

Ent 390395 Page 1 of 13  
Date: 07-MAY-2008 12:23PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 FERRON OLD DUMP; County Road Number: 722; State Geographic Information Database (SGID) Road Identification Number: RD080530. Total road length is 2.92 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

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**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 Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 21<sup>st</sup> day of April, 2008.

By the Governor's Designee

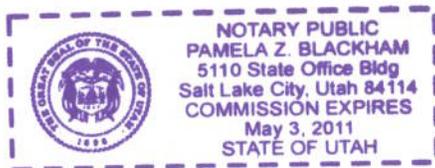
  
\_\_\_\_\_  
John Harja

**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

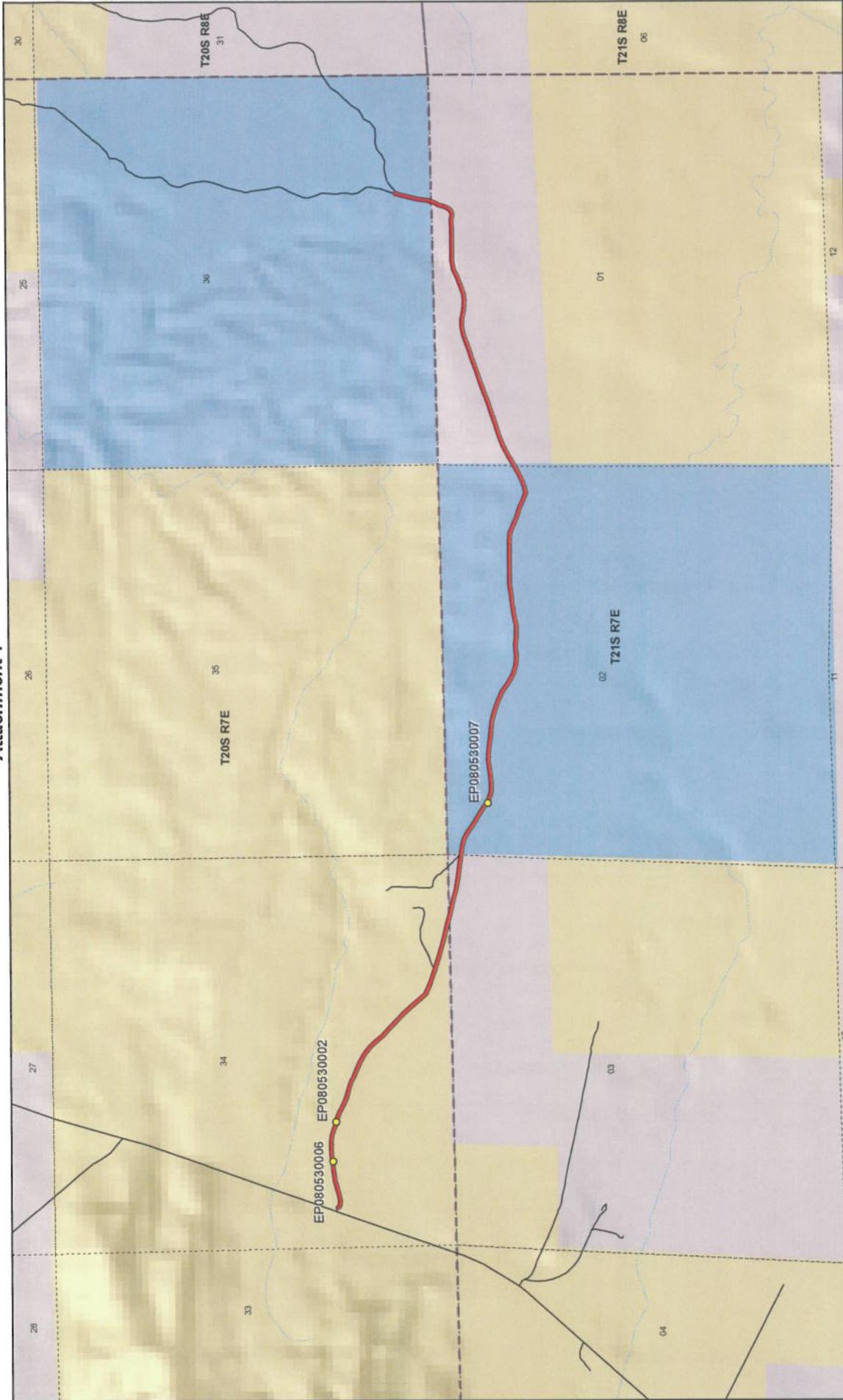
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 21<sup>st</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public

