

CHRISTOPHER LACOMBE (13926)
ANTHONY L. RAMPTON (2681)
HARRY H. SOUVALL (4919)
Assistant Attorneys General
MARK SHURTLEFF (4666)
UTAH ATTORNEY GENERAL
5110 State Office Building
Post Office Box 142477
Salt Lake City, UT 84114-2477
clacombe@utah.gov
arampton@utah.gov
hsouvall@utah.gov
Telephone: (801) 537-9814

Attorneys for Plaintiffs

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

UTAH 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-00426-CW

Judge: Honorable Clark Waddoups

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

INTRODUCTION

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Section 8 of the Mining Act of 1866, 14 Stat. 251, 253, later codified as Revised Statutes 2477 and as 43 U.S.C. § 932 (repealed October 21, 1976, with savings provisions recognizing validity of rights-of-way already established) (hereinafter “R.S. 2477”). For judicial convenience and ease of reference, the rights-of-way at issue herein have been divided into five geographic areas, each with approximately 4-11 roads. Each geographic area has been pleaded as a separate cause of action.

JURISDICTION AND VENUE

1. The claims asserted herein arise under the Quiet Title Act (“QTA”). 28 U.S.C. § 2409a (2006).
2. 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.
3. 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) (Supp. 2011) and -103(2)(b) (2004).
4. On or about October 27, 2011, the State filed a Notice of Intention to File Suit to Quiet Title to Certain Rights-of-Way in Utah County, Utah, with the Secretary of Interior over 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).

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

PARTIES

6. 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 (2008).

7. Utah County is a political subdivision of the state of Utah, located in the central area of the state, and is authorized to maintain this action. UTAH CODE ANN. § 17-50-302(2) (2009).

8. Pursuant to the Utah Constitution, the State owns all property interests acquired from the United States at or after the time of statehood. UTAH CONST. art. XX. The State and the County are joint owners of R.S. 2477 rights-of-way within Utah County, Utah. UTAH CODE ANN. §§ 72-5-302(2) (Supp. 2011) and -103(2)(b) (2004); *id.* §§ 72-3-103(3) (2004) and -105(3). As an undivided joint owner of the public highway rights-of-way claimed herein, the State is duly authorized to maintain this action. *See* UTAH CONST. art. VII, § 1; *see also generally* UTAH CODE ANN. §§ 72-5-103 through -105, and 72-5-302 (Supp. 2011).

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

10. Defendant United States 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**

11. R.S. 2477 provides as follows: “*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.” Act of July 26, 1866, ch. 262, § 8, 14 Stat. 251, 253, codified at 43 U.S.C. § 932, repealed by Federal Land Policy Management Act of 1976 (FLPMA), Pub.L. No. 94-579 § 706(a), 90 Stat. 2743.

12. 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.

13. 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) (hereinafter “*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

14. Prior to its recent adverse actions, the DOI historically recognized and agreed that state law is borrowed to govern the acceptance, scope, and regulatory jurisdiction of R.S. 2477 public highways.

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

16. 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.

17. 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.

18. 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.

19. As of and following 1986, R.S. 2477 interpretive policies stated in the Bureau of Land Management 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.

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

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

22. 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; and/or (3) using the road as a public thoroughfare, as often as convenient or necessary, for a continuous period of 10 years prior to October 21, 1976. *See, e.g.*, UTAH CODE ANN. § 72-5-104 (Supp. 2011).

23. 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 and enjoyment, and the implied or actual right to cross public land to access and use the property interest granted.

24. 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. *See id.* § 72-5-104(3).

25. 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.

26. 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. *See Sierra Club v. Hodel*, 848 F.2d 1068, 108384 (10th Cir. 1988).

27. 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 run-outs, and fill areas necessary to ensure a safe travel surface as reasonable and necessary under the circumstances specific to each road.

28. 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 of 1976 (“FLPMA”), 43 U.S.C. § 1701 *et seq.*

29. 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 (including the DOI and the BLM) to manage federal lands subject to these valid existing rights.

30. Section 701(h) of FLPMA provides as follows: “All actions by the Secretary concerned under this Act shall be subject to valid existing rights.” *Id.* § 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

31. 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.

32. The County classifies its public highways as Class B (maintained) and Class D (lightly maintained) county roads. This classification is a matter of Utah law and is, herein, generally relevant only to the manner of acceptance of the rights-of-way for the roads. *See* UTAH CODE ANN. §§ 72-3-101 through -105 (2004) (explaining Utah’s road classification system).

33. At all times relevant herein, Utah 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 id.* § 72-3-103 (prior law in accord); *see also id.* § 27-12-22 (1963); (2) expending State or County funds to construct or maintain a road for general highway purposes prior to October 21, 1976; and/or (3) using the road as a public thoroughfare, as often as convenient or necessary, for a continuous period of 10 years prior to October 21, 1976, *see id.* § 72-5-104 (Supp. 2011) (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”).

34. The R.S. 2477 rights-of-way for the Class B and D roads claimed herein were initially accepted as public highways by public use for a continuous period of at least 10 years prior to October 21, 1976, or such other date as requisite for the acceptance of a particular road and its right-of-way claimed herein.

35. The R.S. 2477 rights-of-way for the Class B and D roads may also have been accepted by the County’s designation of these roads as county general highways and/or by the County’s expenditure of State and County funds to construct and maintain these roads as public

highways prior to October 21, 1976, or such other date as requisite for the acceptance of a particular road and its R.S. 2477 right-of-way claimed herein.

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

37. However, the County is the highway authority with sole jurisdiction and control of all Class B and Class D roads within its borders. UTAH CODE ANN. §§ 72-3-103(4) and -105(4) (2004). The County has the sole obligation to manage, construct, and maintain its Class B roads to meet general travel standards established by State law. *See id.* §72-3-103(5).

38. 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.

39. In addition to the public lands of the United States, some of the roads claimed in this action have segments that access and cross 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").

40. In those instances where the roads and rights-of-way cross lands formerly in 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. 43 U.S.C. § 1701, note (2006); *cf.* UTAH CODE ANN. § 53C-4-203(2) (2009) (stating that patents for SITLA lands are "subject to any valid existing easement or public right-of-way"). 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.

41. The course, existence, and location of the rights-of-way and roads that cross private and 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.

42. 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 (Supp. 2011).

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

AREA DESCRIPTIONS

44. In order to better organize the rights-of-way included in this amended complaint to fit within Utah's transportation system, the roads have been divided into five areas: 1) Lake Mountain Area; 2) Cedar Fort/Fairfield Area; 3) Twelve Mile Pass/Chimney Rock Pass Area; 4) Goshen/Elberta Area; and 5) Tucker/Colton Area (collectively the "Five Areas").

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

46. 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 and the County.

47. The Lake Mountain Area is located in north-central Utah County and is shown on Exhibit 3, attached hereto and incorporated herein.

48. The Lake Mountain Area includes the following roads-listed by common road name and county-unique number: 1) Lake Mountain Road, B885; 2) Soldier Pass Road, B952; 3) Knolls Road, D002; 4) Long Ridge Road, D003; 5) Lake Mountain Communications Road, D004, 6) D107 Road, D107; 7) D107B Road, D107B; 8) D107C Road, D107C; and 9) D107D Road, D107D.

49. The Cedar Fort/Fairfield Area is located in the northwestern portion of Utah County as shown on Exhibit 4 attached hereto and incorporated herein.

50. The Cedar Fort/Fairfield Area includes the following roads-listed by common road name and county-unique number: 1) Cedar Fort Diagonal Road, B831; 2) Lewiston Road, B897; 3) Manning Canyon Road, B906; 4) Thorpe Flats Road, D006; 5) Seven Mile Pass Road, D007; 6) Wells Canyon Road, D008; and 7) Clay Canyon Road, D009.

51. The Twelve Mile Pass/Chimney Rock Pass Area is located in western Utah County and is shown on Exhibit 5, attached hereto and incorporated herein.

52. The Twelve Mile Pass/Chimney Rock Pass Area includes the following roads-listed by common road name and county-unique number: 1) Broad Canyon Road, B823; 2) Chimney Rock Pass Road, B835; 3) Chiulos Canyon Road, B836; 4) Homansville Pass Road, B880; 5) Twelve Mile Pass Road, B978 6) Freemont Canyon Road, D089; 7) Cedar Flats Road, D091; 8) Ten Mile Pass Road, D092; 9) Broad Canyon D Road, D109; 10) Cedar Well Road, D110; and 11) Chiulos Canyon Right Road, D836.

53. The Goshen/Elberta Area is located in southern Utah County and is shown on Exhibit 6, attached hereto and incorporated herein.

54. The Goshen/Elberta Area includes the following roads-listed by common road name and county-unique number: 1) Elberta Slant Road, B850; 2) North Goshen Bay Road, B917; 3) Tunnel Road, B977; 4) West Mountain Road, D078; 5) Hancock Ranch Road, D087; 6) Crooked Canyon Road, D088; 7) Cottonwood Canyon Road, D108; and 8) D111 Road, D111.

55. The Tucker/Colton Area is located in eastern Utah County and is shown on Exhibit 7, attached hereto and incorporated herein.

56. The Tucker/Colton Area includes the following roads-listed by common road name and county-unique number: 1) Kyune Pass Road, B883, 2) Skyline Drive, B950, 3) Starvation Road, B964, and 4) Ford Ridge Road, D062.

57. As important links in Plaintiffs' transportation systems, clear title to the rights-of-way that underlie these roads is of the utmost importance to Plaintiffs and the general public.

