

P19

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

DOC # 20080019334

Right of Way Page 1 of 19
Russell Shirts Washington County Recorder
05/12/2008 09:13:30 AM Fee \$ 0.00
By GOVERNOR OF 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Washington County as it pertains to the highway located in Washington County known as OLD 91 BROUSE ROAD; County Road Number: 0336; State Geographic Information Database (SGID) Road Identification Number: RD270336. Total road length is 3.16 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)

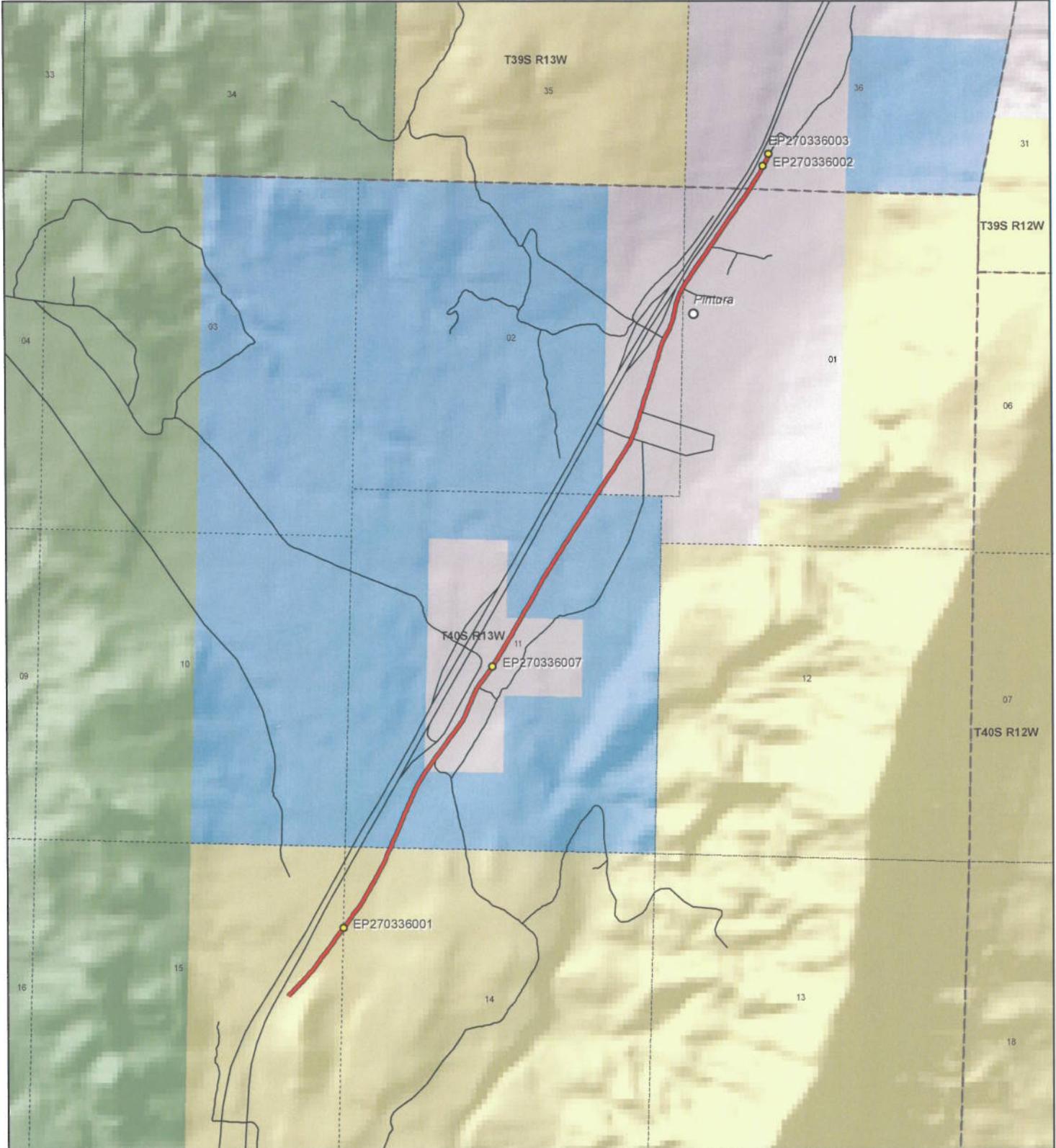
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to 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



