

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

Ent 251392 Bk 430 Pg 200
Date: 09-MAY-2008 4:24PM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 MERRILL BENCH ROAD; County Road Number: 0479; State Geographic Information Database (SGID) Road Identification Number: RD090071. Total road length is 4.06 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



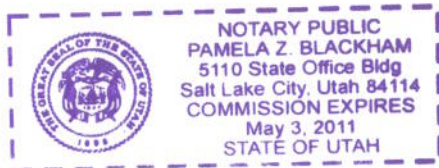
John Harja

CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

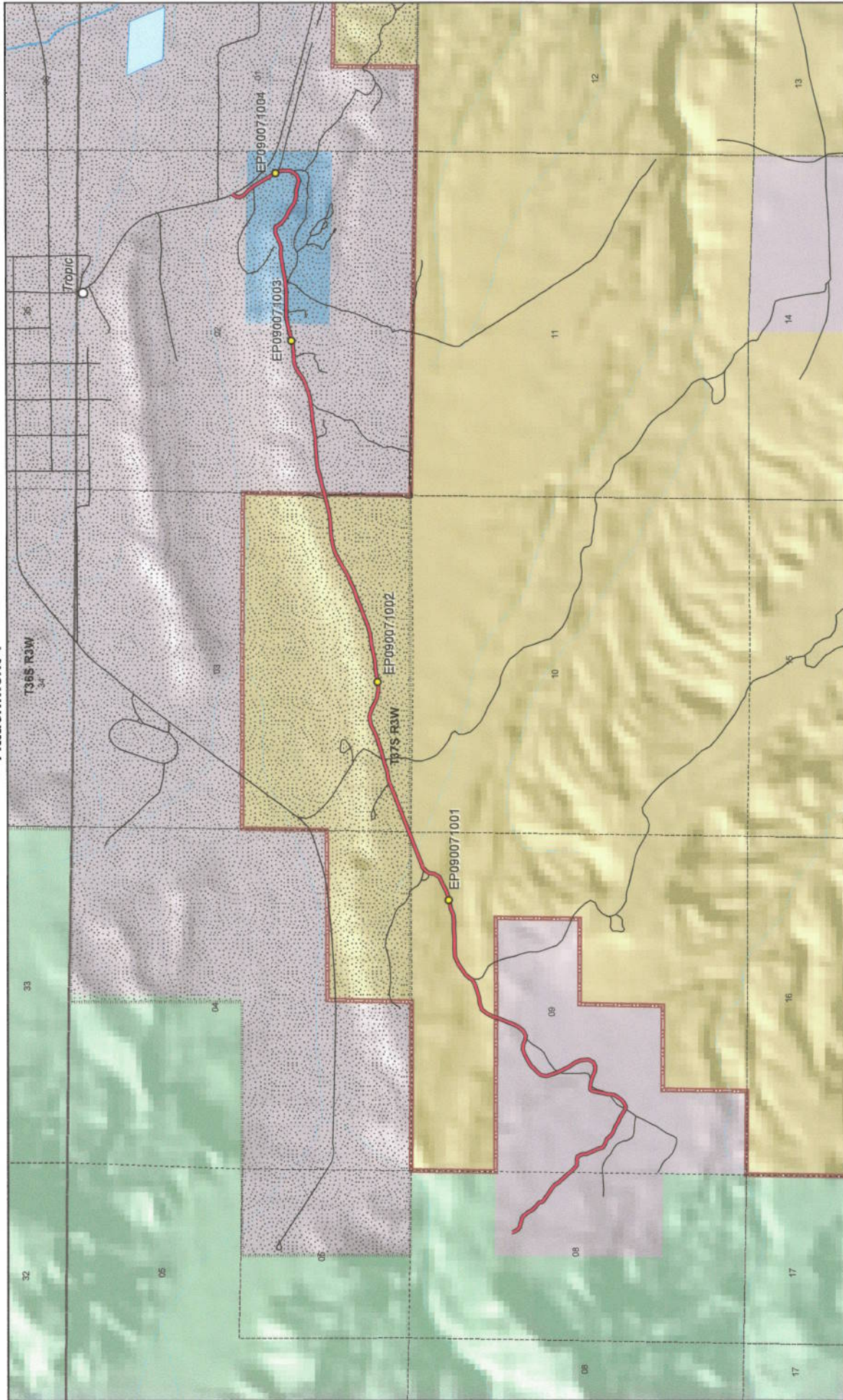
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to 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





