

Ent 390385 Page 1 of 13  
Date: 07-MAY-2008 11:58AM  
Fee: None  
Filed By: DKS  
DIXIE SWASEY, Recorder  
EMERY COUNTY CORPORATION  
For: GOVERNOR/STATE OF UTAH

**Acknowledgment and  
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:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Emery County as it pertains to the highway located in Emery County known as ROCK CANYON FLAT ROAD; County Road Number: 604; State Geographic Information Database (SGID) Road Identification Number: RD080497. Total road length is 3.3 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

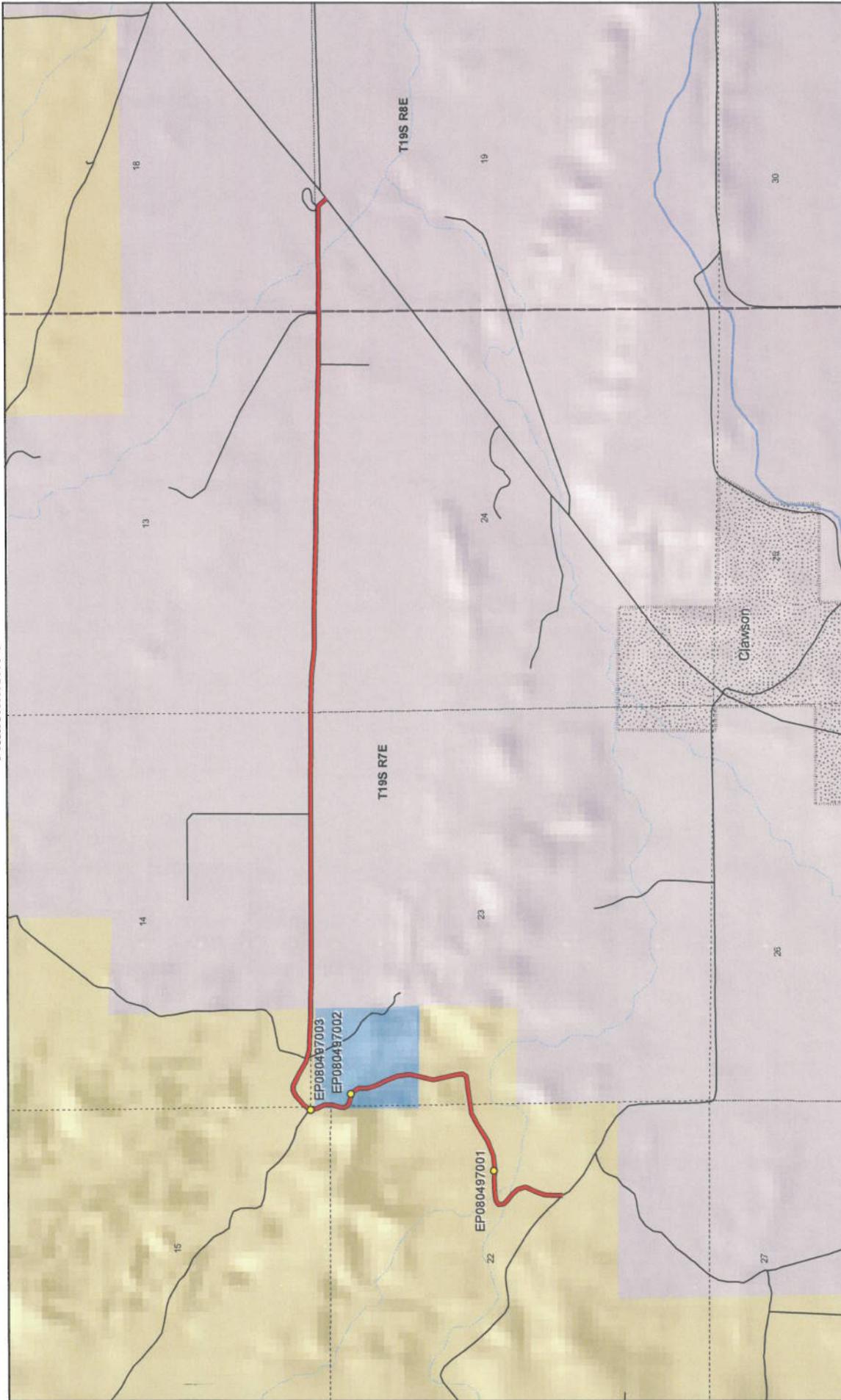
This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the