58. The surveyed centerline of the above-named roads in the Five Areas are displayed, respectively, as Exhibits 9-47, 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 historical aerial photography, and overlaid upon United States Geological Survey ("USGS") topographic maps.

59. The information and documentation relevant to the above Five 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.

60. 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.

61. The USGS 7.5- and 15-minute quadrangle maps covering Utah County evidence the existence, use, and acceptance of the rights-of-way in this action prior to 1976. *See* Exhibit 8 for detailed map information.

62. 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.

63. 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.

64. 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.

65. 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 9-47, 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 and SITLA lands are not at issue, are not contested, and are not claimed herein.

66. 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

67. Utah County encompasses approximately 5,200 square miles of land. Approximately 90 % of the land within the County is federal land.

68. Due to the vast expanse of federal land in Utah County, R.S. 2477 provides the sole legal basis for Utah 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.

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

70. 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.

71. 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.

72. 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.

73. For decades, and in some instances a century, Plaintiffs and the public have benefited 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.

74. 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.

75. 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.

76. 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, Utah 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.

77. 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

78. 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.

79. 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.

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

81. The State of Utah and Utah 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.

82. 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 Utah County which only resolution by the Court can redress.

83. 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.

84. 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.

85. 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.

86. 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.

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

88. 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.

89. 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.

90. 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 Utah 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.

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

92. 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.

93. 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.

94. 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 Utah County.

95. 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 Utah County with respect to the roads over R.S. 2477 rights-of-way at issue herein.

96. Because the DOI has failed to respond to the claims asserted by the State of Utah and Utah 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 Utah 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**

97. 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).

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

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

100. 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.

101. 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.

102. 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.*

103. 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.

104. 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.

105. 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).

106. 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.

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

108. 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.

109. 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.*

110. 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.

111. 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”).

112. 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).

113. 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.*

114. 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.*

115. 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”).

116. 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.”

117. 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.”

118. 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.

119. 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.

120. 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.

121. The termination of the MOU in 2003 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.

122. 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 in Utah County.

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

124. 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.*

125. 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.

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

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

128. 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.*

129. 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.

130. 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.

131. 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.

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

133. 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.

134. 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.

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

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

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

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

139. 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.

140. 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 Utah 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.

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

142. 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.”

143. Because the State of Utah and Utah 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.

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

145. Certain roads become impassable and dangerous without maintenance.

146. 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.

147. 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.

148. 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.

149. 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.

150. 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.

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

152. 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.”

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

154. 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.

155. 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.

156. 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.

157. Utah 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).

158. Utah 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).

159. 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.

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

161. 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.

162. 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 Utah County.

163. 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.

164. 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.

165. 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.

166. Certain roads have fallen into disrepair without Utah 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.

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

168. 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.

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

170. 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.*

Kemphorne, 495 F. Supp. 1143 (D. Utah 2007), *aff'd* 562 F.3d 1077 (10th Cir. 2009) (“Monument lawsuit”).

171. 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.*

172. 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.

173. 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.*

174. 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.*

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

176. 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.

177. 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.

178. 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.

179. 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).

180. 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.

181. 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.

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

183. 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.

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

185. In response to Utah County's claims of ownership of these rights-of-way, the RMP finalized by the BLM covering Utah 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.*

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

187. The BLM's actions in implementing and enforcing the Salt Lake RMP's transportation decisions and the subsequent road closures have excluded Utah 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.

188. Despite the State of Utah and Utah 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.

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

190. 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.

191. 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
LAKE MOUNTAIN AREA

192. The State of Utah and Utah County incorporate herein and re-allege each of the foregoing paragraphs.

193. The Lake Mountain Area is located in north-central Utah County west of Utah Lake.

194. The Lake Mountain Area includes the following roads—listed by Common Road Name and County-unique Number: 1) Lake Mountain Road, B885; 2) Soldier Pass Road, B952; 3) Knolls Road, D002; 4) Long Ridge Road, D003; 5) Lake Mountain Communications Road, D004, 6) D107 Road, D107; 7) D107B Road, D107B; 8) D107C Road, D107C; and 9) D107D Road, D107D.

195. Each right-of-way claimed in the Lake Mountain 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.

196. All rights-of-way claimed in the Lake Mountain 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.

197. All rights-of-way claimed in the Lake Mountain 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).

198. Prior to October 21, 1976, the State, the 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.

Lake Mountain Road, B885

199. The Lake Mountain Road is designated as county road number B885 and State Geographic Information Database (“SGID”) road identification number RD250011 and is more or less 5.99 miles long.

200. The centerline course of the Lake Mountain Road is depicted on the map included in Exhibit 9 (Lake Mountain Road), 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.

201. The south end of the Lake Mountain Road commences in the southwest quarter of section 20, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally north where it ends in the southeast quarter of section 30, Township 6 South, Range 1 West, S.L.B.M.

202. The specific right-of-way for the Lake Mountain 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 9.

203. In this action, the State and County seek to quiet title to the public highway right-of-way for the Lake Mountain Road solely as it crosses United States public land as included and specifically described in Exhibit 9. The Lake Mountain Road includes the segment of road specifically set forth in Exhibit 9 and as exists on the ground.

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

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

205. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Lake 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.

206. The Lake Mountain Road appears on the Soldiers Pass (1950), Saratoga Springs (1951), and Goshen Pass (1948) USGS 7.5-minute quadrangle maps and the Five Mile Pass

(1947) and West Mountain (1950) USGS 15-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

207. The County confirmed its acceptance of the Lake 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 Lake Mountain Road using public funds pursuant to the County's governmental right and authority.

208. Witnesses with personal knowledge of the history of the Lake 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.

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

210. Public motor vehicle use of the Lake 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.

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

212. The United States has never confirmed Plaintiffs' title to the Lake 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 Lake Mountain Road.

213. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lake 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.

Soldier Pass Road, B952

214. The Soldier Pass Road is designated as county road number B952 and State Geographic Information Database ("SGID") road identification number RD250018 and is more or less 4.54 miles long.

215. The centerline course of the Soldier Pass Road is depicted on the map included in Exhibit 10 (Soldier Pass Road), 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.

216. The east end of the Soldier Pass Road commences in the southwest quarter of section 27, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally northwest where it ends in the southwest quarter of section 20, Township 7 South, Range 1 West, S.L.B.M.

217. The specific right-of-way for the Soldier Pass Road claimed herein crosses 1.34 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 10.

218. In this action, the State and County seek to quiet title to the public highway right-of-way for Soldier Pass Road solely as it crosses United States public land as included and specifically described in Exhibit 10. The Soldier Pass Road includes the segment of road specifically set forth in Exhibit 10 and as exists on the ground.

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

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

220. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Soldier Pass 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.

221. The Soldier Pass Road appears on the Soldiers Pass (1950) USGS 7.5-minute quadrangle map and the West Mountain (1950) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

222. The County confirmed its acceptance of the Soldier Pass Road by 1975, when it was listed 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 Soldier Pass Road using public funds pursuant to the County's governmental right and authority.

223. Witnesses with personal knowledge of the history of the Soldier Pass 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.

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

225. Public motor vehicle use of the Soldier Pass 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.

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

227. The United States has never confirmed Plaintiffs' title to the Soldier Pass 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 Soldier Pass Road.

228. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Soldier Pass 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.

Knolls Road, D002

229. The Knolls Road is designated as county road number D002 and State Geographic Information Database (“SGID”) road identification number RD250028 and is more or less 0.88 miles long.

230. The centerline course of the Knolls Road is depicted on the map included in Exhibit 11 (Knolls Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

231. The north end of the Knolls Road commences in the northeast quarter of section 13, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally southeast where it ends in the northwest quarter of section 19, Township 7 South, Range 1 East, S.L.B.M.

232. The specific right-of-way for the Knolls Road claimed herein crosses 0.08 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 11.

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

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

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

235. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Knolls 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.

236. The Knolls 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 Knolls Road pursuant to the County's governmental right and authority.

237. Witnesses with personal knowledge of the history of the Knolls 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.

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

239. Public motor vehicle use of the Knolls 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.

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

241. The United States has never confirmed Plaintiffs' title to the Knolls 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 Knolls Road.

242. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Knolls 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.

Long Ridge Road, D003

243. The Long Ridge Road is designated as county road number D003 and State Geographic Information Database ("SGID") road identification number RD250029 and is more or less 5.04 miles long.

244. The centerline course of the Long Ridge Road is depicted on the map included in Exhibit 12 (Long Ridge Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA lands, and public land administered by the BLM.

245. The north end of the Long Ridge Road commences in the southwest quarter of section 29, Township 6 South, Range 1 East, S.L.B.M. and proceeds generally south where it meets the State Route 68 in the northeast quarter of section 13, Township 7 South, Range 1 West, S.L.B.M.

246. The specific right-of-way for the Long Ridge Road claimed herein crosses 1.78 miles of BLM land in 3 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 12.

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

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

248. The Long Ridge 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.

249. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Long 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.

250. The Long Ridge Road appears on the Pelican Point (1950), Saratoga Springs (1951), and Soldiers Pass (1950) USGS 7.5-minute quadrangle maps and the West Mountain (1950) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

251. The County confirmed its acceptance of the Long Ridge 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 Long Ridge Road pursuant to the County's governmental right and authority.

252. Witnesses with personal knowledge of the history of the Long 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.

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

254. Public motor vehicle use of the Long 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.

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

256. The United States has never confirmed Plaintiffs' title to Long 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 Long Ridge Road.

257. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Long 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.

Lake Mountain Communications Road, D004

258. The Lake Mountain Communications Road is designated as county road number D004 and State Geographic Information Database (“SGID”) road identification number RD250012 and is more or less 12.48 miles long.