1:24,941
1 inch equals 0.4 miles



MERRILL BENCH ROAD - Garfield County

SGID RD_ID RD090071

Land Ownership Categories

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

Transportation Network

- MERRILL BENCH 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



EP090071001



EP090071002



EP090071003



EP090071004

EP000000000

EP000000000

MERRILL BENCH ROAD - Garfield County
SGID RD_ID RD090071

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: MERRILL BENCH ROAD

County: Garfield

County Road Number: 0479

State Geographic Information Database (SGID) Road Identification Number: RD090071.

Total Road Length: 4.06 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 36 minutes 13.44 seconds North Latitude and -112 degrees 07 minutes 55.67 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,457,292.8 feet and Y = 10,184,320.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 36 minutes 58.28 seconds North Latitude and -112 degrees 04 minutes 34.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,473,488.0 feet and Y = 10,188,751.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 37 South Range 3 West, Section(s) 2,3,4,8,9, 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: MERRILL BENCH ROAD

County: Garfield

County Road Number: 0479

State Geographic Information Database (SGID) Road Identification Number: RD090071.

Total Road Length: 4.06 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
RD090071	001	PVT	1.15 Miles	(not shown)
RD090071	002	BLM	1.7 Miles	A
RD090071	003	PVT	0.52 Miles	(not shown)
RD090071	004	ST	0.64 Miles	(not shown)
RD090071	005	PVT	0.05 Miles	(not shown)
		Total Road Length	4.06	_____

* 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 WALLACE M. OTT

MERRILL BENCH ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 0479

State of Utah)
 : ss.
County of Garfield)

WALLACE M. OTT, 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 Tropic, Garfield County, Utah. I have lived in Garfield County for 96 years. I was a member of the advisory board for the Bureau of Land Management, District 2, for 30 years from 1944 to 1974. I was also a Garfield County Commissioner for six years from 1974 to 1980.

2. I have traveled and am familiar with a road in Garfield County known as a Merrill Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in the 1950s it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Merrill Bench 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 1950s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of cars, trucks and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was so used in 2007.

5. Throughout the time period from the 1950s to the present, I have used the road myself for supervision of county road maintenance, hunting, livestock operations, mineral exploration, private property access, recreation 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 sightseeing gravel pit access.

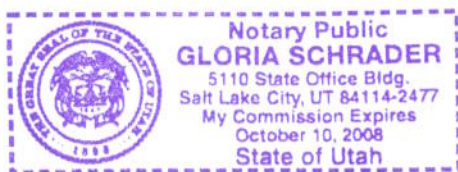
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

