

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

Ent 251394 Bk 430 Pg 226
Date: 09-MAY-2008 4:28PM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 HEWARD CANYON ROAD; County Road Number: 0489; State Geographic Information Database (SGID) Road Identification Number: RD090073. Total road length is 1.85 miles more or less.

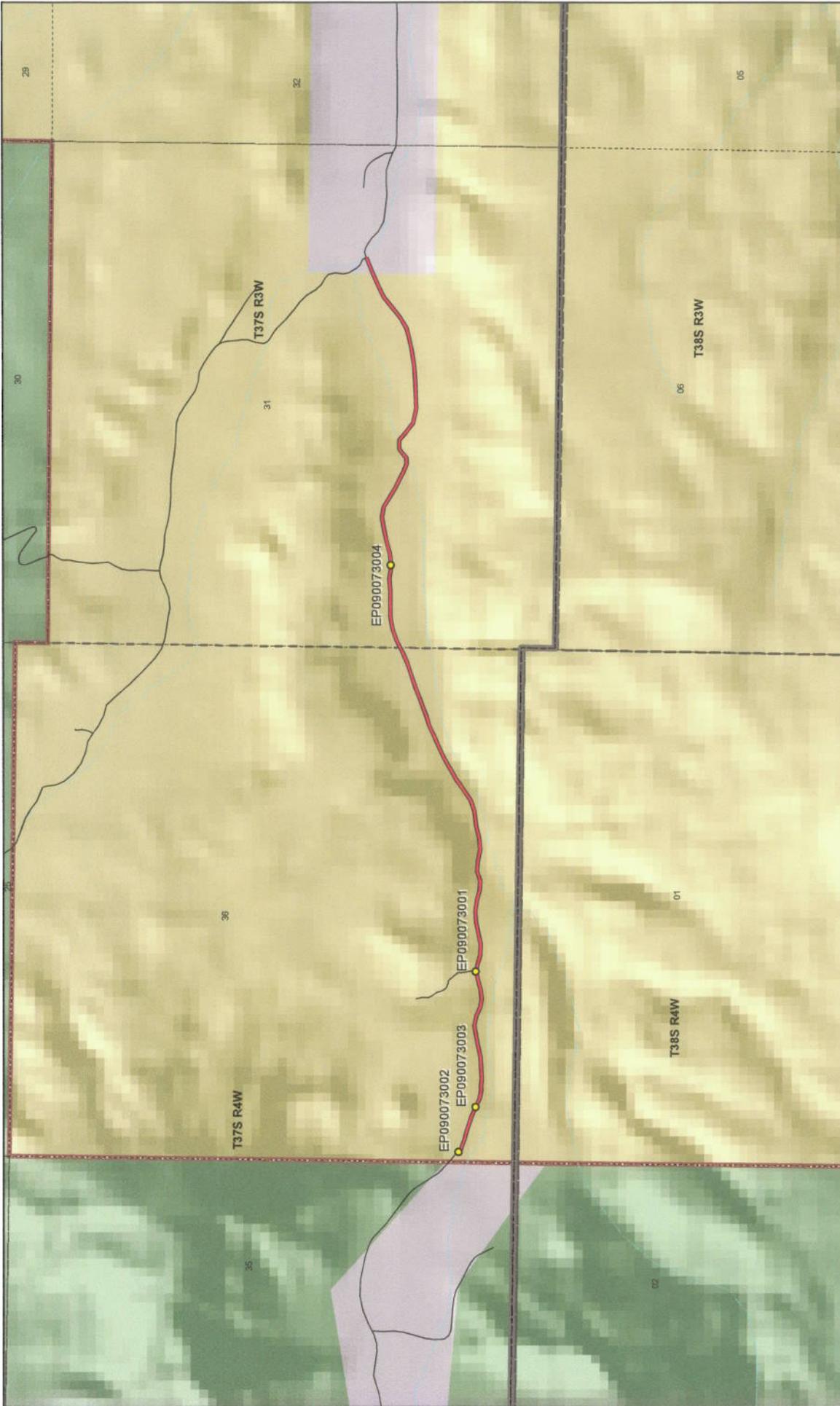
The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a)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

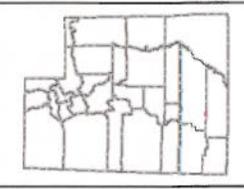
A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a 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