**Rock Canyon Flat Road - Emery County**  
**SGID RD\_ID RD080497**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

**Wilderness**

- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

**Transportation Network**

- ROCK CANYON FLAT ROAD
- Other Roads
- Title V, Issued Or Under Consideration By BLM
- On County
- Photo Event Point

Section = 1 Mile

1:21,339  
1 inch equals 0.3 miles

Map prepared by the State of Utah  
Agriculture, Forestry, and Conservation  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jan 28, 2008



EP080497001



EP080497002



EP080497003

EP000000000

EP000000000

EP000000000

**ROCK CANYON FLAT ROAD - Emery County**  
**SGID RD\_ID RD080497**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
February 1, 2008



### Attachment 3

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

**Popular Name: ROCK CANYON FLAT ROAD**

**County: Emery**

**County Road Number: 604**

**State Geographic Information Database (SGID) Road Identification Number: RD080497.**

**Total Road Length: 3.3 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 09 minutes 09.64 seconds North Latitude and -111 degrees 07 minutes 02.92 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,748,894.1 feet and Y = 6,860,335.8 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 09 minutes 40.52 seconds North Latitude and -111 degrees 04 minutes 13.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,762,186.5 feet and Y = 6,863,520.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 19 South Range 7 East, Section(s) 13,14,15,22,23,24, Salt Lake Base & Meridian

Township 19 South Range 8 East, Section(s) 19, Salt Lake Base & Meridian

See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: ROCK CANYON FLAT ROAD**

**County: Emery**

**County Road Number: 604**

**State Geographic Information Database (SGID) Road Identification Number: RD080497.**

**Total Road Length: 3.3 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD080497</b>	<b>001</b>	<b>BLM</b>	<b>0.65 Miles</b>	<b>A</b>
<b>RD080497</b>	<b>002</b>	<b>ST</b>	<b>0.3 Miles</b>	<b>(not shown)</b>
<b>RD080497</b>	<b>003</b>	<b>BLM</b>	<b>0.3 Miles</b>	<b>B</b>
<b>RD080497</b>	<b>004</b>	<b>PVT</b>	<b>2.06 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>3.3</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## Attachment 5

**AFFIDAVIT OF LAMOND GARDNER**

**ROCK CANYON FLAT ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 604**

State of Utah                    )  
  : ss.  
County of Emery                )

LAMOND GARDNER, 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 Cleveland, Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as Rock Canyon Flat Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1940s, it followed the same route as in 2003 when I last observed it. Attached is an Emery County map showing Rock Canyon Flat 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 the late 1940s and continuing through 1976 to 2003. Throughout this time period I have observed travel on the road by means of pickup trucks, recreational vehicles. Throughout the time period, the road has been used daily for more than ten continuous years prior to 1976 and is presently used daily.

5. Throughout the time period from the early 1940s to 2003, I have used the road myself for verifying water rights, recreation 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 rock hounding, farming, livestock operations, tourism, hunting and government access.

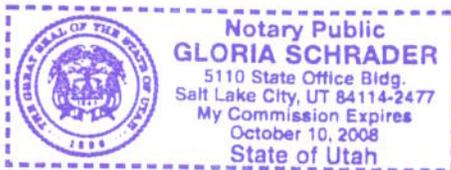
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed graders performing maintenance and construction activities on the road.

DATED this 9 day of March, 2007.

  
LAMOND GARDNER

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of March, 2007.