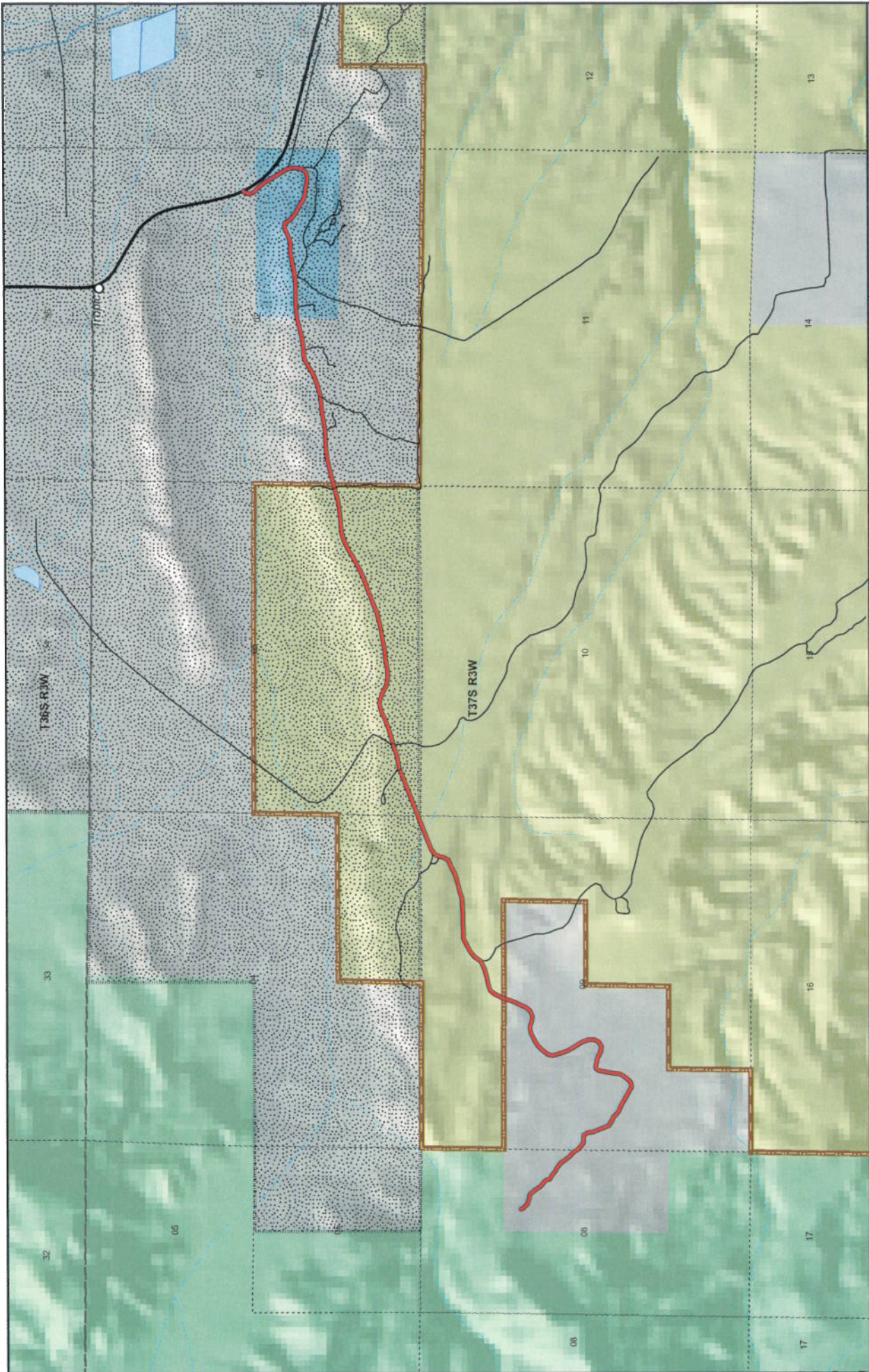

DATED this 10 day of July, 2007.

Wallace M. Ott
WALLACE M. OTT

SUBSCRIBED AND SWORN to before me this 10th day of July, 2007.





Gloria Schwade
NOTARY PUBLIC












1:24,941
1 inch equals 0.4 miles

Map prepared by the Office of Idaho
Automated Geographic Reference Center
Room 0330 State Office Building
Salt Lake City, Utah 84114
Jan 04, 2007

MERRILL BENCH RD

County Unique - 0479

Land Ownership Categories  BLM  Private  SITLA, State Trust Land  USFS, National Forest  National Park/Monument (NPS)	Misc  City / Town  Municipalities  Section = 1 Mile  Monument Boundary	Transportation Network  MERRILL BENCH RD  State / U.S. Highway  Local Roads
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AFFIDAVIT OF BEN MATHEWS

MERRILL BENCH ROAD

COUNTY ROAD NUMBER 0479

GARFIELD COUNTY, UTAH

State of Utah)
 : ss.
County of Garfield)

BEN MATHEWS, 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 36 years. I have been employed by the Garfield County Road Department for the past 20 years.

2. I first used and have observed and am familiar with a road in Garfield County known as Merrill Bench 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 Merrill Bench 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 the early 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, maintenance vehicles and jeeps. 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 the early 1960s to 2007, I have used and observed vehicles using the road for wood gathering, hunting, camping 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 recreation, livestock operations, tourism, gravel pit access, prospecting for minerals 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.

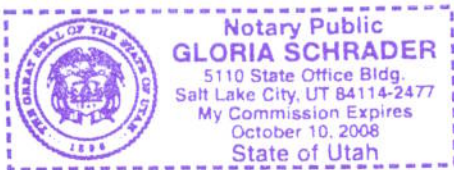
7. Prior to 1976, I observed the graded surface of the road.

