

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

Ent 251450 Bk 431 Pg 40  
Date: 12-MAY-2008 11:10AM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 TOM CANYON RES ROAD; County Road Number: 2141; State Geographic Information Database (SGID) Road Identification Number: RD090138. Total road length is 2.36 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 23<sup>rd</sup> day of April, 2008.

By the Governor's Designee

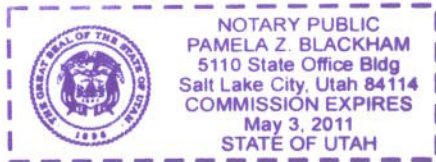
  
\_\_\_\_\_  
John Harja


**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.

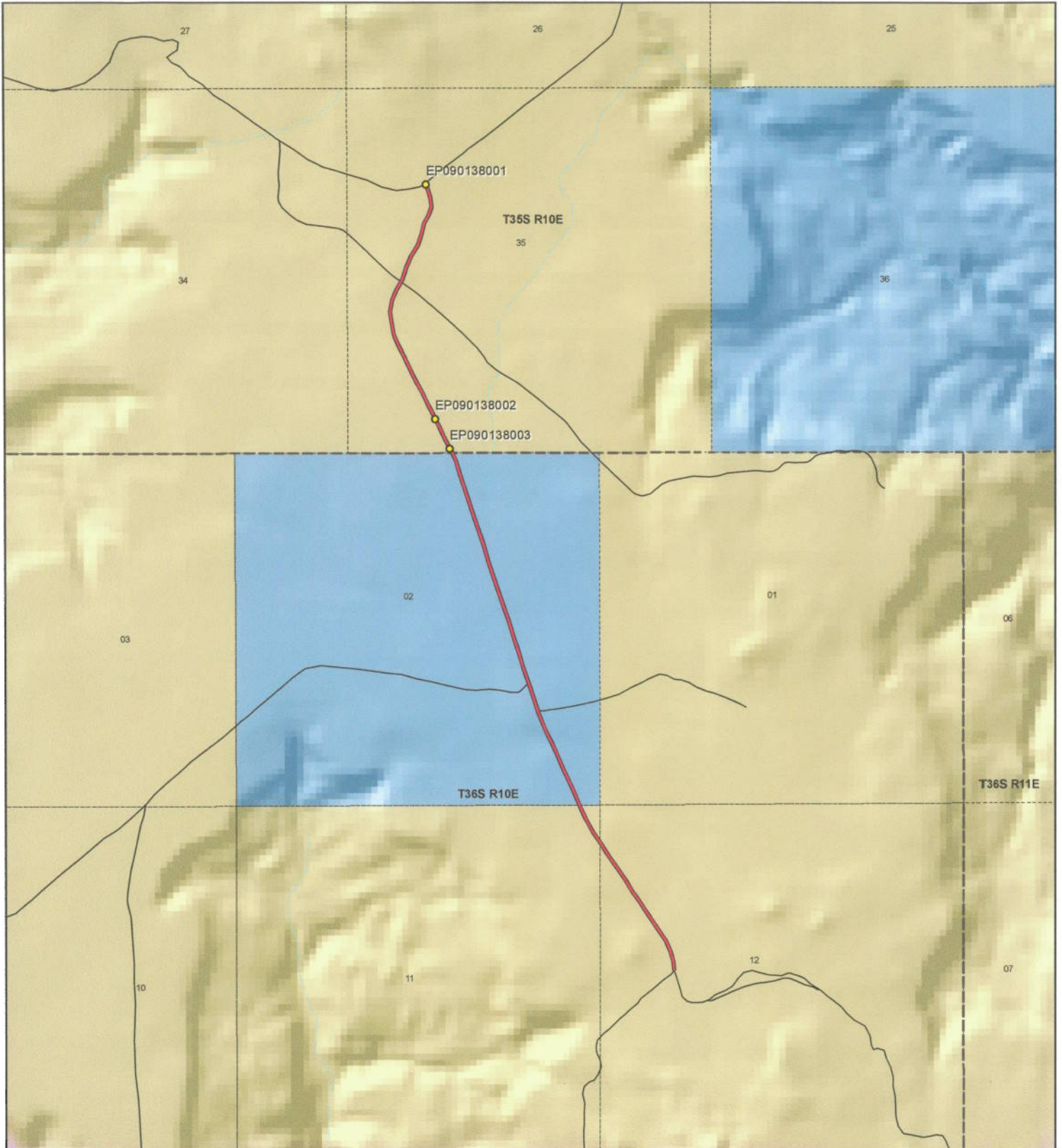
Dated this 23<sup>rd</sup> day of April, 2008.