 <p>1:26,678 1 inch equals 0.4 miles</p>		<p align="center">OLD 91 BROUSE ROAD - Washington County SGID RD_ID RD270336</p> <table border="0"> <tr> <td>Land Ownership Categories</td> <td> <ul style="list-style-type: none"> ◆ 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 </td> <td> Transportation Network <ul style="list-style-type: none"> — OLD 91 BROUSE ROAD — Title V, Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile </td> </tr> </table>	Land Ownership Categories	<ul style="list-style-type: none"> ◆ 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 <ul style="list-style-type: none"> — OLD 91 BROUSE ROAD — Title V, Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile 	<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Feb 13, 2008</p>  
Land Ownership Categories	<ul style="list-style-type: none"> ◆ 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 <ul style="list-style-type: none"> — OLD 91 BROUSE ROAD — Title V, Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile 				

Attachment 2



EP270336001



EP270336002



EP270336003



EP270336007

EP000000000

EP000000000

OLD 91 BROUSE ROAD - Washington County
SGID RD_ID RD270336



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 14, 2008



Attachment 3

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

Popular Name: OLD 91 BROUSE ROAD

County: Washington

County Road Number: 0336

State Geographic Information Database (SGID) Road Identification Number: RD270336.

Total Road Length: 3.16 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 18 minutes 34.97 seconds North Latitude and -113 degrees 17 minutes 43.68 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,118,256.5 feet and Y = 10,081,657.1 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 20 minutes 58.72 seconds North Latitude and -113 degrees 16 minutes 05.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,126,451.8 feet and Y = 10,096,043.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 39 South Range 13 West, Section(s) 36, Salt Lake Base & Meridian

Township 40 South Range 13 West, Section(s) 1,2,11,14,15, 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 91 BROUSE ROAD

County: Washington

County Road Number: 0336

State Geographic Information Database (SGID) Road Identification Number: RD270336.

Total Road Length: 3.16 miles more or less.

