

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

Ent 251356 Bk 429 Pg 662
Date: 09-MAY-2008 2:03PM
Fee: None
Filed By: CT
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Garfield County as it pertains to the highway located in Garfield County known as NOWERS ROAD; County Road Number: 0176; State Geographic Information Database (SGID) Road Identification Number: RD090030. Total road length is 0.69 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 23rd day of April, 2008.

By the Governor's Designee



John Harja


CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

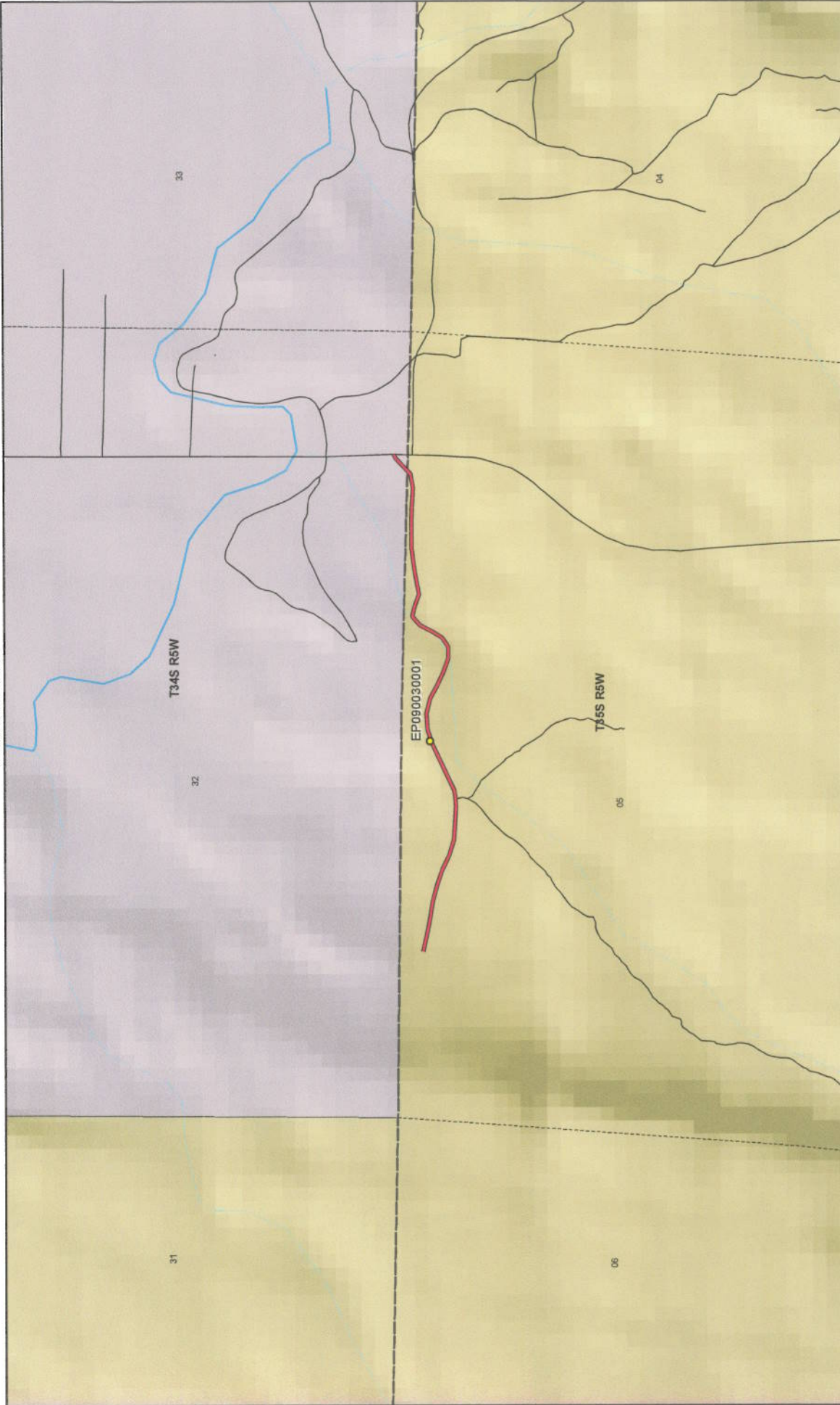
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 23rd day of April, 2008.



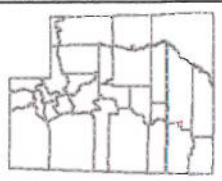


Notary Public



NOWERS ROAD - Garfield County
SGID RD_ID RD090030

1:10,780
1 inch equals 0.2 miles



- 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**
- NOWERS ROAD
 - Other Roads
 - Title V: Issued Or Under Consideration By BLM Or County
 - Photo Event Point
 - Section = 1 Mile

Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Feb 27, 2008



Attachment 2



EP090030001

EP000000000

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NOWERS ROAD - Garfield County
SGID RD_ID RD090030

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 29, 2008



Attachment 3

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

Popular Name: NOWERS ROAD

County: Garfield

County Road Number: 0176

State Geographic Information Database (SGID) Road Identification Number: RD090030.

