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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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DAGGETT COUNTY, UTAH, a political  
subdivision, and STATE OF UTAH,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

**AMENDED COMPLAINT  
TO QUIET TITLE**

Case No. 2:12-cv-00447-DN  
Judge: Honorable David Nuffer

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Daggett County, Utah (“Daggett County” or “County”), a Utah political subdivision, and the State of Utah (the “State”) (collectively referred to as “Plaintiffs”) as their Amended Complaint against the Defendant, United States of America (“United States”), allege as follows:

**INTRODUCTION**

1. This is an action to quiet title to certain described rights-of-way for highways, including the scope thereof, under the grant of Section 8 of the Mining Act of 1866, 14 Stat. 251, 253, later codified as Revised Statutes 2477 and as 43 U.S.C. § 932 (repealed October 21, 1976

with savings provisions recognizing validity of rights-of-way already established) (hereinafter “R.S. 2477”).

### **JURISDICTION AND VENUE**

2. The claims asserted herein arise under the Quiet Title Act (“QTA”). 28 U.S.C. § 2409a.

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2409a (quiet title) and 28 U.S.C. § 1346(f) (quiet title), as this case involves Plaintiffs’ claims to ownership of public highway rights-of-way crossing lands of the United States.

4. Plaintiffs claim title to the public highway rights-of-way crossing lands of the United States at issue in this case as joint undivided owners. *See* UTAH CODE ANN. §§ 72-5-302(2) and 72-5-103(2)(b).

5. On or about October 12, 2011, the State of Utah filed a Notice of Intention to File Suit to Quiet Title to Certain Rights-of-Way in Daggett County, Utah, with the Secretary of Interior addressing the R.S. 2477 rights-of-way that are the subject of this action. A copy of this letter is attached as Exhibit 1. This 2011 Notice of Intent supplemented the State’s prior Notice of Intent regarding R.S. 2477 sent in June 2000. A copy of this letter is attached as Exhibit 2. Thus, the State has complied with the requirement to provide notice to the head of the federal agency with jurisdiction over the lands in question 180 days prior to filing this action. 28 U.S.C. § 2409a(m).

6. Venue is proper under 28 U.S.C. § 1391(e) inasmuch as the lands at issue are located within the state of Utah.

**PARTIES**

7. Utah is one of the fifty sovereign states forming the United States of America, having been admitted to the Union on January 4, 1896, on an equal footing with the original states. Executive power for the state is vested in the Governor, who is responsible for seeing that the laws of Utah are faithfully executed. UTAH CONST. art. VII, § 5; UTAH CODE ANN. § 67-1-1.

8. Daggett County is a political subdivision of the state of Utah, located in the northeastern portion of the state, and is authorized to maintain this action. UTAH CODE ANN. § 17-50-302(2).

9. The State also owns all property interests acquired from the United States at or after the time of statehood pursuant to Article XX of the Utah Constitution. *See* UTAH CONST. art. XX. The State of Utah is duly authorized to maintain this action as an undivided joint owner of the public highway rights-of-way claimed herein. *See generally* UTAH CODE ANN. §§ 72-3-103(3), -105(3); 72-5-103 through 105; and 72-5-302.

10. The State of Utah and the County are joint owners of R.S. 2477 rights-of-way within Daggett County, Utah. UTAH CODE ANN. §§ 72-5-302(2) and 72-5-103(2)(b).

11. In this action, Plaintiffs seek to quiet title in those rights-of-way located within Daggett County, Utah.

12. Defendant United States of America is the owner of the lands traversed and bordered by the roads and rights-of-way claimed in this action. The United States Department of the Interior (“DOI”) and Bureau of Land Management (“BLM”) are tasked with managing and protecting the Defendant’s interests in the lands traversed and bordered by the roads and rights-of-way claimed in this action.

**THE CONGRESSIONAL GRANT OF RIGHTS-OF-WAY FOR PUBLIC  
HIGHWAYS CROSSING PUBLIC LAND**

13. R.S. 2477, provides: “*And be it further enacted*, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”

14. R.S. 2477 was an open congressional grant *in praesenti* of public highway rights-of-way for the benefit of miners, ranchers, homesteaders, and all other members of the public who had need to travel across public lands.

15. Acceptance and vesting of R.S. 2477 rights-of-way required no administrative formalities: no entry, no application, no license, no patent, and no deed on the federal side; no formal act of public acceptance on the part of the states or localities in whom the right was vested. *See Southern Utah Wilderness Alliance v. Bureau of Land Mgmt.*, 425 F.3d 735, 741 (10th Cir. 2005) (“SUWA v. BLM”). R.S. 2477 operated as a standing offer of a right-of-way over the public domain, and the grant may be accepted without formal action by public authorities. *Id.*

**LONG-STANDING DEPARTMENT OF INTERIOR  
INTERPRETATION OF R.S. 2477**

16. Prior to its recent adverse actions, the United States Department of Interior (“DOI”) historically recognized and agreed that State law is borrowed so as to govern the acceptance, scope, and regulatory jurisdiction of R.S. 2477 public highway rights-of-way.

17. Over the years, the DOI has adopted numerous regulations and policies interpreting the congressional grant of R.S. 2477 rights-of-way. These regulations and policies served to ensure DOI’s compliance with its statutory duty to manage the public lands subject to valid existing rights.

18. As of and following 1939, R.S. 2477 interpretive regulations found at 43 C.F.R. § 244.55 (1939) stated:

[R.S. 2477] becomes effective upon the construction or establishing of highways, in accordance with the State laws, over public lands not reserved for public uses. No application should be filed under said R.S. 2477 as no action on the part of the Federal Government is necessary.

19. As of and following 1963, R.S. 2477 interpretive regulations found at 43 C.F.R. § 244.58 (1963) stated:

Grants of [R.S. 2477 rights-of-way] become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses. No application should be filed under R.S. 2477, as no action on the part of the Government is necessary.

20. As of and following 1974, R.S. 2477 interpretive regulations found at 43 C.F.R. §§ 2822.1-2 & 2822.2-1 (1974) stated:

No application should be filed under R.S. 2477, as no action on the part of the Government is necessary. ... Grants of [R.S. 2477 rights of-way] become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses.

21. As of and following 1986, R.S. 2477 interpretive policies stated in Bureau of Land Management (“BLM”) Manual, R.2-229 stated:

When public funds have been spent on the road it shall be considered a public road. When the history of the road is unknown or questionable, its existence in a condition suitable for public use is evidence that construction sufficient to cause a grant under R.S. 2477 has taken place.

22. As a matter of federal law, R.S. 2477 borrows from State law relating to acceptance (validity) and scope of such rights-of-way. *See SUWA v. BLM*, 425 F.3d 735 (10th Cir. 2005).

23. R.S. 2477 rights-of-way vested by acts of governmental entities or the public evidencing the acceptance of the particular right-of-way during operation of the grant.

24. R.S. 2477 rights-of-way were accepted by various acts of the local government highway authority or the public, including but not limited to (1) designating the road as a general public highway; (2) expending State or County funds to construct or maintain the road for general highway purposes prior to October 21, 1976; or (3) continually using the road as a public thoroughfare, as often as the need arose, for a continuous period of 10 years prior to October 21, 1976. *See, e.g.*, UTAH CODE ANN. § 72-5-104.

25. Congressionally granted R.S. 2477 public highway rights-of-way are property interests, sometimes considered a species of easement. As a congressional grant of property for public purposes, the grant includes the right of use, enjoyment, and the implied or actual right to cross public land to access and use the property interest granted.

26. The scope of an R.S. 2477 right-of-way is not restricted to the beaten path of the road, which DOI now characterizes as the “disturbed width.” The scope of an R.S. 2477 right-of-way includes the physical features of the right-of-way as accepted and used, and that which is reasonable and necessary to accommodate the exigencies of increasing travel.

27. R.S. 2477 case law, long-standing DOI interpretation, and historical practice establish the scope of the rights-of-way claimed herein to include that which is reasonable and necessary to ensure safe travel and passage of vehicles on a two-lane road according to sound

engineering practices that protect the safety of the traveling public, the features of the road, and improvements that prevent undue degradation or impairment of adjacent lands and resources.

28. Such areas along the roadway beyond the actual beaten path as are reasonable and necessary to provide safe travel on the road, including lands on which attendant accoutrements such as drainage ditches and culverts existed as of the date of the reservation of the subject lands adjacent to the road, or are reasonably and necessarily added after that date to accommodate increased travel for pre-existing uses, are part of the reasonable and necessary use of the roadway, and are therefore within the scope of each highway right of way. *Sierra Club v. Hodel*, 848 F.2d 1068, 1083-84 (10th Cir. 1988).

29. Applicable law, historical practice, and sound engineering confirm that an R.S. 2477 right-of-way, as distinguished from the disturbed width of the road, includes a minimum width of 66 feet and any features, facilities, cuts, slopes, water bars, drainage runouts, and fill areas necessary to ensure a safe travel surface as reasonable and necessary under the circumstances specific to each road.

30. The congressional grant of public highway rights-of-way embodied by R.S. 2477 operated on unreserved public lands for 110 years until it was repealed on October 21, 1976, by the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. § 1701 *et seq.*

31. In repealing R.S. 2477, Congress preserved vested R.S. 2477 rights-of-way as valid existing rights and expressly directed the United States and its subordinate agencies to manage federal lands subject to these valid existing rights.

32. FLPMA Section 701(h) provides: “All actions by the Secretary concerned under this Act shall be subject to valid existing rights.” 43 U.S.C. § 1701, note; *see also id.* § 1769(a)

(“Nothing in this subchapter shall have the effect of terminating any right-of-way or right of use heretofore issued, granted or permitted.”).

**PLAINTIFFS’ R.S. 2477 AND PUBLIC HIGHWAY RIGHTS-OF-WAY**

33. Plaintiffs’ R.S. 2477 and public highway rights-of-way, easements and rights-of-entry (collectively referred to as “rights-of-way”) serve the common good, benefit the public, and implement the congressional intent of facilitating safe and efficient travel across public lands. The R.S. 2477 rights-of-way granted by Congress necessarily include an implied right of access to the rights-of-way so that they may be used as public thoroughfares.

34. Daggett County classifies its public highways as Class B (maintained) and Class D (lightly maintained) county roads. This classification is a matter of State law and is generally only relevant herein to the manner of acceptance of the rights-of-way for the roads.

35. At all times relevant herein, State law provided that R.S. 2477 rights-of-way could be accepted by various acts of the local government highway authority or by acts of the public, including, but not limited to, (1) designating the road as a general public highway, also known as a Class B county road; *See* UTAH CODE ANN. § 72-3-103 (prior law in accord); *see also* UTAH CODE ANN. § 27-12-22 (1963); (2) expending State and/or County funds to construct or maintain a road for general highway purposes prior to October 21, 1976; or (3) continually using the road as a public thoroughfare, as often as the need arose, for a continuous period of 10 years prior to October 21, 1976. *See, e.g.,* UTAH CODE ANN. § 72-5-104 (stating that a public highway right-of way is “dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years”) (prior law in accord).

36. The R.S. 2477 rights-of-way for the Class B roads claimed herein were initially accepted as public highways by public use for a continuous period of at least 10 years.

37. The R.S. 2477 rights-of-way for the Class B roads were later accepted by Daggett County's designation of these roads as county general highways or by Daggett County's expenditure of State and county funds to construct or maintain these roads as public highways prior to October 21, 1976.

38. The R.S. 2477 rights-of-way for Plaintiffs' Class D roads claimed herein were accepted by the public's continuous use of the roads as public thoroughfares for a period in excess of 10 years prior to October 21, 1976.

39. Plaintiffs, by and on behalf of the public, accepted and own the R.S. 2477 rights-of-way for the roads described herein.

40. However, Daggett County is the highway authority with sole jurisdiction and control of Class B and Class D roads within its borders. Daggett County has the sole obligation to manage, construct, or maintain its Class B roads (and Class D roads, to the extent the County chooses to do so) to meet general travel standards established by State law. *See* UTAH CODE ANN. §§ 72-3-103(4) and 72-3-105(4).

41. Prior to October 21, 1976, or such other date as is requisite for the acceptance of a particular right-of-way, Plaintiffs accepted R.S. 2477 rights-of-way for the roads claimed herein on unreserved public lands.

42. In addition to the public lands of the United States, some of the roads claimed in this action have segments that access and cross private land as well as land now or formerly

owned by the State of Utah and the Utah School and Institutional Trust Land Administration (sometimes collectively referred to as "SITLA").

43. In those instances where the roads and rights-of-way cross lands formerly in private or SITLA ownership, Plaintiffs' rights-of-way claimed herein were accepted and perfected as valid existing rights-of-way through the facts set forth herein, prior to the United States' ownership of the subject lands. Title of the United States is subject to these valid existing rights as a matter of law. *See* UTAH CODE ANN. §§ 53C-4-203(2) and 72-5-203; 43 U.S.C. § 1701, note. In each cause of action set forth below, Plaintiffs' claimed rights-of-way include those granted pursuant to R.S. 2477 and established under law as valid existing rights on the land at issue.

44. The course, existence, and location of the rights-of-way and roads that cross private and/or SITLA land have not been challenged and are not at issue in this action. This action seeks to quiet title to the rights-of-way crossing the lands of the United States.

45. Plaintiffs' vested public highway rights-of-way for the roads claimed herein continue as valid existing rights until formally abandoned by Plaintiffs. *See* UTAH CODE ANN. §§ 72-5-105(1) and -305.

46. Plaintiffs have not abandoned the rights-of-way for any of the roads claimed in this action.

#### **AREA DESCRIPTIONS**

47. In order to better organize the rights-of-way included in this amended complaint, the roads have been divided into the following seven areas: (1) Ford Road Area, (2) Browns

Park/Clay Basin Area, (3) Three Corners Road Area, (4) Willow Creek Area, (5) Crouse Canyon/Pot Creek Area, (6) Red Creek/Taylor Flat Area, and (7) East Green River Area.

48. The roads within each of the seven Areas are important links in the State of Utah and Daggett County's transportation system. These roads connect communities and provide access to natural resources; other roads; and areas of scenic, recreational, and historic value.

49. As important links in Plaintiffs' transportation system, clear title to the rights-of-way which underlie these roads is of the utmost importance to State of Utah and the County.

50. The Ford Road Area is located in north-central Daggett County and is shown on Exhibit 3, attached hereto and incorporated herein.

51. The Ford Road Area is comprised of a total of twelve roads and includes two Class B roads and ten Class D Roads. The Ford Road Area includes the following roads—listed by common road name and county unique number: (1) Ford Road, B21; (2) Spring Creek Road, B23; (3) Goslin Mountain Road, D18; (4) D19 Road, D19; (5) D20 Road, D20; (6) D20A Road, D20A; (7) D22 Road, D22; (8) D23 Road, D23; (9) Pipeline Road North, D25; (10) D42 Road, D42; (11) D43 Road, D43; and (12) D101 Road, D101.

52. The Browns Park/Clay Basin Area is located in the north central portion of Daggett County as shown on Exhibit 4, attached hereto and incorporated herein.

53. The Browns Park/Clay Basin Area is comprised of a total of nine roads and includes five Class B roads and four Class D roads. The Browns Park/Clay Basin Area includes the following roads—listed by common road name and county unique number: (1) Browns Park Road, B22; (2) Clay Basin Road, B34; (3) B35 Road, B35; (4) B36 Road, B36; (5) B37 Road, B37; (6) Pigeon Canyon Road, D21; (7) D27 Road, D27; (8) D34 Road, D34; and (9) D99 Road,

D99.

54. The Three Corners Road Area is located in northeastern Daggett County and is shown on Exhibit 5, attached hereto and incorporated herein.

55. The Three Corners Road Area is comprised of a total of six roads and includes one Class B road and five Class D roads. The Three Corners Area includes the following roads—listed by common road name and county unique number: (1) Three Corners Road, B24; (2) Willow Creek Road, D28; (3) Willow Creek Ridge Road, D28A; (4) Cottonwood Spring Road, D40; (5) D40A Road, D40; and (6) D87 Road, D87.

56. The Willow Creek Area is located in eastern Daggett County and is shown on Exhibit 6, attached hereto and incorporated herein.

57. The Willow Creek Area is comprised of a total of seven roads and includes three Class B roads and four Class D roads. The Willow Creek Area includes the following roads—listed by common road name and county unique number: (1) Willow Creek Road, B27; (2) Lower Willow Creek Road, B28; (3) Lower Willow Creek Spur Road, B28A; (4) Lower Willow Creek West Spur Road, D37; (5) Swallow Canyon Road, D47; (6) War Grave Road, D49; and (7) D50 Road, D50.

58. The Crouse Canyon/Pot Creek Area is located in southeastern Daggett County and is shown on Exhibit 7, attached hereto and incorporated herein.

59. The Crouse Canyon/Pot Creek Area is comprised of a total of nine roads and includes three Class B roads and six Class D roads. The Crouse Canyon/Pot Creek Area includes the following roads—listed by common road name and county unique number: (1) Crouse Canyon Road, B31; (2) Pot Creek Road, B32; (3) Pot Creek South Road, B32A; (4)

Crouse Canyon Road, D31; (5) D52 Road, D52; (6) D54 Road, D54; (7) Sears Canyon Road, D55; (8) Roller Draw Road, D64; and (9) Marshall Draw Road, B68.

60. The Red Creek/Taylor Flat Area is located in east-central Daggett County and is shown on Exhibit 8, attached hereto and incorporated herein.

61. The Red Creek/Taylor Flat Area is comprised of a total of seven roads and includes three Class B roads and four Class D roads. The Red Creek/Taylor Flat Area includes the following roads—listed by common road name and county unique number: (1) Red Creek Road, B25; (2) Taylor Flat Road, B29; (3) Little Hole Road, B30; (4) Taylor Flat Jeep Road, D48; (5) Sears Canyon Spur Road, D55A; (6) Davenport Spring Road, D73; (7) Bull Pen Road, D74.

62. The East Green River Area is located in east central Daggett County on the east bank of the Green River. It is shown on Exhibit 9, attached hereto and incorporated herein.

63. The East Green River Area is comprised of a total of six roads and includes one Class B road and five Class D roads. The East Green River Area includes the following roads—listed by common road name and county unique number: (1) Pipeline Road, B26; (2) Pipeline Road, D26; (3) Pipeline Road Spur A, D26A; (4) Pipeline Road Spur D, D26D; (5) Pipeline Road Spur F, D26F; and (6) DWR Road, D76.

64. The surveyed centerlines of the above-named roads are displayed, respectively, as Exhibits 11-66, attached hereto and incorporated herein. Each centerline was plotted using NAD83 mapping grade Global Positioning Survey (“GPS”) data collected by Plaintiffs. This centerline data has been verified, confirmed by on the ground inspection, referenced to historic aerial photography, and overlaid upon United States Geological Survey (“USGS”) topographic

maps.