259. The centerline course of the Lake Mountain Communications Road is depicted on the map included in Exhibit 13 (Lake Mountain Communications Road), 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.

260. The north end of the Lake Mountain Communications Road commences at an intersection with State Route 68 in the northwest quarter of section 12, Township 6 South, Range 1 West, S.L.B.M. and proceeds generally south to the northeast quarter of section 20, Township 7 South, Range 1 West, S.L.B.M.

261. The specific right-of-way for the Lake Mountain Communications Road claimed herein crosses 6.26 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.

262. In this action, the State and County seek to quiet title to the public highway right-of-way for the Lake Mountain Communications Road solely as it crosses United States public

land as included and specifically described in Exhibit 13. The Lake Mountain Communications Road includes the segments of road specifically set forth in Exhibit 13 and as exists on the ground.

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

263. The Lake Mountain Communications Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

264. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Lake Mountain Communications 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.

265. The Lake Mountain Communications Road appears on the Saratoga Springs (1951) and Soldiers Pass (1950) USGS 7.5-minute quadrangle maps and the West Mountain (1950) USGS 15-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

266. The County confirmed its acceptance of the Lake Mountain Communications 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 Lake Mountain Communications Road using public funds pursuant to the County's governmental right and authority.

267. Witnesses with personal knowledge of the history of the Lake Mountain Communications 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.

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

269. Public motor vehicle use of the Lake Mountain Communications 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.

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

271. The United States has never confirmed Plaintiffs' title to Lake Mountain Communications 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 Lake Mountain Communications Road.

272. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lake Mountain Communications 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.

D107 Road, D107

273. The D107 Road is designated as county road number D107 and State Geographic Information Database (“SGID”) road identification number RD250034 and is more or less 1.36 miles long.

274. The centerline course of the D107 Road is depicted on the map included in Exhibit 14 (D107 Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private lands, SITLA lands, and public land administered by the BLM.

275. The east end of the D107 Road commences in the southwest quarter of section 27, Township 7 South, Range 1 West, S.L.B.M. , at an intersection with State Route 68 and proceeds generally northwest to the northwest quarter of section 26, Township 7 South, Range 1 West, S.L.B.M.

276. The specific right-of-way for the D107 Road claimed herein crosses 0.72 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 14.

277. In this action, the State and County seek to quiet title to the public highway right-of-way for the D107 Road solely as it crosses United States public land as included and specifically described in Exhibit 14. The D107 Road includes the segment of road specifically set forth in Exhibit 14 and as exists on the ground.

Acceptance of the D107 Road R.S. 2477 Right-of-way Prior to October 21, 1976.

278. The D107 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.

279. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the D107 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.

280. The D107 Road appears on the Soldiers Pass (1950) USGS 7.5-minute quadrangle map and the West Mountain (1950) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

281. The D107 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 D107 Road pursuant to the County's governmental right and authority.

282. Witnesses with personal knowledge of the history of the D107 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.

283. Currently known reputation in the community is that the D107 Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

284. Public motor vehicle use of the D107 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.

285. The D107 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

286. The United States has never confirmed Plaintiffs' title to the D107 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 D107 Road.

287. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D107 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.

D107B Road, D107B

288. The D107B Road is designated as county road number D107B and State Geographic Information Database ("SGID") road identification number RD250036 and is more or less 0.77 miles long.

289. The centerline course of the D107B Road is depicted on the map included in Exhibit 15 (D107B Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses only public land administered by the BLM.

290. The east end of the D107B Road commences in the northeast quarter of section 28, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally west to the northeast quarter of section 17, Township 7 South, Range 1 West, S.L.B.M.

291. The specific right-of-way for the D107B Road claimed herein crosses 0.77 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 15.

292. In this action, the State and County seek to quiet title to the public highway right-of-way for the D107B Road solely as it crosses United States public land as included and specifically described in Exhibit 15. The D107B Road includes the segment of road specifically set forth in Exhibit 15 and as exists on the ground.

Acceptance of the D107 Road R.S. 2477 Right-of-way Prior to October 21, 1976.

293. The D107B Road has long served as a public highway providing access to and across public land and other public roads. This road serves the public's transportation needs.

294. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the D107B 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.

295. The D107B 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 D107B Road pursuant to the County's governmental right and authority.

296. Witnesses with personal knowledge of the history of the D107B 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.

297. Currently known reputation in the community is that the D107B Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

298. Public motor vehicle use of the D107B 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.

299. The D107B Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

300. The United States has never confirmed Plaintiffs' title to D107B 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 D107B Road.

301. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D107B 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.

D107C Road, D107C

302. The D107C Road designated as county road number D107C and State Geographic Information Database (“SGID”) road identification number RD250037 and is more or less 0.29 miles long.

303. The centerline course of the D107C Road is depicted on the map included in Exhibit 16 (D107C Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses only public land administered by the BLM.

304. The south end of the D107C Road commences in the northwest quarter of section 28, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally north to the southeast quarter of section 21, Township 7 South, Range 1 West, S.L.B.M.

305. The specific right-of-way for the D107C Road claimed herein crosses 0.29 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 16.

306. In this action, the State and County seek to quiet title to the public highway right-of-way for the D107C Road solely as it crosses United States public land as included and specifically described in Exhibit 16. The D107C Road includes the segment of road specifically set forth in Exhibit 16 and as exists on the ground.

Acceptance of the D107C Road R.S. 2477 Right-of-way Prior to October 21, 1976.

307. The D107C Road has long served as a public highway providing access to and across public land and other public roads. This road serves the public's transportation needs.

308. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the D107C 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.

309. The D107C 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 D107C Road pursuant to the County's governmental right and authority.

310. Witnesses with personal knowledge of the history of the D107C 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.

311. Currently known reputation in the community is that the D107C Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

312. Public motor vehicle use of the D107C 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.

313. The D107C Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

314. The United States has never confirmed Plaintiffs' title to D107C 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 D107C Road.

315. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D107C 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.

D107D Road, D107D

316. The D107D Road is designated as county road number D107D and State Geographic Information Database ("SGID") road identification number RD250038 and is more or less 0.53 miles long.

317. The centerline course of the D107D Road is depicted on the map included in Exhibit 17 (D107D Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses only public land administered by the BLM.

318. The east end of the D107D Road commences in the southeast quarter of section 28, Township 7 South, Range 1 West, S.L.B.M. and proceeds generally west to the southwest quarter of section 28, Township 7 South, Range 1 West, S.L.B.M.

319. The specific right-of-way for the D107D Road claimed herein crosses 0.53 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 17.

320. In this action, the State and County seek to quiet title to the public highway right-of-way for the D107D Road solely as it crosses United States public land as included and specifically described in Exhibit 17. The D107D Road includes the segment of road specifically set forth in Exhibit 17 and as exists on the ground.

Acceptance of the D107D Road R.S. 2477 Right-of-way Prior to October 21, 1976.

321. The D107D Road has long served as a public highway providing access to and across public land and other public roads. This road serves the public's transportation needs.

322. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the D107D 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.

323. The D107D Road appears on the Soldiers Pass (1950) USGS 7.5-minute quadrangle map and the West Mountain (1950) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

324. The D107D 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 D107D Road pursuant to the County's governmental right and authority.

325. Witnesses with personal knowledge of the history of the D107D 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.

326. Currently known reputation in the community is that the D107D Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

327. Public motor vehicle use of the D107D 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.

328. The D107D Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

329. The United States has never confirmed Plaintiffs' title to D107D 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 D107D Road.

330. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D107D 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
CEDAR FORT/FAIRFIELD AREA

331. The State of Utah and Utah County incorporate herein and re-allege each of the foregoing paragraphs.

332. The Cedar Fort/Fairfield Area is located in northwestern Utah County.

333. The Cedar Fort/Fairfield Area includes the following roads—listed by Common Road Name and County-unique Number: 1) Cedar Fort Diagonal Road, B831; 2) Lewiston Road, B897; 3) Manning Canyon Road, B906; 4) Thorpe Flats Road, D006; 5) Seven Mile Pass Road, D007; 6) Wells Canyon Road, D008; and 7) Clay Canyon Road, D009.

334. Each right-of-way claimed in the Cedar Fort/Fairfield 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.

335. All rights-of-way claimed in the Cedar Fort/Fairfield 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.

336. All rights-of-way claimed in the Cedar Fort/Fairfield 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).

337. Prior to October 21, 1976, the State, 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.

Cedar Fort Diagonal Road, B831

338. The Cedar Fort Diagonal Road is designated as county road number B831 and State Geographic Information Database (“SGID”) road identification number RD250002 and is more or less 0.26 miles long.

339. The centerline course of the Cedar Fort Diagonal Road is depicted on the map included in Exhibit 18 (Cedar Fort Diagonal Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses SITLA lands and public land administered by the BLM.

340. The south end of the Cedar Fort Diagonal Road commences in the northeast quarter of section 7, Township 6 South, Range 2 West, S.L.B.M. intersecting with State Route 73 and proceeds generally north where it ends in the northeast quarter of section 7, Township 6 South, Range 2 West, S.L.B.M.

341. The specific right-of-way for the Cedar Fort Diagonal Road claimed herein crosses 0.19 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.

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

Acceptance of the Cedar Fort Diagonal Road R.S. 2477 Right-of-way Prior to October 21, 1976.

343. The Cedar Fort Diagonal Road has long served as a public highway providing access to public land and other public roads. This road serves the public's transportation needs.

344. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Cedar Fort Diagonal 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.