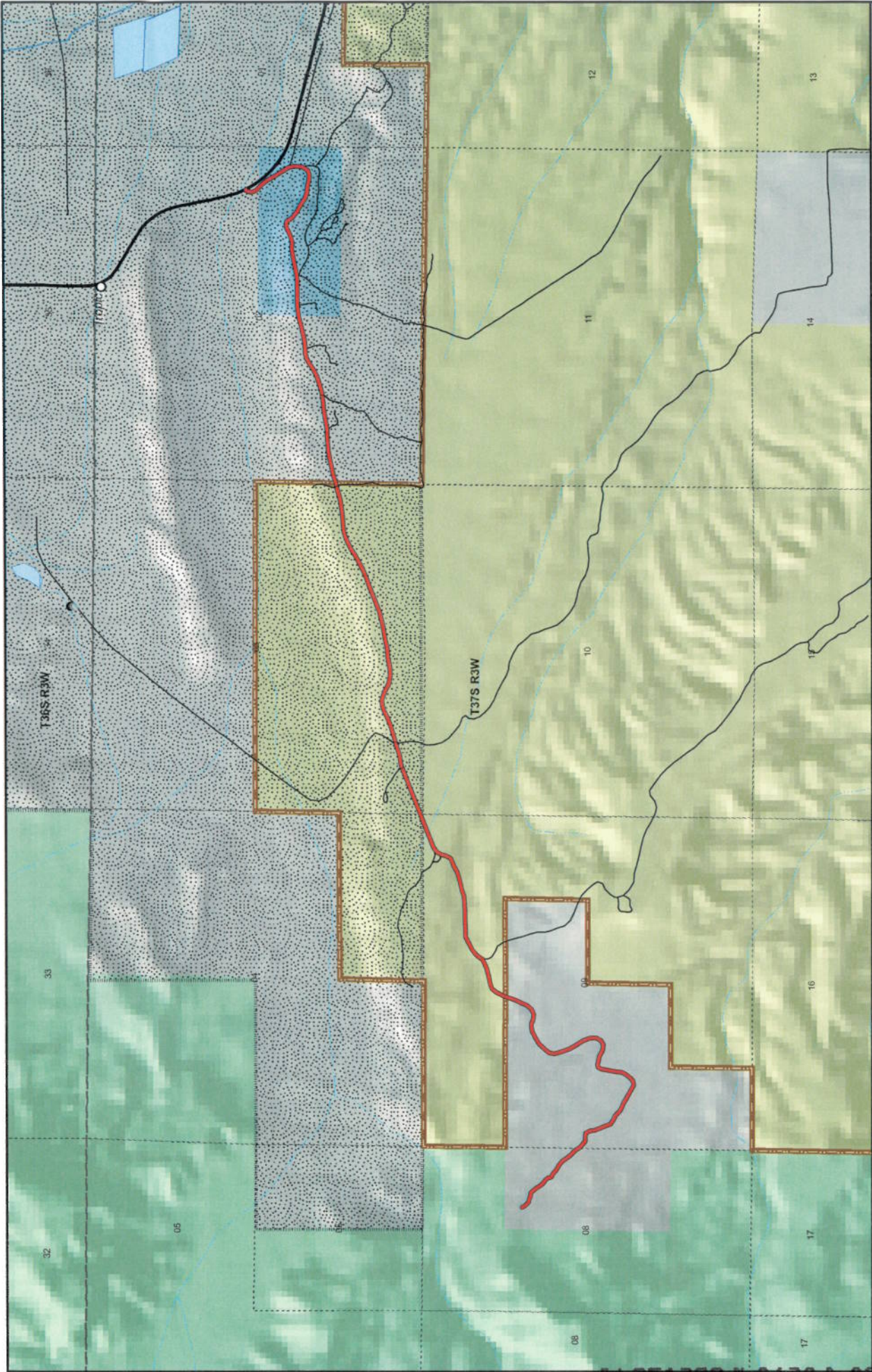
Dated this 10th day of July, 2007.



BEN MATHEWS

SUBSCRIBED AND SWORN to before me this 10th day of July, 2007.


