



# Press Release

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## **Utah Attorney General's Office Reviews Tenth Circuit Opinion in R.S. 2477 Case *Kane County and Utah v. United States***

SALT LAKE CITY *Dec. 2, 2014* —The Tenth Circuit Court of Appeals issued an opinion today in the R.S. 2477 case of Kane County and Utah v. United States. A three judge panel affirmed that the State and county have legal title to six of twelve roads and held that there was no dispute as to title in the remaining six. The opinion again rejected SUWA's claim that the statute of limitations bars the road claims. The court also determined that the existence of water reserves do not bar road claims.

The court agreed with the United States' position that there is no dispute with the State and Kane County's ownership of the Hancock, Sand Dunes, and four Cave Lakes roads. The court held that because there is no dispute as to title, the court has no jurisdiction to hear the claims to these roads. Without a dispute regarding the ownership of these roads, the State of Utah and Kane County may treat these roads as R.S. 2477 rights-of-way and manage them to ensure that the access provided by these roads remains safe and open.

Despite the apparent acknowledgement by the United States of the State and county's ownership of the roads, the issue remains ambiguous until a court formally quiets title in the State and county or the United States formally disclaims any ownership of the roads. Therefore, the Office of the Attorney General is considering filing a Petition for Rehearing before the entire Tenth Circuit Court of Appeals, which must be filed within 45 days. The effect of this opinion on the roads in the other pending cases remains to be determined on a road by road basis. The court's decision does not address roads other than the twelve Kane County roads. The State, therefore, intends to continue moving forward developing the evidence as to title on all other R.S. 2477 rights-of-way. The State is encouraged that the issues of the statute of limitations and the effect of Public Water Reserves have been put to rest.

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