

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

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Beaver County known as TOPACHE PEAK ROAD; County Road Number: B-110; State Geographic Information Database (SGID) Road Identification Number: RD010017.

This document supplements and supports the information contained in the document first recorded at **Ent 232898, Bk 409, Beg Pg 61**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **February 13, 2008** at **Ent 235710, Bk 418, Beg Pg 50**. A legal description is attached hereto as Exhibit B.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 27<sup>th</sup> day of June, 2008.

By the Governor's Designee

  
John Harja

Ent 236950 Bk 423 Pg 440  
Date: 02-JUL-2008 11:38AM  
Fee: None  
Filed By: CP  
BRUCE BROWN, Recorder  
BEAVER COUNTY CORPORATION  
For: STATE OF UTAH

**CERTIFICATION**

State of Utah )  
: ss  
County of Salt Lake )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 27<sup>th</sup> day of June, 2008.



  
Notary Public

**Exhibit A**

**AFFIDAVIT OF ROBERT MERRYWEATHER**

**TOPACHE PEAK ROAD**

**BEAVER COUNTY, UTAH**

**ROAD NUMBER B-110**

State of Utah                    )  
  : ss.  
County of Beaver                )

ROBERT MERRYWEATHER, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Milford, Beaver County, Utah. I have lived in Beaver County most of my life. I was employed with the Beaver County Road Department from approximately 1970 to 2000.

2. I have traveled and am familiar with a road in Beaver County known as Topache Peak Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Topache Peak Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of pickup trucks and ATVs. Throughout this time period, the road has been used daily.

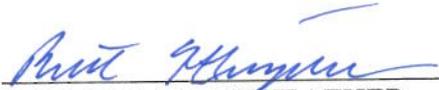
5. Throughout the time period from 1950 to 2006, I have used the road myself for county road maintenance and travel in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus mining.

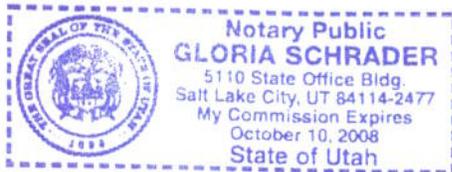
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 1 day of February, 2007.

  
ROBERT MERRYWEATHER

SUBSCRIBED AND SWORN to before me this 1st day of February, 2007.



  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS

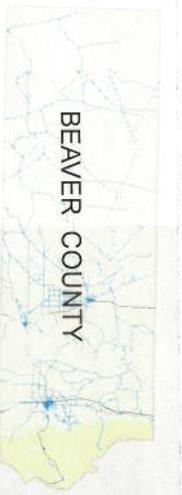


## Legend

-  Topache Peak Road
-  County B Roads
-  State Highways
-  UPRR

## TOPACHE PEAK ROAD B-110

MAP VIEW AREA



**AFFIDAVIT OF CARL E. PATTERSON**

**TOPACHE PEAK ROAD**

**BEAVER COUNTY, UTAH**

**ROAD NUMBER B-110**

State of Utah                    )  
  : ss.  
County of Beaver                )

CARL E. PATTERSON, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Milford, Beaver County, Utah. I have lived in Beaver County my entire life.

2. I have traveled and am familiar with a road in Beaver County known as Topache Peak Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2005 when I last observed it. Attached is a Beaver County map showing Topache Peak Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to 2005. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, jeeps and ATVs. Throughout this time period, the road has been used weekly.

5. Throughout the time period from 1950 to 2005, I have used the road myself for recreation, hunting and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed

other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus mining, livestock operations and recreation.

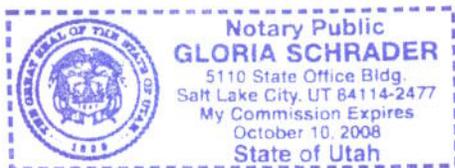
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 1 day of February, 2007.