NOTARY PUBLIC



MERRILL BENCH RD
County Unique - 0479

1:24,941
 1 inch equals 0.4 miles

Map prepared by the State of Utah
 Automated Geographic Reference Center
 AGRC
 Revision 5/30/2006, Original Issue 04/14/2007

Land Ownership Categories

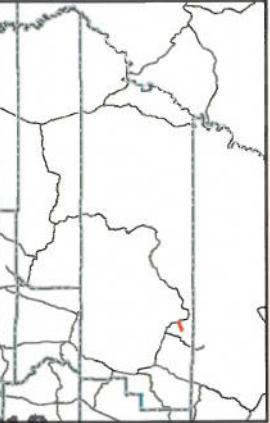
- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- National Park/Monument (NPS)

Misc

- Wildlife Reserve
- National Rec. Area
- Wilderness
- State Park
- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary

Transportation Network

- MERRILL BENCH RD
- State / U.S. Highway
- Local Roads



Appendix A to Attachment 4

Popular Name: MERRILL BENCH ROAD

County: Garfield

County Road Number: 0479

State Geographic Information Database (SGID) Road Identification Number: RD090071.

Road-Segment Number: 002

Road-Segment Length: 1.7 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 37 South Range 3 West, Section(s) 3,4,9, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MERRILL BENCH ROAD)-- Segment 002 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 36 minutes 16.28 seconds North Latitude and -112 degrees 07 minutes 14.15 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,460,636.3 feet and Y = 10,184,585.3 feet; thence the following courses along the said road center line:

thence North 15 Degrees 47 Minutes 50 Seconds East	6.2 feet
thence North 21 Degrees 21 Minutes 44 Seconds East	51.6 feet
thence North 27 Degrees 33 Minutes 54 Seconds East	103.2 feet
thence North 37 Degrees 33 Minutes 14 Seconds East	95.2 feet
thence North 71 Degrees 47 Minutes 21 Seconds East	101.4 feet
thence North 81 Degrees 31 Minutes 09 Seconds East	113.1 feet
thence North 72 Degrees 59 Minutes 49 Seconds East	113.1 feet
thence North 69 Degrees 22 Minutes 46 Seconds East	101.1 feet
thence North 57 Degrees 54 Minutes 45 Seconds East	62.9 feet
thence North 49 Degrees 05 Minutes 42 Seconds East	6.1 feet
thence North 36 Degrees 12 Minutes 26 Seconds East	31.4 feet