65. The information and documentation relevant to the above eight areas was collected by personnel of the State and the County and compiled pursuant to Utah law. *See* UTAH CODE ANN. §§ 72-5-309 and -310.

66. Within each cause of action set forth below, the right-of-way is shown by map, description, and by reference to verified GPS data plotted on maps showing the United States Public Land Survey System (“PLSS”) aliquot parts of each section, township, and range crossed by the right-of-way.

67. The USGS 7.5-minute quadrangle maps covering Daggett County evidence the existence, use, and acceptance of the rights-of-way in this action prior to 1976. *See* Exhibit 10 for detailed map information.

68. As a matter of historical practice within the agencies of the United States, rights-of-way crossing federal lands are granted, recognized, and acknowledged by reference to PLSS aliquot parts. That is, the United States and its agencies grant, recognize, and acknowledge rights-of-way on federal lands by reference to PLSS aliquot parts and not by metes and bounds.

69. With more precision than a PLSS aliquot part description, Plaintiffs have also provided maps and a GPS data description of the location and centerline course of the roads crossing the rights-of-way claimed herein. The precision in these descriptions exceeds that which has been historically recognized by the United States as sufficient to describe and confirm rights-of-way crossing its lands.

70. Notwithstanding the diligent precision and particularity pleaded herein, each and every right-of-way and road claimed herein exists, is to be decided, and is to be established by

the course, location, and historical existence of the right-of-way on the ground as has been accepted, used, and enjoyed by, for, and on behalf of the public, including deviations in course recognized by law as being reasonable and necessary.

71. This action seeks to quiet title only to those portions of the rights-of-way and roads claimed herein and described in the GPS data, attached hereto as Exhibits 11-66, crossing public lands under the jurisdiction of the DOI. As stated earlier, the course, existence, and location of the segments of the rights-of-way and roads crossing private land and SITLA land are not at issue, are not contested, and are not claimed herein.

72. The segments of roads, if any, crossing United States land managed by federal agencies other than BLM and DOI are not at issue in this amended complaint. Plaintiffs, however, do not concede that the segments are not R.S. 2477 rights-of-way and reserve the right to bring a future quiet title action on these segments.

### **THE CASE OR CONTROVERSY**

#### **A. The Case or Controversy over Disputed Title to Roads over R.S. 2477 Rights-of-Way**

76. Daggett County encompasses approximately 5,723 square miles of land. Approximately 81 % of the land within the County is federal land.

77. Due to the vast expanse of federal land in Daggett County, R.S. 2477 provides the sole legal basis for Daggett County to claim title to many of the rights-of-way that serve as roads and public highways in the county. All such roads that exist over R.S. 2477 rights-of-way and that are at issue in this suit were authorized, established, constructed, or accepted as R.S. 2477 rights-of-way on unreserved lands prior to October 21, 1976, or have vested as public highways, easements, and valid existing rights by law as set forth in the facts below.

78. The roads over R.S. 2477 rights-of-way have long served the common good by providing a safe and efficient transportation system within Daggett County. Some of the roads over R.S. 2477 rights-of-way in this action predate Utah's statehood in 1896.

79. The roads over R.S. 2477 rights-of-way described in this Amended Complaint connect roads in the County and in adjacent counties and are integral components of the State of Utah and County's transportation systems.

80. The roads over R.S. 2477 rights-of-way have long served the vital function of linking communities, business operations, private land, and SITLA land and were historically established and constructed to facilitate settlement, commerce, and general public access to public lands and communities.

81. The roads over R.S. 2477 rights-of-way claimed herein are important because, in many instances, there are no alternative routes to serve the public's transportation needs.

82. For decades, and in some instances a century, Plaintiffs and the public have benefitted from the quiet and peaceful enjoyment of the roads over R.S. 2477 rights-of-way. In 1976, Congress enacted FLPMA, and R.S. 2477 ceased as a means whereby states and counties could acquire new rights-of-way over public lands. Any and all R.S. 2477 rights-of-way and easements then existing were grandfathered and preserved by Congress as valid and existing rights.

83. Accordingly, Congress directed the agencies of the United States to manage federal public lands subject to the valid existing rights of the State of Utah and its counties, including their R.S. 2477 rights-of-way.

84. Historically, the County, federal land managers, ranchers, mineral resource developers, and other members of the public generally cooperated in the construction, maintenance and use of the roads over R.S. 2477 rights-of-way in furtherance of the common good and without specific concern regarding legal ownership.

85. Without any change in FLPMA or other federal law, the DOI and its agencies recently have engaged in efforts to impair or entirely deprive the State of Utah, Daggett County, and the public of the use of their vested rights to roads over R.S. 2477 rights-of-way. In so doing, DOI has abrogated its duty to manage public lands subject to valid existing rights.

86. DOI's recent actions have sparked numerous lawsuits and conflicts across the West, including this lawsuit.

**B. The Quiet Title Act is the Proper Mechanism for Quieting Title to Plaintiffs' Claimed Rights-of Way in this Case**

87. Under the Quiet Title Act, 28 U.S.C. § 2409a, the only prerequisite for a party bringing suit against the United States to quiet title in and to land or property interests is that the aggrieved party have a "reasonable awareness" that the United States claims some interest adverse to the claims of that party.

88. Under Article III of the Constitution, an aggrieved party has standing to bring a Quiet Title Act claim if the party suffers adverse economic effects as a result of uncertainty regarding legal ownership of a right-of-way.

89. An adverse economic effect constitutes injury in fact and results from unresolved questions of land ownership.

90. The State of Utah and Daggett County have suffered and are continuing to suffer economic injury from uncertainty regarding legal ownership of the roads over R.S. 2477 rights-of-way at issue in this case.

91. The confusion regarding the existence, location, scope, and ownership of roads over R.S. 2477 rights-of-way at issue in this case has created dangerous lapses in road maintenance, uncertainty regarding future road funding, and economic injuries to the State of Utah and Daggett County which only resolution by the Court can redress.

92. The Quiet Title Act was enacted at the suggestion of then-United States Attorney General, who explained that such suits were necessary for

a plaintiff whose title to land was continually being subjected to litigation in the law courts. [Such a plaintiff] could bring a suit to quiet title in a court of equity in order to obtain an adjudication on title and relief against further suits. Similarly, one who feared that an outstanding deed or other interest might cause a claim to be presented in the future could maintain a suit to remove a cloud on title.

H.R. REP. NO. 92-1559, at 4 (1972), *reprinted in* 1972 U.S.C.C.A.N. 4547, 4551, 1972 WL 12541, 4.

93. The Attorney General also specifically highlighted the cases in which the QTA is applicable, including “in boundary disputes between the United States and owners of adjacent property. The quieting of title where the plaintiff claims an estate less than a fee simple-- an easement or the title to minerals-- is likewise included in the terms of the proposed statute.” *Id.* at 5.

94. Once the federal government has formally asserted a claim to an interest in land in which a state government also claims an interest, a state government is entitled to treat the land as “real property in which the United States claims an interest.” Additionally, once the United

States claims an interest in land, that claim is sufficient to cloud title and operates as a present cloud on title for as long as the United States retains authority to assert its claim.

95. The United States has taken several actions that constitute their “claim of interest” in the rights-of-way at issue, as explained in detail below. Therefore, a cloud on title exists with respect to each of the rights-of-way claimed herein and the Quiet Title Act is the proper mechanism for adjudicating and quieting title.

96. A court of equity has jurisdiction both to prevent the casting of a cloud on title to property and to remove an existing cloud.

97. To eliminate a cloud on title arising out of the United States’ asserted claim, and to unilaterally destroy jurisdiction of any such a claim, the United States may file a disclaimer under section (e) of the QTA, which provides that

If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

98. On June 15, 2000, the State of Utah sent a Notice of Intent to Sue (“2000 NOI”) to the Secretary of the Interior indicating its intent to file suit to quiet title to roads over R.S. 2477 rights-of-way throughout Utah. Along with the NOI, the State included maps depicting the claimed roads in each county.

99. After filing the 2000 NOI, and between 2006 and 2011, the State of Utah recorded all Class B roads in the State, including those in Daggett County. The recording documents

included legal descriptions of the roads, maps, affidavits of historical use, and other identifying information regarding the claimed roads over the R.S. 2477 rights-of-way.

100. The State filed the recording documents with the BLM.

101. In response, the BLM failed and refused to recognize any of the R.S. 2477 rights-of-way in any administrative proceeding or to issue any non-binding determination with respect to any of the roads over R.S. 2477 rights-of-way.

102. In 2011, the State of Utah amended and sent to Secretary Salazar a second set of NOIs (“2011 NOIs”)—one NOI for each County that claims roads over R.S. 2477 rights-of-way in the State. The 2011 NOIs provided County-specific, detailed information regarding those roads.

103. The 2011 NOIs also included detailed county maps, legal descriptions of each road, and affidavits of witnesses attesting to the location and use of the R.S. 2477 rights-of-way at issue in Daggett County.

104. The DOI has failed to file a disclaimer of interest with respect to the 2000 NOI, 2011 NOIs, or the claims of the State of Utah and Daggett County with respect to the roads over R.S. 2477 rights-of-way at issue herein.

105. Because the DOI has failed to respond to the claims asserted by the State of Utah and Daggett County, the ownership, existence, scope, and location of the roads over the R.S. 2477 rights-of-way claimed by the State of Utah and Daggett County remain in dispute.

C. **The Specific Case or Controversy Caused by The Department of Interior’s Actions Adverse to All of Plaintiffs’ Claimed Rights-of-Way in this Case**

106. In 1996, Southern Utah Wilderness Alliance (“SUWA”) commenced an action initially against BLM and San Juan County, a Utah county, to require BLM to take action against

San Juan County to prevent certain grading activities by the County. *See generally SUWA v. BLM*, 425 F.3d 735 (10th Cir. 2005).

107. Kane and Garfield Counties, also counties in the State of Utah, were ultimately added as defendants for grading activities undertaken in those counties.

108. BLM cross-claimed against San Juan, Garfield, and Kane counties for trespass in grading some of the county roads crossing public lands.

109. In doing so, BLM claimed that regardless of any vested R.S. 2477 right-of-way, the counties could not regulate or maintain their roads without prior authorization from the BLM.

110. The district court rejected this argument and held that the existence of an R.S. 2477 right-of-way was key to resolution of the trespass claims. *See id.* at 743.

111. In response, BLM prevailed upon the district court to allow BLM to determine whether, in the first instance, the Counties owned an R.S. 2477 right-of-way for any of the roads graded. *See id.*

112. In 2005, after nine years of litigation, BLM's preemptive claim to the right to determine the existence of the Counties' R.S. 2477 rights-of-way was wholly rejected, as were the legal standards BLM asked the district court to adopt. *See id.* at 757.

113. The Tenth Circuit confirmed that the "holder" of an R.S. 2477 right-of-way may conduct routine road maintenance without prior approval of the BLM. *See id.* at 745.

114. In light of *SUWA v. BLM*, the DOI concluded that the "interim departmental policy on R.S. 2477, issued in 1997, must be revised." March 22, 2006 Memorandum from Secretary of Interior, Departmental Implementation of *Southern Utah Wilderness Alliance v.*

*Bureau of Land Management*, 425 F.3d 735 (10th Cir. 2005); Revocation of January 22, 1997, Interim Policy; Revocation of December 7, 1988 Policy (2006 DOI Memo).

115. In the 2006 DOI Memo, the DOI acknowledged, that

Although R.S. 2477 was repealed nearly 30 years ago, controversies continue to arise about the existence and scope of the rights-of-way it granted. R.S. 2477 has been subject to inconsistent judicial and administrative interpretations through its history. Because R.S. 2477 did not require that the rights-of-way be recorded or otherwise documented, it is often difficult for Federal land managers, State, local and tribal governments and public land users to know which right-of-way claims are valid, where they are located and how they may be used.

*Id.* at 2.

116. The 2006 DOI Memo included an “Attachment- Guidelines for Implementation of *SUWA v. BLM* Principles” (DOI Guidelines).

117. The DOI Guidelines, issued pursuant to the authority of the Secretary of the DOI, direct as follows:

As the *SUWA v. BLM* court noted, ultimately deciding who holds legal title to an interest in real property, including an R.S. 2477 right-of-way, 'is a judicial, not an executive function.' 425 F.3d at 753. Thus if a claimant seeks a definitive, binding determination of its R.S. 2477 rights, it must file a claim under the Quiet Title Act, 28 U.S.C. § 2409a.

*Id.* at 6.

118. The DOI Guidelines further direct that the BLM should gather information and “decide ‘on a preponderance of the evidence standard’ if it supports the existence of a right-of-way under State law in effect prior to the repeal of R.S. 2477.” *Id.*

119. The DOI Guidelines specify that

The inclusion of a highway in a State, county or other local road system is strong evidence of acceptance of the federal grant of a right-of-way, as is the expenditure of money for construction or maintenance. In some States, official action may even be determinative. These facts may also be helpful in determining whether the claimed right-of-way was public in nature.

*Id.* at 9.

120. On March 22, 2006, in connection with the issuance of the 2006 DOI Memo, the DOI drafted and issued its own press release entitled “Interior Department Announces Guidelines to Implement Court Decision on R.S. 2477.” (“DOI Press Release”).

121. The DOI Press Release stated the following:

R.S. 2477 granted rights-of-way for public use across federal land prior to 1976, when Congress repealed the law. Congress specified that any valid R.S. 2477 rights-of-way existing at the time of the repeal would continue in effect. **This has resulted in considerable doubt as to whether counties or the federal government own certain roads on federal lands.**

*Id.* (emphasis added).

122. The DOI Press Release further acknowledged and recognized that, “[i]n *SUWA v. BLM*, the 10th Circuit clarified that only courts could finally determine the ownership issue, but that federal agencies are permitted to develop a process to analyze claims for administrative purposes.” *Id.*

123. The DOI Press Release further acknowledged and stated that “where a claimant seeks a binding determination of a claimed right-of-way, the claimant may file a quiet title action. A court would then make a determination.” *Id.*

124. The 2006 DOI Memo also terminated a Memorandum of Understanding dated April 9, 2003 between the Department of Interior and the State of Utah regarding an acknowledgement process for R.S. 2477 rights-of-way (the “MOU”).

125. According to a DOI Press Release dated April 9, 2003 and prepared by a spokesperson for the DOI, the MOU recognized “the uncertainty about existing rights-of-way claims on federal land ... and [was negotiated to establish] ... a process to resolve many of the long-standing disputes over Revised Statute 2477 (R.S. 2477) existing rights-of-way in Utah.”

126. The DOI April 9, 2003 Press Release quoted DOI Secretary, Gale Norton, who acknowledged that “[i]t's time to move forward and, by working collaboratively with the state of Utah, we are able to resolve a long-disputed issue that may otherwise have lead [sic] to costly and lengthy litigation.”

127. The MOU provided that DOI would implement a “State and County Road Acknowledgment Process” to “acknowledge the existence of certain R.S. 2477 rights-of-way on [BLM] land within the State of Utah,” and outlined the process DOI was to use to make such acknowledgments.

128. The MOU implicitly, and the DOI April 9, 2003 Press Release explicitly, recognized that there were continuing controversies regarding the ownership, existence, location, and scope of R.S. 2477 rights-of-way.

129. The MOU recitals included background of the R.S. 2477 disputes and highlighted—as the existence of the ongoing issues and disputes between the State of Utah and the federal government:

- a. In a Report to Congress prepared in June of 1993, the Department of the Interior explained that unresolved conflicts over the status of rights-of-way created

pursuant to Revised Statute 2477 were creating a continuing cloud on Federal agencies' ability to manage federal lands.

- b. On August 7, 2002, a bipartisan group of eight western governors wrote urging the Department of the Interior to “bring finality to R.S. 2477 disputes in a cooperative manner.”
- c. On July 16, 2002, the National Association of Counties adopted a resolution urging the Department of the Interior to adopt a policy approach to R.S. 2477 rights-of-way that would allow counties to maintain historical rights-of-way across federally managed lands.
- d. Disputes involving R.S. 2477 rights-of-way have generated numerous expensive and inconclusive federal court lawsuits that have left numerous questions concerning the ownership status of R.S. 2477 rights-of-way unresolved; and the high cost of this litigation has made it difficult for states and counties to assert their rights and for conservation groups to assert their interests.
- e. The Department of the Interior has traditionally approached R.S. 2477 issues by trying to define the precise legal limits of the original statutory grant.
- f. Most of the asserted R.S. 2477 rights-of-way that actually have been part of western states inventoried and maintained transportation infrastructure since before the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976 satisfy the statutory requirements of “construction” and “highway” under almost any interpretation of those statutory terms.
- g. The State of Utah has many R.S. 2477 claims, and on June 14, 2000, sent to the Secretary of the Interior a Notice of Intention to File Suit under 28 U.S.C. §2409a(m) to quiet the title to those claims.
- h. The roads in which the State of Utah and Utah counties assert claims include many roads of continuing importance to rural transportation.
- i. Rights-of-way granted under R.S. 2477 are vested property rights that cannot be eliminated or diminished without due process. However, the statutory grant of the rights-of-way did not require the issuance of an identifying record, such as a patent. The resulting uncertainty surrounding the identity and scope of R.S. 2477 rights-of-way has created unnecessary difficulties in federal, state and local transportation and land use planning decisions.
- j. The State of Utah and Utah counties have spent considerable time and substantial resources to gather information about road claims and are prepared, if necessary, to litigate those claims.

- k. Federal, state and local land managers and environmental advocacy organizations have all demonstrated a desire to put disputes surrounding R.S. 2477 to rest and move toward an approach to land management that emphasizes cooperation.

130. The termination of the MOU in 2006 once again made certain that R.S. 2477 rights-of-way in Utah would remain undetermined and in disputed status. That is, title would remain clouded.

131. With the termination of the MOU and in an attempt to resolve the ongoing dispute, beginning in 2006 and continuing through 2011, the State of Utah sent documentation of recordation to the BLM of each road that had been recorded in county recorder offices throughout Utah. These recorded roads were filed with the BLM on all Class B and D roads in Daggett County.

132. The BLM failed to evaluate the recordation documents and refused to recognize any road in Daggett County as a valid R.S. 2477 right-of-way. The BLM also failed to process any non-binding determinations.

133. On May 26, 2006, as directed by the 2006 DOI Memo, BLM issued IM No. 2006-161. *See Consultation on Proposed Improvements to R.S. 2477 Rights-of-way.*

134. IM No. 2006-161 described the process BLM was to follow when working on roads with “holders” of R.S. 2477 rights-of-way. BLM was to engage in

consultation with the holder of an R.S. 2477 right-of-way (ROW), when the holder proposes to undertake any construction or improvement (collectively improvement), beyond routine maintenance, on any portion of the ROW crossing lands administered by the BLM.

