

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Tooele County as it pertains to the highway located in Tooele County known as Smiths Road; County Road Number: tc02242; State Geographic Information Database (SGID) Road Identification Number: RD230046. Total road length is 1.09 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





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|   |   |   |                                  |  |                               |  |     |            |             |             |         |                       |   |                   |                         |               |                  |  |                       |                      |  |  |                            |                          |  |  |                            |                              |  |  |                    |  |  |  |  |
|---|---|---|----------------------------------|--|-------------------------------|--|-----|------------|-------------|-------------|---------|-----------------------|---|-------------------|-------------------------|---------------|------------------|--|-----------------------|----------------------|--|--|----------------------------|--------------------------|--|--|----------------------------|------------------------------|--|--|--------------------|--|--|--|--|
|  <p>1:14,923<br/>1 inch equals 0.2 miles</p> |  | <p style="text-align: center;"><b>Smiths Road - Tooele County</b><br/><b>SGID RD_ID RD230046</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> Smiths Road</td> <td> Other Roads</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Title V: Issued Or Under Consideration By BLM Or County</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 | Smiths Road | Other Roads | Private | UDWR Wildlife Reserve | Title V: Issued Or Under Consideration By BLM Or County | 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<br/>Automated Geographic Reference Center<br/>Room 5130 State Office Building<br/>Salt Lake City, Utah 84114<br/>Jun 16, 2008</p>   |
| <b>Land Ownership Categories</b>  |   | <b>Transportation Network</b>   |                                  |  |                               |  |     |            |             |             |         |                       |   |                   |                         |               |                  |  |                       |                      |  |  |                            |                          |  |  |                            |                              |  |  |                    |  |  |  |  |
| BLM   | Wilderness  | Smiths Road   | Other Roads                      |  |                               |  |     |            |             |             |         |                       |   |                   |                         |               |                  |  |                       |                      |  |  |                            |                          |  |  |                            |                              |  |  |                    |  |  |  |  |
| Private   | UDWR Wildlife Reserve   | Title V: Issued Or Under Consideration By BLM Or County   | 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  |   |   |                                  |  |                               |  |     |            |             |             |         |                       |   |                   |                         |               |                  |  |                       |                      |  |  |                            |                          |  |  |                            |                              |  |  |                    |  |  |  |  |



EP230046001



EP230046002

EP000000000

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EP000000000

EP000000000

**Smiths Road - Tooele County**  
**SGID RD\_ID RD230046**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
June 18, 2008



### Attachment 3

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

**Popular Name: Smiths Road**

**County: Tooele**

**County Road Number: tc02242**

**State Geographic Information Database (SGID) Road Identification Number: RD230046.**

**Total Road Length: 1.09 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 48 minutes 31.06 seconds North Latitude and -113 degrees 03 minutes 35.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,208,609.5 feet and Y = 7,467,068.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 48 minutes 06.66 seconds North Latitude and -113 degrees 02 minutes 30.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,213,535.9 feet and Y = 7,464,513.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 1 North Range 11 West, Section(s) 23,24, 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: Smiths Road**

**County: Tooele**

**County Road Number: tc02242**

**State Geographic Information Database (SGID) Road Identification Number: RD230046.**

**Total Road Length: 1.09 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<br/>Listed by SGID<br/>Road Identification<br/>Number (RD_ID)</b> | <b>Road-Segment<br/>Numbers</b> | <b>Believed Ownership<br/>Of Servient Estate</b> | <b>Approximate<br/>Segment<br/>Length</b> | <b>See Attached<br/>Appendix</b> |
|--|---------------------------------|--|---|----------------------------------|
| <b>RD230046</b>  | <b>001</b>                      | <b>BLM</b>                                       | <b>1.09 Miles</b>                         | <b>A</b>                         |
|  |                                 | <b>Total Road Length</b>                         | <b>1.09</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 JAMES S. MCKENDRICK**  
**SMITHS ROAD**  
**TOOELE COUNTY, UTAH**  
**ROAD NUMBER tc02242**

State of Utah                    )  
  : ss.  
County of Tooele                )

JAMES S. MCKENDRICK, 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 Tooele, Tooele County, Utah. I have lived in Tooele County for most of the past 76 years. I was employed by the Tooele County Road Department from 1963 to 1993.