Total Road Length: 0.69 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 48 minutes 011.2 seconds North Latitude and -112 degrees 26 minutes 48.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,366,850.6 feet and Y = 10,257,685.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 48 minutes 013.6 seconds North Latitude and -112 degrees 26 minutes 07.14 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,370,193.5 feet and Y = 10,257,894.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 34 South Range 5 West, Section(s) 32, Salt Lake Base & Meridian

Township 35 South Range 5 West, Section(s) 5, 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: NOWERS ROAD

County: Garfield

County Road Number: 0176

State Geographic Information Database (SGID) Road Identification Number: RD090030.

Total Road Length: 0.69 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).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD090030	001	BLM	0.66 Miles	A
RD090030	002	PVT	0.03 Miles	(not shown)
		Total Road Length	0.69	_____

* 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 ROBERT P. VEATER

NOWERS ROAD

COUNTY ROAD NUMBER 0176

GARFIELD COUNTY, UTAH

State of Utah)
 : ss.
County of Garfield)

ROBERT P. VEATER, 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 have lived in Garfield County for 46 years.

2. I have traveled and am familiar with a road in Garfield County known as Nowers Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1963, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Nowers 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. The County also identifies this road according to the road number listed above.

3. 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 1963 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles, jeeps and ATV's. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2007.

4. Throughout the time period from 1963 to 2007, I have used the road myself for hunting, sight seeing, ATV riding and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations, residential access, camping, wood gathering, recreation, biking, rock hounding, hiking and government access.

6. 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.

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

Dated this 12 day of July, 2007.

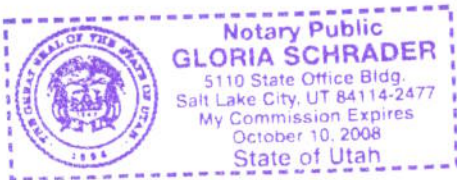


ROBERT P. VEATER

SUBSCRIBED AND SWORN to before me this 12th day of July, 2007.



NOTARY PUBLIC








 1:10,280

 1 inch equals 0.2 miles



 Map prepared by the State of Utah

 Automated Geographic Reference Center

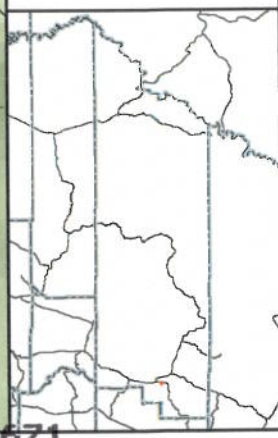
 Room 5100, AGRC Office Building

 Salt Lake City, Utah 84114

 Jul 04, 2007

NOWERS
County Unique - 0176

- | | | |
|---|---|---|
| <p>Land Ownership Categories</p> <ul style="list-style-type: none"> BLM Private SITLA, State Trust Land USFS, National Forest National Park/Monument (NPS) | <p>Misc</p> <ul style="list-style-type: none"> Wildlife Reserve National Rec. Area Wilderness State Park City / Town Municipalities Section = 1 Mile Monument Boundary | <p>Transportation Network</p> <ul style="list-style-type: none"> NOWERS State / U.S. Highway Local Roads |
|---|---|---|



AFFIDAVIT OF RUSSELL BULKLEY

NOWERS ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 0176

State of Utah)
 : ss.
County of Garfield)

RUSSELL BULKLEY, 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 Panguitch, Garfield County, Utah. I have lived in Garfield County since 1959. In 1971 and 1972 I worked for the Utah Department of Transportation on roads and from 1973 to 1975 I worked for the Utah Division of Wildlife Resources.

2. I have traveled and am familiar with a road in Garfield County known as Nowers Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Nowers 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. 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 1960s and continuing through 2007. Throughout this time period I observed travel on the road by means of cars, trucks, pickup trucks and ATVs. During this time period, the road was used daily for more than ten continuous years prior to 1976 and was so used in 2007.

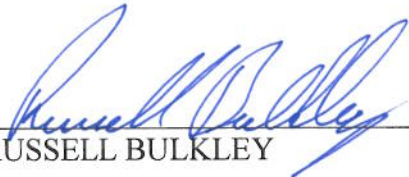
5. Throughout the time period from the early 1960s to 2007, I used the road myself for hunting, sightseeing and travel in and through the area.

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, livestock operations, residential access, farming, 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.

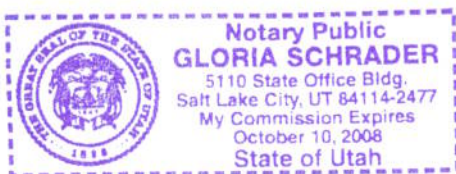
8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction activities such as berms along the side of the road.

DATED this 12 day of July, 2007.



RUSSELL BULKLEY

SUBSCRIBED AND SWORN to before me this 12th day of July, 2007.