*Id.*

135. IM No. 2006-161 did not define a “holder” of an R.S. 2477 right-of-way.

136. IM No. 2006-161 “[e]xpire[d]: 09/30/2007.” *Id.*

137. On August 8, 2008, BLM issued IM No. 2008-175 which “clarifies and supplements the information set forth in IM No. 2006-161, and hereby replaces it.” *Id.*

138. IM No. 2008-175 defines “holder” as

(1) a state or political subdivision of a state that holds an R.S. 2477 ROW, as adjudicated by a Federal court, or (2) a state or political subdivision of a state claiming to have an R.S. 2477 ROW that has been recognized by the BLM in an administrative nonbinding determination (NBD).

*Id.*

139. IM No. 2008-175 states as follows:

**Policy/Action:** Before the consultation process described in this IM may occur, the validity of an asserted ROW established under R.S. 2477 must have been adjudicated by a Federal court or recognized by the BLM in an NBD. IM No. 2006-159 (dated May 26, 2006), describes the process for the BLM to follow if it chooses to process an NBD on an asserted R.S. 2477 ROW.

*Id.*

140. IM No. 2008-175 further states that

[i]f the validity of an asserted R.S. 2477 ROW has not been adjudicated as valid by a Federal court or recognized as valid by the BLM in an NBD, the entity asserting that it is the holder of the ROW may not undertake any improvement on the ROW. When an entity undertakes an improvement without such adjudication or NBD and, thus, has not been found to be a holder, the BLM may deem the action a trespass or take other appropriate action to protect the public lands and resources.

*Id.*

141. IM No. 2008-175 “[e]xpire[d]: 09/30/2009.” *Id.*

142. It is the custom and practice of BLM to continue to act in accordance with the directives of an IM, including IM No. 2008-175, after its stated expiration date until the issuance of a supplement or replacement IM.

143. The DOI continues to act in accordance with the directives states in IM No. 2008-175. On August 8, 2008, BLM also issued IM No. 2008-174 entitled “Road Maintenance Agreements, ” which provides that

. . . under the principles set forth in *SUWA v. BLM*, the holder of an R.S. 2477 that has been adjudicated in Federal Court or recognized by the BLM in an administrative nonbinding determination may undertake routine maintenance on the ROW without first consulting with the BLM regarding such activities.

*Id.*

144. IM No. 2008-174 “[e]xpire[d]: 9/30/2009.” *Id.*

145. The DOI continues to act in accordance with the directives stated in IM No. 2008-174.

146. A Federal Court has not adjudicated either the State of Utah or Daggett County to be a “holder” of any of the R.S. 2477 rights-of-way claimed by the Plaintiffs herein.

147. The R.S. 2477 rights-of-way claimed by Plaintiffs herein have not been recognized by the BLM in an administrative non-binding determination.

148. IM Nos. 2008-175 and 174 are regulations issued by the BLM and the DOI that prohibit routine maintenance on R.S. 2477 rights-of-way that have not been adjudicated or recognized by the BLM in a nonbinding determination.

149. Because there has been no adjudication or recognition of the R.S. 2477 rights-of-way at issue in this case, neither the State of Utah nor Daggett County are “holders” as defined

by the BLM and are, therefore, prohibited by the regulations of the BLM from performing routine maintenance on the R.S. 2477 rights-of-way at issue herein.

150. IM No. 2008-175 and 174 contradict the holding of *SUWA v. BLM* and violate the rights of the State of Utah and Daggett County specifically recognized therein.

151. IM No. 2008-175 also references the BLM “2800 series Manual/Handbook.” (The “BLM Manual”) which—in its glossary of terms—defines “holder” as “any entity to whom the BLM has issued a ROW grant.”

152. Because the State of Utah and Daggett County are not “holders” as defined by the BLM, they have only two options: (1) fail to maintain the roads over R.S. 2477 rights-of-way, thus creating dangerous driving conditions, or (2) perform routine maintenance at their own risk, subjecting themselves to possible trespass actions by BLM.

153. Additionally, without a determination of their ownership rights or status as “holders,” the State of Utah and Daggett County, are unable to make budgetary and economic determinations regarding those roads that can be routinely maintained.

154. Certain roads become impassable and dangerous without maintenance.

155. The BLM Manual also provides as follows:

As to grants issued on or before October 21, 1976, under then existing statutory authority, this manual/handbook/IM series applies to the extent that it does not diminish or reduce any rights conferred by the grant or the statute under which they were issued. Where there is a reduction, the grant or enabling statute will apply instead of the manual.

BLM Manual 2801.6.C.

156. The BLM Manual states the general policy of BLM:

G. Prior Authorizations/Existing Uses. Such uses should be serialized and noted to the public land records for informational purposes.

1. Pre-FLPMA. Recognize as an authorized use, any ROW facility constructed on public land on or before October 21, 1976, under the authority of any act repealed as to future authorization by FLPMA. No further authorization is required by the holder for the following:

a. \*\*\*

b. A ROW for a public highway constructed on public land under R.S. 2477 (43 U.S.C. 932, repealed 1976).

BLM Manual 2801.8.G.1.b.

157. The BLM Manual further states:

A. Types. The pre-FLPMA ROW laws consist of two types:

1. Discretionary. Those where the Secretary decided whether to issue a ROW, and

2. Ministerial. Those that were granted by the Congressional Act and the Secretary had no more than a ministerial duty. It is this type of pre-FLPMA ROW with which we are most concerned.

B. Regulations. Prior and current regulations shall be utilized to the extent they do not impair the rights of the holder. Regulations involving procedures such as abandonment and termination activities or methods of review of proposed major maintenance or reconstruction generally do not impair rights so long as the BLM acts promptly.

BLM Manual 2809.20, Special Considerations.

158. The BLM Manual further states:

.21 R.S. 2477, Highway ROW. This is an 1866 Act (14 Stat. 253) granting the ROW for the construction of highways over public land not reserved for a public use. No action by the Secretary was involved in the grant, although there have been occasions where the Secretary had opened otherwise unavailable land to the operation of R.S. 2477.

\*\*\*

6. Reasonable Regulations [governing ROWs] are those which do not:

- a. Impair rights the holder had under the pre-FLPMA law and regulations in effect at the time of the ROW grant, or
- b. Increase the holder's liability for past conduct, or
- c. Impose new duties to transactions already completed.

BLM Manual 2809.21.A.6, Special Considerations.

159. The BLM Manual further states:

1. FLPMA ROW. Because the legally binding determination of whether a R.S.2477 ROW exists is a judicial one, the BLM should encourage and assist claimants to obtain a ROW pursuant to FLPMA or similar authority

BLM Manual 2809.21.B.1, Special Considerations.

160. The actions of BLM and DOI as alleged herein violate the stated policy of the BLM as set forth in the BLM Manual.

161. On February 20, 2009, DOI Acting Director Ron Wenker issued a Memorandum (“Wenker Memo”) to all BLM State Directors stating that, “[p]ending further review and direction from the Secretary, the Bureau of Land Management has been directed not to process or review any claims under R.S. 2477, including the use of the disclaimer rule.”

162. No notice, explanation, publication, fact finding or opportunity for comment or hearing was given with regard to the policy announced by the Wenker Memo.

163. The Wenker Memo stated that the “interim step” outlined therein was “designed to preserve the status quo and is not a final policy decision on R.S. 2477 Claims.” However,

since the issuance of the Wenker Memo in February of 2009, the policy stated therein has been followed by the BLM.

164. In accordance with the Wenker Memo, with the exception of a legal action being commenced by the State of Utah or a County of the State of Utah, the federal government has not reviewed or processed any claims under R.S. 2477 since February 2009.

165. DOI's actions also have recently sparked numerous public highway lawsuits across the western states. DOI solicitors and BLM managers have decided that Plaintiffs have no rights, title, or interest in these public highways crossing federal land unless and until Plaintiffs' rights-of-way are adjudicated in court.

166. Daggett County is the local highway regulatory authority and has the right to manage and regulate its roads, including the right to adopt ordinances regulating all forms of public motor vehicle travel on its roads. *See UTAH CODE ANN. § 17-50-309 (2009).*

167. Daggett County is the highway authority with jurisdiction of county roads and is statutorily authorized to place numbering signs, markers, and traffic control signs along its roads. *See UTAH CODE ANN. §§ 41-6a-208(1) and -102(63) (2010).* “[I]nstalling, maintaining, repairing and replacing road signs” is statutorily defined “maintenance” within the County’s lawful governmental authority. *See UTAH CODE ANN. § 72-5-301(5)(p) & (s) (2004).*

168. DOI officials have admitted that the DOI is regulating the roads at issue in this lawsuit as DOI roads, and that DOI is responsible for the roads until Plaintiffs’ title is confirmed.

169. Despite the DOI’s claims, it refuses to pay to maintain the roads or clear snow from them.

170. The BLM, in particular, has refused to use its own funds to repair and maintain the roads and has ignored the widespread public safety hazards directly caused by its recent claim to own the rights-of-way over the roads.

171. Plaintiffs are informed and believe that BLM has significantly reduced the number of instances it grades roads each year in the State of Utah and Daggett County.

172. Plaintiffs are further informed and believe that BLM has significantly reduced the number of road miles graded and maintained by the BLM in the State of Utah and every year since the passage of FLPMA.

173. Since 2005, the DOI has denied that Plaintiffs have any rights, title, or interest to any road crossing federal land unless and until Plaintiffs have first proven their ownership in court, including the roads in this case.

174. Plaintiffs must confirm their title to the roads in this case so that the County can safely maintain these roads as part of its public highway transportation system and regulate and maintain them as county roads.

175. Certain roads have fallen into disrepair without Daggett County's maintenance; and both the public and BLM employees have complained of safety hazards, precipitous headcutting, washboards, and entire washouts on many of the roads in this case.

176. Upon confirmation of Plaintiffs' title, the County will immediately resume routine maintenance, repair, and management of any relevant roads.

177. After taking the adverse actions complained of herein, the DOI has stated that the door is wide open for Plaintiffs to come to court to prove their claims and establish their rights.

178. In fact, the BLM's State Director recently testified that it is time to have Plaintiffs' rights-of-way decided.

179. In November of 2005, Kane County filed suit against the DOI (and BLM) under the Administrative Procedures Act, 5 U.S.C. § 551 et seq., and challenged the transportation provisions of the Monument Plan as being arbitrary and capricious. *See Kane County v. Kempthorne*, 495 F. Supp. 1143 (D. Utah 2007), *aff'd* 562 F.3d 1077 (10th Cir. 2009) ("Monument lawsuit").

180. Kane County claimed that the DOI could not restrict, manage, or close Kane County's public highways until after DOI first determined that its actions would not impair Kane County's valid existing rights in its R.S. 2477 public highway rights-of-way. *See Id.*

181. In response, the DOI argued that Kane County lacked standing and could not claim any injury in fact relating to any R.S. 2477 right-of-way until after it had first quieted title to each right-of-way.

182. As expressly stated by the DOI, Kane County had nothing more than "unproven" assertions, not vested R.S. 2477 rights-of-way within the Monument. *See id.*

183. The Court agreed and held that as a matter of sequence, Kane County must quiet title to its rights-of-way before it could challenge DOI's road management actions. *See id.*

184. Although the Tenth Circuit vacated the ruling on the ground that plaintiffs lacked standing, the underlying analysis went unaddressed.

185. The ongoing controversy caused by the DOI will be resolved by this Court's order quieting title to the rights-of-way for the roads claimed herein.

186. On or about February 17, 2012, as a result of the above concerns, the State of Utah, through the Public Lands Policy Coordinator, Kathleen Clarke, sent a letter to Juan Palma, the Utah State Director of the BLM.

187. This letter notified the BLM that the State and Counties would begin maintenance and repair on Class B and D roads statewide and that this maintenance would include, as needed, going outside the disturbed width of roads, but within the statutory right-of-way under Utah law of 66 feet for class D roads and 100 feet for class B roads.

188. On March 1, 2012, Larry Jensen, Department of Interior Regional Solicitor, wrote a letter seeking clarification of the State and Counties position on certain aspects of the letter and stating that

some activities described in the letter— i.e., “widening and straightening of various road segments” and the collection of fill material from outside the disturbed area **but within the right-of-way**—fall, in my opinion, squarely within the 10th Circuit’s definition of “improvement” or “construction,” and are the types of activities on which consultation is required before the State and the Counties can proceed. (Emphasis added).

189. In April 2012, Utah State BLM Director Juan Palma delivered a draft of a letter to Utah Public Lands Policy Coordinator Kathleen Clarke in which he stated that the BLM did not concede that Utah could undertake the actions detailed in its letter without prior consultation with the BLM.

190. The DOI’s actions have clouded Plaintiffs’ title to their R.S. 2477 rights-of-way for the roads claimed herein and constitute claims adverse to Plaintiffs' interests.

191. The DOI's deliberate actions have created legal liability for Daggett County, clouded Plaintiffs' title to these rights-of-way, impaired Daggett County's regulatory authority, and placed the traveling public at risk.

192. During the last twelve years, the actions of the United States and its agencies have clouded Plaintiffs' title and created a case or controversy regarding Plaintiffs' rights of ownership, maintenance, and regulation of the public highway rights-of-way claimed herein.

193. The BLM refused to acknowledge Plaintiffs' right, title, and interest in these R.S. 2477 rights-of-way in the Vernal RMP, and the BLM directed the State and County to first prove their title in Court before the BLM would reevaluate its travel plan.

194. In response to Daggett County's claims of ownership of these rights-of-way, the RMP finalized by the BLM covering Daggett County provides that the RMP does not alter or extinguish any valid R.S. 2477 rights that the County or individuals may have, or their right to assert and protect R.S. 2477 rights, and to challenge in Federal court or other appropriate venue any restrictions that they believe are inconsistent with their rights. *Id.*

195. The BLM has refused to acknowledge any right, title or interest of Daggett County in the rights-of-way for these roads until this Court quiets title to the rights-of-way.

196. The BLM's actions in implementing and enforcing the Vernal RMP's transportation decisions and the subsequent road closures have excluded Daggett County from the peaceful enjoyment and regulatory authority of each of the roads pleaded herein and clouded title to all roads in the area subject to the Travel Management Plan.

197. Despite the State of Utah and Daggett County's diligent efforts to work with the BLM to resolve numerous road management needs, the BLM wholly refuses to acknowledge the State and County's right, title, and interest in each of the roads until confirmed by this Court.

198. Furthermore the United States and its agencies' actions have impeded Daggett County's ability to undertake construction and maintenance on the roads that exist over the rights-of-way claimed herein.

199. Pursuant to the Quiet Title Act, Plaintiffs are entitled to confirm their ownership of the rights-of-way claimed herein to ensure that State and County funds are spent to regulate and maintain Plaintiffs' public highways and to define the relative parties' rights, title, and interest to avoid future trespass actions.

200. Plaintiffs are further entitled to confirm their ownership of the rights-of-way claimed herein to ensure that the United States and its agencies will change their current practices and comply with their statutory obligation to administer federal lands subject to Plaintiffs' valid existing rights.

**FIRST CAUSE OF ACTION – QUIET TITLE**  
**FORD ROAD AREA**  
**(State of Utah, Daggett County)**

201. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

202. The Ford Road Area is located in north central Daggett County.

203. The Ford Road Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Ford Road, B21; (2) Spring Creek Road, B23; (3) Goslin Mountain Road, D18; (4) D19 Road, D19; (5) D20 Road, D20; (6) D20A Road, D20A; (7) D22

Road, D22; (8) D23 Road, D23; (9) Pipeline Road North, D25; (10) D42 Road, D42; (11) D43 Road, D43; and (12) D101 Road, D101.

204. Each right-of-way claimed in the Ford Road Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

205. All rights-of-way claimed in the Ford Road Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

206. All rights-of-way claimed in the Ford Road Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.,* UTAH CODE ANN. § 72-5-302(4)(b) (2003).

207. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

**Ford Road, B21**

208. The Ford Road is designated as county road number B21 and State Geographic

Information Database (“SGID”) road identification number RD050007 and is more or less 7.48 miles long.

209. The centerline course of the Ford Road is depicted on the map included in Exhibit 11, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land, SITLA land, and public land administered by the BLM.

210. The west end of the Ford Road commences in the southeast quarter of section 16, Township 3 North, Range 22 East, S.L.B.M. and then proceeds generally east then north until it ends in the southwest quarter of section 16, Township 3 North, Range 23 East, S.L.B.M.

211. The specific right-of-way for the Ford Road claimed herein crosses 5.95 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 11.

212. In this action, the State and County seek to quiet title to the public highway right-of-way for the Ford Road solely as it crosses United States public land as included and specifically described in Exhibit 11. The Ford Road includes the segments of road specifically set forth in Exhibit 11 and as exists on the ground.

**Acceptance of the Ford Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

213. The Ford Road has long served as a public highway providing access to private land and public land. This road serves the public’s transportation needs.

214. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Ford Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

215. The Ford Road appears on the Dutch John (1966) and Goslin Mountain (1952) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

216. The County confirmed its acceptance of the Ford Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Ford Road using public funds pursuant to the County's governmental right and authority.

217. Witnesses with personal knowledge of the history of the Ford Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

218. Currently known reputation in the community is that the Ford Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

219. Public motor vehicle use of the Ford Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

220. The Ford Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

221. The United States has never confirmed Plaintiffs' title to the Ford Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-

of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Ford Road.

222. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Ford Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Spring Creek Road, B23**

223. The Spring Creek Road is designated as county road number B23 and SGID road identification number RD050009 and is more or less 4.35 miles long.

224. The centerline course of the Spring Creek Road is depicted on the map included in Exhibit 12, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM and United States Forest Service.

225. The east end of the Spring Creek Road commences in the southeast quarter of section 16, Township 3 North, Range 22 East, S.L.B.M. and then proceeds generally west to the northeast quarter of section 23, Township 3 North, Range 21 East, S.L.B.M.

226. The specific right-of-way for the Spring Creek Road claimed herein crosses 1.04 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 12.

227. In this action, the State and County seek to quiet title to the public highway right-of-way for the Spring Creek Road solely as it crosses United States public land administered by the BLM as included and specifically described in Exhibit 12. The Spring Creek Road includes the segment of road specifically set forth in Exhibit 12 and as exists on the ground.

**Acceptance of the Spring Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

228. The Spring Creek Road has long served as a public highway providing access to SITLA land and public land. This road serves the public's transportation needs.

229. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Spring Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

230. The Spring Creek Road appears on the Dutch John (1966) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

231. The County confirmed its acceptance of the Spring Creek Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Spring Creek Road using public funds pursuant to the County's governmental right and authority.