1":16,522
1 inch equals 0.3 miles



**HEWARD CANYON ROAD - Garfield County
SGID RD_ID RD090073**

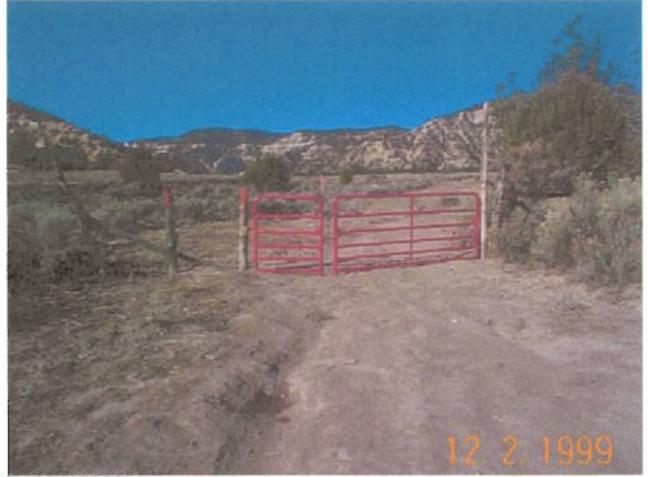
- | | |
|--|--|
| <p>Land Ownership Categories</p> <ul style="list-style-type: none"> BLM Private SITLA, State Trust Land USFS, National Forest State Parks and Recreation Tribal, Indian Reservation NPS, National Park | <p>Transportation Network</p> <ul style="list-style-type: none"> HEWARD CANYON ROAD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



EP090073001



EP090073002



EP090073003



EP090073004

EP000000000

EP000000000

HEWARD CANYON ROAD - Garfield County
SGID RD_ID RD090073

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: HEWARD CANYON ROAD

County: Garfield

County Road Number: 0489

State Geographic Information Database (SGID) Road Identification Number: RD090073.

Total Road Length: 1.85 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 32 minutes 18.74 seconds North Latitude and -112 degrees 10 minutes 57.93 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,442,453.6 feet and Y = 10,160,686.1 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 32 minutes 29.36 seconds North Latitude and -112 degrees 09 minutes 03.75 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,657.5 feet and Y = 10,161,694.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 37 South Range 3 West, Section(s) 31, Salt Lake Base & Meridian
Township 37 South Range 4 West, Section(s) 36, 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: HEWARD CANYON ROAD

County: Garfield

County Road Number: 0489

State Geographic Information Database (SGID) Road Identification Number: RD090073.

Total Road Length: 1.85 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
RD090073	001	BLM	1.82 Miles	A
RD090073	002	PVT	0.03 Miles	(not shown)
		Total Road Length	1.85	_____

* 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
HEWARD CANYON ROAD
GARFIELD COUNTY, UTAH
ROAD NUMBER 0489

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 Heward Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the 1920s it followed the same route as in 2004 when I last observed it. Attached is a Garfield County map showing Heward Canyon 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 1920s and continuing through 1976 to the 2004. 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, weather permitting, for more than ten continuous years prior to 1976, and was so used in 2004.

5. Throughout the time period from the 1920s to 2004, 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.

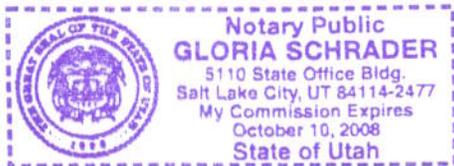
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