345. The Cedar Fort Diagonal Road appears on the Cedar Fort (1968) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

346. The County confirmed its acceptance of the Cedar Fort Diagonal 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 Cedar Fort Diagonal Road using public funds pursuant to the County's governmental right and authority.

347. Witnesses with personal knowledge of the history of the Cedar Fort Diagonal 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.

348. Currently known reputation in the community is that the Cedar Fort Diagonal Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

349. Public motor vehicle use of the Cedar Fort Diagonal 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.

350. The Cedar Fort Diagonal Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

351. The United States has never confirmed Plaintiffs' title to Cedar Fort Diagonal 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 Cedar Fort Diagonal Road.

352. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Cedar Fort Diagonal 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.

Lewiston Road, B897

353. The Lewiston Road is designated as county road number B897 and State Geographic Information Database (“SGID”) road identification number RD250013 and is more or less 5.00 miles long.

354. The centerline course of the Lewiston Road is depicted on the map included in Exhibit 19 (Lewiston Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

355. The east end of the Lewiston Road commences in the east central portion of section 18, Township 6 South, Range 2 West, S.L.B.M. and proceeds generally southwest, then west and then northwest to the northeast quarter of section 15, Township 6 South, Range 3 West, S.L.B.M.

356. The specific right-of-way for the Lewiston Road claimed herein crosses 2.15 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 19.

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

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

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

359. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Lewiston 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.

360. The Lewiston Road appears on the Cedar Fort (1968) and Mercur (1968) USGS 7.5-minute quadrangle maps and the Fairfield (1917) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

361. The County confirmed its acceptance of the Lewiston Road by 1975, when it was listed 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 Lewiston Road using public funds pursuant to the County's governmental right and authority.

362. Witnesses with personal knowledge of the history of the Lewiston 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.

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

364. Public motor vehicle use of the Lewiston 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.

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

366. The United States has never confirmed Plaintiffs' title to Lewiston 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 Lewiston Road.

367. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Lewiston 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.

Manning Canyon Road, B906

368. The Manning Canyon Road is designated as county road number B906 and State Geographic Information Database ("SGID") road identification number RD250015 and is more or less 10.07 miles long.

369. The centerline course of the Manning Canyon Road is depicted on the map included in Exhibit 20 (Manning Canyon Road), 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.

370. The south end of the Manning Canyon Road commences in the southwest quarter of section 31, Township 6 South, Range 2 West, S.L.B.M., intersecting with State Route 73, and

proceeds generally northwest where it ends in the northeast quarter of section 5, Township 6 South, Range 3 West, S.L.B.M.

371. The specific right-of-way for the Manning Canyon Road claimed herein crosses 3.01 miles of BLM land in 9 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 20.

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

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

373. The Manning Canyon Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

374. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Manning 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.

375. The Manning Canyon Road appears on the Cedar Fort (1968) and Mercur (1968) USGS 7.5-minute quadrangle maps and the Fairfield (1917) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

376. The County confirmed its acceptance of the Manning Canyon Road by 1975, when it was listed 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 Manning Canyon Road using public funds pursuant to the County's governmental right and authority.

377. Witnesses with personal knowledge of the history of the Manning 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.

378. Currently known reputation in the community is that the Manning Canyon Road has been open for all to come and go 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 Manning 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.

380. The Manning Canyon 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 Manning 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 Manning Canyon Road.

382. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Manning 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.

Thorpe Flats Road, D006

383. The Thorpe Flats Road is designated as county road number D006 and State Geographic Information Database (“SGID”) road identification number RD250031 and is more or less 7.33 miles long.

384. The centerline course of the Thorpe Flats Road is depicted on the map included in Exhibit 21 (Thorpe Flats Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

385. The north end of the Thorpe Flats Road commences in the southeast quarter of section 3, Township 7 South, Range 3 West, S.L.B.M. at an intersection with Route 73 and proceeds generally south to the northeast quarter of section 36, Township 7 South, Range 3 West, S.L.B.M.

386. The specific right-of-way for the Thorpe Flats Road claimed herein crosses 6.26 miles of BLM land in 5 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 21.

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

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

388. The Thorpe Flats 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.

389. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Thorpe Flats 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.

390. The Thorpe Flats Road appears on the Five Mile Pass (1949) and the Goshen Pass (1948) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

391. The County confirmed its acceptance of the Thorpe Flats Road by 1975, when it was listed 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 Thorpe Flats Road pursuant to the County's governmental right and authority.

392. Witnesses with personal knowledge of the history of the Thorpe Flats 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.

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

394. Public motor vehicle use of the Thorpe Flats 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.

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

396. The United States has never confirmed Plaintiffs' title to Thorpe Flats 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 Thorpe Flats Road.

397. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Thorpe Flats 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.

Seven Mile Pass Road, D007

398. The Seven Mile Pass Road is designated as county road number D007 and State Geographic Information Database (“SGID”) road identification number RD250030 and is more or less 4.89 miles long.

399. The centerline course of the Seven Mile Pass Road is depicted on the map included in Exhibit 22 (Seven Mile Pass Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

400. The west end of the Seven Mile Pass Road commences in the northeast quarter of section 3, Township 8 South, Range 3 West, S.L.B.M. and proceeds generally north, leaving the county in the southeast quarter of section 34, Township 7 South, Range 3 West, S.L.B.M. The Seven Mile Pass road reenters the county in the northwest quarter of section 23, Township 7 South, Range 3 West, S.L.B.M. and runs generally east to the southwest quarter of section 20, Township 7 South, Range 2 West, S.L.B.M.

401. The specific right-of-way for the Seven Mile Pass Road claimed herein crosses 3.14 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.

402. In this action, the State and County seek to quiet title to the public highway right-of-way for the Seven Mile Pass Road solely as it crosses United States public land as included and specifically described in Exhibit 22. The Seven Mile Pass Road includes the segment of road specifically set forth in Exhibit 22 and as exists on the ground.

Acceptance of the Seven Mile Pass Road R.S. 2477 Right-of-way Prior to October 21, 1976.

403. The Seven Mile Pass 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.

404. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Seven Mile Pass 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.

405. The Seven Mile Pass Road appears on the Goshen Pass (1948) and Five Mile Pass (1949) USGS 7.5-minute quadrangle maps and Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

406. The County confirmed its acceptance of the Seven Mile Pass Road by 1975, when it was listed 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 Seven Mile Pass Road pursuant to the County's governmental right and authority.

407. Witnesses with personal knowledge of the history of the Seven Mile Pass 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.

408. Currently known reputation in the community is that the Seven Mile Pass Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

409. Public motor vehicle use of the Seven Mile Pass 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.

410. The Seven Mile Pass Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

411. The United States has never confirmed Plaintiffs' title to the Seven Mile Pass 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 Seven Mile Pass Road.

412. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Seven Mile Pass 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.

Wells Canyon Road, D008

413. The Wells Canyon Road designated as county road number D008 and State Geographic Information Database ("SGID") road identification number RD250032 and is more or less 1.44 miles long.

414. The centerline course of the Wells Canyon Road is depicted on the map included in Exhibit 23 (Wells Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

415. The east end of the Wells Canyon Road commences in the northwest quarter of section 36, Township 6 South, Range 3 West, S.L.B.M. and proceeds generally west to the northeast quarter of section 34, Township 6 South, Range 3 West, S.L.B.M.

416. The specific right-of-way for the Wells Canyon Road claimed herein crosses 0.33 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 23.

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

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

418. The Wells Canyon 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.

419. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Wells 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.

420. The Wells Canyon Road appears on the Mercur (1968) USGS 7.5-minute quadrangle map and the Fairfield (1917) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

421. The County confirmed its acceptance of the Wells Canyon Road by 1975, when it was listed 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 Wells Canyon Road pursuant to the County's governmental right and authority.

422. Witnesses with personal knowledge of the history of the Wells 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.

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

424. Public motor vehicle use of the Wells 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.

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

426. The United States has never confirmed Plaintiffs' title to the Wells 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 Wells Canyon Road.

427. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Wells 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.

Clay Canyon Road, D009

428. The Clay Canyon Road designated as county road number D009 and State Geographic Information Database ("SGID") road identification number RD250025 and is more or less 1.19 miles long.

429. The centerline course of the Clay Canyon Road is depicted on the map included in Exhibit 24 (Clay Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

430. The east end of the Clay Canyon Road commences in the southeast quarter of section 22, Township 6 South, Range 3 West, S.L.B.M. and proceeds generally west to the southeast quarter of section 21, Township 6 South, Range 3 West, S.L.B.M.

431. The specific right-of-way for the Clay Canyon Road claimed herein crosses 0.72 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.

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

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

433. The Clay Canyon 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.

434. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Clay 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.

435. The Clay Canyon Road appears on the Mercur (1968) USGS 7.5-minute quadrangle map and the Fairfield (1917) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

436. The County confirmed its acceptance of the Clay Canyon Road by 1975, when it was listed 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 Clay Canyon Road pursuant to the County's governmental right and authority.

437. Witnesses with personal knowledge of the history of the Clay 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.

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

439. Public motor vehicle use of the Clay 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.

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

441. The United States has never confirmed Plaintiffs' title to Clay 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 Clay Canyon Road.

442. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Clay 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.

THIRD CAUSE OF ACTION – QUIET TITLE
TWELVE MILE PASS/CHIMNEY ROCK PASS AREA

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

444. The Twelve Mile Pass/Chimney Rock Pass Area is located in west-central Utah County.

445. The Twelve Mile Pass/Chimney Rock Pass Area includes the following roads— listed by Common Road Name and County-unique Number: 1) Broad Canyon Road, B823; 2) Chimney Rock Pass Road, B835; 3) Chiulos Canyon Road, B836; 4) Homansville Pass Road, B880; 5) Twelve Mile Pass Road, B978 6) Freemont Canyon Road, D089; 7) Cedar Flats Road, D091; 8) Ten Mile Pass Road, D092; 9) Broad Canyon D Road, D109; 10) Cedar Well Road, D110; and 11) Chiulos Canyon Right Road, D836.