232. Witnesses with personal knowledge of the history of the Spring Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

233. Currently known reputation in the community is that the Spring Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

234. Public motor vehicle use of the Spring Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

235. The Spring Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

236. The United States has never confirmed Plaintiffs' title to the Spring Creek Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Spring Creek Road.

237. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Spring Creek Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

### **Goslin Mountain Road, D18**

238. The Goslin Mountain Road is designated as county road number D18 and SGID road identification number RD050044 and is more or less 6.47 miles long.

239. The centerline course of the Goslin Mountain Road is depicted on the map included in Exhibit 13, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

240. The west end of the Goslin Mountain Road commences in the southeast quarter of section 24, Township 3 North, Range 22 East, S.L.B.M. and proceeds generally east then west

to the southwest quarter of section 21, Township 3 North, Range 23 East, S.L.B.M.

241. The specific right-of-way for the Goslin Mountain Road claimed herein crosses 5.2 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 13.

242. In this action, the State and County seek to quiet title to the public highway right-of-way for the Goslin Mountain Road solely as it crosses United States public land as included and specifically described in Exhibit 13. The Goslin Mountain Road includes the segments of road specifically set forth in Exhibit 13 and as exists on the ground.

**Acceptance of the Goslin Mountain Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

243. The Goslin Mountain Road has long served as a public highway providing access to and across state land, SITLA land, public land and other public roads. This road serves the public's transportation needs.

244. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Goslin Mountain Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

245. The Goslin Mountain Road appears on the Dutch John (1976) and Goslin Mountain (1976) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

246. The County confirmed its acceptance of the Goslin Mountain Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing,

maintaining, or improving the Goslin Mountain Road pursuant to the County's governmental right and authority.

247. Witnesses with personal knowledge of the history of the Goslin Mountain Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

248. Currently known reputation in the community is that the Goslin Mountain Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

249. Public motor vehicle use of the Goslin Mountain Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

250. The Goslin Mountain Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

251. The United States has never confirmed Plaintiffs' title to the Goslin Mountain Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Goslin Mountain Road.

252. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Goslin Mountain Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment

of this road.

**D19 Road, D19**

253. The D19 Road is designated as county road number D19 and SGID road identification number RD050045 and is more or less 1.84 miles long.

254. The centerline course of the D19 Road is depicted on the map included in Exhibit 14, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

255. The west end of the D19 Road commences in the southeast quarter of section 28, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally southeast to the northwest quarter of section 35, Township 3 North, Range 23 East, S.L.B.M.

256. The specific right-of-way for the D19 Road claimed herein crosses 0.49 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 14.

257. In this action, the State and County seek to quiet title to the public highway right-of-way for the D19 Road solely as it crosses United States public land as included and specifically described in Exhibit 14. The D19 Road includes the segments of road specifically set forth in Exhibit 14 and as exists on the ground.

**Acceptance of the D19 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

258. The D19 Road has long served as a public highway providing access to and across state land, public land, and other public roads. This road serves the public's transportation needs.

259. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D19 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

260. The County confirmed its acceptance of the D19 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D19 Road pursuant to the County's governmental right and authority.

261. Witnesses with personal knowledge of the history of the D19 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

262. Currently known reputation in the community is that the D19 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

263. Public motor vehicle use of the D19 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

264. The D19 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

265. The United States has never confirmed Plaintiffs' title to the D19 Road. Without

confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D19 Road.

266. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D19 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D20 Road, D20**

267. The D20 Road is designated as county road number D20 and SGID road identification number RD050048 and is more or less 7.41 miles long.

268. The centerline course of the D20 Road is depicted on the map included in Exhibit 15, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land, SITLA land, and public land administered by the BLM and Forest Service.

269. The west end of the D20 Road commences in the southwest quarter of section 22, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally southeast and then loops to form a large semi-circle. The D20 road ends southeast quarter of section 25, Township 3 North, Range 23 East, S.L.B.M.

270. The specific right-of-way for the D20 Road claimed herein crosses 4.40 miles of BLM land in 7 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 15.

271. In this action, the State and County seek to quiet title to the public highway right-of-way for the D20 Road solely as it crosses United States public land administered by the BLM

as included and specifically described in Exhibit 15. The D20 Road includes the segments of road specifically set forth in Exhibit 15 and as exists on the ground.

**Acceptance of the D20 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

272. The D20 Road has long served as a public highway providing access to and across state land, public land, and other public roads. This road serves the public's transportation needs.

273. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D20 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

274. The D20 Road appears on the Goslin Mountain (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

275. The County confirmed its acceptance of the D20 Road by 1975, when it designated and accepted the road as a County highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D20 Road pursuant to the County's governmental right and authority.

276. Witnesses with personal knowledge of the history of the D20 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

277. Currently known reputation in the community is that the D20 Road has been open

for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

278. Public motor vehicle use of the D20 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

279. The D20 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

280. The United States has never confirmed Plaintiffs' title to the D20 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D20 Road.

281. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D20 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D20A Road, D20A**

282. The D20A Road is designated as county road number D20A and SGID road identification number RD050049 and is more or less 1.66 miles long.

283. The centerline course of the D20A Road is depicted on the map included in Exhibit 16, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

284. The north end of the D20A Road commences in the northeast quarter of section

27, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally south to the southeast quarter of section 34, Township 3 North, Range 23 East, S.L.B.M.

285. The specific right-of-way for the D20A Road claimed herein crosses 0.97 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 16.

286. In this action, the State and County seek to quiet title to the public highway right-of-way for the D20A Road solely as it crosses United States public land as included and specifically described in Exhibit 16. The D20A Road includes the segment of road specifically set forth in Exhibit 16 and as exists on the ground.

**Acceptance of the D20A Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

287. The D20A Road has long served as a public highway providing access to and across state land, public land, and other public roads. This road serves the public's transportation needs.

288. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D20A Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

289. The D20A Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D20A Road pursuant to the County's governmental right and authority.

290. Witnesses with personal knowledge of the history of the D20A Road confirm

public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

291. Currently known reputation in the community is that the D20A Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

292. Public motor vehicle use of the D20A Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

293. The D20A Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

294. The United States has never confirmed Plaintiffs' title to the D20A Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D20A Road.

295. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D20A Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D22 Road, D22**

296. The D22 Road is designated as county road number D22 and SGID road identification number RD050051 and is more or less 3.63 miles long.

297. The centerline course of the D22 Road is depicted on the map included in Exhibit

17, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land, SITLA land and public land administered by the BLM and Forest Service.

298. The west end of the D22 Road commences in the northwest quarter of section 32, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally east to the northwest quarter of section 35, Township 3 North, Range 23 East, S.L.B.M.

299. The specific right-of-way for the D22 Road claimed herein crosses 0.83 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 17.

300. In this action, the State and County seek to quiet title to the public highway right-of-way for the D22 Road solely as it crosses United States public land administered by the BLM as included and specifically described in Exhibit 17. The D22 Road includes the segments of road specifically set forth in Exhibit 17 and as exists on the ground.

**Acceptance of the D22 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

301. The D22 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

302. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D22 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

303. The County confirmed its acceptance of the D22 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map.

The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D22 Road pursuant to the County's governmental right and authority.

304. Witnesses with personal knowledge of the history of the D22 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

305. Currently known reputation in the community is that the D22 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

306. Public motor vehicle use of the D22 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

307. The D22 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

308. The United States has never confirmed Plaintiffs' title to the D22 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D22 Road.

309. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D22 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D23 Road, D23**

310. The D23 Road is designated as county road number D23 and SGID road identification number RD050055 and is more or less 2.56 miles long.

311. The centerline course of the D23 Road is depicted on the map included in Exhibit 18, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM and Forest Service.

312. The west end of the D23 Road commences in the northwest quarter of section 32, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally northeast to the southwest quarter of section 28, Township 3 North, Range 23 East, S.L.B.M.

313. The specific right-of-way for the D23 Road claimed herein crosses 1.89 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 18.

314. In this action, the State and County seek to quiet title to the public highway right-of-way for the D23 Road solely as it crosses United States public land as included and specifically described in Exhibit 18. The D23 Road includes the segment of road specifically set forth in Exhibit 18 and as exists on the ground.

**Acceptance of the D23 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

315. The D23 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

316. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D23 Road as a public highway located on the land at issue

in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

317. The County confirmed its acceptance of the D23 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D23 Road pursuant to the County's governmental right and authority.

318. Witnesses with personal knowledge of the history of the D23 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

319. Currently known reputation in the community is that the D23 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

320. Public motor vehicle use of the D23 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

321. The D23 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

322. The United States has never confirmed Plaintiffs' title to the D23 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear

title to the right-of-way underlying the D23 Road.

323. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D23 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pipeline Road North, D25**

324. The Pipeline Road North is designated as county road number D25 and SGID road identification number RD050058 and is more or less 1.44 miles long.

325. The centerline course of the Pipeline Road North is depicted on the map included in Exhibit 19, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

326. The west end of the Pipeline Road North commences in the southwest quarter of section 21, Township 3 North, Range 23 East, S.L.B.M. and proceeds generally northeast to the northeast quarter of section 22, Township 3 North, Range 23 East, S.L.B.M.

327. The specific right-of-way for the Pipeline Road North claimed herein crosses 1.42 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 19.

328. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road North solely as it crosses United States public land as included and specifically described in Exhibit 19. The Pipeline Road North includes the segment of road specifically set forth in Exhibit 19 and as exists on the ground.

**Acceptance of the Pipeline Road North R.S. 2477 Right-of-way Prior to October 21, 1976.**

329. The Pipeline Road North has long served as a public highway providing access to

and across state land, public land, and other public roads. This road serves the public's transportation needs.

330. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Pipeline Road North as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

331. The Pipeline Road North appears on the Goslin Mountain (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

332. The County confirmed its acceptance of the Pipeline Road North by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road North pursuant to the County's governmental right and authority.

333. Witnesses with personal knowledge of the history of the Pipeline Road North confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

334. Currently known reputation in the community is that the Pipeline Road North has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

335. Public motor vehicle use of the Pipeline Road North as a public thoroughfare

traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

336. The Pipeline Road North traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

337. The United States has never confirmed Plaintiffs' title to the Pipeline Road North. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road North.

338. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road North on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D42 Road, D42**

339. The D42 Road is designated as county road number D42 and SGID road identification number RD050086 and is more or less 7.03 miles long.

340. The centerline course of the D42 Road is depicted on the map included in Exhibit 20, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM and Forest Service.

341. The east end of the D42 Road commences in the southeast quarter of section 24, Township 3 North, Range 22 East, S.L.B.M. at an intersection with Ford Road and proceeds generally southwest to the northwest quarter of section 32, Township 3 North, Range 22 East,

S.L.B.M.

342. The specific right-of-way for the D42 Road claimed herein crosses 4.9 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 20.

343. In this action, the State and County seek to quiet title to the public highway right-of-way for the D42 Road solely as it crosses United States public land administered by the BLM as included and specifically described in Exhibit 20. The D42 Road includes the segment of road specifically set forth in Exhibit 20 and as exists on the ground.

**Acceptance of the D42 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

344. The D42 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

345. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D42 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

346. The D42 Road appears on the Dutch John (1966) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

347. The County confirmed its acceptance of the D42 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D42 Road pursuant to the County's governmental right and

authority.

348. Witnesses with personal knowledge of the history of the D42 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

349. Currently known reputation in the community is that the D42 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

350. Public motor vehicle use of the D42 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

351. The D42 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

352. The United States has never confirmed Plaintiffs' title to the D42 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D42 Road.

353. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D42 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D43 Road, D43**

354. The D43 Road is designated as county road number D43 and SGID road

identification number RD050088 and is more or less 2.91 miles long.

355. The centerline course of the D43 Road is depicted on the map included in Exhibit 21, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM and the Forest Service.

356. The west end of the D43 Road commences in the southwest quarter of section 29, Township 3 North, Range 22 East, S.L.B.M. and proceeds generally east to the northeast quarter of section 34, Township 3 North, Range 22 East, S.L.B.M.

357. The specific right-of-way for the D43 Road claimed herein crosses 1.6 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 21.

358. In this action, the State and County seek to quiet title to the public highway right-of-way for the D43 Road solely as it crosses United States public land administered by the BLM as included and specifically described in Exhibit 21. The D43 Road includes the segment of road specifically set forth in Exhibit 21 and as exists on the ground.

**Acceptance of the D43 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

359. The D43 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

360. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D43 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

361. The D43 Road appears on the Dutch John (1966) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

362. The County confirmed its acceptance of the D43 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D43 Road pursuant to the County's governmental right and authority.

363. Witnesses with personal knowledge of the history of the D43 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

364. Currently known reputation in the community is that the D43 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

365. Public motor vehicle use of the D43 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

366. The D43 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

367. The United States has never confirmed Plaintiffs' title to the D43 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-

of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D43 Road.

368. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D43 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D101 Road, D101**

369. The D101 Road is designated as county road number D101 and SGID road identification number RD050153 and is more or less 2.26 miles long.

370. The centerline course of the D101 Road is depicted on the map included in Exhibit 22, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, Utah state land, SITLA land, and public lands administered by the BLM and Forest Service.

371. The west end of the D101 Road commences in the northeast quarter of section 28, Township 3 North, Range 20 East, S.L.B.M. and then proceeds generally east until it ends in the southeast quarter of section 23, Township 3 North, Range 20 East, S.L.B.M.

372. The specific right-of-way for the D101 Road claimed herein crosses 0.51 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 22.

373. In this action, the State and County seek to quiet title to the public highway right-of-way for the D101 Road solely as it crosses United States public land administered by the BLM as included and specifically described in Exhibit 22. The D101 Road includes the segments of road specifically set forth in Exhibit 22 and as exists on the ground.

**Acceptance of the D101 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

374. The D101 Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

375. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D101 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

376. The County confirmed its acceptance of the D101 Road by 1975, when it designated and accepted the road as a County highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D101 Road pursuant to the County's governmental right and authority.

377. Witnesses with personal knowledge of the history of the D101 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

378. Currently known reputation in the community is that the D101 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

379. Public motor vehicle use of the D101 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

380. The D101 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

381. The United States has never confirmed Plaintiffs' title to the D101 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D101 Road.

382. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D101 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**SECOND CAUSE OF ACTION – QUIET TITLE**  
**BROWNS PARK/CLAY BASIN AREA**  
**(State of Utah, Daggett County)**

383. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

384. The Browns Park/Clay Basin Area is located in north-central Daggett County.

385. The Browns Park/Clay Basin Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Browns Park Road, B22; (2) Clay Basin Road, B34; (3) B35 Road, B35; (4) B36 Road, B36; (5) B37 Road, B37; (6) Pigeon Canyon Road, D21; (7) D27 Road, D27; (8) D34 Road, D34; and (9) D99 Road, D99.

386. Each right-of-way claimed in the Browns Park/Clay Basin Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping,

government access, traveling in and through the area, or any other legitimate purpose.

387. All rights-of-way claimed in the Browns Park/Clay Basin Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

388. All rights-of-way claimed in the Browns Park/Clay Basin Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.,* UTAH CODE ANN. § 72-5-302(4)(b) (2003).

389. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

**Browns Park Road, B22**

390. The Browns Park Road is designated as county road number B22 and SGID road identification number RD050008 and is more or less 24.19 miles long.

391. The centerline course of the Browns Park Road is depicted on the map included in Exhibit 23, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, Utah state land, and public land administered by the BLM.

392. The west end of the Browns Park Road commences near the Utah/Wyoming border in the northwest quarter of section 18, Township 3 North, Range 23 East, S.L.B.M. and then proceeds generally east and south until it ends in the southeast quarter of section 35, Township 2 North, Range 25 East, S.L.B.M. at the Utah/Colorado border.

393. The specific right-of-way for the Browns Park Road claimed herein crosses 19.5 miles of BLM land in 7 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 23.

394. In this action, the State and County seek to quiet title to the public highway right-of-way for the Browns Park Road solely as it crosses United States public land as included and specifically described in Exhibit 23. The Browns Park Road includes the segments of road specifically set forth in Exhibit 23 and as exists on the ground.

**Acceptance of the Browns Park Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

395. The Browns Park Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

396. Aerial photography from 1976 and 1977 confirms the historical use, existence, and acceptance of the right-of-way for the Browns Park Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

397. The Browns Park Road appears on the Goslin Mountain (1952), Clay Basin (1952), Willow Butte Creek (1974) and Swallow Canyon (1972) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

398. The County confirmed its acceptance of the Browns Park Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Browns Park Road using public funds pursuant to the County's governmental right and authority.

399. Witnesses with personal knowledge of the history of the Browns Park Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

400. Currently known reputation in the community is that the Browns Park Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

401. Public motor vehicle use of the Browns Park Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

402. The Browns Park Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

403. The United States has never confirmed Plaintiffs' title to the Browns Park Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Browns Park Road.

404. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Browns Park Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Clay Basin Road, B34**

405. The Clay Basin Road is designated as county road number B34 and SGID road identification number RD050023 and is more or less 1.40 miles long.

406. The centerline course of the Clay Basin Road is depicted on the map included in Exhibit 24, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

407. The west end of the Clay Basin Road commences in the southeast quarter of section 20, Township 3 North, Range 24 East, S.L.B.M., at an intersection with Browns Park Road. It then proceeds generally east until it ends in the northeast quarter of section 21, Township 3 North, Range 24 East, S.L.B.M.

408. The specific right-of-way for the Clay Basin Road claimed herein crosses 1.28 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 24.

409. In this action, the State and County seek to quiet title to the public highway right-of-way for the Clay Basin Road solely as it crosses United States public land as included and specifically described in Exhibit 24. The Clay Basin Road includes the segment of road specifically set forth in Exhibit 24 and as exists on the ground.

**Acceptance of the Clay Basin Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

410. The Clay Basin Road has long served as a public highway providing access to public land. This road serves the public's transportation needs.

411. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Clay Basin Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

412. The Clay Basin Road appears on the Clay Basin (1952), USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

413. The County confirmed its acceptance of the Clay Basin Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Clay Basin Road using public funds pursuant to the County's governmental right and authority.

414. Witnesses with personal knowledge of the history of the Clay Basin Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

415. Currently known reputation in the community is that the Clay Basin Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

416. Public motor vehicle use of the Clay Basin Road as a public thoroughfare

traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

417. The Clay Basin Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

418. The United States has never confirmed Plaintiffs' title to the Clay Basin Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Clay Basin Road.

419. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Clay Basin Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**B35 Road, B35**

420. The B35 Road is designated as county road number B35 and SGID road identification number RD050024 and is more or less 1.59 miles long.