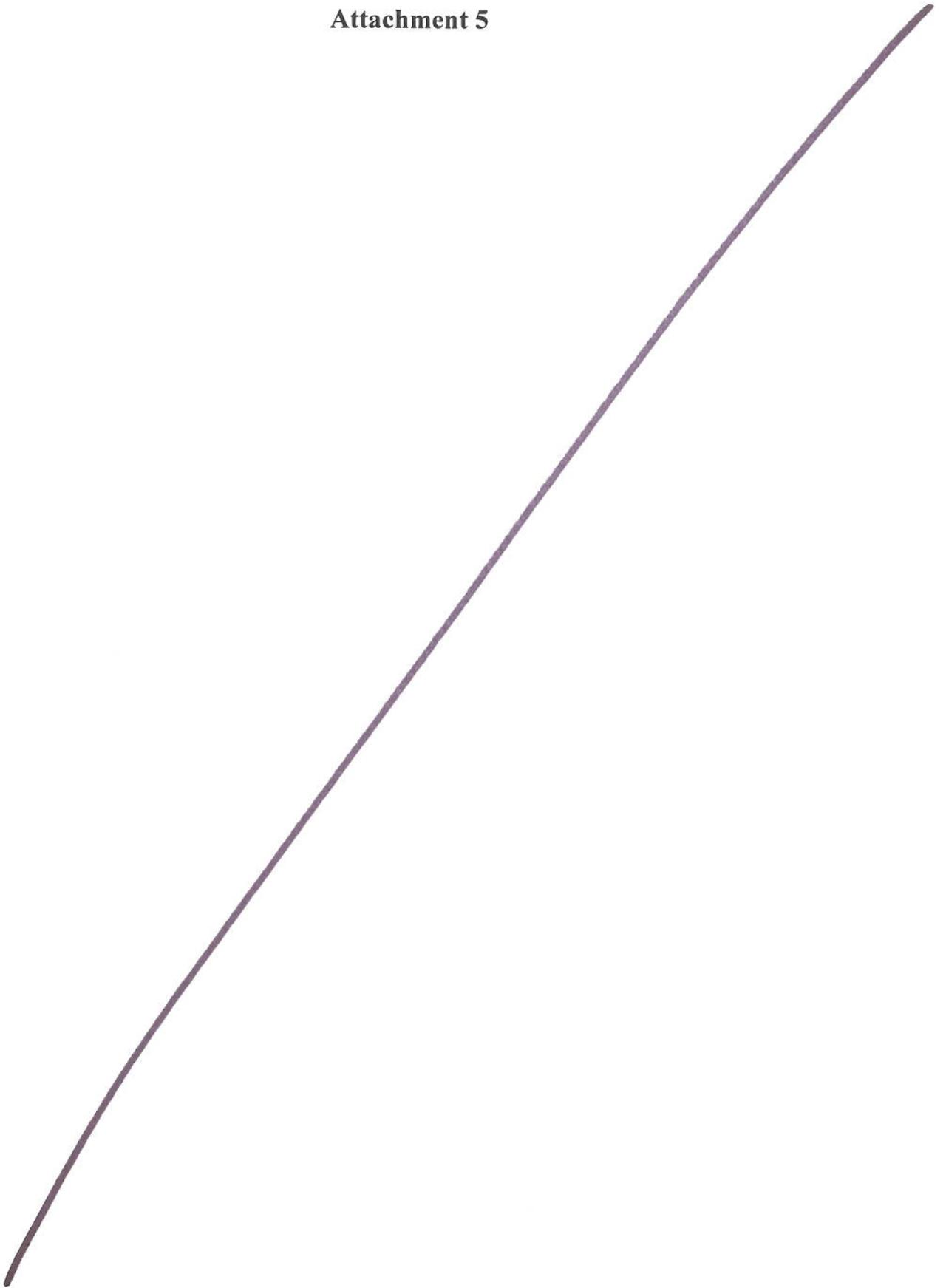
Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (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
RD270336	001	BLM	0.59 Miles	A
RD270336	002	ST	0.28 Miles	(not shown)
RD270336	003	PVT	0.58 Miles	(not shown)
RD270336	004	ST	0.5 Miles	(not shown)
RD270336	005	PVT	1.21 Miles	(not shown)
		Total Road Length	3.16	_____

* 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



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 1964, and continuing through 1976 to 2006.

Throughout this time period I have observed travel on the road by private pickup trucks, jeeps, stock trucks, motorcycles, and other motor vehicles. Through out this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used daily.

4. Throughout the time period from 1964 to 2006, I have used the road myself, occasionally, weather permitting, for wood gathering, sight seeing, fishing and hunting.

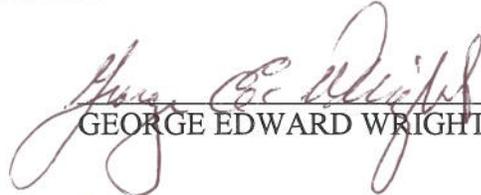
5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for uses described in the previous paragraph, plus government access; trapping; livestock operations; mining; prospecting; tourism; and recreation, such as camping, picnicking, hiking, and traveling in and through the general areas.

6. It is also my understanding that it is 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 the early pioneer settlers arrived, and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed general repairs, maintenance and/or construction activities of the road by Washington County. I observed parked graders, cattle guards, berms, gravel, culverts, graded and raised surfaces, cuts and fills, grader marks, and flood

and repair work on the road on an as-needed-basis. I occasionally observed Washington County graders on the road.

DATED this 2nd of March, 2007



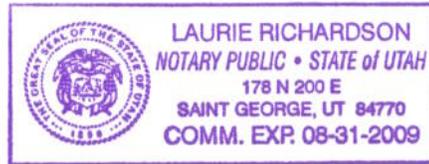
GEORGE EDWARD WRIGHT

SUBSCRIBED AND SWORN to before me this 2nd day of March, 2007.



