutes 15 Seconds West 206.5 feet  
thence North 01 Degrees 40 Minutes 37 Seconds West 118.6 feet more or less to **the ending**  
**point at:** 38 degrees 04 minutes 43.83 seconds North Latitude and -109 degrees 08 minutes 10.39 seconds  
West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet  
coordinates of X = 2,320,746.0 feet and Y = 10,365,303.8 feet.