Attachment 1



1:21,833  
1 inch equals 0.3 miles

### FERRON OLD DUMP - Emery County SGID RD\_ID RD080530

<p><b>Land Ownership Categories</b></p> <ul style="list-style-type: none"> <li>BLM</li> <li>Private</li> <li>SITLA, State Trust Land</li> <li>USFS, National Forest</li> <li>State Parks and Recreation</li> <li>Tribal, Indian Reservation</li> <li>NPS, National Park</li> </ul>	<p><b>Transportation Network</b></p> <ul style="list-style-type: none"> <li>FERRON OLD DUMP</li> <li>Other Roads</li> <li>Title V, Issued or Under Consideration By BLM</li> <li>OK County</li> <li>Photo Event Point</li> </ul>
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Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jan 28, 2008

Attachment 2



EP080530002



EP080530006



EP080530007

EP000000000

EP000000000

EP000000000

**FERRON OLD DUMP - Emery County**  
**SGID RD\_ID RD080530**

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: FERRON OLD DUMP**

**County: Emery**

**County Road Number: 722**

**State Geographic Information Database (SGID) Road Identification Number: RD080530.**

**Total Road Length: 2.92 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 01 minutes 59.95 seconds North Latitude and -111 degrees 07 minutes 43.75 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,745,858.4 feet and Y = 6,816,849.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 01 minutes 51.64 seconds North Latitude and -111 degrees 04 minutes 048.1 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,759,723.0 feet and Y = 6,816,070.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 20 South Range 7 East, Section(s) 34,36, Salt Lake Base & Meridian  
Township 21 South Range 7 East, Section(s) 1,2,3, 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: FERRON OLD DUMP**

**County: Emery**

**County Road Number: 722**

**State Geographic Information Database (SGID) Road Identification Number: RD080530.**

**Total Road Length: 2.92 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>RD080530</b>	<b>001</b>	<b>BLM</b>	<b>0.83 Miles</b>	<b>A</b>
<b>RD080530</b>	<b>002</b>	<b>PVT</b>	<b>0.19 Miles</b>	<b>(not shown)</b>
<b>RD080530</b>	<b>003</b>	<b>ST</b>	<b>1.06 Miles</b>	<b>(not shown)</b>
<b>RD080530</b>	<b>004</b>	<b>PVT</b>	<b>0.74 Miles</b>	<b>(not shown)</b>
<b>RD080530</b>	<b>005</b>	<b>ST</b>	<b>0.09 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>2.92</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 LEE SWASEY  
OLD FERRON DUMP ROAD  
EMERY COUNTY, UTAH  
ROAD NUMBER 722

State of Utah                    )  
  : ss.  
County of Emery                )

LEE SWASEY, 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 Old Ferron Dump Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1960s it followed the same route as in 2006 when I last observed it. Attached is a Emery County map showing the Old Ferron Dump 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 1960s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used weekly.

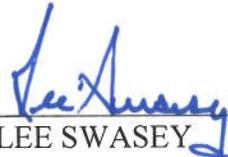
5. Throughout the time period from the late 1960s to 2006, I have used the road myself for hunting, recreation, traveling in and through the area.

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 livestock operations and dump access.

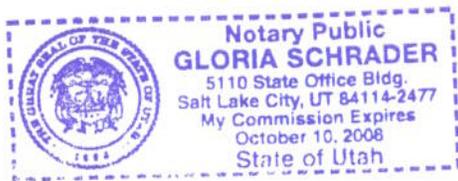
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