421. The centerline course of the B35 Road is depicted on the map included in Exhibit 25, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

422. The south end of the B35 Road commences in the northeast quarter of section 20, Township 3 North, Range 24 East, S.L.B.M. at an intersection with Clay Basin Road, and then

proceeds generally north until it ends in the northeast quarter of section 17, Township 3 North, Range 24 East, S.L.B.M.

423. The specific right-of-way for the B35 Road claimed herein crosses .58 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 25.

424. In this action, the State and County seek to quiet title to the public highway right-of-way for the B35 Road solely as it crosses United States public land as included and specifically described in Exhibit 25. The B35 Road includes the segments of road specifically set forth in Exhibit 25 and as exists on the ground.

**Acceptance of the B35 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

425. The B35 Road has long served as a public highway providing access to state and federal public land. This road serves the public's transportation needs.

426. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the B35 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

427. The B35 Road appears on the Clay Basin (1952), USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

428. The County confirmed its acceptance of the B35 Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing,

maintaining, or improving the B35 Road using public funds pursuant to the County's governmental right and authority.

429. Witnesses with personal knowledge of the history of the B35 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

430. Currently known reputation in the community is that the B35 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

431. Public motor vehicle use of the B35 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

432. The B35 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

433. The United States has never confirmed Plaintiffs' title to the B35 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the B35 Road.

434. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the B35 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**B36 Road, B36**

435. The B36 Road is designated as county road number B36 and SGID road identification number RD050025 and is more or less 2.01 miles long.

436. The centerline course of the B36 Road is depicted on the map included in Exhibit 26, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

437. The north end of the B36 Road commences in the southwest quarter of section 16, Township 3 North, Range 24 East, S.L.B.M. and then proceeds generally south until it ends in the southwest quarter of section 21, Township 3 North, Range 24 East, S.L.B.M., at an intersection with the Browns Park Road.

438. The specific right-of-way for the B36 Road claimed herein crosses 1.29 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 26.

439. In this action, the State and County seek to quiet title to the public highway right-of-way for the B36 Road solely as it crosses United States public land as included and specifically described in Exhibit 26. The B36 Road includes the segment of road specifically set forth in Exhibit 26 and as exists on the ground.

**Acceptance of the B36 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

440. The B36 Road has long served as a public highway providing access to state and federal public land. This road serves the public's transportation needs.

441. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the B35 Road as a public highway located on the land at issue

in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

442. The B36 Road appears on the Clay Basin (1952), USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

443. The County confirmed its acceptance of the B36 Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the B36 Road using public funds pursuant to the County's governmental right and authority.

444. Witnesses with personal knowledge of the history of the B36 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

445. Currently known reputation in the community is that the B36 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

446. Public motor vehicle use of the B36 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

447. The B36 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

448. The United States has never confirmed Plaintiffs' title to the B36 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the B36 Road.

449. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the B36 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**B37 Road, B37**

450. The B37 Road is designated as county road number B37 and SGID road identification number RD050026 and is more or less 2.00 miles long.

451. The centerline course of the B37 Road is depicted on the map included in Exhibit 27, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

452. The west end of the B37 Road commences in the northeast quarter of section 21, Township 3 North, Range 24 East, S.L.B.M. and then proceeds generally west then south until it ends in the northeast quarter of section 27, Township 3 North, Range 24 East, S.L.B.M. at an intersection with Browns Park Road.

453. The specific right-of-way for the B37 Road claimed herein crosses 2.0 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 27.

454. In this action, the State and County seek to quiet title to the public highway right-of-way for the B37 Road solely as it crosses United States public land as included and

specifically described in Exhibit 27. The B37 Road includes the segment of road specifically set forth in Exhibit 27 and as exists on the ground.

**Acceptance of the B37 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

455. The B37 Road has long served as a public highway providing access to public land. This road serves the public's transportation needs.

456. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the B37 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

457. The B37 Road appears on the Clay Basin (1952), USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

458. The County confirmed its acceptance of the B37 Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the B37 Road using public funds pursuant to the County's governmental right and authority.

459. Witnesses with personal knowledge of the history of the B37 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976

460. Currently known reputation in the community is that the B37 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years

prior to October 21, 1976, and continuing to the present.

461. Public motor vehicle use of the B37 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

462. The B37 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

463. The United States has never confirmed Plaintiffs' title to the B37 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the B37 Road.

464. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the B36 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pigeon Canyon Road, D21**

465. The Pigeon Canyon Road is designated as county road number D21 and SGID road identification number RD050050 and is more or less 3.78 miles long.

466. The centerline course of the Pigeon Canyon Road is depicted on the map included in Exhibit 28, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

467. The west end of the Pigeon Canyon Road commences in the southwest quarter of section 15, Township 3 North, Range 23 East, S.L.B.M. at an intersection with the Browns Park

Road. It then proceeds generally northeast where it passes into Wyoming in the northeast quarter of section 14, Township 3 North, Range 23 East, S.L.B.M. The Pigeon Canyon Road re-enters Utah in the northwest quarter of section 13, Township 3 North, Range 23 East and then proceeds south to the southeast quarter of section 24, Township 3 North, Range 23 East, S.L.B.M. at an intersection with Browns Park Road

468. The specific right-of-way for the Pigeon Canyon Road claimed herein crosses 3.78 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 28.

469. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pigeon Canyon Road solely as it crosses United States public land within the State of Utah as included and specifically described in Exhibit 28. The Pigeon Canyon Road includes the segments of road specifically set forth in Exhibit 28 and as exists on the ground.

**Acceptance of the Pigeon Canyon Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

470. The Pigeon Canyon Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

471. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Pigeon Canyon Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

472. The County confirmed its acceptance of the Pigeon Canyon Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map.

The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pigeon Canyon Road pursuant to the County's governmental right and authority.

473. Witnesses with personal knowledge of the history of the Pigeon Canyon Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

474. Currently known reputation in the community is that the Pigeon Canyon Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

475. Public motor vehicle use of the Pigeon Canyon Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

476. The Pigeon Canyon Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

477. The United States has never confirmed Plaintiffs' title to the Pigeon Canyon Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pigeon Canyon Road.

478. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pigeon Canyon Road on lands owned by the United States as described

herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D27 Road, D27**

479. The D27 Road is designated as county road number D27 and SGID road identification number RD050066 and is more or less 0.63 miles long.

480. The centerline course of the D27 Road is depicted on the map included in Exhibit 29, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

481. The south end of the D27 Road commences in the southwest quarter of section 20, Township 3 North, Range 24 East, S.L.B.M. at an intersection with Browns Park Road, and proceeds generally northwest to the northeast quarter of section 19, Township 3 North, Range 24 East, S.L.B.M.

482. The specific right-of-way for the D27 Road claimed herein crosses 0.38 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 29.

483. In this action, the State and County seek to quiet title to the public highway right-of-way for the D27 Road solely as it crosses United States public land as included and specifically described in Exhibit 29. The D27 Road includes the segments of road specifically set forth in Exhibit 29 and as exists on the ground.

**Acceptance of the D27 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

484. The D27 Road has long served as a public highway providing access to and across public land. This road serves the public's transportation needs.

485. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D27 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

486. The D27 Road appears on the Clay Basin (1952) USGS 7.5 minute quadrangle maps (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

487. The County confirmed its acceptance of the D27 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D27 Road pursuant to the County's governmental right and authority.

488. Witnesses with personal knowledge of the history of the D27 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

489. Currently known reputation in the community is that the D27 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

490. Public motor vehicle use of the D27 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

491. The D27 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

492. The United States has never confirmed Plaintiffs' title to the D27 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D27 Road.

493. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D27 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D34 Road, D34**

494. The D34 Road is designated as county road number D34 and SGID road identification number RD050076 and is more or less 1.03 miles long.

495. The centerline course of the D34 Road is depicted on the map included in Exhibit 30, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

496. The north end of the D34 Road commences in the northwest quarter of section 22, Township 3 North, Range 24 East, S.L.B.M. and proceeds generally south to the northwest quarter of section 27, Township 3 North, Range 24 East, S.L.B.M. at an intersection with the Browns Park Road.

497. The specific right-of-way for the D34 Road claimed herein crosses 1.03 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 30.

498. In this action, the State and County seek to quiet title to the public highway right-of-way for the D34 Road solely as it crosses United States public land as included and specifically described in Exhibit 30. The D34 Road includes the segment of road specifically set forth in Exhibit 30 and as exists on the ground.

**Acceptance of the D34 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

499. The D34 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

500. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D34 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

501. The D34 Road appears on the Clay Basin (1952) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

502. The County confirmed its acceptance of the D34 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D34 Road pursuant to the County's governmental right and authority.

503. Witnesses with personal knowledge of the history of the D34 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

504. Currently known reputation in the community is that the D34 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

505. Public motor vehicle use of the D34 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

506. The D34 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

507. The United States has never confirmed Plaintiffs' title to the D34 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D34 Road.

508. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D34 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D99 Road, D99**

509. The D99 Road is designated as county road number D99 and SGID road identification number RD050118 and is more or less 0.15 miles long.

510. The centerline course of the D99 Road is depicted on the map included in Exhibit 31, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

511. The west end of the D99 Road commences in the northwest quarter of section 22, Township 3 North, Range 24 East, S.L.B.M. and proceeds generally northeast and remains in the northwest quarter of section 22, Township 3 North, Range 24 East, S.L.B.M.

512. The specific right-of-way for the D99 Road claimed herein crosses 0.15 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 31.

513. In this action, the State and County seek to quiet title to the public highway right-of-way for the D99 Road solely as it crosses United States public land as included and specifically described in Exhibit 31. The D99 Road includes the segment of road specifically set forth in Exhibit 31 and as exists on the ground.

**Acceptance of the D99 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

514. The D99 Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

515. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D99 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

516. The D99 Road appears on the Clay Basin (1952) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

517. The County confirmed its acceptance of the D99 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map.

The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D99 Road pursuant to the County's governmental right and authority.

518. Witnesses with personal knowledge of the history of the D99 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

519. Currently known reputation in the community is that the D99 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

520. Public motor vehicle use of the D99 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

521. The D99 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

522. The United States has never confirmed Plaintiffs' title to the D99 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D99 Road.

523. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D99 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**THIRD CAUSE OF ACTION – QUIET TITLE**  
**THREE CORNERS ROAD AREA**  
**(State of Utah, Daggett County)**

524. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

525. The Three Corners Road Area is located in northeast Daggett County.

526. The Three Corners Road Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Three Corners Road, B24; (2) Willow Creek Road, D28; (3) Willow Creek Ridge Road, D28A; (4) Cottonwood Spring Road, D40; (5) D40A Road, D40; and (6) D87 Road, D87.

527. Each right-of-way claimed in the Three Corners Road Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

528. All rights-of-way claimed in the Three Corners Road Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

529. All rights-of-way claimed in the Three Corners Road Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public

highway rights-of-way. *See, e.g.*, UTAH CODE ANN. § 72-5-302(4) (b) (2003).

530. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

**Three Corners Road, B24**

531. The Three Corners Road is designated as county road number B24 and SGID road identification number RD050010 and is more or less 4.63 miles long.

532. The centerline course of the Three Corners Road is depicted on the map included in Exhibit 32, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

533. The south end of the Three Corners Road commences in the southwest quarter of section 25, Township 3 North, Range 24 East, S.L.B.M. and then proceeds generally east and then north until it ends in the northeast quarter of section 17, Township 3 North, Range 25 East, S.L.M.B at the Utah/Wyoming boundary.

534. The specific right-of-way for the Three Corners Road claimed herein crosses 3.17 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 32.

535. In this action, the State and County seek to quiet title to the public highway right-of-way for the Three Corners Road solely as it crosses United States public land as included and specifically described in Exhibit 32. The Three Corners Road includes the segments of road specifically set forth in Exhibit 32 and as exists on the ground.

**Acceptance of the Three Corners Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

536. The Three Corners Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

537. Aerial photography from 1976 and 1977 confirms the historical use, existence, and acceptance of the right-of-way for the Three Corners Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

538. The Three Corners Road appears on the Clay Basin (1952) and Willow Creek Butte (1974) USGS 7.5 minute quadrangle maps (*See Exhibit 10*), which evidence the acceptance, use, and existence of the right-of-way for this road.

539. The County confirmed its acceptance of the Three Corners Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Three Corners Road using public funds pursuant to the County's governmental right and authority.

540. Witnesses with personal knowledge of the history of the Three Corners Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

541. Currently known reputation in the community is that the Three Corners Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

542. Public motor vehicle use of the Three Corners Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

543. The Three Corners Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

544. The United States has never confirmed Plaintiffs' title to the Three Corners Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Three Corners Road.

545. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Three Corners Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Willow Creek Road, D28**

546. The Willow Creek Road is designated as county road number D28 and SGID road identification number RD050067 and is more or less 3.42 miles long.

547. The centerline course of the Willow Creek Road is depicted on the map included in Exhibit 33, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

548. The west end of the Willow Creek Road commences in the southwest quarter of section 20, Township 3 North, Range 25 East, S.L.B.M. and then proceeds generally east until it ends in the southwest quarter of section 27, Township 3 North, Range 25 East, S.L.B.M.

549. The specific right-of-way for the Willow Creek Road claimed herein crosses 2.10 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 33.

550. In this action, the State and County seek to quiet title to the public highway right-of-way for the Willow Creek Road solely as it crosses United States public land as included and specifically described in Exhibit 33. The Willow Creek Road includes the segments of road specifically set forth in Exhibit 33 and as exists on the ground.

**Acceptance of the Willow Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

551. The Willow Creek Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

552. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Willow Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

553. The Willow Creek Road appears on the Willow Creek Butte (1974), USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

554. The County confirmed its acceptance of the Willow Creek Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map.

The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Willow Creek Road pursuant to the County's governmental right and authority.

555. Witnesses with personal knowledge of the history of the Willow Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

556. Currently known reputation in the community is that the Willow Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

557. Public motor vehicle use of the Willow Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

558. The Willow Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

559. The United States has never confirmed Plaintiffs' title to the Willow Creek Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Willow Creek Road.

560. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Willow Creek Road on lands owned by the United States as described

herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Willow Creek Ridge Road, D28A**

561. The Willow Creek Ridge Road is designated as county road number D28A and SGID road identification number RD050068 and is more or less 2.16 miles long.

562. The centerline course of the Willow Creek Ridge Road is depicted on the map included in Exhibit 34, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land and public land administered by the BLM.

563. The north end of the Willow Creek Ridge Road commences in the southeast quarter of section 28, Township 3 North, Range 25 East, S.L.B.M. and then proceeds generally southwest until it ends in the southeast quarter of section 32, Township 3 North, Range 25 East, S.L.B.M.

564. The specific right-of-way for the Willow Creek Ridge Road claimed herein crosses 1.13 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 34.

565. In this action, the State and County seek to quiet title to the public highway right-of-way for the Willow Creek Ridge Road solely as it crosses United States public land as included and specifically described in Exhibit 34. The Willow Creek Ridge Road includes the segments of road specifically set forth in Exhibit 34 and as exists on the ground.

**Acceptance of the Willow Creek Ridge Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

566. The Willow Creek Ridge Road has long served as a public highway providing

access to private land, SITLA land, and public land. This road serves the public's transportation needs.

567. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Willow Creek Ridge Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

568. The Willow Creek Ridge Road appears on the Willow Creek Butte (1974) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

569. The Willow Creek Ridge Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Willow Creek Ridge Road pursuant to the County's governmental right and authority.

570. Witnesses with personal knowledge of the history of the Willow Creek Ridge Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

571. Currently known reputation in the community is that the Willow Creek Ridge Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

572. Public motor vehicle use of the Willow Creek Ridge Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or

necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

573. The Willow Creek Ridge Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

574. The United States has never confirmed Plaintiffs' title to the Willow Creek Ridge Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Willow Creek Ridge Road.

575. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Willow Creek Ridge Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

#### **Cottonwood Spring Road, D40**

576. The Cottonwood Spring Road is designated as county road number D40 and SGID road identification number RD050082 and is more or less 2.03 miles long.

577. The centerline course of the Cottonwood Spring Road is depicted on the map included in Exhibit 35, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, and public land administered by the BLM.

578. The north end of the Cottonwood Spring Road commences in the southwest quarter of section 30, Township 3 North, Range 25 East, S.L.B.M. and then proceeds generally

southeast until it ends in the northwest quarter of section 5, Township 2 North, Range 25 East, S.L.B.M.

579. The specific right-of-way for the Cottonwood Spring Road claimed herein crosses 1.16 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 35.

580. In this action, the State and County seek to quiet title to the public highway right-of-way for the Cottonwood Spring Road solely as it crosses United States public land as included and specifically described in Exhibit 35. The Cottonwood Spring Road includes the segments of road specifically set forth in Exhibit 35 and as exists on the ground.

**Acceptance of the Cottonwood Spring Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

581. The Cottonwood Spring Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

582. Aerial photography from 1976 and 1977 confirms the historical use, existence, and acceptance of the right-of-way for the Cottonwood Spring Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

583. The Cottonwood Spring Road appears on the Clay Basin (1952) and Willow Creek Butte (1974), USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

584. The Cottonwood Spring Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Cottonwood Spring Road pursuant to the

County's governmental right and authority.

585. Witnesses with personal knowledge of the history of the Cottonwood Spring Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

586. Currently known reputation in the community is that the Cottonwood Spring Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

587. Public motor vehicle use of the Cottonwood Spring Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

588. The Cottonwood Spring Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

589. The United States has never confirmed Plaintiffs' title to the Cottonwood Spring Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Cottonwood Spring Road.

590. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Cottonwood Spring Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D40A Road, D40A**

591. The D40A Road is designated as county road number D40A and SGID road identification number RD050083 and is more or less 0.65 miles long.

592. The centerline course of the D40A Road is depicted on the map included in Exhibit 36, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

593. The north end of the D40A Road commences in the northwest quarter of section 31, Township 3 North, Range 25 East, S.L.B.M. and then proceeds generally south until it ends in the southwest quarter of section 31, Township 3 North, Range 25 East, S.L.B.M.

594. The specific right-of-way for the D40A Road claimed herein crosses 0.65 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 36.

595. In this action, the State and County seek to quiet title to the public highway right-of-way for the D40A Road solely as it crosses United States public land as included and specifically described in Exhibit 36. The D40A Road includes the segment of road specifically set forth in Exhibit 36 and as exists on the ground.

**Acceptance of the D40A Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

596. The D40A Road has long served as a public highway providing access to public land. This road serves the public's transportation needs.

597. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the D40A Road as a public highway located on the land at

issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

598. The D40A Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D40A Road pursuant to the County's governmental right and authority.

599. Witnesses with personal knowledge of the history of the confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

600. Currently known reputation in the community is that the D40A Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

601. Public motor vehicle use of the D40A Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

602. The D40A Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

603. The United States has never confirmed Plaintiffs' title to the D40A Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D40A Road.

604. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D40A Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D87 Road, D87**

605. The D87 Road is designated as county road number D87 and SGID road identification number RD050116 and is more or less 3.38 miles long.