2. I have traveled and am familiar with a road in Tooele County known as Smiths Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in the early 1990s when I last observed it. Attached is a Tooele County map showing Smiths 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. 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 1960s and continuing through the early 1990s. Throughout this time period I observed travel on the road by means of livestock trucks and pickup trucks. During this time period, the road was used weekly, for more than ten continuous years prior to 1976 and was so used in the early 1990s.

5. Throughout the time period from the early 1960s to the early 1990s, I have used the road myself for county road maintenance and travel through the area.

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 livestock operations, government access 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 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

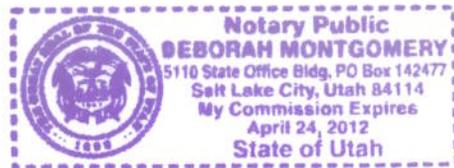
8. Prior to 1976, I graded and performed maintenance and construction activities on the road.

DATED this 6 day of June, 2008.

  
JAMES S. MCKENDRICK

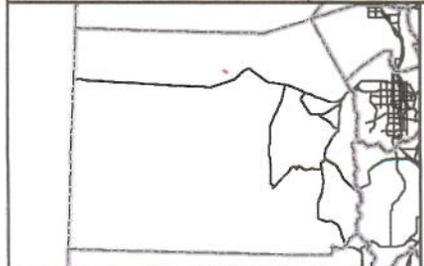
SUBSCRIBED AND SWORN to before me this 6 day of June, 2008.

  
NOTARY PUBLIC





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**Tooele County  
Smiths Road  
County Unique - tc02242**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Park

- ◆ Wildlife Reserve
- ◆ Military
- ◆ Wilderness
- ◆ Tribal

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile

**Transportation Network**

- Smiths Road
- State / U.S. Highway
- Local Roads



1:14,225  
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  
Apr 16, 2008



**AFFIDAVIT OF GERALD E. BERTAGNOLE**

**SMITHS ROAD**

**COUNTY ROAD NUMBER tc02242**

**TOOELE COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Tooele                )

GERALD E. BERTAGNOLE, 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. My family has owned property in Tooele County since 1933. I have had grazing allotments in various parts of Tooele County since 1936 and continuing to the present.

2. I have traveled and am familiar with a road in Tooele County known as Smiths Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s it followed the same route as in 1998 when I last observed it. Attached is a Tooele County map showing Smiths 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. The County also identifies this road according to the road number listed above.

3. 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 mid 1950s and continuing through 1976 to 1998. Throughout this time period I have observed travel on the road by various means, including cars, pickups, livestock trucks, ATVs and jeeps. Throughout

this time period, the road has been used weekly for more than ten continuous years prior to 1976, and was so used in 1998.

4. Throughout the time period from the mid 1950s to 1998, I have used the road myself for livestock operations and travel in and through the area.

5. 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 hunting, well access, recreation and government access.

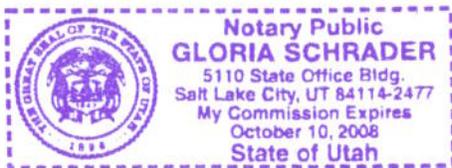
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s.