  
NOTARY PUBLIC

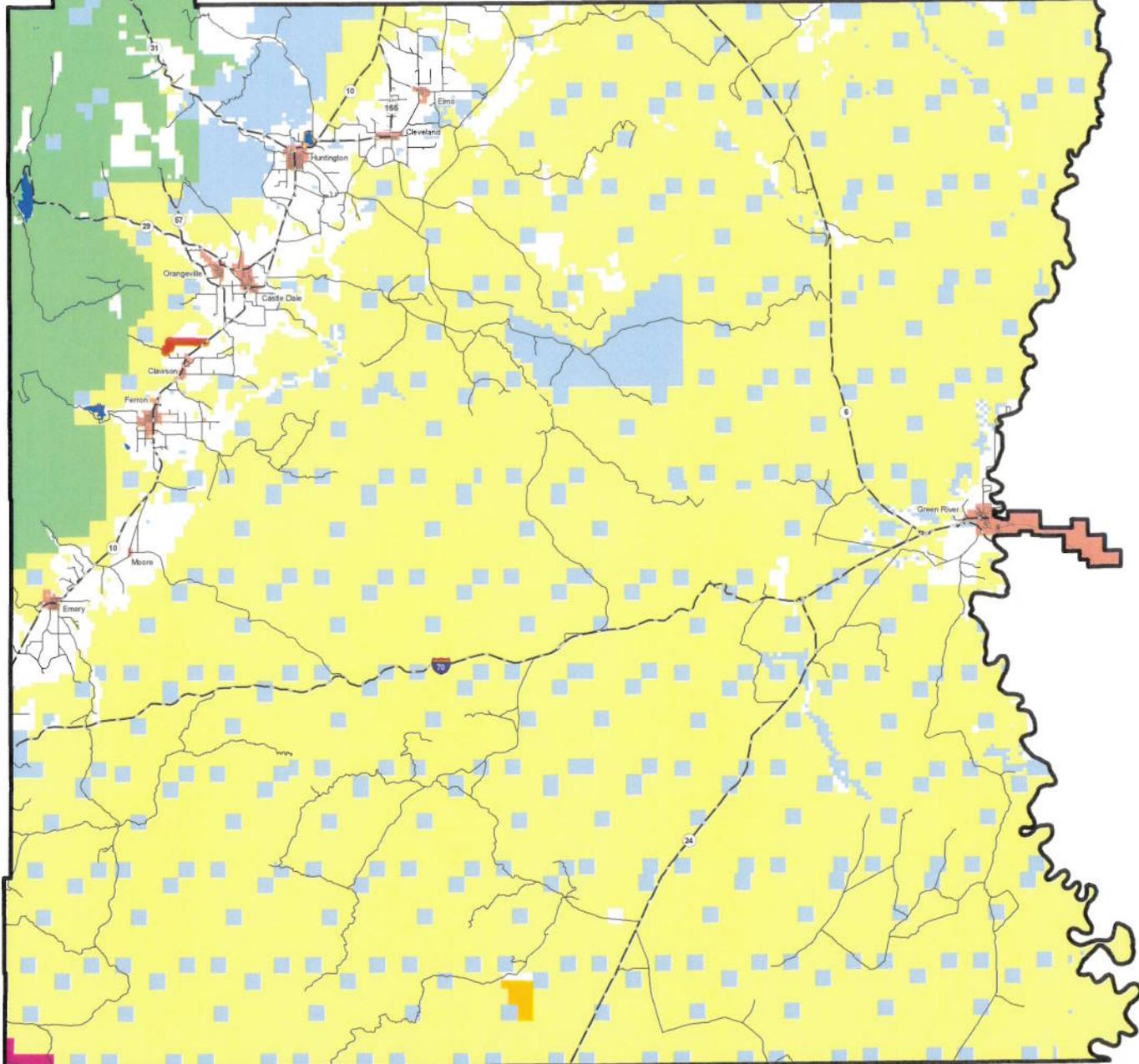
# Road #604

# Rock Canyon Flat

 Rock Canyon Flat  
 Highway/Interstate  
 B Class Road



 BLM     State     NPS     Water  
 USFS     Private     USP     City Boundary



AFFIDAVIT OF CLYDE BEHLING

ROCK CANYON FLAT ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 604

State of Utah                    )  
  : ss.  
County of Emery                )

CLYDE BEHLING, 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 Ferron, Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as Rock Canyon Flat Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1940s it followed the same route as in 2007 when I last observed it. Attached is a Emery County map showing the Rock Canyon Flat 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 the early 1940s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily, weather permitting for more than ten continuous years prior to 1976, and is presently used daily, weather permitting.

5. Throughout the time period from the early 1940s to 2007, I have used the road myself for recreation and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: hunting, farming, livestock operations and government access.

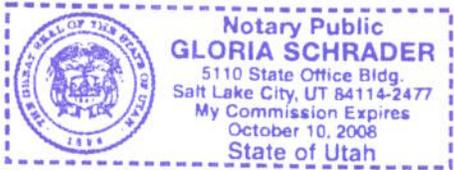
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

Clyde Behling  
CLYDE BEHLING

SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.