446. Each right-of-way claimed in the Twelve Mile Pass/Chimney Rock Pass 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.

447. All rights-of-way claimed in the Twelve Mile Pass/Chimney Rock Pass 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.

448. All rights-of-way claimed in the Twelve Mile Pass/Chimney Rock Pass 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).

449. Prior to October 21, 1976, the State, 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.

Broad Canyon Road, B823

450. The Broad Canyon Road is designated as county road number B823 and State Geographic Information Database (“SGID”) road identification number RD250001 and is more or less 4.48 miles long.

451. The centerline course of the Broad Canyon Road is depicted on the map included in Exhibit 25 (Broad Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

452. The north end of the Broad Canyon Road commences in the northwest quarter of section 36, Township 8 South, Range 3 West, S.L.B.M. and proceeds generally south where it ends in the northeast quarter of section 15, Township 9 South, Range 3 West, S.L.B.M.

453. The specific right-of-way for the Broad Canyon Road claimed herein crosses 3.42 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.

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

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

455. The Broad Canyon Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

456. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Broad 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.

457. The Broad Canyon Road appears on the Boulter Peak (1947) USGS 7.5-minute quadrangle map and the Five Mile Pass (1949)USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

458. The County confirmed its acceptance of the Broad Canyon Road by 1975, when it was listed 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 Broad Canyon Road using public funds pursuant to the County's governmental right and authority.

459. Witnesses with personal knowledge of the history of the Broad 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.

460. Currently known reputation in the community is that the Broad Canyon Road has been open for all to come and go 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 Broad 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.

462. The Broad Canyon 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 Broad 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 Broad Canyon Road.

464. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Broad 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.

Chimney Rock Pass Road, B835

465. The Chimney Rock Pass Road is designated as county road number B835 and State Geographic Information Database (“SGID”) road identification number RD250003 and is more or less 6.3 miles long.

466. The centerline course of the Chimney Rock Pass Road is depicted on the map included in Exhibit 26 (Chimney Rock Pass Road), 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.

467. The east end of the Chimney Rock Pass Road commences in the southeast quarter of section 5, Township 9 South, Range 1 West, S.L.B.M. intersecting with State Route 68 and proceeds generally west where it ends in the northeast quarter of section 9, Township 9 South, Range 2 West, S.L.B.M.

468. The specific right-of-way for the Chimney Rock Pass Road claimed herein crosses 1.65 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 26.

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

included and specifically described in Exhibit 26. The Chimney Rock Pass Road includes the segment of road specifically set forth in Exhibit 26 and as exists on the ground.

Acceptance of the Chimney Rock Pass Road R.S. 2477 Right-of-way Prior to October 21, 1976.

470. The Chimney Rock Pass Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

471. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Chimney Rock Pass 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 Chimney Rock Pass Road appears on the Goshen Valley North (1950) and Allen Ranch (1948) USGS 7.5-minute quadrangle maps and the West Mountain (1950) and Five Mile Pass (1947) USGS 15-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

473. The County confirmed its acceptance of the Chimney Rock Pass 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 Chimney Rock Pass Road using public funds pursuant to the County's governmental right and authority.

474. Witnesses with personal knowledge of the history of the Chimney Rock Pass 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.

475. Currently known reputation in the community is that the Chimney Rock Pass Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

476. Public motor vehicle use of the Chimney Rock Pass 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.

477. The Chimney Rock Pass Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

478. The United States has never confirmed Plaintiffs' title to the Chimney Rock Pass 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 Chimney Rock Pass Road.

479. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Chimney Rock Pass 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.

Chiulos Canyon Road, B836

480. The Chiulos Canyon Road is designated as county road number B836 and State Geographic Information Database (“SGID”) road identification number RD250004 and is more or less 3.87 miles long.

481. The centerline course of the Chiulos Canyon Road is depicted on the map included in Exhibit 27 (Chiulos Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private lands and public land administered by the BLM.

482. The east end of the Chiulos Canyon Road commences in the northeast quarter of section 28, Township 9 South, Range 2 West, S.L.B.M. and proceeds generally southwest where it ends in the northwest quarter of section 6, Township 10 South, Range 2 West, S.L.B.M.

483. The specific right-of-way for the Chiulos Canyon Road claimed herein crosses 2.94 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 27.

484. In this action, the State and County seek to quiet title to the public highway right-of-way for the Chiulos Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 27. The Chiulos Canyon Road includes the segment of road specifically set forth in Exhibit 27 and as exists on the ground.

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

485. The Chiulos Canyon Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

486. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Chiulos 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.

487. The Chiulos Canyon Road appears on the Allen Ranch (1948) and Eureka (1954) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

488. The County confirmed its acceptance of the Chiulos 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 Chiulos Canyon Road using public funds pursuant to the County's governmental right and authority.

489. Witnesses with personal knowledge of the history of the Chiulos 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.

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

491. Public motor vehicle use of the Chiulos 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.

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

493. The United States has never confirmed Plaintiffs' title to the Chiulos 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 Chiulos Canyon Road.

494. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Chiulos 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.

Homansville Pass Road, B880

495. The Homansville Pass Road is designated as county road number B880 and State Geographic Information Database ("SGID") road identification number RD250009 and is more or less 6.64 miles long.

496. The centerline course of the Homansville Pass Road is depicted on the map included in Exhibit 28 (Homansville Pass Road), 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.

497. The south end of the Homansville Pass Road commences in the northeast quarter of section 8, Township 10 South, Range 2 West, S.L.B.M. intersecting with State Route 6 and proceeds generally north where it ends in the northeast quarter of section 9, Township 9 South, Range 2 West, S.L.B.M.

498. The specific right-of-way for the Homansville Pass Road claimed herein crosses 1.53 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 28.

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

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

500. The Homansville Pass Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

501. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Homansville Pass 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.

502. The Homansville Pass Road appears on the Allen Ranch (1948) and Eureka (1954) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

503. The County confirmed its acceptance of the Homansville Pass 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 Homansville Pass Road using public funds pursuant to the County's governmental right and authority.

504. Witnesses with personal knowledge of the history of the Homansville Pass 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.

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

506. Public motor vehicle use of the Homansville Pass 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.

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

508. The United States has never confirmed Plaintiffs' title to Homansville Pass 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 Homansville Pass Road.

509. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Homansville Pass 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.

Twelve Mile Pass Road, B978

510. The Twelve Mile Pass Road is designated as county road number B978 and State Geographic Information Database ("SGID") road identification number RD250022 and is more or less 4.1 miles long.

511. The centerline course of the Twelve Mile Pass Road is depicted on the map included in Exhibit 29 (Twelve Mile Pass Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

512. The east end of the Twelve Mile Pass Road commences in the northwest quarter of section 5, Township 9 South, Range 2 West, S.L.B.M. at an intersection with Allens Ranch Road and proceeds generally northwest until it leaves the county in the northwest quarter of section 26, Township 8 South, Range 3 West, S.L.B.M.

513. The specific right-of-way for the Twelve Mile Pass Road claimed herein crosses 0.92miles 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 29.

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

Acceptance of the Twelve Mile Pass Road R.S. 2477 Right-of-way Prior to October 21, 1976.

515. The Twelve Mile Pass 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.

516. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Twelve Mile Pass 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.

517. The Twelve Mile Pass Road appears on the Boulter Peak (1947) and Allens Ranch (1948) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-

minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

518. The County confirmed its acceptance of the Twelve Mile Pass 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 Twelve Mile Pass Road using public funds pursuant to the County's governmental right and authority.

519. Witnesses with personal knowledge of the history of the Twelve Mile Pass 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.

520. Currently known reputation in the community is that the Twelve Mile Pass Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

521. Public motor vehicle use of the Twelve Mile Pass 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.

522. The Twelve Mile Pass Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

523. The United States has never confirmed Plaintiffs' title to the Twelve Mile Pass 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 Twelve Mile Pass Road.

524. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Twelve Mile Pass 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.

Freemont Canyon Road, D089

525. The Freemont Canyon Road is designated as county road number D089 and State Geographic Information Database ("SGID") road identification number RD250027 and is more or less 1.31 miles long.

526. The centerline course of the Freemont Canyon Road is depicted on the map included in Exhibit 30 (Freemont Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

527. The north end of the Freemont Canyon Road commences in the northwest quarter of section 6, Township 10 South, Range 2 West, S.L.B.M. at an intersection with Chiulos Canyon Road and proceeds generally southwest until it leaves the county in the southwest quarter of section 1, Township 10 South, Range 3 West, S.L.B.M.

528. The specific right-of-way for the Freemont Canyon Road claimed herein crosses 0.01 miles of BLM land in 1 segment. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 30.

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

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

530. The Freemont Canyon 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.

531. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Freemont 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.

532. The Freemont Canyon Road appears on the Eureka (1954) and Tintic Junction (1954) USGS 7.5-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

533. The County confirmed its acceptance of the Freemont 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 Freemont Canyon Road pursuant to the County's governmental right and authority.

534. Witnesses with personal knowledge of the history of the Freemont 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.

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

536. Public motor vehicle use of the Freemont 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.

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

538. The United States has never confirmed Plaintiffs' title to the Freemont 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 Freemont Canyon Road.

539. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Freemont 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.