  
\_\_\_\_\_  
LEE SWASEY

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



  
\_\_\_\_\_  
NOTARY PUBLIC

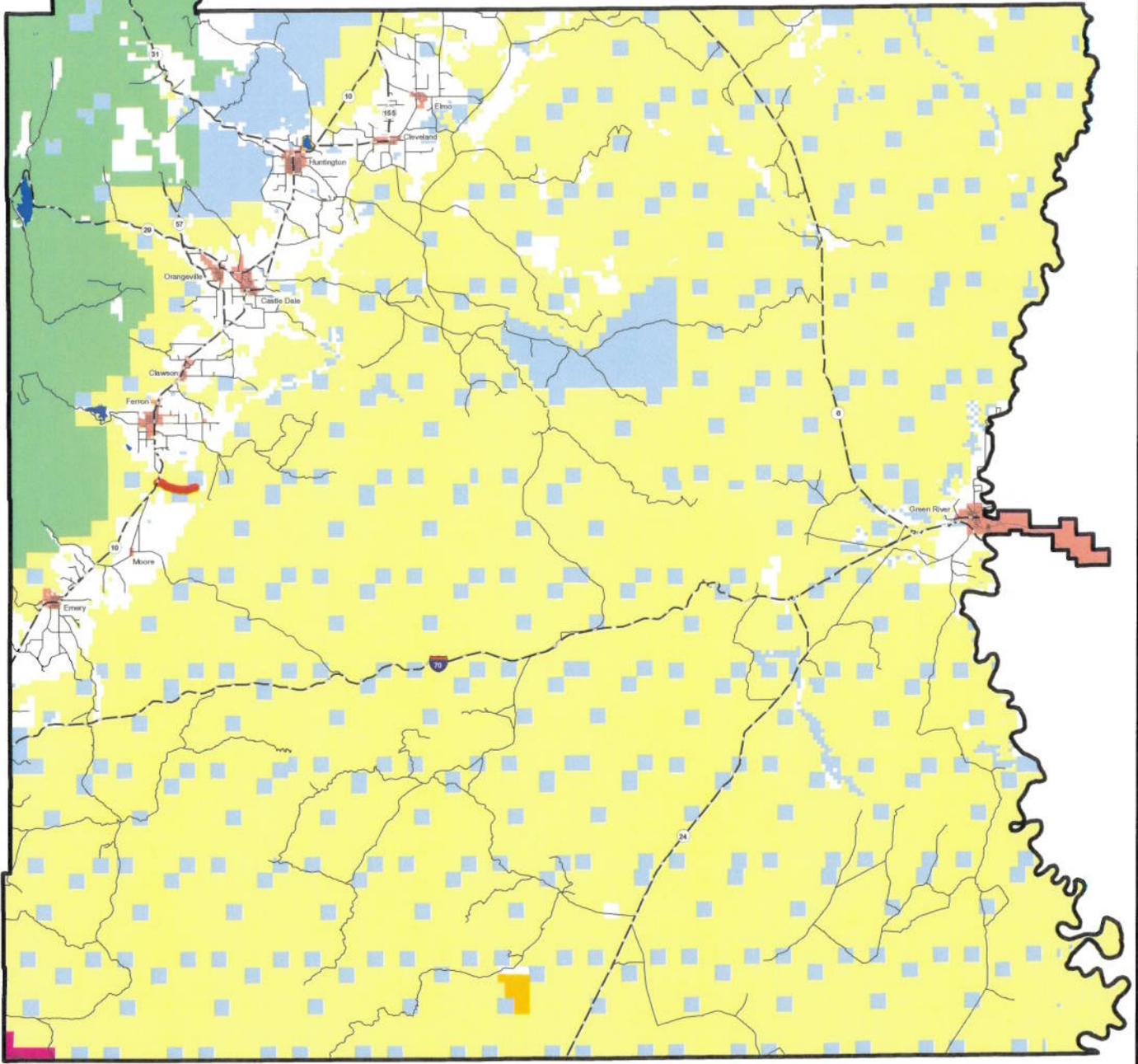
### Road #722

### Old Ferron Dump

-  Old Ferron Dump
-  Highway/Interstate
-  B Class Road



 BLM	 State	 NPS	 Water
 USFS	 Private	 USP	 City Boundary



AFFIDAVIT OF JED BEHLING  
FERRON OLD DUMP ROAD  
EMERY COUNTY, UTAH  
ROAD NUMBER 722

State of Utah                    )  
  : ss.  
County of Emery                )

JED 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 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 the Ferron Old Dump 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 Ferron Old Dump 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 the present. Throughout this time period I have observed travel on the road by various means, including car, truck, recreational vehicle, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used weekly.

5. Throughout the time period from the early 1940s to the present, I have used the

road myself for the following uses: hunting 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: wood gathering, livestock operations, access to dump, trapping, government access and recreation.

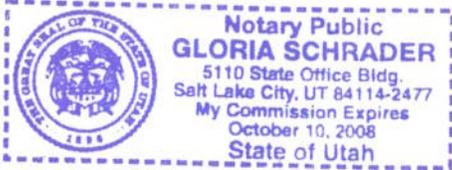
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

Jed Behling  
JED BEHLING

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of March, 2007.