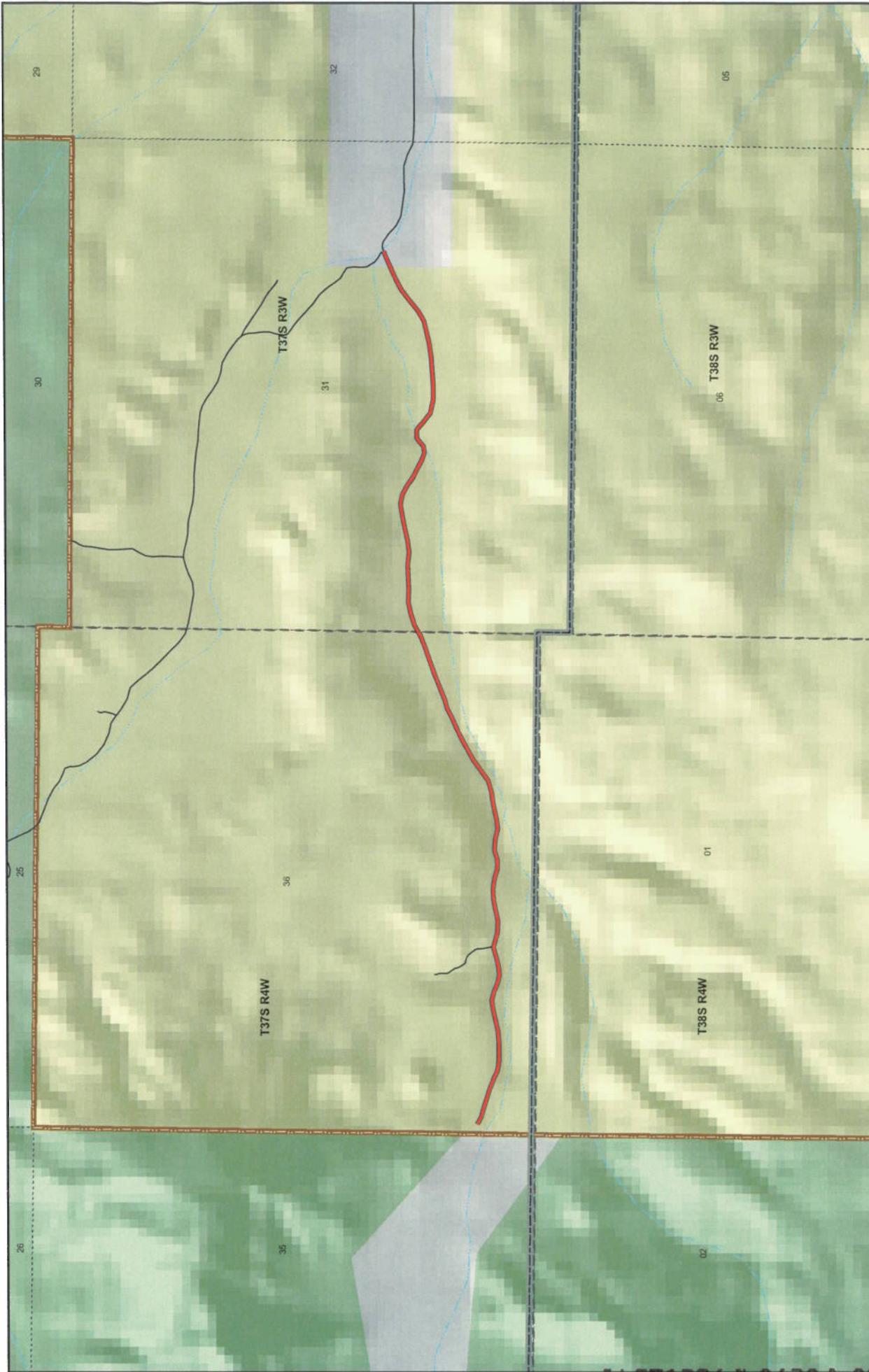
DATED this 10 day of July, 2007.

Wallace M Ott
WALLACE M. OTT

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



Gloria Schrader
NOTARY PUBLIC



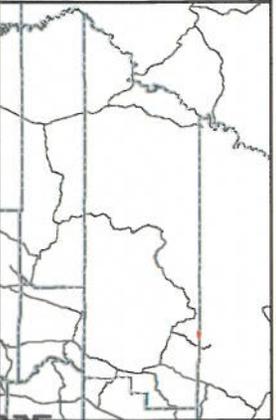
AGRC

Map prepared by the State of Utah
Automated Geographic Reference Center
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
July 14, 2007

1:16,522
1 inch equals 0.3 miles

HEWARD CANYON RD County Unique - 0489

<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"> HEWARD CANYON RD State / U.S. Highway Local Roads
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AFFIDAVIT OF BEN MATHEWS

HEWARD CANYON ROAD

COUNTY ROAD NUMBER 0489

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 Heward Canyon 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 Heward Canyon 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 cars, trucks, ATVs, 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, cedar post cutting, 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, farming, saw mill access, tourism, rock hounding, prospecting for minerals and government access.