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



Attachment 1



 <p>1:22,676 1 inch equals 0.4 miles</p>		<p style="text-align: center;"><b>TOM CANYON RES ROAD - Garfield County</b> <b>SGID RD_ID RD090138</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> TOM CANYON RES ROAD</td> <td> Title V: Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Other Roads</td> <td> Photo Event Point</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Section = 1 Mile</td> <td></td> </tr> <tr> <td> USFS, National Forest</td> <td> State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td> State Parks and Recreation</td> <td> National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td> Tribal, Indian Reservation</td> <td> USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td> NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>		BLM	Wilderness	TOM CANYON RES ROAD	Title V: Issued Or Under Consideration By BLM Or County	Private	UDWR Wildlife Reserve	Other Roads	Photo Event Point	SITLA, State Trust Land	DOD, Military	Section = 1 Mile		USFS, National Forest	State Sovereign Land			State Parks and Recreation	National Recreation Area			Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge			NPS, National Park				<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Feb 29, 2008</p> 
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Attachment 2



EP090138001



EP090138002



EP090138003

EP000000000

EP000000000

EP000000000

**TOM CANYON RES ROAD - Garfield County**  
**SGID RD\_ID RD090138**

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: TOM CANYON RES ROAD**

**County: Garfield**

**County Road Number: 2141**

**State Geographic Information Database (SGID) Road Identification Number: RD090138.**

**Total Road Length: 2.36 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 41 minutes 036.4 seconds North Latitude and -110 degrees 46 minutes 8.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,851,941.9 feet and Y = 10,217,194.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 43 minutes 29.03 seconds North Latitude and -110 degrees 46 minutes 52.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,848,264.7 feet and Y = 10,228,558.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 35 South Range 10 East, Section(s) 35, Salt Lake Base & Meridian

Township 36 South Range 10 East, Section(s) 2,11,12, 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: TOM CANYON RES ROAD**

**County: Garfield**

**County Road Number: 2141**

**State Geographic Information Database (SGID) Road Identification Number: RD090138.**

**Total Road Length: 2.36 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>RD090138</b>	<b>001</b>	<b>BLM</b>	<b>0.53 Miles</b>	<b>A</b>
<b>RD090138</b>	<b>002</b>	<b>ST</b>	<b>1.03 Miles</b>	<b>(not shown)</b>
<b>RD090138</b>	<b>003</b>	<b>BLM</b>	<b>0.8 Miles</b>	<b>B</b>
		<b>Total Road Length</b>	<b>2.36</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 ARNOLD ALVEY**  
**TOM CANYON RESERVOIR ROAD**  
**GARFIELD COUNTY, UTAH**  
**ROAD NUMBER 2141**

State of Utah                    )  
  : ss.  
County of Garfield            )

ARNOLD ALVEY, 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 Escalante, Garfield County, Utah. I was born and raised in Garfield County and have lived in the county for 78 years. I worked for the Garfield County Roads Department seasonally during the 1950s.

2.       I have traveled and am familiar with a road in Garfield County known as Tom Canyon Reservoir Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s it followed the same route as in 1987 when I last observed it. Attached is a Garfield County map showing Tom Canyon Reservoir 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 1950s and continuing through 1976 to 1987. Throughout this time period I have observed travel on the road by means of cars, trucks, pickup trucks and ATVs. 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 1987.



5. Throughout the time period from the early 1950s to 1987, I have used the road myself for livestock operations, county road maintenance, hunting, oil and gas exploration, 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, seismograph work and prospecting for minerals.

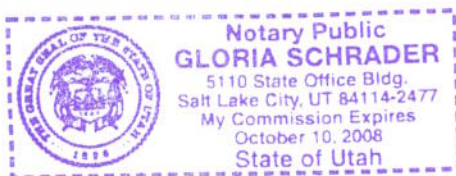
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