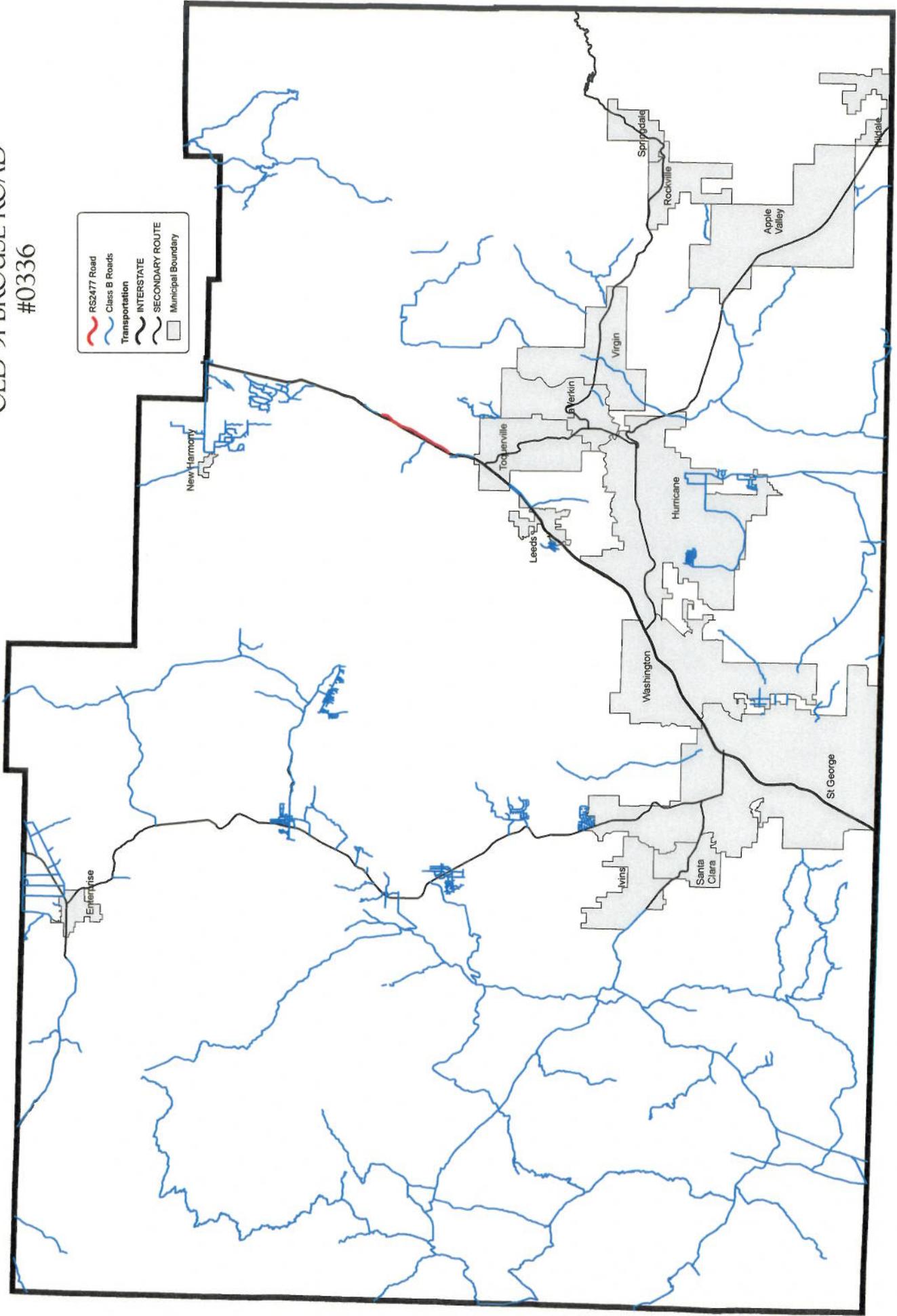
NOTARY PUBLIC

END OF DOCUMENT



WASHINGTON COUNTY OLD 91 BROUSE ROAD #0336

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



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 1960, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks and other motor vehicles. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used on a daily basis, weather permitting.

4. Throughout the time period from 1960 to the present, I have used the road myself for hunting, fishing, camping, hiking, sight seeing, wood gathering, government access for my job, and trapping.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus livestock operations, commerce, mining and prospecting, recreation and tourism, and travel in and through the general areas.

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 as early as 1900, when pioneers traveled the road, and continuing through 1976 to the present, for the uses described in the previous paragraphs.