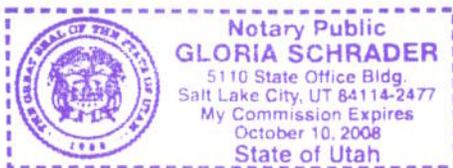
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

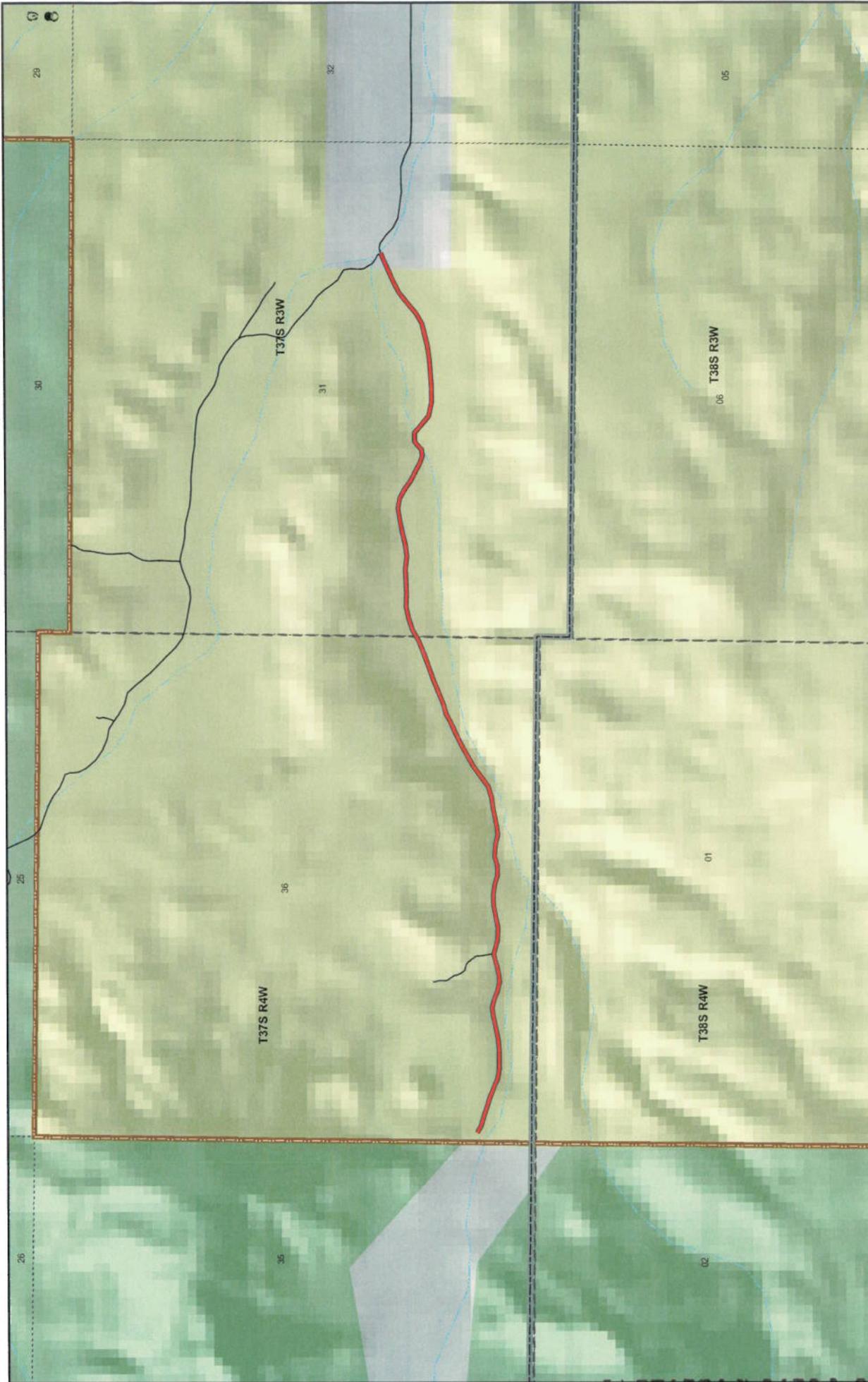
Dated this 10th day of July, 2007.