606. The centerline course of the D87 Road is depicted on the map included in Exhibit 37, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

607. The west end of the D87 Road commences in the southwest quarter of section 27, Township 3 North, Range 25 East, S.L.B.M. and then proceeds generally east then north until it ends in the northeast quarter of section 14, Township 3 North, Range 25 East, S.L.B.M. at the convergence of the Utah, Colorado, and Wyoming boundaries.

608. The specific right-of-way for the D87 Road claimed herein crosses 0.90 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 37.

609. In this action, the State and County seek to quiet title to the public highway right-of-way for the D87 Road solely as it crosses United States public land as included and specifically described in Exhibit 37. The D87 Road includes the segments of road specifically set forth in Exhibit 37 and as exists on the ground.

**Acceptance of the D87 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

610. The D87 Road has long served as a public highway providing access to private

land and public land. This road serves the public's transportation needs.

611. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the D87 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

612. The D87 Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D87 Road pursuant to the County's governmental right and authority.

613. Witnesses with personal knowledge of the history of the D87 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

614. Currently known reputation in the community is that the D87 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

615. Public motor vehicle use of the D87 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

616. The D87 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

617. The United States has never confirmed Plaintiffs' title to the D87 Road. Without

confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D87 Road.

618. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D87 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**FOURTH CAUSE OF ACTION – QUIET TITLE**  
**WILLOW CREEK AREA**  
**(State of Utah, Daggett County)**

619. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

620. The Willow Creek Area is located in eastern Daggett County.

621. The Willow Creek Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Willow Creek Road, B27; (2) Lower Willow Creek Road, B28; (3) Lower Willow Creek Spur Road, B28A; (4) Lower Willow Creek West Spur Road, D37; (5) Swallow Canyon Road, D47; (6) War Grave Road, D49; and (7) D50 Road, D50.

622. Each right-of-way claimed in the Willow Creek Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

623. All rights-of-way claimed in the Willow Creek Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the

exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

624. All rights-of-way claimed in the Willow Creek Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.*, UTAH CODE ANN. § 72-5-302(4) (b) (2003).

625. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

#### **Willow Creek Road, B27**

626. The Willow Creek Road is designated as county road number B27 and SGID road identification number RD050013 and is more or less 0.66 miles long.

627. The centerline course of the Willow Creek Road is depicted on the map included in Exhibit 38, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

628. The south end of the Willow Creek Road commences in the northwest quarter of section 34, Township 2 North, Range 25 East, S.L.B.M. and then proceeds northwest until it ends in the southeast quarter of section 28, Township 2 North, Range 25 East, S.L.B.M.

629. The specific right-of-way for the Willow Creek Road claimed herein crosses 0.4 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and

course of the segment crossing BLM land is contained in Exhibit 38.

630. In this action, the State and County seek to quiet title to the public highway right-of-way for the Willow Creek Road solely as it crosses United States public land as included and specifically described in Exhibit 38. The Willow Creek Road includes the segment of road specifically set forth in Exhibit 38 and as exists on the ground.

**Acceptance of the Willow Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

631. The Willow Creek Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

632. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Willow Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

633. The Willow Creek Road appears on the Swallow Canyon (1972) and Willow Creek Butte (1974) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

634. The County confirmed its acceptance of the Willow Creek Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Willow Creek Road using public funds pursuant to the County's governmental right and authority.

635. Witnesses with personal knowledge of the history of the Willow Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a

continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

636. Currently known reputation in the community is that the Willow Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

637. Public motor vehicle use of the Willow Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

638. The Willow Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

639. The United States has never confirmed Plaintiffs' title to the Willow Creek Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Willow Creek Road.

640. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Willow Creek Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Lower Willow Creek Road, B28**

641. The Lower Willow Creek Road is designated as county road number B28 and SGID road identification number RD050014 and is more or less 2.30 miles long.

642. The centerline course of the Lower Willow Creek Road is depicted on the map included in Exhibit 39, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

643. The south end of the Lower Willow Creek Road commences in the northeast quarter of section 33, Township 2 North, Range 25 East, S.L.B.M. and then proceeds generally north until it ends in the northwest quarter of section 16, Township 2 North, Range 25 East, S.L.B.M.

644. The specific right-of-way for the Lower Willow Creek Road claimed herein crosses 1.42 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 39.

645. In this action, the State and County seek to quiet title to the public highway right-of-way for the Lower Willow Creek Road solely as it crosses United States public land as included and specifically described in Exhibit 39. The Lower Willow Creek Road includes the segment of road specifically set forth in Exhibit 39 and as exists on the ground.

**Acceptance of the Lower Willow Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

646. The Lower Willow Creek Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

647. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Lower Willow Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

648. The Lower Willow Creek Road appears on the Swallow Canyon (1972) and Willow Creek Butte (1974) USGS 7.5 minute quadrangle maps (*See Exhibit 10*), which evidence the acceptance, use, and existence of the right-of-way for this road.

649. The County confirmed its acceptance of the Lower Willow Creek Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Lower Willow Creek Road using public funds pursuant to the County's governmental right and authority.

650. Witnesses with personal knowledge of the history of the Lower Willow Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

651. Currently known reputation in the community is that the Lower Willow Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

652. Public motor vehicle use of the Lower Willow Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

653. The Lower Willow Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

654. The United States has never confirmed Plaintiffs' title to the Lower Willow Creek

Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Lower Willow Creek Road.

655. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lower Willow Creek Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Lower Willow Creek Spur Road, B28A**

656. The Lower Willow Creek Spur Road is designated as county road number B28A and SGID road identification number RD050015 and is more or less 0.22 miles long.

657. The centerline course of the Lower Willow Creek Spur Road is depicted on the map included in Exhibit 40, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM.

658. The south end of the Lower Willow Creek Spur Road commences in the northwest quarter of section 21, Township 2 North, Range 25 East, S.L.B.M. and then proceeds generally north until it ends in the southwest quarter of section 16, Township 2 North, Range 25 East, S.L.B.M.

659. The specific right-of-way for the Lower Willow Creek Spur Road claimed herein crosses 0.18 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 40.

660. In this action, the State and County seek to quiet title to the public highway right-of-way for the Lower Willow Creek Spur Road solely as it crosses United States public land as

included and specifically described in Exhibit 40. The Lower Willow Creek Spur Road includes the segment of road specifically set forth in Exhibit 40 and as exists on the ground.

**Acceptance of the Lower Willow Creek Spur Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

661. The Lower Willow Creek Spur Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

662. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Lower Willow Creek Spur Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

663. The County confirmed its acceptance of the Lower Willow Creek Spur Road by 1975, when it designated and accepted the road as a County highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Lower Willow Creek Spur Road using public funds pursuant to the County's governmental right and authority.

664. Witnesses with personal knowledge of the history of the Lower Willow Creek Spur Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

665. Currently known reputation in the community is that the Lower Willow Creek Spur Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

666. Public motor vehicle use of the Lower Willow Creek Spur Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

667. The Lower Willow Creek Spur Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

668. The United States has never confirmed Plaintiffs' title to the Lower Willow Creek Spur Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Lower Willow Creek Spur Road.

669. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lower Willow Creek Spur Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Lower Willow Creek West Spur Road, D37**

670. The Lower Willow Creek West Spur Road is designated as county road number D37 and SGID road identification number RD050079 and is more or less 1.18 miles long.

671. The centerline course of the Lower Willow Creek West Spur Road is depicted on the map included in Exhibit 41, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM.

672. The south end of the Lower Willow Creek West Spur Road commences in the northwest quarter of section 21, Township 2 North, Range 25 East, S.L.B.M. and then proceeds

generally northwest until it ends in the northeast quarter of section 17, Township 2 North, Range 25 East, S.L.B.M.

673. The specific right-of-way for the Lower Willow Creek West Spur Road claimed herein crosses 0.62 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 41.

674. In this action, the State and County seek to quiet title to the public highway right-of-way for the Lower Willow Creek West Spur Road solely as it crosses United States public land as included and specifically described in Exhibit 41. The Lower Willow Creek West Spur Road includes the segment of road specifically set forth in Exhibit 41 and as exists on the ground.

**Acceptance of the Lower Willow Creek West Spur Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

675. The Lower Willow Creek West Spur Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

676. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Lower Willow Creek West Spur Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

677. The Lower Willow Creek West Spur Road appears on the Willow Creek Butte (1974) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

678. The County confirmed its acceptance of the Lower Willow Creek West Spur Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Lower Willow Creek West Spur Road pursuant to the County's governmental right and authority.

679. Witnesses with personal knowledge of the history of the Lower Willow Creek West Spur Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

680. Currently known reputation in the community is that the Lower Willow Creek West Spur Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

681. Public motor vehicle use of the Lower Willow Creek West Spur Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

682. The Lower Willow Creek West Spur Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

683. The United States has never confirmed Plaintiffs' title to the Lower Willow Creek West Spur Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Lower Willow Creek West Spur

Road.

684. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lower Willow Creek West Spur Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Swallow Canyon Road, D47**

685. The Swallow Canyon Road is designated as county road number D47 and SGID road identification number RD050090 and is more or less 1.82 miles long.

686. The centerline course of the Swallow Canyon Road is depicted on the map included in Exhibit 42, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

687. The north end of the Swallow Canyon Road commences in the northeast quarter of section 33, Township 2 North, Range 25 East, S.L.B.M. and then proceeds generally southeast until it ends in the southwest quarter of section 3, Township 1 North, Range 25 East, S.L.B.M.

688. The specific right-of-way for the Swallow Canyon Road claimed herein crosses 1.83 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 42.

689. In this action, the State and County seek to quiet title to the public highway right-of-way for the Swallow Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 42. The Swallow Canyon Road includes the segment of road specifically set forth in Exhibit 42 and as exists on the ground.

**Acceptance of the Swallow Canyon Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

690. The Swallow Canyon Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

691. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Swallow Canyon Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

692. The Swallow Canyon Road appears on the Swallow Canyon (1972) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

693. The County confirmed its acceptance of the Swallow Canyon Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Swallow Canyon Road pursuant to the County's governmental right and authority.

694. Witnesses with personal knowledge of the history of the Swallow Canyon Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

695. Currently known reputation in the community is that the Swallow Canyon Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

696. Public motor vehicle use of the Swallow Canyon Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

697. The Swallow Canyon Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

698. The United States has never confirmed Plaintiffs' title to the Swallow Canyon Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Swallow Canyon Road.

699. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Swallow Canyon Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

#### **War Grave Road, D49**

700. The War Grave Road is designated as county road number D49 and SGID road identification number RD050092 and is more or less 3.34 miles long.

701. The centerline course of the War Grave Road is depicted on the map included in Exhibit 43, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, and public land administered by the BLM.

702. The south end of the War Grave Road commences in the southwest quarter of section 34, Township 2 North, Range 25 East, S.L.B.M. and then proceeds generally north until it ends in the southeast quarter of section 16, Township 2 North, Range 25 East, S.L.B.M.

703. The specific right-of-way for the War Grave Road claimed herein crosses 2.84 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 43.

704. In this action, the State and County seek to quiet title to the public highway right-of-way for the War Grave Road solely as it crosses United States public land as included and specifically described in Exhibit 43. The War Grave Road includes the segment of road specifically set forth in Exhibit 43 and as exists on the ground.

**Acceptance of the War Grave Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

705. The War Grave Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

706. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the War Grave Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

707. The War Grave Road appears on the Willow Creek Butte (1974) and Swallow Canyon (1972) USGS 7.5 minute quadrangle maps (*See Exhibit 10*), which evidence the acceptance, use, and existence of the right-of-way for this road.

708. The County confirmed its acceptance of the War Grave Road by 1975, when it designated and accepted the road as a County highway on the County's general highway map.

The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the War Grave Road pursuant to the County's governmental right and authority.

709. Witnesses with personal knowledge of the history of the War Grave Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

710. Currently known reputation in the community is that the War Grave Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

711. Public motor vehicle use of the War Grave Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

712. The War Grave Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

713. The United States has never confirmed Plaintiffs' title to the War Grave Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the War Grave Road.

714. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the War Grave Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this

road.

**D50 Road, D50**

715. The D50 Road is designated as county road number D50 and SGID road identification number RD050094 and is more or less 2.88 miles long.

716. The centerline course of the D50 Road is depicted on the map included in Exhibit 44, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM.

717. The south end of the D50 Road commences in the northeast quarter of section 2, Township 1 North, Range 25 East, S.L.B.M. and then proceeds generally north until it ends in the northeast quarter of section 26, Township 2 North, Range 25 East, S.L.B.M.

718. The specific right-of-way for the D50 Road claimed herein crosses 2.63 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 44.

719. In this action, the State and County seek to quiet title to the public highway right-of-way for the D50 Road solely as it crosses United States public land as included and specifically described in Exhibit 44. The D50 Road includes the segment of road specifically set forth in Exhibit 44 and as exists on the ground.

**Acceptance of the D50 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

720. The D50 Road has long served as a public highway providing access to public land. This road serves the public's transportation needs.

721. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the D50 Road as a public highway located on the land at

issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

722. The D50 Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D50 Road pursuant to the County's governmental right and authority.

723. Witnesses with personal knowledge of the history of the D50 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

724. Currently known reputation in the community is that the D50 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

725. Public motor vehicle use of the D50 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

726. The D50 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

727. The United States has never confirmed Plaintiffs' title to the D50 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D50 Road.

728. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D50 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**FIFTH CAUSE OF ACTION – QUIET TITLE**  
**CROUSE CANYON/POT CREEK AREA**  
**(State of Utah, Daggett County)**

729. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

730. The Crouse Canyon/Pot Creek Area is located in southeastern Daggett County.

731. The Crouse Canyon/Pot Creek Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Crouse Canyon Road, B31; (2) Pot Creek Road, B32; (3) Pot Creek South Road, B32A; (4) Crouse Canyon Road, D31; (5) D52 Road, D52; (6) D54 Road, D54; (7) Sears Canyon Road, D55; (8) Roller Draw Road, D64; and (9) Marshall Draw Road, B68.

732. Each right-of-way claimed in the Crouse Canyon/Pot Creek Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

733. All rights-of-way claimed in the Crouse Canyon/Pot Creek Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

734. All rights-of-way claimed in the Crouse Canyon/Pot Creek Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.*, UTAH CODE ANN. § 72-5-302(4)(b) (2003).

735. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

**Crouse Canyon Road, B31**

736. The Crouse Canyon Road is designated as county road number B31 and SGID road identification number RD050019 and is more or less 7.72 miles long.

737. The centerline course of the Crouse Canyon Road is depicted on the map included in Exhibit 45, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, Utah state land, and public land administered by the BLM.

738. The south end of the Crouse Canyon Road commences in the southwest quarter of section 19, Township 1 South, Range 25 East, S.L.B.M. and then proceeds generally northeast until it ends in the northeast quarter of section 28, Township 1 North, Range 25 East, S.L.B.M.

739. The specific right-of-way for the Crouse Canyon Road claimed herein crosses 0.35 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 45.

740. In this action, the State and County seek to quiet title to the public highway right-

of-way for the Crouse Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 45. The Crouse Canyon Road includes the segments of road specifically set forth in Exhibit 45 and as exists on the ground.

**Acceptance of the Crouse Canyon Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

741. The Crouse Canyon Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

742. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Crouse Canyon Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

743. The Crouse Canyon Road appears on the Swallow Canyon (1972), Crouse Reservoir (1967) and Hoy Mountain (1967) USGS 7.5 minute quadrangle maps (*See Exhibit 10*), which evidence the acceptance, use, and existence of the right-of-way for this road.

744. The County confirmed its acceptance of the Crouse Canyon Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Crouse Canyon Road using public funds pursuant to the County's governmental right and authority.

745. Witnesses with personal knowledge of the history of the Crouse Canyon Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

746. Currently known reputation in the community is that the Crouse Canyon Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

747. Public motor vehicle use of the Crouse Canyon Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

748. The Crouse Canyon Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

749. The United States has never confirmed Plaintiffs' title to the Crouse Canyon Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Crouse Canyon Road.

750. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Crouse Canyon Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pot Creek Road, B32**

751. The Pot Creek Road is designated as county road number B32 and SGID road identification number RD050020 and is more or less 5.20 miles long.

752. The centerline course of the Pot Creek Road is depicted on the map included in Exhibit 46, which is attached hereto and incorporated herein. This map further reflects that this

road crosses private land and public land administered by the BLM.

753. The west end of the Pot Creek Road commences in the southwest quarter of section 9, Township 2 South, Range 25 East, S.L.B.M. and then proceeds generally northeast then southeast until it ends in the northeast quarter of section 12, Township 2 South, Range 25 East, S.L.B.M.

754. The specific right-of-way for the Pot Creek Road claimed herein crosses 1.47 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 46.

755. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pot Creek Road solely as it crosses United States public land as included and specifically described in Exhibit 46. The Pot Creek Road includes the segment of road specifically set forth in Exhibit 46 and as exists on the ground.

**Acceptance of the Pot Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

756. The Pot Creek Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

757. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pot Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

758. The Pot Creek Road appears on the Hoy Mountain (1967) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

759. The County confirmed its acceptance of the Pot Creek Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pot Creek Road using public funds pursuant to the County's governmental right and authority.

760. Witnesses with personal knowledge of the history of the Pot Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

761. Currently known reputation in the community is that the Pot Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

762. Public motor vehicle use of the Pot Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

763. The Pot Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

764. The United States has never confirmed Plaintiffs' title to the Pot Creek Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pot Creek Road.

765. The State and County are entitled to an order quieting title to their R.S. 2477

right-of-way for the Pot Creek Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pot Creek South Road, B32A**

766. The Pot Creek South Road is designated as county road number B32A and SGID road identification number RD050021 and is more or less 3.69 miles long.

767. The centerline course of the Pot Creek South Road is depicted on the map included in Exhibit 47, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, and public land administered by the BLM.

768. The west end of the Pot Creek South Road commences in the southeast quarter of section 9, Township 2 South, Range 25 East, S.L.B.M. and then proceeds generally east until it ends in the northeast quarter of section 12, Township 2 South, Range 25 East, S.L.B.M.

769. The specific right-of-way for the Pot Creek South Road claimed herein crosses 2.59 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 47.

770. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pot Creek South Road solely as it crosses United States public land as included and specifically described in Exhibit 47. The Pot Creek South Road includes the segment of road specifically set forth in Exhibit 47 and as exists on the ground.

**Acceptance of the Pot Creek South Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

771. The Pot Creek South Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

772. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pot Creek South Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

773. The Pot Creek South Road appears on the Hoy Mountain (1967) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

774. The County confirmed its acceptance of the Pot Creek South Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pot Creek South Road using public funds pursuant to the County's governmental right and authority.

775. Witnesses with personal knowledge of the history of the Pot Creek South Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

776. Currently known reputation in the community is that the Pot Creek South Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

777. Public motor vehicle use of the Pot Creek South Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477

public highway right-of-way for this road.