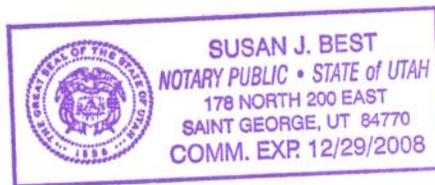
7. Prior to 1976, I occasionally observed graders and road crews from Washington County on the road. I observed general repairs and maintenance of the road.

I observed cattle guards, berms, cuts and fills, grader marks, culverts, flood repair work, and gated areas, where necessary.

DATED this 25 of June, 2007.

Rymal J. Hinton
RYMAL J. HINTON

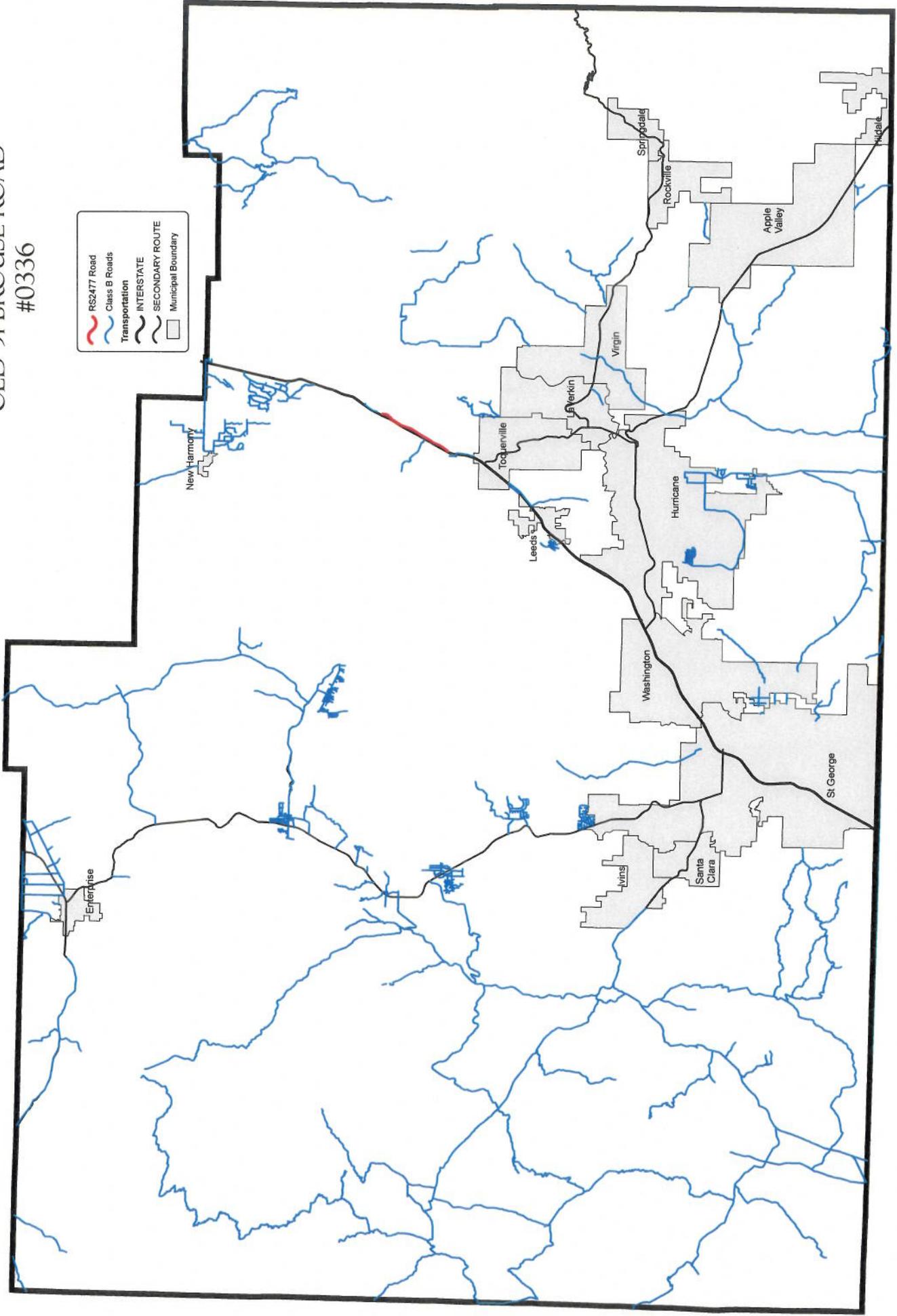
SUBSCRIBED AND SWORN to before me this 25 day of June, 2007.