BEN MATHEWS

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




NOTARY PUBLIC



HEWARD CANYON RD County Unique - 0489

- 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**
- HEWARD CANYON RD
 - State / U.S. Highway
 - Local Roads



1:16,522
1 inch equals 0.3 miles



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



Appendix A to Attachment 4

Popular Name: HEWARD CANYON ROAD

County: Garfield

County Road Number: 0489

State Geographic Information Database (SGID) Road Identification Number: RD090073.

Road-Segment Number: 001

Road-Segment Length: 1.82 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) 31, Salt Lake Base & Meridian

Township 37 South Range 4 West, Section(s) 36, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (HEWARD CANYON 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 32 minutes 18.74 seconds North Latitude and -112 degrees 10 minutes 57.93 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,442,453.6 feet and Y = 10,160,686.1 feet; thence the following courses along the said road center line:

thence South 54 Degrees 58 Minutes 15 Seconds East 31.8 feet
thence South 64 Degrees 55 Minutes 12 Seconds East 49.8 feet
thence South 72 Degrees 04 Minutes 24 Seconds East 57.7 feet
thence South 73 Degrees 36 Minutes 11 Seconds East 68.5 feet
thence South 73 Degrees 11 Minutes 03 Seconds East 90.3 feet
thence South 71 Degrees 24 Minutes 21 Seconds East 90.2 feet
thence South 68 Degrees 57 Minutes 05 Seconds East 77.5 feet
thence South 67 Degrees 42 Minutes 28 Seconds East 57.2 feet
thence South 64 Degrees 45 Minutes 12 Seconds East 66.2 feet
thence South 78 Degrees 51 Minutes 00 Seconds East 77.7 feet

thence South 83 Degrees 51 Minutes 10 Seconds East 38 feet
 thence South 87 Degrees 56 Minutes 56 Seconds East 24 feet
 thence South 89 Degrees 10 Minutes 24 Seconds East 66.6 feet
 thence North 88 Degrees 08 Minutes 58 Seconds East 109.3 feet
 thence North 84 Degrees 52 Minutes 36 Seconds East 109.3 feet
 thence North 78 Degrees 16 Minutes 02 Seconds East 122.5 feet
 thence North 78 Degrees 17 Minutes 42 Seconds East 119.5 feet
 thence North 80 Degrees 08 Minutes 22 Seconds East 96.8 feet
 thence South 76 Degrees 58 Minutes 22 Seconds East 96.8 feet
 thence South 66 Degrees 51 Minutes 40 Seconds East 91.6 feet
 thence South 78 Degrees 21 Minutes 01 Seconds East 91.9 feet
 thence North 84 Degrees 11 Minutes 22 Seconds East 92.3 feet
 thence North 75 Degrees 11 Minutes 37 Seconds East 87.8 feet
 thence North 73 Degrees 17 Minutes 36 Seconds East 73.2 feet
 thence North 77 Degrees 51 Minutes 19 Seconds East 41.6 feet
 thence South 72 Degrees 56 Minutes 54 Seconds East 11 feet
 thence South 78 Degrees 09 Minutes 29 Seconds East 53 feet
 thence South 74 Degrees 31 Minutes 59 Seconds East 102.6 feet
 thence South 87 Degrees 27 Minutes 20 Seconds East 118.9 feet
 thence North 76 Degrees 49 Minutes 52 Seconds East 120.8 feet
 thence North 78 Degrees 29 Minutes 02 Seconds East 114.7 feet
 thence North 87 Degrees 50 Minutes 20 Seconds East 111.3 feet
 thence South 82 Degrees 35 Minutes 32 Seconds East 107.6 feet
 thence South 73 Degrees 14 Minutes 22 Seconds East 104 feet
 thence South 89 Degrees 21 Minutes 14 Seconds East 99.1 feet
 thence North 73 Degrees 46 Minutes 35 Seconds East 106.5 feet
 thence South 86 Degrees 41 Minutes 48 Seconds East 120 feet
 thence South 77 Degrees 04 Minutes 18 Seconds East 107.5 feet
 thence North 83 Degrees 27 Minutes 56 Seconds East 114.9 feet
 thence North 75 Degrees 59 Minutes 14 Seconds East 139.8 feet
 thence North 81 Degrees 54 Minutes 29 Seconds East 140.4 feet
 thence North 72 Degrees 22 Minutes 14 Seconds East 123.4 feet
 thence North 55 Degrees 13 Minutes 31 Seconds East 133.3 feet
 thence North 53 Degrees 51 Minutes 58 Seconds East 134 feet
 thence North 60 Degrees 13 Minutes 59 Seconds East 124.8 feet
 thence North 61 Degrees 02 Minutes 20 Seconds East 124.5 feet
 thence North 64 Degrees 15 Minutes 34 Seconds East 126.8 feet
 thence North 66 Degrees 03 Minutes 04 Seconds East 126.8 feet
 thence North 61 Degrees 52 Minutes 55 Seconds East 107.6 feet
 thence North 75 Degrees 28 Minutes 36 Seconds East 98.9 feet
 thence North 68 Degrees 48 Minutes 42 Seconds East 160.2 feet
 thence North 68 Degrees 07 Minutes 45 Seconds East 134.8 feet
 thence North 70 Degrees 34 Minutes 09 Seconds East 137.2 feet
 thence North 70 Degrees 50 Minutes 06 Seconds East 139.1 feet
 thence North 67 Degrees 35 Minutes 31 Seconds East 137.8 feet
 thence North 61 Degrees 26 Minutes 04 Seconds East 51.7 feet
 thence North 61 Degrees 26 Minutes 06 Seconds East 82 feet
 thence North 69 Degrees 33 Minutes 56 Seconds East 129.7 feet
 thence North 80 Degrees 05 Minutes 15 Seconds East 125.8 feet