7. Prior to 1976, I observed the graded surface of the road.

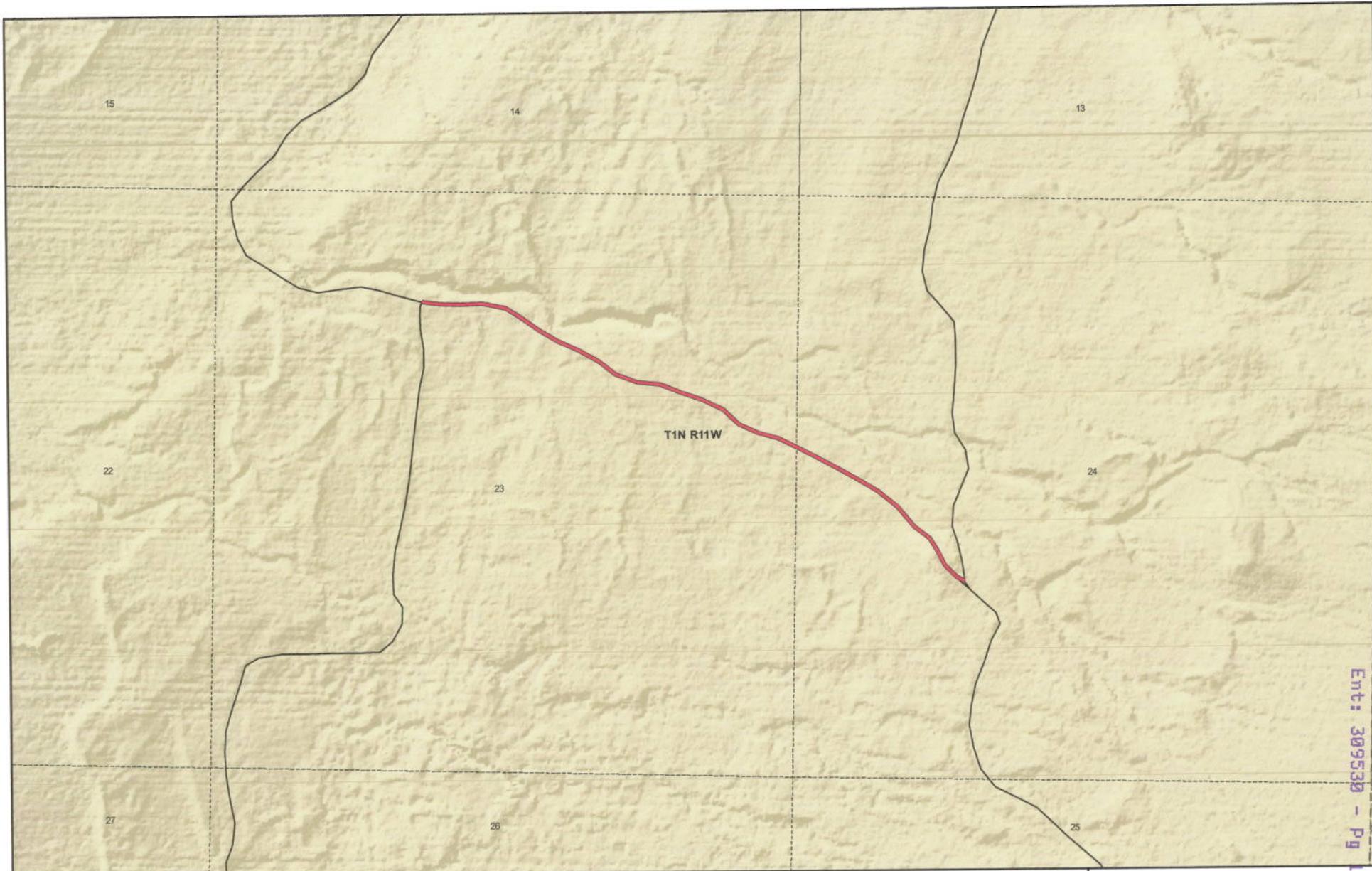
Dated this 3 day of June, 2008.

Gerald E. Bertagnole  
GERALD E. BERTAGNOLE

SUBSCRIBED AND SWORN to before me this 3rd day of June, 2008.