NOTARY PUBLIC




AGRC



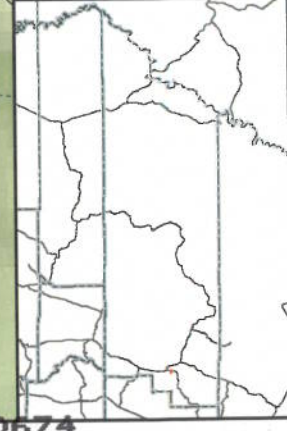
Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jul 04, 2007

1:10,280
1 inch equals 0.2 miles

NOWERS County Unique - 0176

<p>Land Ownership Categories</p> <ul style="list-style-type: none"> ■ BLM ■ Private ■ SITLA, State Trust Land ■ USFS, National Forest ■ National Park/Monument (NPS) 	<p>Misc</p> <ul style="list-style-type: none"> ○ Wildlife Reserve National Rec. Area Wilderness State Park 	<p>City / Town</p> <ul style="list-style-type: none"> Municipalities Section = 1 Mile Monument Boundary 	<p>Transportation Network</p> <ul style="list-style-type: none"> NOWERS State / U.S. Highway Local Roads
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Appendix A to Attachment 4

Popular Name: NOWERS ROAD

County: Garfield

County Road Number: 0176

State Geographic Information Database (SGID) Road Identification Number: RD090030.

Road-Segment Number: 001

Road-Segment Length: 0.66 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 35 South Range 5 West, Section(s) 5, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (NOWERS 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 37 degrees 48 minutes 011.2 seconds North Latitude and -112 degrees 26 minutes 48.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,366,850.6 feet and Y = 10,257,685.8 feet; thence the following courses along the said road center line:

thence South 77 Degrees 32 Minutes 57 Seconds East	17.8 feet
thence South 76 Degrees 21 Minutes 58 Seconds East	95.3 feet
thence South 79 Degrees 54 Minutes 34 Seconds East	109.1 feet
thence South 80 Degrees 53 Minutes 51 Seconds East	116.4 feet
thence South 75 Degrees 54 Minutes 47 Seconds East	114.8 feet
thence South 70 Degrees 48 Minutes 03 Seconds East	111 feet
thence South 65 Degrees 44 Minutes 06 Seconds East	109.7 feet
thence South 73 Degrees 12 Minutes 14 Seconds East	107.1 feet
thence South 85 Degrees 40 Minutes 16 Seconds East	109.6 feet
thence South 86 Degrees 16 Minutes 42 Seconds East	116.8 feet
thence North 82 Degrees 56 Minutes 22 Seconds East	50.2 feet

thence North 82 Degrees 31 Minutes 40 Seconds East 57.9 feet
 thence North 64 Degrees 43 Minutes 49 Seconds East 105 feet
 thence North 63 Degrees 56 Minutes 40 Seconds East 113.3 feet
 thence North 65 Degrees 21 Minutes 20 Seconds East 117 feet
 thence North 71 Degrees 25 Minutes 03 Seconds East 112 feet
 thence North 84 Degrees 11 Minutes 38 Seconds East 106.1 feet
 thence South 75 Degrees 36 Minutes 34 Seconds East 103.5 feet
 thence South 63 Degrees 04 Minutes 00 Seconds East 99.6 feet
 thence South 63 Degrees 54 Minutes 12 Seconds East 104 feet
 thence South 70 Degrees 59 Minutes 18 Seconds East 94.2 feet
 thence North 89 Degrees 41 Minutes 35 Seconds East 81 feet
 thence North 56 Degrees 26 Minutes 19 Seconds East 71.8 feet
 thence North 30 Degrees 26 Minutes 44 Seconds East 76.4 feet
 thence North 26 Degrees 42 Minutes 08 Seconds East 94.7 feet
 thence North 50 Degrees 10 Minutes 45 Seconds East 82.5 feet
 thence South 74 Degrees 51 Minutes 03 Seconds East 73.9 feet
 thence South 70 Degrees 02 Minutes 02 Seconds East 77.7 feet
 thence North 79 Degrees 28 Minutes 29 Seconds East 77.7 feet
 thence North 79 Degrees 14 Minutes 12 Seconds East 77.7 feet
 thence North 81 Degrees 00 Minutes 12 Seconds East 76 feet
 thence North 82 Degrees 41 Minutes 10 Seconds East 59.2 feet
 thence North 84 Degrees 39 Minutes 02 Seconds East 11.2 feet
 thence North 77 Degrees 09 Minutes 51 Seconds East 9.1 feet
 thence North 88 Degrees 52 Minutes 28 Seconds East 23 feet
 thence North 88 Degrees 58 Minutes 26 Seconds East 78.4 feet
 thence South 89 Degrees 31 Minutes 09 Seconds East 95.5 feet
 thence South 88 Degrees 13 Minutes 27 Seconds East 108.4 feet
 thence South 87 Degrees 19 Minutes 51 Seconds East 107.4 feet
 thence North 78 Degrees 48 Minutes 27 Seconds East 95.6 feet
 thence North 47 Degrees 12 Minutes 31 Seconds East 25.6 feet more or less to **the ending**

point at: 37 degrees 48 minutes 12.65 seconds North Latitude and -112 degrees 26 minutes 08.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,370,082.7 feet and Y = 10,257,799.1 feet.