thence South 89 Degrees 52 Minutes 52 Seconds East 133.9 feet
 thence North 89 Degrees 24 Minutes 54 Seconds East 133.2 feet
 thence North 86 Degrees 05 Minutes 01 Seconds East 124.9 feet
 thence South 82 Degrees 45 Minutes 17 Seconds East 132.4 feet
 thence North 83 Degrees 07 Minutes 56 Seconds East 129.2 feet
 thence North 76 Degrees 11 Minutes 45 Seconds East 127.9 feet
 thence North 76 Degrees 44 Minutes 46 Seconds East 130.3 feet
 thence North 80 Degrees 37 Minutes 29 Seconds East 126.9 feet
 thence South 79 Degrees 31 Minutes 34 Seconds East 110.6 feet
 thence South 59 Degrees 32 Minutes 23 Seconds East 112.3 feet
 thence South 57 Degrees 29 Minutes 35 Seconds East 106.6 feet
 thence South 62 Degrees 48 Minutes 03 Seconds East 98.8 feet
 thence South 63 Degrees 12 Minutes 54 Seconds East 96.6 feet
 thence South 68 Degrees 25 Minutes 12 Seconds East 86.3 feet
 thence North 82 Degrees 38 Minutes 22 Seconds East 69.4 feet
 thence North 47 Degrees 25 Minutes 25 Seconds East 63.4 feet
 thence North 55 Degrees 34 Minutes 21 Seconds East 48 feet
 thence North 88 Degrees 26 Minutes 01 Seconds East 89.3 feet
 thence South 48 Degrees 32 Minutes 31 Seconds East 98.5 feet
 thence South 53 Degrees 01 Minutes 15 Seconds East 127.9 feet
 thence South 77 Degrees 08 Minutes 53 Seconds East 150 feet
 thence North 88 Degrees 33 Minutes 24 Seconds East 148.4 feet
 thence North 86 Degrees 18 Minutes 58 Seconds East 150.2 feet
 thence North 86 Degrees 03 Minutes 02 Seconds East 149.6 feet
 thence North 81 Degrees 47 Minutes 25 Seconds East 143.1 feet
 thence North 77 Degrees 12 Minutes 50 Seconds East 135.1 feet
 thence North 74 Degrees 40 Minutes 01 Seconds East 110.1 feet
 thence North 58 Degrees 58 Minutes 35 Seconds East 119.5 feet
 thence North 50 Degrees 37 Minutes 22 Seconds East 141.6 feet
 thence North 52 Degrees 35 Minutes 00 Seconds East 138.7 feet
 thence North 62 Degrees 40 Minutes 28 Seconds East 128.6 feet
 thence North 66 Degrees 45 Minutes 32 Seconds East 104.4 feet
 thence North 64 Degrees 16 Minutes 47 Seconds East 36.6 feet more or less to **the ending**

point at: 37 degrees 32 minutes 28.65 seconds North Latitude and -112 degrees 09 minutes 05.81 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,491.1 feet and Y = 10,161,623.8 feet.