Cedar Flats Road, D091

540. The Cedar Flats Road is designated as county road number D091 and State Geographic Information Database (“SGID”) road identification number RD250033 and is more or less 5.87 miles long.

541. The centerline course of the Cedar Flats Road is depicted on the map included in Exhibit 31 (Cedar Flats Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

542. The south end of the Cedar Flats Road commences in the northwest quarter of section 35, Township 8 South, Range 3 West, S.L.B.M., at an intersection with Broad Canyon Road and proceeds generally north until it leaves the county in the northwest portion of section 3, Township 8 South, Range 3 West, S.L.B.M.

543. The specific right-of-way for the Cedar Flats Road claimed herein crosses 4.49 miles of BLM land in 5 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 31.

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

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

545. The Cedar Flats 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.

546. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Cedar Flats 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.

547. The Cedar Flats Road appears on the Five Mile Pass (1949) and Boulter Peak (1947)USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

548. The County confirmed its acceptance of the Cedar Flats 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 Cedar Flats Road pursuant to the County's governmental right and authority.

549. Witnesses with personal knowledge of the history of the Cedar Flats 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.

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

551. Public motor vehicle use of the Cedar Flats 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.

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

553. The United States has never confirmed Plaintiffs' title to Cedar Flats 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 Cedar Flats Road.

554. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Cedar Flats 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.

Ten Mile Pass Road, D092

555. The Ten Mile Pass Road is designated as county road number D092 and State Geographic Information Database ("SGID") road identification number RD250020 and is more or less 3.25 miles long.

556. The centerline course of the Ten Mile Pass Road is depicted on the map included in Exhibit 32 (Ten Mile Pass Road), 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.

557. The east end of the Ten Mile Pass Road commences in the northeast quarter of section 36, Township 7 South, Range 3 West, S.L.B.M., at an intersection with Thorpe Flats Road and proceeds generally southwest until it leaves the county in the southwest quarter of section 3, Township 8 South, Range 3 West, S.L.B.M.

558. The specific right-of-way for the Ten Mile Pass Road claimed herein crosses 1.06 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.

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

Acceptance of the Ten Mile Pass Road R.S. 2477 Right-of-way Prior to October 21, 1976.

560. The Ten Mile Pass 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.

561. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Ten Mile Pass 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.

562. The Ten Mile Pass Road appears on the Five Mile Pass (1949) and Goshen Pass (1948) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

563. The County confirmed its acceptance of the Ten Mile Pass 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 Ten Mile Pass Road pursuant to the County's governmental right and authority.

564. Witnesses with personal knowledge of the history of the Ten Mile Pass 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.

565. Currently known reputation in the community is that the Ten Mile Pass Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

566. Public motor vehicle use of the Ten Mile Pass 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.

567. The Ten Mile Pass Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

568. The United States has never confirmed Plaintiffs' title to Ten Mile Pass 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 Ten Mile Pass Road.

569. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Ten Mile Pass 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.

Broad Canyon D Road, D109

570. The Broad Canyon D Road is designated as county road number D109 and State Geographic Information Database ("SGID") road identification number RD250048 and is more or less 1.79 miles long.

571. The centerline course of the Broad Canyon D Road is depicted on the map included in Exhibit 33 (Broad Canyon D Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

572. The north end of the Broad Canyon D Road commences in the northeast quarter of section 15, Township 9 South, Range 3 West, S.L.B.M. and proceeds generally southwest to the northeast quarter of section 21, Township 9 South, Range 3 West, S.L.B.M.

573. The specific right-of-way for the Broad Canyon D Road claimed herein crosses 1.28 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 33.

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

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

575. The Broad Canyon D 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.

576. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Broad Canyon D 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.

577. The Broad Canyon D Road appears on the Boulter Peak (1947) USGS 7.5-minute quadrangle map and the Five Mile Pass (1947) USGS 15-minute map, which evidences the

acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

578. The Broad Canyon D 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 Broad Canyon D Road pursuant to the County's governmental authority

579. Witnesses with personal knowledge of the history of the Broad Canyon D 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.

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

581. Public motor vehicle use of the Broad Canyon D 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.

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

583. The United States has never confirmed Plaintiffs' title to the Broad Canyon D 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 Broad Canyon D Road.

584. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Broad Canyon D 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.

Cedar Well Road, D110

585. The Cedar Well Road is designated as county road number D110 and State Geographic Information Database (“SGID”) road identification number RD250043 and is more or less 3.24 miles long.

586. The centerline course of the Cedar Well Road is depicted on the map included in Exhibit 34 (Cedar Well Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

587. The west end of the Cedar Well Road commences in the northeast quarter of section 14, Township 8 South, Range 3 West, S.L.B.M., at an intersection with Cedar Flats Road and proceeds generally east to the northwest quarter of section 17, Township 8 South, Range 2 West, S.L.B.M.

588. The specific right-of-way for the Cedar Well 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 34.

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

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

590. The Cedar Well 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.

591. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Cedar Well 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.

592. The Cedar Well Road appears on the Allens Ranch (1948), Goshen Pass (1948), and Boulter Peak (1947) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

593. The Cedar Well 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 Cedar Well Road pursuant to the County's governmental authority

594. Witnesses with personal knowledge of the history of the Cedar Well 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.

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

596. Public motor vehicle use of the Cedar Well 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.

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

598. The United States has never confirmed Plaintiffs' title to the Cedar Well 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 Cedar Well Road.

599. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Cedar Well 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.

Chiulos Canyon Right Road, D836

600. The Chiulos Canyon Right Road is designated as county road number D836 and State Geographic Information Database (“SGID”) road identification number RD250049 and is more or less 2.72 miles long.

601. The centerline course of the Chiulos Canyon Right Road is depicted on the map included in Exhibit 35 (Chiulos Canyon Right Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses both private land and public land administered by the BLM.

602. The south end of the Chiulos Canyon Right Road commences in the southwest quarter of section 30, Township 9 South, Range 2 West, S.L.B.M where it intersects with Chiulos Canyon Road and proceeds generally northwest to the southeast quarter of section 23, Township 9 South, Range 3 West, S.L.B.M.

603. The specific right-of-way for the Chiulos Canyon Right Road claimed herein crosses 1.00 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 35.

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

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

605. The Chiulos Canyon Right 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.

606. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the Chiulos Canyon Right Road right-of-way for the 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.

607. The Chiulos Canyon Right Road appears on the Allens Ranch (1948) and Boulter Peak (1947) USGS 7.5-minute quadrangle maps and the Five Mile Pass (1947) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

608. The Chiolus Canyon Right 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 Chiolus Canyon Right Road pursuant to the County's governmental authority

609. Witnesses with personal knowledge of the history of the Chiulos Canyon Right 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.

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

611. Public motor vehicle use of the Chiulos Canyon Right 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.

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

613. The United States has never confirmed Plaintiffs' title to the Chiulos Canyon Right 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 Chiulos Canyon Right Road.

614. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Chiulos Canyon Right 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
GOSHEN/ELBERTA AREA

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

616. The Goshen/Elberta Area is located in southern Utah County.

617. The Goshen/Elberta Area includes the following roads, listed by Common Road Name and County-Unique Number: 1) Elberta Slant Road, B850; 2) North Goshen Bay Road, B917; 3) Tunnel Road, B977; 4) West Mountain Road, D078; 5) Hancock Ranch Road, D087; 6) Crooked Canyon Road, D088; 7) Cottonwood Canyon Road, D108; and 8) D111 Road, D111.

618. Each right-of-way claimed in the Goshen/Elberta 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.

619. All rights-of-way claimed in the Goshen/Elberta 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.

620. All rights-of-way claimed in the Goshen/Elberta 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).

621. Prior to October 21, 1976, the State, 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.

Elberta Slant Road, B850

622. The Elberta Slant Road is designated as county road number B850 and State Geographic Information Database (“SGID”) road identification number RD250007 and is more or less 7.5 miles long.

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

624. The east end of the Elberta Slant Road commences in the northeast quarter of section 8, Township 10 South, Range 1 West, S.L.B.M. where it intersects with State Route 68 and proceeds generally west where it ends in the northwest quarter of section 10, Township 10 South, Range 2 West, S.L.B.M.

625. The specific right-of-way for the Elberta Slant Road claimed herein crosses 1.00 mile 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 36.

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

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

627. The Elberta Slant Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

628. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Elberta Slant 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.

629. The Elberta Slant Road appears on the Goshen (1979) and Eureka (1954) USGS 7.5-minute quadrangle maps and the Santaquin (1951) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

630. The County confirmed its acceptance of the Elberta Slant Road by 1975, when it was designated and accepted 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 Elberta Slant Road using public funds pursuant to the County's governmental right and authority.

631. Witnesses with personal knowledge of the history of the Elberta Slant 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.

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

633. Public motor vehicle use of the Elberta Slant 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.

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

635. The United States has never confirmed Plaintiffs' title to the Elberta Slant 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 Elberta Slant Road.

636. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Elberta Slant 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.

North Goshen Bay Road, B917

637. The North Goshen Bay Road is designated as county road number B917 and State Geographic Information Database ("SGID") road identification number RD250017 and is more or less 3.17 miles long.

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

639. The south end of the North Goshen Bay Road commences in the northeast quarter of section 11, Township 10 South, Range 1 West, S.L.B.M. and proceeds generally north where it ends in the northeast quarter of section 26, Township 9 South, Range 1 West, S.L.B.M.

640. The specific right-of-way for the North Goshen Bay 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 37.

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

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

642. The North Goshen Bay Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

643. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the North Goshen Bay 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.