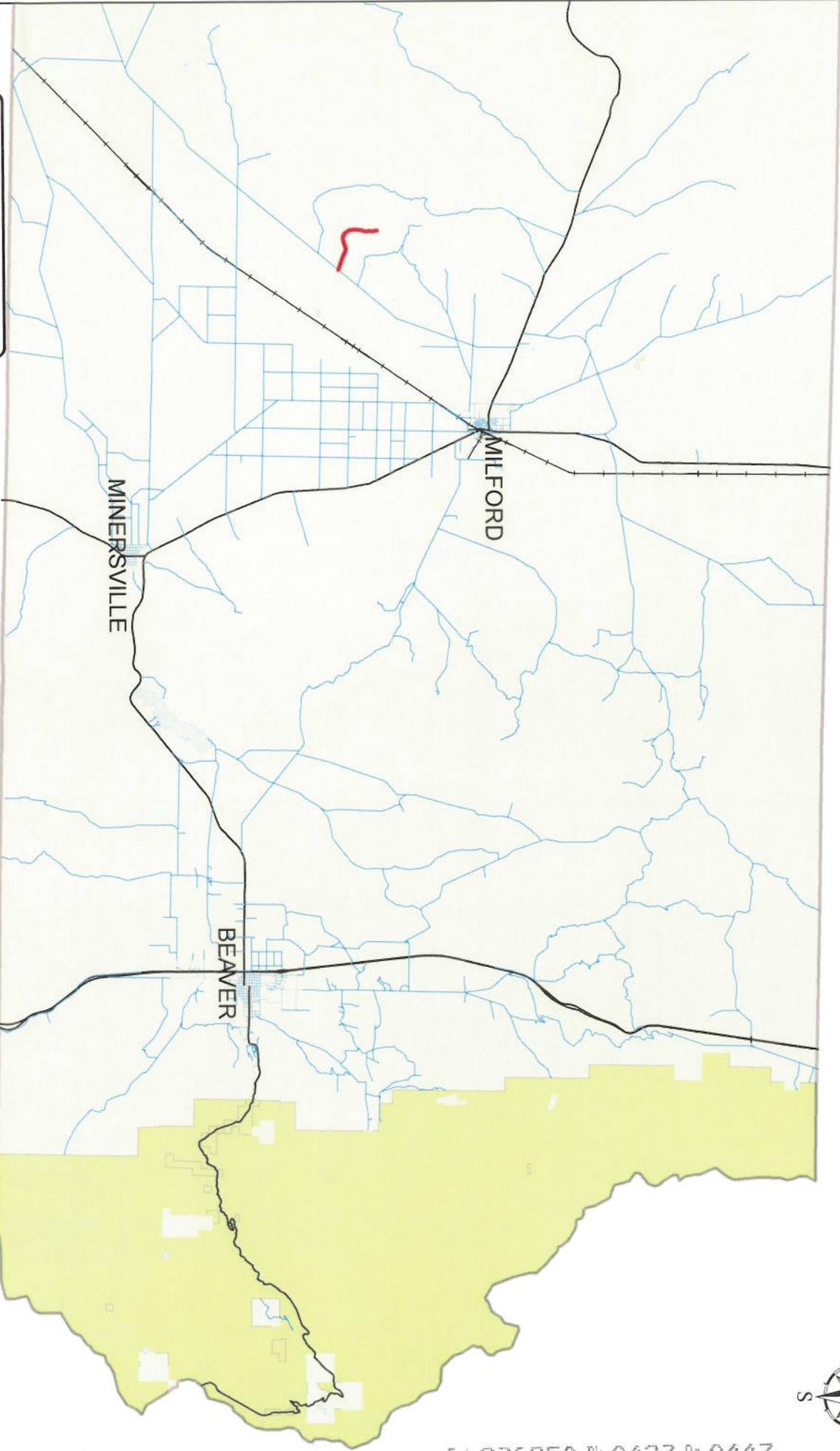
Carl E. Patterson  
CARL E. PATTERSON

SUBSCRIBED AND SWORN to before me this 1st day of February, 2007.



Gloria Schrader  
NOTARY PUBLIC

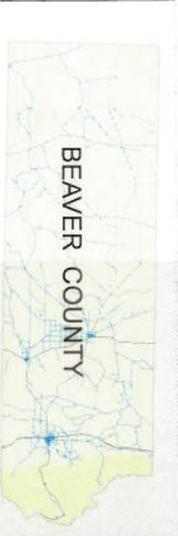
# BEAVER COUNTY "B" ROADS



**Legend**

- Topache Peak Road
- County B Roads
- State Highways
- UPRR

**TOPACHE PEAK ROAD**  
**B-110**



## Exhibit B

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

**Popular Name: TOPACHE PEAK ROAD**

**County: Beaver**

**County Road Number: B-110**

**State Geographic Information Database (SGID) Road Identification Number: RD010017.**

**Total Road Length: 2.61 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 20 minutes 13.86 seconds North Latitude and -113 degrees 08 minutes 029.6 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,169,579.1 feet and Y = 10,454,917.3 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 19 minutes 03.46 seconds North Latitude and -113 degrees 06 minutes 54.58 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,177,026.0 feet and Y = 10,447,664.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 12 West, Section(s) 36, Salt Lake Base & Meridian

Township 29 South Range 11 West, Section(s) 5,6, Salt Lake Base & Meridian

Township 29 South Range 12 West, Section(s) 1, Salt Lake Base & Meridian