thence North 35 Degrees 27 Minutes 25 Seconds East 88.2 feet
 thence North 53 Degrees 00 Minutes 23 Seconds East 104.4 feet
 thence North 60 Degrees 02 Minutes 21 Seconds East 106.1 feet
 thence North 63 Degrees 32 Minutes 31 Seconds East 122.8 feet
 thence North 88 Degrees 11 Minutes 45 Seconds East 137.9 feet
 thence North 88 Degrees 06 Minutes 58 Seconds East 142.8 feet
 thence North 87 Degrees 53 Minutes 36 Seconds East 135.6 feet
 thence North 88 Degrees 17 Minutes 56 Seconds East 121.1 feet
 thence North 85 Degrees 21 Minutes 33 Seconds East 117.2 feet
 thence North 70 Degrees 14 Minutes 48 Seconds East 111.4 feet
 thence North 76 Degrees 59 Minutes 21 Seconds East 137.3 feet
 thence North 71 Degrees 46 Minutes 33 Seconds East 138.6 feet
 thence North 63 Degrees 23 Minutes 59 Seconds East 125.2 feet
 thence North 65 Degrees 15 Minutes 08 Seconds East 119 feet
 thence North 31 Degrees 05 Minutes 52 Seconds East 95.7 feet
 thence North 09 Degrees 37 Minutes 21 Seconds East 66.6 feet
 thence North 19 Degrees 57 Minutes 43 Seconds East 22.7 feet
 thence North 34 Degrees 01 Minutes 59 Seconds East 56.4 feet
 thence North 50 Degrees 50 Minutes 34 Seconds East 75.9 feet
 thence North 59 Degrees 09 Minutes 59 Seconds East 14.9 feet
 thence North 68 Degrees 11 Minutes 24 Seconds East 478.9 feet
 thence North 68 Degrees 11 Minutes 25 Seconds East 91.6 feet
 thence North 68 Degrees 11 Minutes 24 Seconds East 812.5 feet
 thence North 69 Degrees 36 Minutes 03 Seconds East 14.3 feet
 thence North 77 Degrees 57 Minutes 13 Seconds East 59.7 feet
 thence North 81 Degrees 10 Minutes 21 Seconds East 128.4 feet
 thence North 68 Degrees 46 Minutes 56 Seconds East 98.4 feet
 thence North 68 Degrees 33 Minutes 09 Seconds East 63.7 feet
 thence North 76 Degrees 30 Minutes 20 Seconds East 21.6 feet
 thence North 82 Degrees 34 Minutes 16 Seconds East 10.6 feet
 thence North 89 Degrees 41 Minutes 46 Seconds East 10.8 feet
 thence North 74 Degrees 02 Minutes 02 Seconds East 109.4 feet
 thence North 72 Degrees 20 Minutes 06 Seconds East 155.1 feet
 thence North 69 Degrees 09 Minutes 16 Seconds East 152.4 feet
 thence North 63 Degrees 15 Minutes 11 Seconds East 137.8 feet
 thence North 79 Degrees 31 Minutes 14 Seconds East 143 feet
 thence South 71 Degrees 54 Minutes 30 Seconds East 149.7 feet
 thence South 64 Degrees 28 Minutes 18 Seconds East 149.1 feet
 thence South 80 Degrees 36 Minutes 53 Seconds East 136.5 feet
 thence North 85 Degrees 49 Minutes 44 Seconds East 141.1 feet
 thence North 79 Degrees 24 Minutes 09 Seconds East 148.8 feet
 thence North 84 Degrees 24 Minutes 30 Seconds East 146 feet
 thence North 79 Degrees 12 Minutes 34 Seconds East 138.8 feet
 thence North 78 Degrees 30 Minutes 52 Seconds East 143.8 feet
 thence North 80 Degrees 55 Minutes 19 Seconds East 152.7 feet
 thence North 75 Degrees 37 Minutes 49 Seconds East 153.9 feet
 thence North 67 Degrees 15 Minutes 39 Seconds East 148.8 feet
 thence North 67 Degrees 46 Minutes 33 Seconds East 146.8 feet
 thence North 69 Degrees 16 Minutes 30 Seconds East 146.7 feet

thence North 70 Degrees 39 Minutes 58 Seconds East 139.9 feet
thence North 65 Degrees 04 Minutes 40 Seconds East 133.9 feet
thence North 64 Degrees 43 Minutes 20 Seconds East 132.1 feet
thence North 61 Degrees 17 Minutes 08 Seconds East 127.6 feet
thence North 57 Degrees 13 Minutes 30 Seconds East 132.6 feet
thence North 63 Degrees 33 Minutes 05 Seconds East 140 feet
thence North 72 Degrees 35 Minutes 36 Seconds East 133.9 feet
thence North 81 Degrees 03 Minutes 20 Seconds East 135.4 feet
thence North 86 Degrees 08 Minutes 15 Seconds East 132.2 feet
thence North 85 Degrees 50 Minutes 28 Seconds East 122 feet
thence North 79 Degrees 39 Minutes 33 Seconds East 113 feet
thence North 77 Degrees 13 Minutes 45 Seconds East 98.8 feet
thence North 74 Degrees 39 Minutes 17 Seconds East 77.1 feet
thence North 74 Degrees 54 Minutes 27 Seconds East 42.4 feet
thence North 80 Degrees 32 Minutes 01 Seconds East 10.3 feet
thence North 79 Degrees 52 Minutes 36 Seconds East 17.3 feet
thence North 74 Degrees 45 Minutes 53 Seconds East 30.6 feet
thence North 74 Degrees 32 Minutes 31 Seconds East 16.3 feet
thence North 73 Degrees 15 Minutes 37 Seconds East 1.6 feet more or less to **the ending point**

at: 37 degrees 36 minutes 43.69 seconds North Latitude and -112 degrees 05 minutes 32.89 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,468,802.1 feet and Y = 10,187,305.6 feet.