644. The North Goshen Bay Road appears on the Goshen Valley North (1950) and Goshen (1979) USGS 7.5-minute quadrangle maps and the Santaquin (1951) and West Mountain (1950) USGS 15-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

645. The County confirmed its acceptance of the North Goshen Bay Road by 1975, when it was designated and accepted 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 North Goshen Bay Road using public funds pursuant to the County's governmental right and authority.

646. Witnesses with personal knowledge of the history of the North Goshen Bay 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.

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

648. Public motor vehicle use of the North Goshen Bay 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.

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

650. The United States has never confirmed Plaintiffs' title to the North Goshen Bay 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 North Goshen Bay Road.

651. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the North Goshen Bay 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.

Tunnel Road, B977

652. The Tunnel Road is designated as county road number B977 and State Geographic Information Database ("SGID") road identification number RD250021 and is more or less 8.51 miles long.

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

654. The north end of the Tunnel Road commences in the northeast quarter of section 17, Township 10 South, Range 1 West, S.L.B.M. at the intersection with State Route 6 and

proceeds generally southwest where it ends in the southeast quarter of section 23, Township 11 South, Range 2 West, S.L.B.M.

655. The specific right-of-way for the Tunnel Road claimed herein crosses 1.85 miles of BLM land in 2 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segment crossing BLM land is contained in Exhibit 38.

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

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

657. The Tunnel Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

658. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Tunnel Road is 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.

659. The Tunnel Road appears on the Goshen (1979), Eureka (1954), and Tintic Mountain (1954) USGS 7.5-minute quadrangle maps and the Santaquin (1951) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

660. The County confirmed its acceptance of the Tunnel Road by 1975, when it was designated and accepted 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 Tunnel Road using public funds pursuant to the County's governmental right and authority.

661. Witnesses with personal knowledge of the history of the Tunnel 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.

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

663. Public motor vehicle use of the Tunnel 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.

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

665. The United States has never confirmed Plaintiffs' title to the Tunnel 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 Tunnel Road.

666. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Tunnel 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.

West Mountain Road, D078

667. The West Mountain Road is designated as county road number D078 and State Geographic Information Database (“SGID”) road identification number RD250023 and is more or less 5.59 miles long.

668. The centerline course of the West Mountain Road is depicted on the map included in Exhibit 39 (West Mountain Road), 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.

669. The north end of the West Mountain Road commences in the southwest quarter section of section 11, Township 8 South, Range 1 East, S.L.B.M. and proceeds generally south to the southwest quarter of section 27, Township 8 South, Range 1 East, S.L.B.M.

670. The specific right-of-way for the West Mountain Road claimed herein crosses 5.16 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 39.

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

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

672. The West Mountain 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.

673. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the West 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.

674. The West Mountain Road appears on the West Mountain (1975) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

675. The County confirmed its acceptance of the West 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 West Mountain Road pursuant to the County's governmental right and authority.

676. Witnesses with personal knowledge of the history of the West 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.

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

678. Public motor vehicle use of the West 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.

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

680. The United States has never confirmed Plaintiffs' title to the West Mountain Communications 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 West Mountain Communications Road.

681. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the West Mountain Communications 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.

Hancock Ranch Road, D087

682. The Hancock Ranch Road is designated as county road number D087 and State Geographic Information Database (“SGID”) road identification number RD250008 and is more or less 4.93 miles long.

683. The centerline course of the Hancock Ranch Road is depicted on the map included in Exhibit 40 (Hancock Ranch Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

684. The north end of the Hancock Ranch Road commences in the southeast quarter of section 23, Township 11 South, Range 2 West, S.L.B.M. and proceeds generally southwest until it leaves the county in the northwest quarter of section 10, Township 12 South, Range 2 West, S.L.B.M.

685. The specific right-of-way for the Hancock Ranch Road claimed herein crosses 1.29 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 40.

686. In this action, the State and County seek to quiet title to the public highway right-of-way for the Hancock Ranch Road solely as it crosses United States public land as included and specifically described in Exhibit 40. The Hancock Ranch Road includes the segment of road specifically set forth in Exhibit 40 and as exists on the ground.

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

687. The Hancock Ranch 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.

688. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Hancock Ranch 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.

689. The Hancock Ranch Road appears on the Tintic Mountain (1954) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

690. The County confirmed its acceptance of the Hancock Ranch 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 Hancock Ranch Road pursuant to the County's governmental authority

691. Witnesses with personal knowledge of the history of the Hancock Ranch 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.

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

693. Public motor vehicle use of the Hancock Ranch 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.

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

695. The United States has never confirmed Plaintiffs' title to the Hancock Ranch 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 Hancock Ranch Road.

696. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Hancock Ranch 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.

Crooked Canyon Road D088

697. The Crooked Canyon Road is designated as county road number D088 and State Geographic Information Database ("SGID") road identification number RD250005 and is more or less 2.53 miles long.

698. The centerline course of the Crooked Canyon Road is depicted on the map included in Exhibit 41 (Crooked Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

699. The north end of the Crooked Canyon Road commences in the northeast quarter of section 32, Township 10 South, Range 1 West, S.L.B.M. and proceeds generally south to the northeast quarter of section 9, Township 11 South, Range 1 West, S.L.B.M.

700. The specific right-of-way for the Crooked Canyon Road claimed herein crosses 0.44 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 41.

701. In this action, the State and County seek to quiet title to the public highway right-of-way for the Crooked Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 41. The Crooked Canyon Road includes the segment of road specifically set forth in Exhibit 41 and as exists on the ground.

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

702. The Crooked Canyon 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.

703. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Crooked 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.

704. The Crooked Canyon Road appears on the Goshen (1979) USGS 7.5-minute quadrangle map and the Santaquin (1951) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

705. The County confirmed its acceptance of the Crooked Canyon Road by 1975, when it was designated and accepted 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 Crooked Canyon Road pursuant to the County's governmental right and authority.

706. Witnesses with personal knowledge of the history of the Crooked 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.

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

708. Public motor vehicle use of the Crooked 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.

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

710. The United States has never confirmed Plaintiffs' title to the Crooked 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 Crooked Canyon Road.

711. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Crooked 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.

Cottonwood Canyon Road, D108

712. The Cottonwood Canyon Road is designated as county road number D108 and State Geographic Information Database ("SGID") road identification number RD250047 and is more or less 3.73 miles long.

713. The centerline course of the Cottonwood Canyon Road is depicted on the map included in Exhibit 42 (Cottonwood Canyon Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

714. The west end of the Cottonwood Canyon Road commences in the southeast quarter of section 23, Township 11 South, Range 2 West, S.L.B.M. and proceeds generally southeast until it leaves the county in the southeast quarter of section 31, Township 11 South, Range 1 West, S.L.B.M.

715. The specific right-of-way for the Cottonwood Canyon Road claimed herein crosses 2.61 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.

716. In this action, the State and County seek to quiet title to the public highway right-of-way for the Cottonwood Canyon Road solely as it crosses United States public land as included and specifically described in Exhibit 42. The Cottonwood Canyon Road includes the segment of road specifically set forth in Exhibit 42 and as exists on the ground.

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

717. The Cottonwood Canyon 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.

718. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Cottonwood 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.

719. The Cottonwood Canyon Road appears on the Tintic Mountain (1954) and Slate Jack Canyon (1979) USGS 7.5-minute quadrangle maps, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

720. The County confirmed its acceptance of the Cottonwood Canyon Road by 1975, when it was designated and accepted 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 Cottonwood Canyon Road pursuant to the County's governmental right and authority.

721. Witnesses with personal knowledge of the history of the Cottonwood 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.

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

723. Public motor vehicle use of the Cottonwood 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.

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

725. The United States has never confirmed Plaintiffs' title to the Cottonwood 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 Cottonwood Canyon Road.

726. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Cottonwood 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.

D111 Road, D111

727. The D111 Road is designated as county road number D111 and State Geographic Information Database ("SGID") road identification number RD250046 and is more or less 0.59miles long.

728. The centerline course of the D111 Road is depicted on the map included in Exhibit 43 (D111 Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses only public land administered by the BLM.

729. The west end of the D111 Road commences in the southeast quarter of section 31, Township 11 South, Range 1 West, S.L.B.M. and proceeds generally east to the northwest quarter of section 32, Township 11 South, Range 1 West, S.L.B.M.

730. The specific right-of-way for the D111 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 43.

731. In this action, the State and County seek to quiet title to the public highway right-of-way for the D111 Road solely as it crosses United States public land as included and specifically described in Exhibit 43. The D111 Road includes the segment of road specifically set forth in Exhibit 43 and as exists on the ground.

Acceptance of the D111 Road R.S. 2477 Right-of-way Prior to October 21, 1976.

732. The D111 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.

733. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the D111 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.

734. The D111 Road appears on Slate Jack Canyon (1975) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

735. The D111 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 D111 Road pursuant to the County's governmental authority.

736. Witnesses with personal knowledge of the history of the D111 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.

737. Currently known reputation in the community is that the D111 Road has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

738. Public motor vehicle use of the D111 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.

739. The D111 Road traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

740. The United States has never confirmed Plaintiffs' title to D111 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 D111 Road.

741. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the D111 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
TUCKER/COLTON AREA

742. The State of Utah and Utah County incorporate herein and re-allege each of the foregoing paragraphs.

743. The Tucker/Colton Area is located in eastern Utah County.

744. The Tucker/Colton Area includes the following roads—listed by Common Road Name and County-unique Number: 1) Kyune Pass Road, B883, 2) Skyline Drive, B950, 3) Starvation Road, B964, and 4) Ford Ridge Road, D062.