Susan J. Best
NOTARY PUBLIC

WASHINGTON COUNTY OLD 91 BROUSE ROAD #0336

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



for some diversion due to flooding. 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 the 1940s, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks, and other motor vehicles, including more recently, ATVs. Throughout this time period, the road has been used regularly for more than ten continuous years prior to 1976, and it is presently used on a regular basis, weather permitting. The road is used more on weekends, holidays and during hunting seasons.

4. Throughout the time period from the early 1940s to the present, I have used the road myself for hunting, and recreation such as camping, hiking, and sight seeing.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus homesteading, farming, commerce, mining and prospecting, wood gathering, general recreation and tourism, government access, and travel in and through the general areas.

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 before 1915, and continuing through 1976 to the present, for the uses described in the previous paragraphs. My father told me on several occasions that the road was open before his 1915 homestead was established.

7. Prior to 1976, I occasionally observed Washington County and private graders on the road. I observed general repairs and maintenance of the road. I observed cattle guards,

where needed, cuts and fills, grader marks, culverts, and flood repair work, on an as-needed-basis.

DATED this 6th of June, 2007.


DEAN THOMAS TERRY

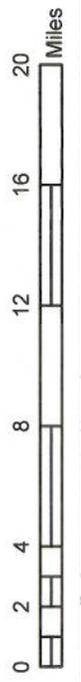
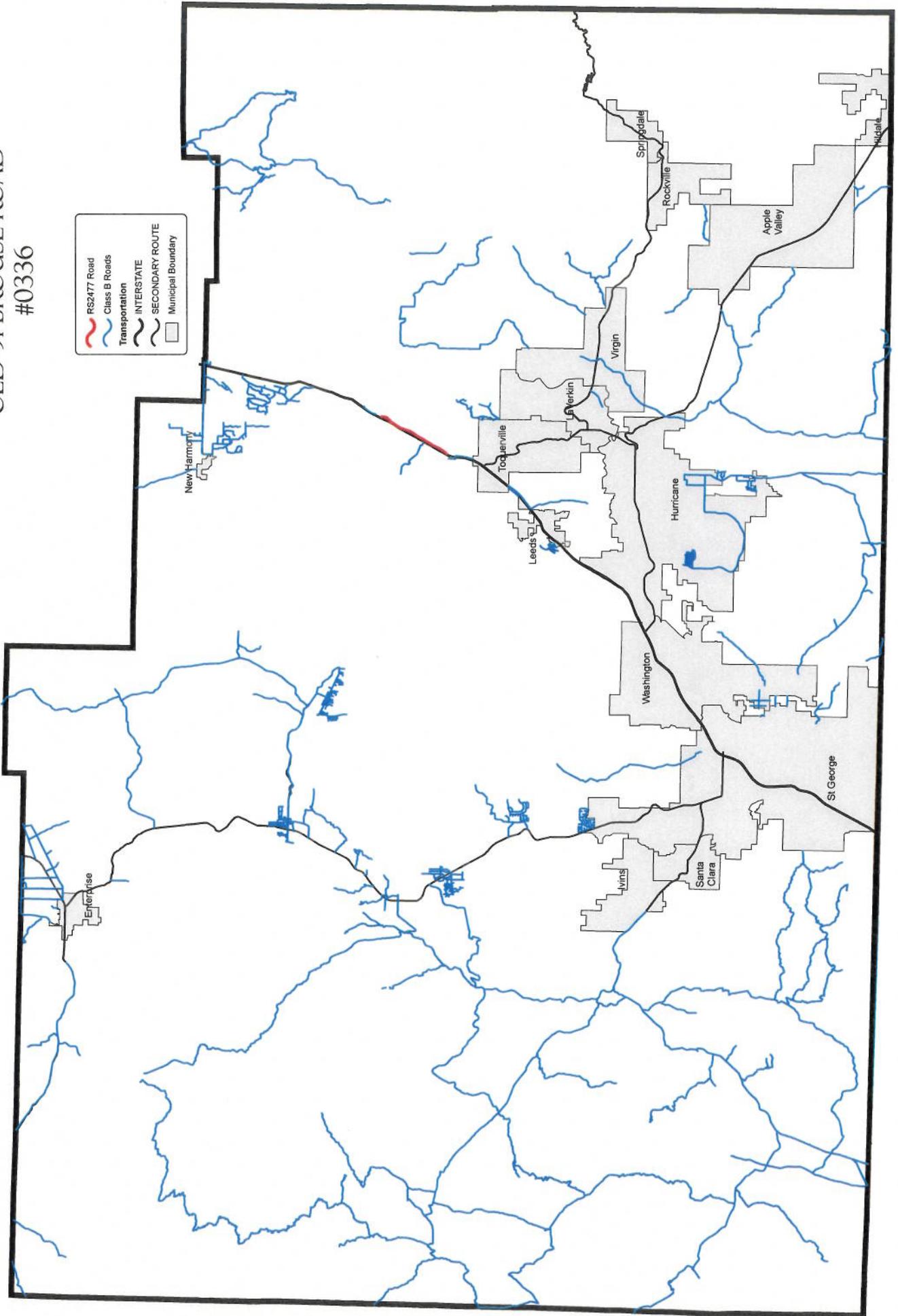
SUBSCRIBED AND SWORN to before me this 6th day of June 2007, 2007.