Gloria Schrader  
NOTARY PUBLIC



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**Tooele County  
Smiths Road  
County Unique - tc02242**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Park

- ◆ Wildlife Reserve
- ◆ Military
- ◆ Wilderness
- ◆ Tribal

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile

**Transportation Network**

- Smiths Road
- State / U.S. Highway
- Local Roads



1:14,225  
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  
Apr 16, 2008



## Appendix A to Attachment 4

**Popular Name: Smiths Road**

**County: Tooele**

**County Road Number: tc02242**

**State Geographic Information Database (SGID) Road Identification Number: RD230046.**

**Road-Segment Number: 001**

**Road-Segment Length: 1.09 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 1 North Range 11 West, Section(s) 23,24, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Smiths 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 40 degrees 48 minutes 31.06 seconds North Latitude and -113 degrees 03 minutes 35.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,208,609.5 feet and Y = 7,467,068.7 feet; thence the following courses along the said road center line:

|  |            |
|--|------------|
| thence South 83 Degrees 25 Minutes 20 Seconds East | 163.3 feet |
| thence South 88 Degrees 18 Minutes 06 Seconds East | 183.9 feet |
| thence North 87 Degrees 23 Minutes 14 Seconds East | 207.5 feet |
| thence South 77 Degrees 46 Minutes 47 Seconds East | 211.1 feet |
| thence South 59 Degrees 03 Minutes 40 Seconds East | 180.1 feet |
| thence South 54 Degrees 52 Minutes 08 Seconds East | 183.7 feet |
| thence South 60 Degrees 32 Minutes 32 Seconds East | 194.7 feet |
| thence South 65 Degrees 47 Minutes 30 Seconds East | 209.2 feet |
| thence South 61 Degrees 01 Minutes 12 Seconds East | 201 feet   |
| thence South 52 Degrees 19 Minutes 32 Seconds East | 202.4 feet |
| thence South 70 Degrees 39 Minutes 47 Seconds East | 209.4 feet |
| thence South 84 Degrees 53 Minutes 53 Seconds East | 207.3 feet |

thence South 67 Degrees 10 Minutes 25 Seconds East 195.9 feet  
 thence South 71 Degrees 44 Minutes 19 Seconds East 205.6 feet  
 thence South 64 Degrees 14 Minutes 54 Seconds East 216.3 feet  
 thence South 46 Degrees 21 Minutes 07 Seconds East 198.4 feet  
 thence South 65 Degrees 44 Minutes 31 Seconds East 193.1 feet  
 thence South 75 Degrees 34 Minutes 43 Seconds East 193.1 feet  
 thence South 63 Degrees 14 Minutes 25 Seconds East 180.1 feet  
 thence South 63 Degrees 14 Minutes 06 Seconds East 21.5 feet  
 thence South 62 Degrees 18 Minutes 08 Seconds East 198.9 feet  
 thence South 61 Degrees 01 Minutes 11 Seconds East 201 feet  
 thence South 61 Degrees 20 Minutes 09 Seconds East 209.7 feet  
 thence South 59 Degrees 18 Minutes 31 Seconds East 216.4 feet  
 thence South 51 Degrees 03 Minutes 27 Seconds East 233.2 feet  
 thence South 39 Degrees 16 Minutes 01 Seconds East 225.6 feet  
 thence South 53 Degrees 17 Minutes 19 Seconds East 179.7 feet  
 thence South 31 Degrees 25 Minutes 27 Seconds East 141.7 feet  
 thence South 25 Degrees 53 Minutes 27 Seconds East 140 feet  
 thence South 45 Degrees 26 Minutes 10 Seconds East 148.7 feet  
 thence South 62 Degrees 57 Minutes 42 Seconds East 82 feet more or less to **the ending point**

**at:** 40 degrees 48 minutes 06.66 seconds North Latitude and -113 degrees 02 minutes 30.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,213,535.9 feet and Y = 7,464,513.0 feet.