745. Each right-of-way claimed in the Tucker/Colton 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.

746. All rights-of-way claimed in the Tucker/Colton 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.

747. All rights-of-way claimed in the Tucker/Colton 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).

748. Prior to October 21, 1976, the State, 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.

Kyune Pass Road, B883

749. The Kyune Pass Road is designated as county road number B883 and State Geographic Information Database (“SGID”) road identification number RD250010 and is more or less 3.57 miles long.

750. The centerline course of the Kyune Pass Road is depicted on the map included in Exhibit 44 (Kyune Pass Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private lands and public land administered by the BLM.

751. The west end of the Kyune Pass Road commences in the northwest quarter of section 32, Township 11 South, Range 9 East, S.L.B.M. and proceeds generally southeast until it leaves the county in the southwest quarter of section 35, Township 11 South, Range 9 East, S.L.B.M.

752. The specific right-of-way for the Kyune Pass Road claimed herein crosses 2.27 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.

753. In this action, the State and County seek to quiet title to the public highway right-of-way for the Kyune Pass Road solely as it crosses United States public land as included and specifically described in Exhibit 44. The Kyune Pass Road includes the segment of road specifically set forth in Exhibit 44 and as exists on the ground.

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

754. The Kyune Pass Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

755. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Kyune Pass 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.

756. The Kyune Pass Road appears on the Kyune (1969) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

757. The County confirmed its acceptance of the Kyune Pass 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 Kyune Pass Road using public funds pursuant to the County's governmental right and authority.

758. Witnesses with personal knowledge of the history of the Kyune Pass 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.

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

760. Public motor vehicle use of the Kyune Pass 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.

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

762. The United States has never confirmed Plaintiffs' title to the Kyune Pass 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 Kyune Pass Road.

763. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Kyune Pass 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.

Skyline Drive, B950

764. The Skyline Drive is designated as county road number B950 and State Geographic Information Database ("SGID") road identification number RD250039 and is more or less 2.65 miles long.

765. The centerline course of the Skyline Drive is depicted on the map included in Exhibit 45 (Skyline Drive), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

766. The east end of the Skyline Drive commences in the southwest quarter of section 24, Township 10 South, Range 6 East, S.L.B.M. and proceeds generally southwest where it ends in the southeast quarter of section 27, Township 10 South, Range 6 East, S.L.B.M.

767. The specific right-of-way for the Skyline Drive claimed herein crosses 1.28 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.

768. In this action, the State and County seek to quiet title to the public highway right-of-way for the Skyline Drive solely as it crosses United States public land as included and specifically described in Exhibit 45. The Skyline Drive includes the segment of road specifically set forth in Exhibit 45 and as exists on the ground.

Acceptance of the Skyline Drive R.S. 2477 Right-of-way Prior to October 21, 1976.

769. The Skyline Drive has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

770. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Skyline Drive 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.

771. The Skyline Drive appears on the Tucker (1942) USGS 7.5-minute quadrangle map and the Soldier Summit (1942) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

772. The County confirmed its acceptance of the Skyline Drive by 1975, when it was designated and accepted 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 Skyline Drive using public funds pursuant to the County's governmental right and authority.

773. Witnesses with personal knowledge of the history of the Skyline Drive 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.

774. Currently known reputation in the community is that the Skyline Drive has been open for all to come and go whenever convenient or necessary for more than 10 years prior to October 21, 1976, and continuing to the present.

775. Public motor vehicle use of the Skyline Drive 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.

776. The Skyline Drive traverses a valid and perfected R.S. 2477 public highway right-of-way as described herein.

777. The United States has never confirmed Plaintiffs' title to Skyline Drive. 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 Skyline Drive.

778. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Skyline Drive 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.

Starvation Road, B964

779. The Starvation Road is designated as county road number B964 and State Geographic Information Database ("SGID") road identification number RD250019 and is more or less 10.15 miles long.

780. The centerline course of the Starvation Road is depicted on the map included in Exhibit 46 (Starvation Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land, SITLA land, Forest Service land administered by the USFS, and public land administered by the BLM.

781. The north end of the Starvation Road commences in the southwest quarter of section 24, Township 10 South, Range 6 East, S.L.B.M. and proceeds generally south where it ends in the southwest quarter of section 36, Township 11 South, Range 6 East, S.L.B.M. at the County border.

782. The specific right-of-way for the Starvation Road claimed herein crosses 2.75 miles of BLM land in 5 segments. NAD83 mapping grade GPS data plotting the centerline and course of the segments crossing BLM land is contained in Exhibit 46.

783. In this action, the State and County seek to quiet title to the public highway right-of-way for the Starvation Road solely as it crosses United States public land as included and specifically described in Exhibit 46. The Starvation Road includes the segment of road specifically set forth in Exhibit 46 and as exists on the ground.

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

784. The Starvation Road has long served as a public highway providing access to private land, public land and other public roads. This road serves the public's transportation needs.

785. Aerial photography from 1975 confirms the historical use, existence, and acceptance of the right-of-way for the Starvation 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.

786. The Starvation Road appears on the Tucker (1979) and Scofield Reservoir (1978) USGS 7.5-minute quadrangle maps and the Soldier Summit (1942) USGS 15-minute quadrangle map, which evidence the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

787. The County confirmed its acceptance of the Starvation 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 Starvation Road using public funds pursuant to the County's governmental right and authority.

788. Witnesses with personal knowledge of the history of the Starvation 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.

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

790. Public motor vehicle use of the Starvation 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.

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

792. The United States has never confirmed Plaintiffs' title to the Starvation 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 Starvation Road.

793. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Starvation 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.

Ford Ridge Road, D062

794. The Ford Ridge Road is designated as county road number D062 and State Geographic Information Database (“SGID”) road identification number RD250024 and is more or less 1.57 miles long.

795. The centerline course of the Ford Ridge Road is depicted on the map included in Exhibit 47 (Ford Ridge Road), which is attached hereto and incorporated herein. This map further reflects that this road crosses private land and public land administered by the BLM.

796. The north end of the Ford Ridge Road commences in the southwest quarter of section 30, Township 11 South, Range 9 East, S.L.B.M. and proceeds generally south to the southeast quarter of section 31, Township 11 South, Range 9 East, S.L.B.M.

797. The specific right-of-way for the Ford Ridge Road claimed herein crosses 0.57 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.

798. In this action, the State and County seek to quiet title to the public highway right-of-way for the Ford Ridge Road solely as it crosses United States public land as included and specifically described in Exhibit 47. The Ford Ridge Road includes the segment of road specifically set forth in Exhibit 47 and as exists on the ground.

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

799. The Ford Ridge 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.

800. Aerial photography from 1976 confirms the historical use, existence, and acceptance of the right-of-way for the Ford 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.

801. The Ford Ridge Road appears on the Kyune (1969) USGS 7.5-minute quadrangle map, which evidences the acceptance, use, and existence of the right-of-way for this road. *See* Exhibit 8 for more detailed map information.

802. The County confirmed its acceptance of the Ford Ridge Road by 1975, when it was designated and accepted 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 Ford Ridge Road pursuant to the County's governmental right and authority.

803. Witnesses with personal knowledge of the history of the Ford 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.

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

805. Public motor vehicle use of the Ford 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.

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

807. The United States has never confirmed Plaintiffs' title to Ford 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 Ford Ridge Road.

808. The State and County are entitled to an order quieting title to their R.S. 2477 right-of-way for the Ford 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request relief against the Defendant as follows:

1. On its First Cause of Action - Lake Mountain Area- an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: 1) Lake Mountain Road,

B885; 2) Soldier Pass Road, B952; 3) Knolls Road, D002; 4) Long Ridge Road, D003; 5) Lake Mountain Communications Road, D004, 6) D107 Road, D107; 7) D107B Road, D107B; 8) D107C Road, D107C; and 9) D107D Road, D107D.

2. On its Second Cause of Action - Cedar Fort/Fairfield Area- an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: 1) Cedar Fort Diagonal Road, B831; 2) Lewiston Road, B897; 3) Manning Canyon Road, B906; 4) Thorpe Flats Road, D006; 5) Seven Mile Pass Road, D007; 6) Wells Canyon Road, D008; and 7) Clay Canyon Road, D009.

3. On its Third Cause of Action - Twelve Mile Pass/Chimney Rock Area - an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: 1) Broad Canyon Road, B823; 2) Chimney Rock Pass Road, B835; 3) Chiulos Canyon Road, B836; 4) Homansville Pass Road, B880; 5) Twelve Mile Pass Road, B978 6) Freemont Canyon Road, D089; 7) Cedar Flats Road, D091; 8) Ten Mile Pass Road, D092; 9) Broad Canyon D Road, D109; 10) Cedar Well Road, D110; and 11) Chiulos Canyon Right Road, D836.

4. On its Fourth Cause of Action – Goshen/Elberta Area - an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: 1) Elberta Slant Road, B850; 2) North Goshen Bay Road, B917; 3) Tunnel Road, B977; 4) West Mountain Road, D078; 5) Hancock Ranch Road, D087; 6) Crooked Canyon Road, D088; 7) Cottonwood Canyon Road, D108; and 8) D111 Road, D111.

5. On its Fifth Cause of Action - Tucker/Colton Area - an order quieting title in and to the R.S. 2477 public highway rights-of-way for the following roads: 1) Kyune Pass Road, B883, 2) Skyline Drive, B950, 3) Starvation Road, B964, and 4) Ford Ridge Road, D062.
6. An order awarding costs and attorneys' fees to the extent permitted by law; and
7. An order granting such further and other relief as may be appropriate.

Respectfully submitted this 23rd day of August, 2012.

/s/ Harry Souvall
Assistant Attorney General