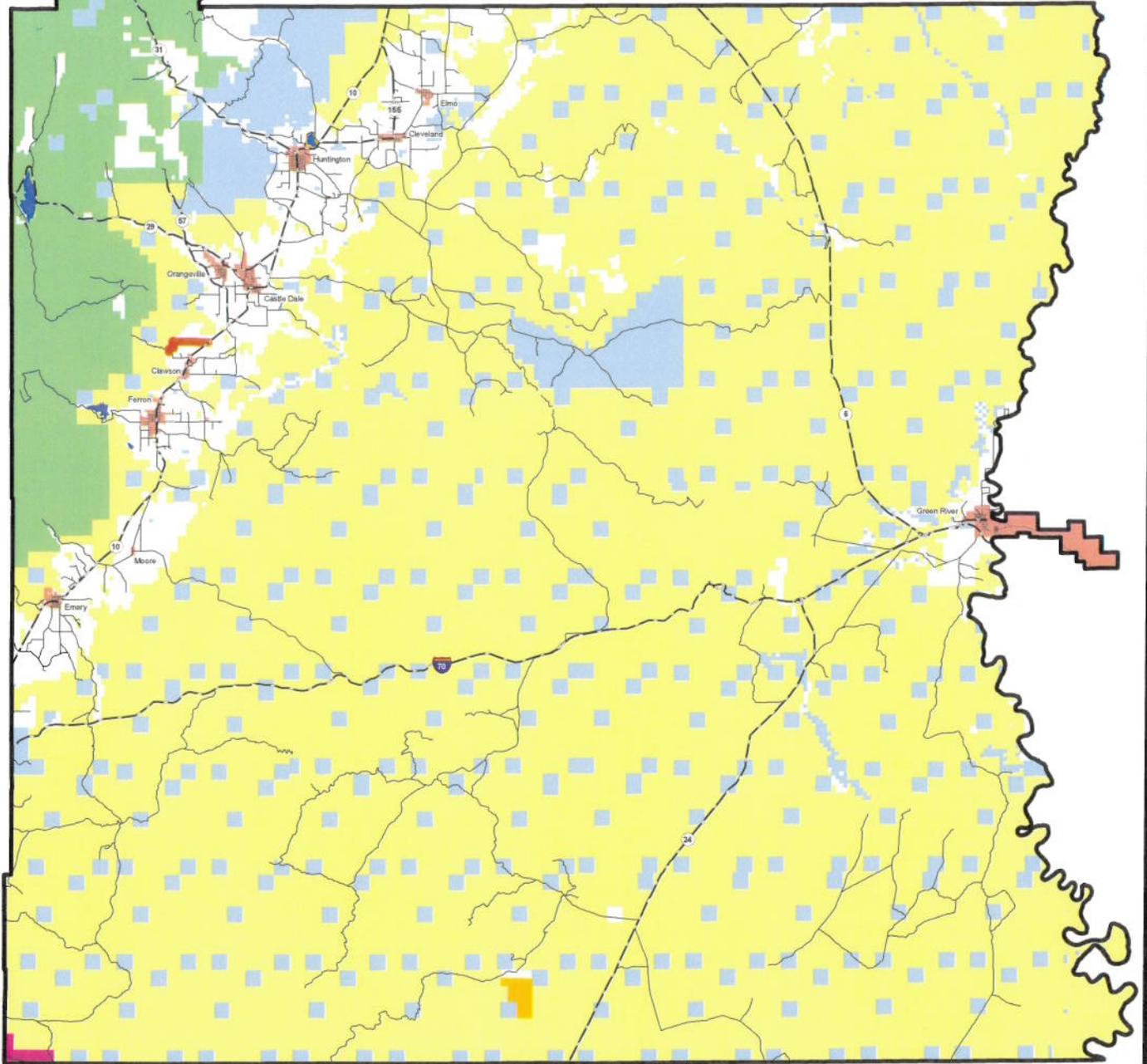
Gloria Schrader  
NOTARY PUBLIC

# Road #604 Rock Canyon Flat

-  Rock Canyon Flat
-  Highway/Interstate
-  B Class Road



- |  |   |   |   |
|--|---|---|---|
|  BLM  |  State   |  NPS |  Water         |
|  USFS |  Private |  USP |  City Boundary |



## Appendix A to Attachment 4

**Popular Name: ROCK CANYON FLAT ROAD**

**County: Emery**

**County Road Number: 604**

**State Geographic Information Database (SGID) Road Identification Number: RD080497.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.65 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 19 South Range 7 East, Section(s) 22,23, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (ROCK CANYON FLAT ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 39 degrees 09 minutes 09.64 seconds North Latitude and -111 degrees 07 minutes 02.92 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,748,894.1 feet and Y = 6,860,335.8 feet; thence the following courses along the said road center line:

thence North 01 Degrees 37 Minutes 39 Seconds East	115.9 feet
thence North 02 Degrees 40 Minutes 37 Seconds East	119.3 feet
thence North 20 Degrees 33 Minutes 11 Seconds East	139.1 feet
thence North 24 Degrees 05 Minutes 26 Seconds East	136.6 feet
thence North 18 Degrees 10 Minutes 39 Seconds West	113.4 feet
thence North 43 Degrees 35 Minutes 32 Seconds West	92.4 feet
thence North 51 Degrees 41 Minutes 16 Seconds West	102.5 feet
thence North 44 Degrees 04 Minutes 11 Seconds West	74.5 feet
thence North 03 Degrees 03 Minutes 30 Seconds West	68.7 feet
thence North 58 Degrees 57 Minutes 55 Seconds East	64.9 feet
thence North 79 Degrees 43 Minutes 48 Seconds East	114 feet

thence North 87 Degrees 37 Minutes 51 Seconds East 156 feet  
thence South 87 Degrees 08 Minutes 21 Seconds East 165.7 feet  
thence North 83 Degrees 12 Minutes 30 Seconds East 157.2 feet  
thence North 71 Degrees 33 Minutes 11 Seconds East 116 feet  
thence North 64 Degrees 44 Minutes 41 Seconds East 98.1 feet  
thence North 57 Degrees 40 Minutes 31 Seconds East 96 feet  
thence North 58 Degrees 06 Minutes 03 Seconds East 178 feet  
thence North 62 Degrees 01 Minutes 28 Seconds East 154.1 feet  
thence North 80 Degrees 41 Minutes 32 Seconds East 123.9 feet  
thence North 80 Degrees 54 Minutes 20 Seconds East 49.5 feet  
thence North 81 Degrees 21 Minutes 08 Seconds East 174.5 feet  
thence North 85 Degrees 17 Minutes 55 Seconds East 85.9 feet  
thence North 76 Degrees 30 Minutes 09 Seconds East 69.1 feet  
thence North 32 Degrees 54 Minutes 44 Seconds East 22.8 feet  
thence North 32 Degrees 47 Minutes 31 Seconds East 27 feet  
thence North 03 Degrees 45 Minutes 48 Seconds West 71 feet  
thence North 13 Degrees 42 Minutes 42 Seconds West 163 feet  
thence North 10 Degrees 19 Minutes 16 Seconds West 177.6 feet  
thence North 10 Degrees 14 Minutes 43 Seconds East 168.3 feet  
thence North 14 Degrees 58 Minutes 38 Seconds East 39.8 feet more or less to **the ending**

**point at:** 39 degrees 09 minutes 28.79 seconds North Latitude and -111 degrees 06 minutes 42.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,750,473.4 feet and Y = 6,862,280.1 feet.

## Appendix B to Attachment 4

**Popular Name: ROCK CANYON FLAT ROAD**

**County: Emery**

**County Road Number: 604**

**State Geographic Information Database (SGID) Road Identification Number: RD080497.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.3 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 19 South Range 7 East, Section(s) 14,15,23, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (ROCK CANYON FLAT ROAD)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 39 degrees 09 minutes 42.35 seconds North Latitude and -111 degrees 06 minutes 48.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,750,034.9 feet and Y = 6,863,650.2 feet; thence the following courses along the said road center line:

thence North 19 Degrees 37 Minutes 52 Seconds West 40.7 feet  
thence North 04 Degrees 08 Minutes 29 Seconds East 46.4 feet  
thence North 40 Degrees 55 Minutes 44 Seconds East 56.7 feet  
thence North 41 Degrees 18 Minutes 51 Seconds East 4 feet  
thence North 40 Degrees 20 Minutes 14 Seconds East 36.8 feet  
thence North 47 Degrees 40 Minutes 30 Seconds East 151.1 feet  
thence North 64 Degrees 12 Minutes 24 Seconds East 77.1 feet  
thence North 89 Degrees 25 Minutes 41 Seconds East 74.5 feet  
thence South 64 Degrees 55 Minutes 24 Seconds East 179.8 feet  
thence South 59 Degrees 27 Minutes 41 Seconds East 182.4 feet  
thence South 75 Degrees 40 Minutes 51 Seconds East 45.5 feet

thence South 75 Degrees 03 Minutes 50 Seconds East 11.2 feet  
thence South 75 Degrees 33 Minutes 24 Seconds East 100.5 feet  
thence South 87 Degrees 22 Minutes 27 Seconds East 204.4 feet  
thence South 87 Degrees 07 Minutes 34 Seconds East 235.7 feet  
thence North 89 Degrees 50 Minutes 06 Seconds East 121.8 feet more or less to **the ending**

**point at:** 39 degrees 09 minutes 42.94 seconds North Latitude and -111 degrees 06 minutes 31.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,751,377.2 feet and Y = 6,863,715.8 feet.