Gloria Schrader  
NOTARY PUBLIC

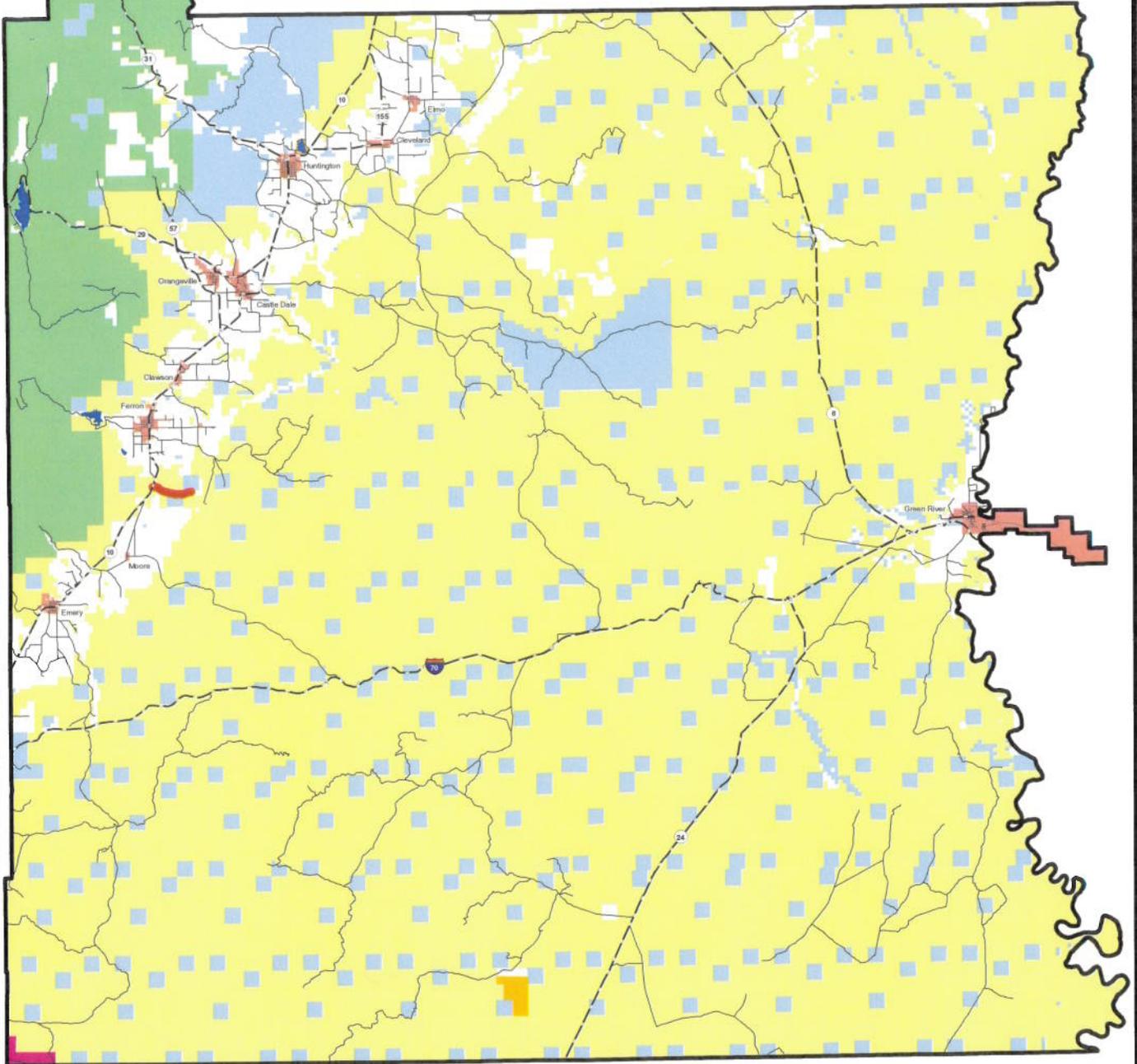
# Road #722

# Old Ferron Dump

-  Old Ferron Dump
-  Highway/Interstate
-  B Class Road



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



## Appendix A to Attachment 4

**Popular Name: FERRON OLD DUMP**

**County: Emery**

**County Road Number: 722**

**State Geographic Information Database (SGID) Road Identification Number: RD080530.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.83 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 20 South Range 7 East, Section(s) 34, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (FERRON OLD DUMP)-- 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 01 minutes 59.95 seconds North Latitude and -111 degrees 07 minutes 43.75 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,745,858.4 feet and Y = 6,816,849.7 feet; thence the following courses along the said road center line:

thence South 57 Degrees 12 Minutes 27 Seconds East	9 feet
thence South 58 Degrees 50 Minutes 57 Seconds East	44.6 feet
thence South 79 Degrees 24 Minutes 27 Seconds East	55.5 feet
thence North 80 Degrees 10 Minutes 47 Seconds East	79.5 feet
thence North 73 Degrees 11 Minutes 47 Seconds East	100.6 feet
thence North 73 Degrees 42 Minutes 42 Seconds East	108.6 feet
thence North 79 Degrees 58 Minutes 35 Seconds East	114.9 feet
thence North 83 Degrees 10 Minutes 15 Seconds East	110 feet
thence North 84 Degrees 20 Minutes 30 Seconds East	105.8 feet
thence North 85 Degrees 52 Minutes 42 Seconds East	108.9 feet
thence North 86 Degrees 48 Minutes 02 Seconds East	104.5 feet

thence South 80 Degrees 42 Minutes 37 Seconds East 84.6 feet  
 thence South 72 Degrees 06 Minutes 37 Seconds East 78.8 feet  
 thence South 71 Degrees 20 Minutes 54 Seconds East 77.7 feet  
 thence South 73 Degrees 28 Minutes 30 Seconds East 37.4 feet  
 thence South 78 Degrees 03 Minutes 15 Seconds East 7.7 feet  
 thence South 72 Degrees 47 Minutes 36 Seconds East 52.3 feet  
 thence South 65 Degrees 53 Minutes 34 Seconds East 86.5 feet  
 thence South 65 Degrees 22 Minutes 59 Seconds East 98.1 feet  
 thence South 68 Degrees 11 Minutes 39 Seconds East 108.1 feet  
 thence South 74 Degrees 11 Minutes 42 Seconds East 115.8 feet  
 thence South 72 Degrees 27 Minutes 00 Seconds East 115.5 feet  
 thence South 60 Degrees 09 Minutes 57 Seconds East 91.5 feet  
 thence South 69 Degrees 58 Minutes 07 Seconds East 96.3 feet  
 thence South 66 Degrees 50 Minutes 52 Seconds East 108.8 feet  
 thence South 58 Degrees 44 Minutes 36 Seconds East 116 feet  
 thence South 52 Degrees 19 Minutes 12 Seconds East 120 feet  
 thence South 43 Degrees 26 Minutes 34 Seconds East 120.5 feet  
 thence South 42 Degrees 07 Minutes 59 Seconds East 121.1 feet  
 thence South 47 Degrees 09 Minutes 59 Seconds East 129.6 feet  
 thence South 47 Degrees 16 Minutes 49 Seconds East 135.6 feet  
 thence South 45 Degrees 47 Minutes 44 Seconds East 139.5 feet  
 thence South 43 Degrees 07 Minutes 12 Seconds East 139.1 feet  
 thence South 39 Degrees 39 Minutes 27 Seconds East 134.1 feet  
 thence South 41 Degrees 16 Minutes 06 Seconds East 134.7 feet  
 thence South 66 Degrees 21 Minutes 23 Seconds East 142.2 feet  
 thence South 72 Degrees 35 Minutes 53 Seconds East 149.9 feet  
 thence South 71 Degrees 37 Minutes 40 Seconds East 69.6 feet  
 thence South 74 Degrees 40 Minutes 36 Seconds East 8.5 feet  
 thence South 71 Degrees 02 Minutes 29 Seconds East 70.6 feet  
 thence South 72 Degrees 40 Minutes 34 Seconds East 112.6 feet  
 thence South 74 Degrees 29 Minutes 26 Seconds East 132.4 feet  
 thence South 75 Degrees 16 Minutes 45 Seconds East 145.5 feet  
 thence South 75 Degrees 37 Minutes 11 Seconds East 151.3 feet more or less to **the ending**

**point at:** 39 degrees 01 minutes 45.07 seconds North Latitude and -111 degrees 06 minutes 54.86 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,749,722.6 feet and Y = 6,815,360.7 feet.