778. The Pot Creek South Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

779. The United States has never confirmed Plaintiffs' title to the Pot Creek South Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pot Creek South Road.

780. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pot Creek South Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Crouse Canyon Road, D31**

781. The Crouse Canyon Road is designated as county road number D31 and SGID road identification number RD050073 and is more or less 5.73 miles long.

782. The centerline course of the Crouse Canyon Road, D31 is depicted on the map included in Exhibit 48 (Crouse Canyon Road, D31), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, and public land administered by the BLM.

783. The south end of the Crouse Canyon Road, D31 commences in the northeast quarter of section 28, Township 1 North, Range 25 East, S.L.B.M. and then proceeds northeast until it ends in the southeast quarter of section 11, Township 1 North, Range 25 East, S.L.B.M. at the Utah/Colorado boundary.

784. The specific right-of-way for the Crouse Canyon Road, D31 claimed herein crosses 2.9 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 48.

785. In this action, the State and County seek to quiet title to the public highway right-of-way for the Crouse Canyon Road, D31 solely as it crosses United States public land as included and specifically described in Exhibit 48. The Crouse Canyon Road, D31 includes the segment of road specifically set forth in Exhibit 48 and as exists on the ground.

**Acceptance of the Crouse Canyon Road, D31 R.S. 2477 Right-of-way Prior to October 21, 1976.**

786. The Crouse Canyon Road, D31 has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

787. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Crouse Canyon Road, D31 as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

788. The Crouse Canyon Road, D31 appears on the Swallow Canyon (1972) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

789. The County confirmed its acceptance of the Crouse Canyon Road, D31 by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Crouse Canyon Road, D31 pursuant to the County's governmental right and authority.

790. Witnesses with personal knowledge of the history of the Crouse Canyon Road, D31 confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

791. Currently known reputation in the community is that the Crouse Canyon Road, D31 has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

792. Public motor vehicle use of the Crouse Canyon Road, D31 as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

793. The Crouse Canyon Road, D31 traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

794. The United States has never confirmed Plaintiffs' title to the Crouse Canyon Road, D31. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Crouse Canyon Road, D31.

795. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Crouse Canyon Road, D31 on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D52 Road, D52**

796. The D52 Road is designated as county road number D52 and SGID road identification number RD050098 and is more or less 2.12 miles long.

797. The centerline course of the D52 Road is depicted on the map included in Exhibit 49, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

798. The west end of the D52 Road commences in the northeast quarter of section 35, Township 1 North, Range 24 East, S.L.B.M. and then proceeds generally northeast until it ends in the northeast quarter of section 30, Township 1 North, Range 25 East, S.L.B.M..

799. The specific right-of-way for the D52 Road claimed herein crosses 0.21 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 49.

800. In this action, the State and County seek to quiet title to the public highway right-of-way for the D52 Road solely as it crosses United States public land as included and specifically described in Exhibit 49. The D52 Road includes the segment of road specifically set forth in Exhibit 49 and as exists on the ground.

**Acceptance of the D52 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

801. The D52 Road has long served as a public highway providing access to state land and public land. This road serves the public's transportation needs.

802. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the D52 Road as a public highway located on the land at

issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

803. The D52 Road appears on the Warren Draw (1952) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

804. The County confirmed its acceptance of the D52 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D52 Road pursuant to the County's governmental right and authority.

805. Witnesses with personal knowledge of the history of the D52 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

806. Currently known reputation in the community is that the D52 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

807. Public motor vehicle use of the D52 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

808. The D52 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

809. The United States has never confirmed Plaintiffs' title to the D52 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D52 Road.

810. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D52 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**D54 Road, D54**

811. The D54 Road is designated as county road number D54 and SGID road identification number RD050099 and is more or less 1.14 miles long.

812. The centerline course of the D54 Road is depicted on the map included in Exhibit 50, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

813. The south end of the D54 Road commences in the southeast quarter of section 25, Township 1 North, Range 24 East, S.L.B.M. and then proceeds north until it ends in the southeast quarter of section 24, Township 1 North, Range 24 East, S.L.B.M.

814. The specific right-of-way for the D54 Road claimed herein crosses 0.39 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 50.

815. In this action, the State and County seek to quiet title to the public highway right-of-way for the D54 Road solely as it crosses United States public land as included and specifically described in Exhibit 50. The D54 Road includes the segment of road specifically set

forth in Exhibit 50 and as exists on the ground.

**Acceptance of the D54 Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

816. The D54 Road has long served as a public highway providing access to state land and public land. This road serves the public's transportation needs.

817. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the D54 Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

818. The D54 Road appears on the Warren Draw (1954) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

819. The County confirmed its acceptance of the D54 Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the D54 Road pursuant to the County's governmental right and authority.

820. Witnesses with personal knowledge of the history of the D54 Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

821. Currently known reputation in the community is that the D54 Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

822. Public motor vehicle use of the D54 Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

823. The D54 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

824. The United States has never confirmed Plaintiffs' title to the D54 Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the D54 Road.

825. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D54 Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Sears Canyon Road, D55**

826. The Sears Canyon Road is designated as county road number D55 and SGID road identification number RD050100 and is more or less 2.53 miles long.

827. The centerline course of the Sears Canyon Road is depicted on the map included in Exhibit 51, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

828. The south end of the Sears Canyon Road commences in the northwest quarter of section 35, Township 1 North, Range 24 East, S.L.B.M. and then proceeds north until it ends in the southwest quarter of section 14, Township 1 North, Range 24 East, S.L.B.M.

829. The specific right-of-way for the Sears Canyon Road claimed herein crosses 1.12 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 51.

830. In this action, the State and County seek to quiet title to the public highway right-of-way for the Sears Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 51. The Sears Canyon Road includes the segment of road specifically set forth in Exhibit 51 and as exists on the ground.

**Acceptance of the Sears Canyon Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

831. The Sears Canyon Road has long served as a public highway providing access to state land and public land. This road serves the public's transportation needs.

832. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Sears Canyon Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

833. The Sears Canyon Road appears on the Warren Draw (1954) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

834. The County confirmed its acceptance of the Sears Canyon Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Sears Canyon Road pursuant to the County's governmental right and authority.

835. Witnesses with personal knowledge of the history of the Sears Canyon Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

836. Currently known reputation in the community is that the Sears Canyon Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

837. Public motor vehicle use of the Sears Canyon Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

838. The Sears Canyon Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

839. The United States has never confirmed Plaintiffs' title to the Sears Canyon Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Sears Canyon Road.

840. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Sears Canyon Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Roller Draw Road, D64**

841. The Roller Draw Road is designated as county road number D64 and SGID road identification number RD050105 and is more or less 0.64 miles long.

842. The centerline course of the Roller Draw Road is depicted on the map included in Exhibit 52, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

843. The east end of the Roller Draw Road commences in the south central portion of section 4, Township 1 South, Range 25 East, S.L.B.M. and then proceeds southeast until it ends in the northeast quarter of section 9, Township 1 South, Range 25 East, S.L.B.M..

844. The specific right-of-way for the Roller Draw Road claimed herein crosses 0.18 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 52.

845. In this action, the State and County seek to quiet title to the public highway right-of-way for the Roller Draw Road solely as it crosses United States public land as included and specifically described in Exhibit 52. The Roller Draw Road includes the segment of road specifically set forth in Exhibit 52 and as exists on the ground.

**Acceptance of the Roller Draw Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

846. The Roller Draw Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

847. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Roller Draw Road as a public highway located on the

land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

848. The Roller Draw Road was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Roller Draw Road pursuant to the County's governmental right and authority.

849. Witnesses with personal knowledge of the history of the Roller Draw Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

850. Currently known reputation in the community is that the Roller Draw Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

851. Public motor vehicle use of the Roller Draw Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

852. The Roller Draw Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

853. The United States has never confirmed Plaintiffs' title to the Roller Draw Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish

clear title to the right-of-way underlying the Roller Draw Road.

854. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Roller Draw Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Marshall Draw Road, B68**

855. The Marshall Draw Road is designated as county road number B68 (formerly D68) and SGID road identification number RD050106 and is more or less 3.42 miles long.

856. The centerline course of the Marshall Draw Road is depicted on the map included in Exhibit 53 (Marshall Draw Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

857. The west end of the Marshall Draw Road commences in the southeast quarter of section 32, Township 1 North, Range 25 East, S.L.B.M. and then proceeds east until it ends in the northeast quarter of section 1, Township 1 South, Range 25 East, S.L.B.M..

858. The specific right-of-way for the Marshall Draw Road claimed herein crosses 0.25 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 53.

859. In this action, the State and County seek to quiet title to the public highway right-of-way for the Marshall Draw Road solely as it crosses United States public land as included and specifically described in Exhibit 53. The Marshall Draw Road includes the segment of road specifically set forth in Exhibit 53 and as exists on the ground.

**Acceptance of the Marshall Draw Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

860. The Marshall Draw Road has long served as a public highway providing access to state land and public land. This road serves the public's transportation needs.

861. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Marshall Draw Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

862. The Marshall Draw Road appears on the Swallow Canyon (1972) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

863. The County confirmed its acceptance of the Marshall Draw Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Marshall Draw Road pursuant to the County's governmental right and authority.

864. Witnesses with personal knowledge of the history of the Marshall Draw Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

865. Currently known reputation in the community is that the Marshall Draw Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

866. Public motor vehicle use of the Marshall Draw Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

867. The Marshall Draw Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

868. The United States has never confirmed Plaintiffs' title to the Marshall Draw Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Marshall Draw Road.

869. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Marshall Draw Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**SIXTH CAUSE OF ACTION – QUIET TITLE**  
**RED CREEK /TAYLOR FLAT AREA**  
**(State of Utah, Daggett County)**

870. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

871. The Red Creek/Taylor Flat Area is located in east-central Daggett County.

872. The Red Creek Road Corridor Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Red Creek Road, B25; (2) Taylor Flat Road, B29; (3) Little Hole Road, B30; (4) Taylor Flat Jeep Road, D48; (5) Sears Canyon Spur

Road, D55A; (6) Davenport Spring Road, D73; (7) Bull Pen Road, D74.

873. Each right-of-way claimed in the Red Creek/Taylor Flat Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

874. All rights-of-way claimed in the Red Creek/Taylor Flat Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

875. All rights-of-way claimed in the Red Creek/Taylor Flat Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.*, UTAH CODE ANN. § 72-5-302(4)(b) (2003).

876. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

### **Red Creek Road, B25**

877. The Red Creek Road is designated as county road number B25 and SGID road identification number RD050011 and is more or less 5.09 miles long.

878. The centerline course of the Red Creek Road is depicted on the map included in Exhibit 54, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land, Utah state land, and public land administered by the BLM.

879. The east end of the Red Creek Road commences in the southeast quarter of section 13, Township 2 North, Range 24 East, S.L.B.M. and then proceeds generally west then northwest until it ends in the northeast quarter of section 8, Township 2 North, Range 24 East, S.L.B.M..

880. The specific right-of-way for the Red Creek Road claimed herein crosses 4.12 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 54.

881. In this action, the State and County seek to quiet title to the public highway right-of-way for the Red Creek Road solely as it crosses United States public land as included and specifically described in Exhibit 54. The Red Creek Road includes the segments of road specifically set forth in Exhibit 54 and as exists on the ground.

**Acceptance of the Red Creek Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

882. The Red Creek Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

883. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Red Creek Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

884. The Red Creek Road appears on the Clay Basin (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

885. The County confirmed its acceptance of the Red Creek Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Red Creek Road using public funds pursuant to the County's governmental right and authority.

886. Witnesses with personal knowledge of the history of the Red Creek Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

887. Currently known reputation in the community is that the Red Creek Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

888. Public motor vehicle use of the Red Creek Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

889. The Red Creek Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

890. The United States has never confirmed Plaintiffs' title to the Red Creek Road. Without confirmation from the United States, a cloud remains on the State and County's title to

the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Red Creek Road.

891. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Red Creek Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Taylor Flat Road, B29**

892. The Taylor Flat Road is designated as county road number B29 and SGID road identification number RD050016 and is more or less 2.07 miles long.

893. The centerline course of the Taylor Flat Road is depicted on the map included in Exhibit 55, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, Utah state land, and public land administered by the BLM.

894. The north end of the Taylor Flat Road commences in the northeast quarter of section 23, Township 2 North, Range 24 East, S.L.B.M. and then proceeds generally south until it ends in the southwest quarter of section 26, Township 2 North, Range 24 East, S.L.B.M.

895. The specific right-of-way for the Taylor Flat Road claimed herein crosses 1.08 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 55.

896. In this action, the State and County seek to quiet title to the public highway right-of-way for the Taylor Flat Road solely as it crosses United States public land as included and specifically described in Exhibit 55. The Taylor Flat Road includes the segment of road specifically set forth in Exhibit 55 and as exists on the ground.

**Acceptance of the Taylor Flat Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

897. The Taylor Flat Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

898. Aerial photography from 1976 and 1977 confirms the historical use, existence, and acceptance of the right-of-way for the Taylor Flat Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

899. The County confirmed its acceptance of the Taylor Flat Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Taylor Flat Road using public funds pursuant to the County's governmental right and authority.

900. Witnesses with personal knowledge of the history of the Taylor Flat Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

901. Currently known reputation in the community is that the Taylor Flat Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

902. Public motor vehicle use of the Taylor Flat Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

903. The Taylor Flat Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

904. The United States has never confirmed Plaintiffs' title to the Taylor Flat Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Taylor Flat Road.

905. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Taylor Flat Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Little Hole Road, B30**

906. The Little Hole Road is designated as county road number B30 and SGID road identification number RD050018 and is more or less 5.79 miles long.

907. The centerline course of the Little Hole Road is depicted on the map included in Exhibit 56, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, Utah state land, and public land administered by the BLM.

908. The south end of the Little Hole Road commences in the southwest quarter of section 31, Township 2 North, Range 24 East, S.L.B.M. and then proceeds generally northwest until it ends in the northwest quarter of section 22, Township 2 North, Range 23 East, S.L.B.M.

909. The specific right-of-way for the Little Hole Road claimed herein crosses 3.93 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and

course of the segments crossing BLM land is contained in Exhibit 56.

910. In this action, the State and County seek to quiet title to the public highway right-of-way for the Little Hole Road solely as it crosses United States public land as included and specifically described in Exhibit 56. The Little Hole Road includes the segments of road specifically set forth in Exhibit 56 and as exists on the ground.

**Acceptance of the Little Hole Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

911. The Little Hole Road has long served as a public highway providing access to private land and public land. This road serves the public's transportation needs.

912. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Little Hole Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

913. The Little Hole Road appears on the Goslin Mountain (1952) and Jackson Draw (1967) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

914. The County confirmed its acceptance of the Little Hole Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Little Hole Road using public funds pursuant to the County's governmental right and authority.

915. Witnesses with personal knowledge of the history of the Little Hole Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous

basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

916. Currently known reputation in the community is that the Little Hole Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

917. Public motor vehicle use of the Little Hole Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

918. The Little Hole Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

919. The United States has never confirmed Plaintiffs' title to the Little Hole Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Little Hole Road.

920. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Little Hole Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Taylor Flat Jeep Road, D48**

921. The Taylor Flat Jeep Road is designated as county road number D48 and SGID road identification number RD050091 and is more or less 8.50 miles long.

922. The centerline course of the Taylor Flat Jeep Road is depicted on the map

included in Exhibit 57, which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, Utah state land, and public land administered by the BLM.

923. The west end of the Taylor Flat Jeep Road commences in the southwest quarter of section 26, Township 2 North, Range 24 East, S.L.B.M. and proceeds generally southeast to the southwest quarter of section 10, Township 1 North, Range 25 East, S.L.B.M.

924. The specific right-of-way for the Taylor Flat Jeep Road claimed herein crosses 7.56 miles of BLM land in 4 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 57.

925. In this action, the State and County seek to quiet title to the public highway right-of-way for the Taylor Flat Jeep Road solely as it crosses United States public land as included and specifically described in Exhibit 57. The Taylor Flat Jeep Road includes the segments of road specifically set forth in Exhibit 57 and as exists on the ground.

**Acceptance of the Taylor Flat Jeep Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

926. The Taylor Flat Jeep Road has long served as a public highway providing access to and across private land, public land and other public roads. This road serves the public's transportation needs.

927. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Taylor Flat Jeep Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

928. The County confirmed its acceptance of the Taylor Flat Jeep Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Taylor Flat Jeep Road pursuant to the County's governmental right and authority.

929. Witnesses with personal knowledge of the history of the Taylor Flat Jeep Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

930. Currently known reputation in the community is that the Taylor Flat Jeep Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

931. Public motor vehicle use of the Taylor Flat Jeep Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

932. The Taylor Flat Jeep Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

933. The United States has never confirmed Plaintiffs' title to the Taylor Flat Jeep Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Taylor Flat Jeep Road.

934. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Taylor Flat Jeep Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Sears Canyon Spur Road, D55A**

935. The Sears Canyon Spur Road is designated as county road number D55A and SGID road identification number RD050168 and is more or less 0.48 miles long.

936. The centerline course of the Sears Canyon Spur Road is depicted on the map included in Exhibit 58, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM.

937. The north end of the Sears Canyon Spur Road commences in the northwest quarter of section 1, Township 1 North, Range 24 East, S.L.B.M. and proceeds generally southwest to the northeast quarter of section 24, Township 1 North, Range 24 East, S.L.B.M.

938. The specific right-of-way for the Sears Canyon Spur Road claimed herein crosses 0.42 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 58.

939. In this action, the State and County seek to quiet title to the public highway right-of-way for the Sears Canyon Spur Road solely as it crosses United States public land as included and specifically described in Exhibit 58. The Sears Canyon Spur Road includes the segment of road specifically set forth in Exhibit 58 and as exists on the ground.

**Acceptance of the Sears Canyon Spur Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

940. The Sears Canyon Spur Road has long served as a public highway providing

access to and across public land. This road serves the public's transportation needs.

941. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Sears Canyon Spur Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

942. The Sears Canyon Spur Road appears on the Warren Draw (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

943. The County confirmed its acceptance of the Sears Canyon Spur Road by 1975, when it designated and accepted the road as a County highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Sears Canyon Spur Road pursuant to the County's governmental right and authority.

944. Witnesses with personal knowledge of the history of the Sears Canyon Spur Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

945. Currently known reputation in the community is that the Sears Canyon Spur Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

946. Public motor vehicle use of the Sears Canyon Spur Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for

a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

947. The Sears Canyon Spur Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

948. The United States has never confirmed Plaintiffs' title to the Sears Canyon Spur Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Sears Canyon Spur Road.

949. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Sears Canyon Spur Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Davenport Spring Road, D73**

950. The Davenport Spring Road is designated as county road number D73 and SGID road identification number RD050110 and is more or less 2.55 miles long.