 SUSAN J. BEST
NOTARY PUBLIC • STATE of UTAH
178 NORTH 200 EAST
SAINT GEORGE, UT 84770
COMM. EXP. 12/29/2008


NOTARY PUBLIC

WASHINGTON COUNTY OLD 91 BROUSE ROAD #0336

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



Appendix A to Attachment 4

Popular Name: OLD 91 BROUSE ROAD

County: Washington

County Road Number: 0336

State Geographic Information Database (SGID) Road Identification Number: RD270336.

Road-Segment Number: 001

Road-Segment Length: 0.59 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 40 South Range 13 West, Section(s) 14,15, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (OLD 91 BROUSE 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 37 degrees 18 minutes 34.97 seconds North Latitude and -113 degrees 17 minutes 43.68 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,118,256.5 feet and Y = 10,081,657.1 feet; thence the following courses along the said road center line:

thence North 39 Degrees 56 Minutes 40 Seconds East 22.3 feet
thence North 43 Degrees 19 Minutes 40 Seconds East 38.5 feet
thence North 42 Degrees 13 Minutes 07 Seconds East 42.7 feet
thence North 42 Degrees 22 Minutes 15 Seconds East 45.5 feet
thence North 42 Degrees 47 Minutes 23 Seconds East 48.5 feet
thence North 44 Degrees 25 Minutes 53 Seconds East 48 feet
thence North 43 Degrees 38 Minutes 50 Seconds East 50.1 feet
thence North 41 Degrees 58 Minutes 54 Seconds East 53.6 feet
thence North 43 Degrees 58 Minutes 36 Seconds East 54.5 feet
thence North 43 Degrees 17 Minutes 28 Seconds East 65.7 feet
thence North 42 Degrees 03 Minutes 56 Seconds East 30.2 feet

thence North 39 Degrees 41 Minutes 42 Seconds East 26.5 feet
thence North 39 Degrees 08 Minutes 09 Seconds East 19.1 feet
thence North 42 Degrees 06 Minutes 20 Seconds East 30.7 feet
thence North 40 Degrees 18 Minutes 34 Seconds East 39.3 feet
thence North 38 Degrees 52 Minutes 54 Seconds East 45.7 feet
thence North 38 Degrees 33 Minutes 41 Seconds East 45.5 feet
thence North 37 Degrees 06 Minutes 48 Seconds East 42.1 feet
thence North 36 Degrees 41 Minutes 08 Seconds East 34.9 feet
thence North 34 Degrees 31 Minutes 57 Seconds East 36.8 feet
thence North 32 Degrees 38 Minutes 09 Seconds East 41 feet
thence North 38 Degrees 01 Minutes 00 Seconds East 41.8 feet
thence North 39 Degrees 11 Minutes 57 Seconds East 45.9 feet
thence North 38 Degrees 10 Minutes 49 Seconds East 46.9 feet
thence North 37 Degrees 29 Minutes 01 Seconds East 49.8 feet
thence North 36 Degrees 30 Minutes 28 Seconds East 53.7 feet
thence North 35 Degrees 45 Minutes 31 Seconds East 59.6 feet
thence North 35 Degrees 45 Minutes 31 Seconds East 59.6 feet
thence North 36 Degrees 34 Minutes 40 Seconds East 57.4 feet
thence North 36 Degrees 07 Minutes 58 Seconds East 59.1 feet
thence North 35 Degrees 08 Minutes 11 Seconds East 60 feet
thence North 35 Degrees 45 Minutes 37 Seconds East 55.2 feet
thence North 37 Degrees 48 Minutes 17 Seconds East 42.7 feet
thence North 37 Degrees 48 Minutes 11 Seconds East 9.4 feet
thence North 35 Degrees 37 Minutes 04 Seconds East 23.5 feet
thence North 33 Degrees 59 Minutes 41 Seconds East 26.2 feet
thence North 37 Degrees 49 Minutes 59 Seconds East 32.9 feet
thence North 37 Degrees 22 Minutes 00 Seconds East 38.1 feet
thence North 34 Degrees 51 Minutes 24 Seconds East 39.3 feet
thence North 36 Degrees 05 Minutes 32 Seconds East 38.7 feet
thence North 36 Degrees 39 Minutes 22 Seconds East 48 feet
thence North 36 Degrees 21 Minutes 26 Seconds East 51.1 feet
thence North 36 Degrees 38 Minutes 48 Seconds East 54.6 feet
thence North 36 Degrees 50 Minutes 20 Seconds East 57.6 feet
thence North 34 Degrees 26 Minutes 34 Seconds East 59.9 feet
thence North 34 Degrees 43 Minutes 41 Seconds East 54.9 feet
thence North 34 Degrees 42 Minutes 00 Seconds East 36 feet
thence North 30 Degrees 43 Minutes 36 Seconds East 58.6 feet
thence North 29 Degrees 09 Minutes 29 Seconds East 55.4 feet
thence North 29 Degrees 11 Minutes 02 Seconds East 52 feet
thence North 29 Degrees 19 Minutes 10 Seconds East 52.4 feet
thence North 29 Degrees 51 Minutes 34 Seconds East 51.6 feet
thence North 27 Degrees 20 Minutes 02 Seconds East 39.6 feet
thence North 30 Degrees 03 Minutes 04 Seconds East 46.8 feet
thence North 29 Degrees 27 Minutes 10 Seconds East 55.5 feet
thence North 27 Degrees 51 Minutes 51 Seconds East 52.8 feet
thence North 28 Degrees 45 Minutes 45 Seconds East 57.4 feet
thence North 28 Degrees 54 Minutes 19 Seconds East 63.9 feet
thence North 27 Degrees 41 Minutes 14 Seconds East 59.4 feet
thence North 26 Degrees 42 Minutes 13 Seconds East 39 feet

thence North 26 Degrees 53 Minutes 20 Seconds East 27.3 feet
thence North 25 Degrees 16 Minutes 04 Seconds East 41.8 feet
thence North 25 Degrees 05 Minutes 45 Seconds East 42.8 feet
thence North 23 Degrees 42 Minutes 33 Seconds East 49.2 feet
thence North 23 Degrees 40 Minutes 13 Seconds East 54.9 feet
thence North 23 Degrees 40 Minutes 13 Seconds East 58.2 feet
thence North 21 Degrees 27 Minutes 08 Seconds East 61.1 feet
thence North 24 Degrees 54 Minutes 35 Seconds East 15.7 feet more or less to **the ending**

point at: 37 degrees 19 minutes 0.4 seconds North Latitude and -113 degrees 17 minutes 22.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,120,003.6 feet and Y = 10,084,196.4 feet.