951. The centerline course of the Davenport Spring Road is depicted on the map included in Exhibit 59, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

952. The north end of the Davenport Spring Road commences in the northwest quarter of section 22, Township 2 North, Range 23 East, S.L.B.M. and proceeds generally south to the northwest quarter of section 34, Township 2 North, Range 23 East, S.L.B.M.

953. The specific right-of-way for the Davenport Spring Road claimed herein crosses

1.83 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 59.

954. In this action, the State and County seek to quiet title to the public highway right-of-way for the Davenport Spring Road solely as it crosses United States public land as included and specifically described in Exhibit 59. The Davenport Spring Road includes the segment of road specifically set forth in Exhibit 59 and as exists on the ground.

**Acceptance of the Davenport Spring Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

955. The Davenport Spring Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

956. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Davenport Spring Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

957. The County confirmed its acceptance of the Davenport Spring Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Davenport Spring Road pursuant to the County's governmental right and authority.

958. Witnesses with personal knowledge of the history of the Davenport Spring Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21,

1976.

959. Currently known reputation in the community is that the Davenport Spring Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

960. Public motor vehicle use of the Davenport Spring Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

961. The Davenport Spring Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

962. The United States has never confirmed Plaintiffs' title to the Davenport Spring Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Davenport Spring Road.

963. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Davenport Spring Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Bull Pen Road, D74**

964. The Bull Pen Road is designated as county road number D74 and SGID road identification number RD050111 and is more or less 5.01 miles long.

965. The centerline course of the Bull Pen Road is depicted on the map included in

Exhibit 60, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM and Forest Service.

966. The east end of the Bull Pen Road commences in the northwest quarter of section 25, Township 2 North, Range 23 East, S.L.B.M. and proceeds generally west to the southeast quarter of section 29, Township 2 North, Range 23 East, S.L.B.M.

967. The specific right-of-way for the Bull Pen Road claimed herein crosses 4.22 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 60.

968. In this action, the State and County seek to quiet title to the public highway right-of-way for the Bull Pen Road solely as it crosses United States public land administered by the Department of the Interior as included and specifically described in Exhibit 60. The Bull Pen Road includes the segments of road specifically set forth in Exhibit 60 and as exists on the ground.

**Acceptance of the Bull Pen Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

969. The Bull Pen Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

970. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Bull Pen Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

971. The Bull Pen Road appears on Jackson Draw (1967) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

972. The County confirmed its acceptance of the Bull Pen Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Bull Pen Road pursuant to the County's governmental right and authority.

973. Witnesses with personal knowledge of the history of the Bull Pen Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

974. Currently known reputation in the community is that the Bull Pen Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

975. Public motor vehicle use of the Bull Pen Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

976. The Bull Pen Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

977. The United States has never confirmed Plaintiffs' title to the Bull Pen Road. Without confirmation from the United States, a cloud remains on the State and County's title to

the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Bull Pen Road.

978. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Bull Pen Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**EIGHTH CAUSE OF ACTION – QUIET TITLE-**  
**EAST GREEN RIVER AREA**  
**(State of Utah, Daggett County)**

979. The State of Utah and Daggett County incorporate herein and reallege each of the foregoing paragraphs.

980. The East Green River Area is located in east central Daggett County between the west side of the southern portion of the Browns Park Road and east bank of the Green River.

981. The East Green River Area includes the following roads—listed by Common Road Name and County Unique Number: (1) Pipeline Road, B26; (2) Pipeline Road, D26; (3) Pipeline Road Spur A, D26A; (4) Pipeline Road Spur D, D26D; (5) Pipeline Road Spur F, D26F; and (6) DWR Road, D76.

982. Each right-of-way claimed in the East Green River Area was used by the general public who engaged in one or more of the following activities: cattle ranching, sheep herding, prospecting for minerals, rock hounding, mining, oil and gas exploration, wood gathering, cutting wood, collecting pine nuts or berries, recreation, hunting, trapping, government access, traveling in and through the area, or any other legitimate purpose.

983. All rights-of-way claimed in the East Green River Area are sufficient in scope for general motor vehicle travel and include that which is reasonable and necessary to meet the

exigencies of motor vehicle travel according to safe engineering practices that protect the public and the road and also prevent undue degradation of the adjacent land.

984. All rights-of-way claimed in the East Green River Area include a minimum right-of-way width of 66 feet or greater width as determined at trial, along with cuts, fills, slopes, water bars, and such features and facilities as have historically been acknowledged by the DOI and under law as being reasonable and necessary for the use, benefit, and enjoyment of public highway rights-of-way. *See, e.g.*, UTAH CODE ANN. § 72-5-302(4)(b) (2003).

985. Prior to October 21, 1976, the State of Utah, Daggett County, and the public accepted through continuous use the congressional grant of an R.S. 2477 right-of-way for the entire length and course of all roads as described herein, on public lands owned by the United States.

**Pipeline Road, B26**

986. The Pipeline Road is designated as county road number B26 and SGID road identification number RD050012 and is more or less 0.77 miles long.

987. The centerline course of the Pipeline Road is depicted on the map included in Exhibit 61, which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA land and public land administered by the BLM.

988. The east end of the Pipeline Road commences in the northwest quarter of section 32, Township 2 North, Range 25 East, S.L.B.M. and proceeds generally west to the northeast quarter of section 31, Township 2 North, Range 25 East, S.L.B.M.

989. The specific right-of-way for the Pipeline Road claimed herein crosses 0.46 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course

of the segment crossing BLM land is contained in Exhibit 61.

990. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road solely as it crosses United States public land as included and specifically described in Exhibit 61. The Pipeline Road includes the segment of road specifically set forth in Exhibit 61 and as exists on the ground.

**Acceptance of the Pipeline Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

991. The Pipeline Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

992. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pipeline Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

993. The Pipeline Road appears on the Warren Draw (1952) and Swallow Canyon (1972) USGS 7.5 minute quadrangle maps (*See* Exhibit 10), which evidence the acceptance, use, and existence of the right-of-way for this road.

994. The County confirmed its acceptance of the Pipeline Road by 1950, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road using public funds pursuant to the County's governmental right and authority.

995. Witnesses with personal knowledge of the history of the Pipeline Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous

basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

996. Currently known reputation in the community is that the Pipeline Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

997. Public motor vehicle use of the Pipeline Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

998. The Pipeline Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

999. The United States has never confirmed Plaintiffs' title to the Pipeline Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road.

1000. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pipeline Road, D26**

1001. The Pipeline Road is designated as county road number D26 and SGID road identification number RD050059 and is more or less 0.38 miles long.

1002. The centerline course of the Pipeline Road, D26 is depicted on the map included in Exhibit 62, which is attached hereto and incorporated herein. This map further reflects that

this road crosses public land administered by the BLM.

1003. The east end of the Pipeline Road, D26 commences in the northeast quarter of section 31, Township 2 North, Range 25 East, S.L.B.M. and proceeds generally west to the northwest quarter of section 31, Township 2 North, Range 25 East, S.L.B.M.

1004. The specific right-of-way for the Pipeline Road, D26 claimed herein crosses 0.38 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 62.

1005. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road, D26 solely as it crosses United States public land as included and specifically described in Exhibit 62. The Pipeline Road, D26 includes the segment of road specifically set forth in Exhibit 62 and as exists on the ground.

**Acceptance of the Pipeline Road, D26 R.S. 2477 Right-of-way Prior to October 21, 1976.**

1006. The Pipeline Road, D26 has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

1007. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pipeline Road, D26 as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

1008. The Pipeline Road, D26 appears on the Warren Draw (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

1009. The County confirmed its acceptance of the Pipeline Road, D26 by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road, D26 pursuant to the County's governmental right and authority.

1010. Witnesses with personal knowledge of the history of the Pipeline Road, D26 confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

1011. Currently known reputation in the community is that the Pipeline Road, D26 has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

1012. Public motor vehicle use of the Pipeline Road, D26 as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

1013. The Pipeline Road, D26 traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

1014. The United States has never confirmed Plaintiffs' title to the Pipeline Road, D26. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road, D26.

1015. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road, D26 on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pipeline Road Spur A, D26A**

1016. The Pipeline Road Spur A is designated as county road number D26A and SGID road identification number RD050060 and is more or less 0.51 miles long.

1017. The centerline course of the Pipeline Road Spur A is depicted on the map included in Exhibit 63, which is attached hereto and incorporated herein. This map further reflects that this road crosses Utah state land and public land administered by the BLM.

1018. The east end of the Pipeline Road Spur A commences in the northeast quarter of section 31, Township 2 North, Range 25 East, S.L.B.M. and proceeds generally southwest to the northwest quarter of section 31, Township 2 North, Range 25 East, S.L.B.M.

1019. The specific right-of-way for the Pipeline Road Spur A claimed herein crosses 0.35 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 63.

1020. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road Spur A solely as it crosses United States public land as included and specifically described in Exhibit 63. The Pipeline Road Spur A includes the segment of road specifically set forth in Exhibit 63 and as exists on the ground.

**Acceptance of the Pipeline Road Spur A R.S. 2477 Right-of-way Prior to October 21, 1976.**

1021. The Pipeline Road Spur A has long served as a public highway providing access

to and across Utah state land and public land and to other public roads. This road serves the public's transportation needs.

1022. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pipeline Road Spur A as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

1023. The Pipeline Road Spur A appears on the Warren Draw (1952) USGS 7.5 minute quadrangle map (*See Exhibit 10*), which evidences the acceptance, use, and existence of the right-of-way for this road.

1024. The County confirmed its acceptance of the Pipeline Road Spur A by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road Spur A pursuant to the County's governmental right and authority.

1025. Witnesses with personal knowledge of the history of the Pipeline Road Spur A confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

1026. Currently known reputation in the community is that the Pipeline Road Spur A has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

1027. Public motor vehicle use of the Pipeline Road Spur A as a public thoroughfare

traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

1028. The Pipeline Road Spur A traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

1029. The United States has never confirmed Plaintiffs' title to the Pipeline Road Spur A. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road Spur A.

1030. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road Spur A on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pipeline Road Spur D, D26D**

1031. The Pipeline Road Spur D is designated as county road number D26D and SGID road identification number RD050063 and is more or less 0.80 miles long.

1032. The centerline course of the Pipeline Road Spur D is depicted on the map included in Exhibit 64, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

1033. The north end of the Pipeline Road Spur D commences in the northeast quarter of section 31, Township 2 North, Range 25 East, S.L.B.M. and proceeds generally south to the southwest quarter of section 31, Township 2 North, Range 25 East, S.L.B.M.

1034. The specific right-of-way for the Pipeline Road Spur D claimed herein crosses 0.8 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 64.

1035. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road Spur D solely as it crosses United States public land as included and specifically described in Exhibit 64. The Pipeline Road Spur D includes the segment of road specifically set forth in Exhibit 64 and as exists on the ground.

**Acceptance of the Pipeline Road Spur D R.S. 2477 Right-of-way Prior to October 21, 1976.**

1036. The Pipeline Road Spur D has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

1037. Aerial photography from 1977 or earlier confirms the historical use, existence, and acceptance of the right-of-way for the Pipeline Road Spur D as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

1038. The Pipeline Road Spur D was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road Spur D pursuant to the County's governmental right and authority.

1039. Witnesses with personal knowledge of the history of the Pipeline Road Spur D confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21,

1976.

1040. Currently known reputation in the community is that the Pipeline Road Spur D has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

1041. Public motor vehicle use of the Pipeline Road Spur D as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

1042. The Pipeline Road Spur D traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

1043. The United States has never confirmed Plaintiffs' title to the Pipeline Road Spur D. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road Spur D.

1044. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road Spur D on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**Pipeline Road Spur F, D26F**

1045. The Pipeline Road Spur F is designated as county road number D26F and SGID road identification number RD050065 and is more or less 0.09 miles long.

1046. The centerline course of the Pipeline Road Spur F is depicted on the map included

in Exhibit 65, which is attached hereto and incorporated herein. This map further reflects that this road crosses public land administered by the BLM.

1047. The east end of the Pipeline Road Spur F commences and ends in the southwest quarter of section 31, Township 2 North, Range 25 East, S.L.B.M.

1048. The specific right-of-way for the Pipeline Road Spur F claimed herein crosses 0.09 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 65.

1049. In this action, the State and County seek to quiet title to the public highway right-of-way for the Pipeline Road Spur F solely as it crosses United States public land as included and specifically described in Exhibit 65. The Pipeline Road Spur F includes the segment of road specifically set forth in Exhibit 65 and as exists on the ground.

**Acceptance of the Pipeline Road Spur F R.S. 2477 Right-of-way Prior to October 21, 1976.**

1050. The Pipeline Road Spur F has long served as a public highway providing access to and across public land. This road serves the public's transportation needs.

1051. The Pipeline Road Spur F was accepted as a County highway at least 10 years prior to October 21, 1976. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the Pipeline Road Spur F pursuant to the County's governmental right and authority.

1052. Witnesses with personal knowledge of the history of the Pipeline Road Spur F confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

1053. Currently known reputation in the community is that the Pipeline Road Spur F has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

1054. Public motor vehicle use of the Pipeline Road Spur F as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

1055. The Pipeline Road Spur F traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

1056. The United States has never confirmed Plaintiffs' title to the Pipeline Road Spur F. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the Pipeline Road Spur F.

1057. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Pipeline Road Spur F on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**DWR Road, D76**

1058. The DWR Road is designated as county road number D76 and SGID road identification number RD050114 and is more or less 0.23 miles long.

1059. The centerline course of the DWR Road is depicted on the map included in Exhibit 66, which is attached hereto and incorporated herein. This map further reflects that this

road crosses public land administered by the BLM.

1060. The east end of the DWR Road commences in the northeast quarter of section 30, Township 2 North, Range 25 East, S.L.B.M. and proceeds generally southwest to the northwest quarter of section 30, Township 2 North, Range 25 East, S.L.B.M.

1061. The specific right-of-way for the DWR Road claimed herein crosses 0.23 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 66.

1062. In this action, the State and County seek to quiet title to the public highway right-of-way for the DWR Road solely as it crosses United States public land as included and specifically described in Exhibit 66. The DWR Road includes the segment of road specifically set forth in Exhibit 66 and as exists on the ground.

**Acceptance of the DWR Road R.S. 2477 Right-of-way Prior to October 21, 1976.**

1063. The DWR Road has long served as a public highway providing access to and across public land and to other public roads. This road serves the public's transportation needs.

1064. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the DWR Road as a public highway located on the land at issue in this case and following the course described herein. More recent aerial photography continues to show the road as it existed prior to October 21, 1976.

1065. The DWR Road appears on the Clay Basin (1952) USGS 7.5 minute quadrangle map (*See* Exhibit 10), which evidences the acceptance, use, and existence of the right-of-way for this road.

1066. The County confirmed its acceptance of the DWR Road by 1975, when it designated and accepted the road as a county highway on the County's general highway map. The County further evidenced its acceptance of its R.S. 2477 right-of-way by managing, maintaining, or improving the DWR Road pursuant to the County's governmental right and authority.

1067. Witnesses with personal knowledge of the history of the DWR Road confirm public use of this road as a public thoroughfare by means of motor vehicles on a continuous basis, whenever convenient or necessary, for more than 10 years prior to October 21, 1976.

1068. Currently known reputation in the community is that the DWR Road has been open for all to come and go as they please, whenever convenient or necessary, for more than 10 years prior to October 21, 1976, and continuing to the present.

1069. Public motor vehicle use of the DWR Road as a public thoroughfare traversing unreserved public lands on a continuous basis, whenever convenient or necessary, for a period of 10 years prior to October 21, 1976, confirms acceptance of the grant of an R.S. 2477 public highway right-of-way for this road.

1070. The DWR Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

1071. The United States has never confirmed Plaintiffs' title to the DWR Road. Without confirmation from the United States, a cloud remains on the State and County's title to the right-of-way. Therefore, the State and County have brought this quiet title action to establish clear title to the right-of-way underlying the DWR Road.

1072. The State and County are entitled to an order quieting title to their R.S. 2477

right-of-way for the DWR Road on lands owned by the United States as described herein and including that which is reasonable and necessary for the use, benefit, and enjoyment of this road.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request relief against the Defendant as follows:

1. On its First Cause of Action—Ford Road Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Ford Road, B21; (2) Spring Creek Road, B23; (3) Goslin Mountain Road, D18; (4) D19 Road, D19; (5) D20 Road, D20; (6) D20A Road, D20A; (7) D22 Road, D22; (8) D23 Road, D23; (9) Pipeline Road North, D25; (10) D42 Road, D42; (11) D43 Road, D43; and (12) D101 Road, D101; and

2. On its Second Cause of Action—Browns Park/Clay Basin Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Browns Park Road, B22; (2) Clay Basin Road, B34; (3) B35 Road, B35; (4) B36 Road, B36; (5) B37 Road, B37; (6) Pigeon Canyon Road, D21; (7) D27 Road, D27; (8) D34 Road, D34; and (9) D99 Road, D99; and

3. On its Third Cause of Action—Three Corners Road Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Three Corners Road, B24; (2) Willow Creek Road, D28; (3) Willow Creek Ridge Road, D28A; (4) Cottonwood Spring Road, D40; (5) D40A Road, D40; and (6) D87 Road, D87; and

4. On its Fourth Cause of Action—Willow Creek Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Willow Creek Road, B27; (2) Lower Willow Creek Road, B28; (3) Lower Willow Creek Spur Road, B28A; (4)

Lower Willow Creek West Spur Road, D37; (5) Swallow Canyon Road, D47; (6) War Grave Road, D49; and (7) D50 Road, D50; and

5. On its Fifth Cause of Action—Crouse Canyon/Pot Creek Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Crouse Canyon Road, B31; (2) Pot Creek Road, B32; (3) Pot Creek South Road, B32A; (4) Crouse Canyon Road, D31; (5) D52 Road, D52; (6) D54 Road, D54; (7) Sears Canyon Road, D55; (8) Roller Draw Road, D64; and (9) Marshall Draw Road, B68; and

6. On its Sixth Cause of Action—Red Creek/Taylor Flat Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Red Creek Road, B25; (2) Taylor Flat Road, B29; (3) Little Hole Road, B30; (4) Taylor Flat Jeep Road, D48; (5) Sears Canyon Spur Road, D55A; (6) Davenport Spring Road, D73; (7) Bull Pen Road, D74; and

7. On its Seventh Cause of Action—East Green River Area—an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: (1) Pipeline Road, B26; (2) Pipeline Road, D26; (3) Pipeline Road Spur A, D26A; (4) Pipeline Road Spur D, D26D; (5) Pipeline Road Spur F, D26F; and (6) DWR Road, D76; and

8. An order awarding costs, fees, and attorneys' fees to the extent permitted by law; and

9. An order granting such further and other relief as may be appropriate.

Respectfully submitted this 28th day of August, 2012.

/s/ Roger R. Fairbanks  
Assistant Attorney General