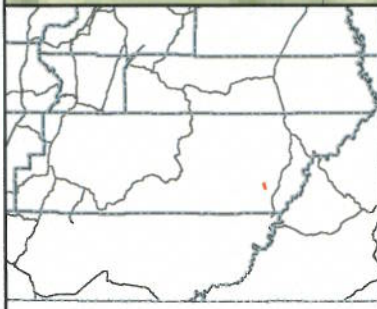
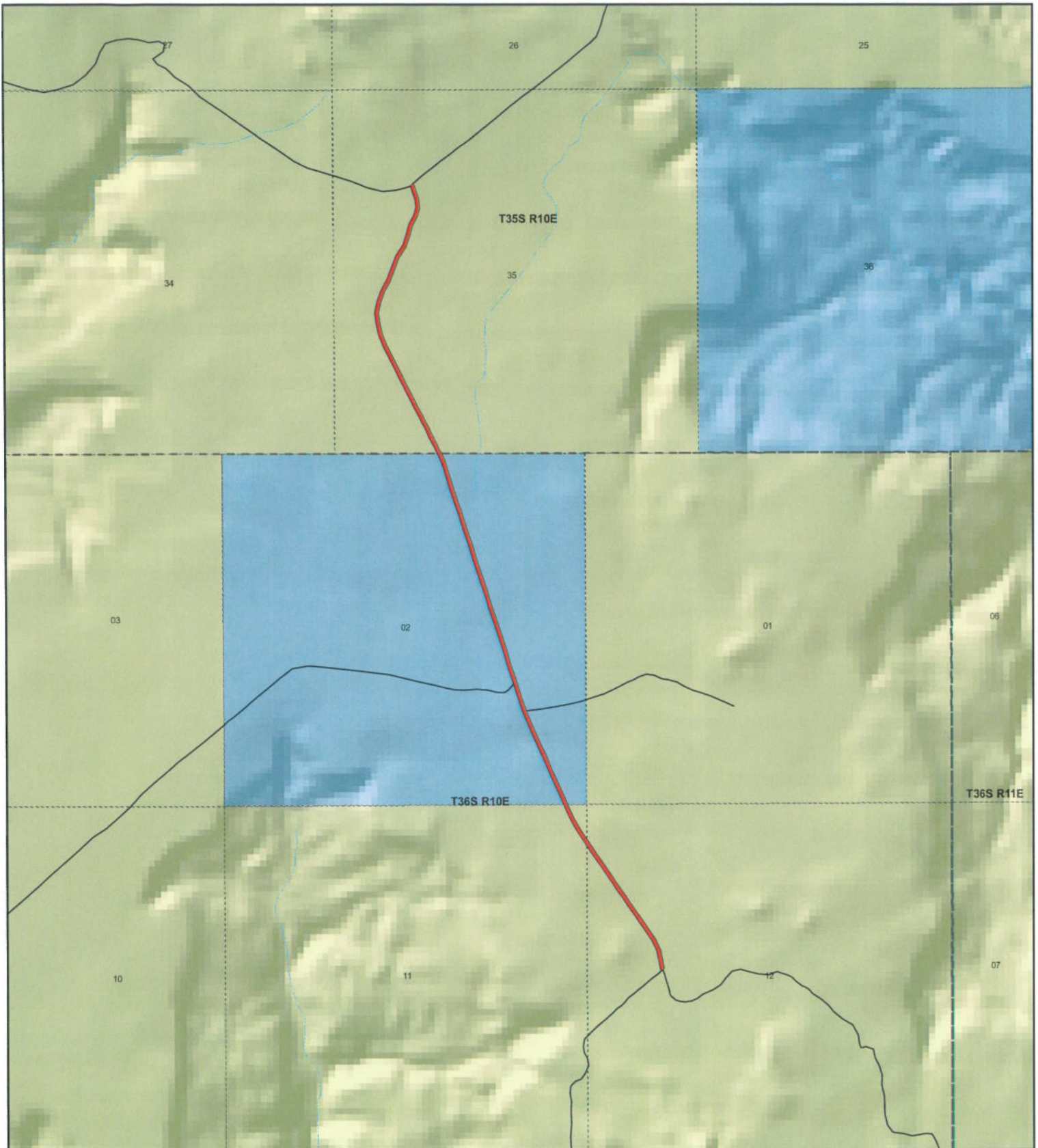
DATED this 11 day of July, 2007.

  
ARNOLD ALVEY

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of July, 2007.



  
NOTARY PUBLIC



**TOM CANYON RES RD**  
*County Unique - 2141*

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park/Monument (NPS)
- ◆ National Rec. Area
- ◆ Wilderness
- ◆ State Park

**Transportation Network**

- TOM CANYON RES RD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- ⋯ Municipalities
- ⋯ Section = 1 Mile
- ⊞ Monument Boundary



1:22,340

1 inch equals 0.4 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jul 06, 2007



**Ent 251450 W 0431 Pj 0049**



**AFFIDAVIT OF GERALD O. BARNEY**

**TOM CANYON RESERVOIR ROAD**

**COUNTY ROAD NUMBER 2141**

**GARFIELD COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Garfield            )

GERALD O. BARNEY, 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 67 years. I was employed as a part-time employee by the Garfield County Road Department for 12 years.

2. I have traveled and am familiar with a road in Garfield County known as Tom Canyon Reservoir Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s, it followed the same route as in the mid 1960s when I last observed it. Attached is a Garfield County map showing Tom Canyon Reservoir 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 mid 1950s and continuing through the mid 1960s. Throughout this time period I have observed travel on the road by various means, including trucks, and jeeps. Throughout this time period, the road has



road has been used weekly, weather permitting, for more than ten continuous years prior to 1976, and was used weekly, weather permitting, in the mid 1960s.


4. Throughout the time period from the mid 1950s to the mid 1960s, I have used the road for road maintenance.

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, prospecting for minerals and government access.

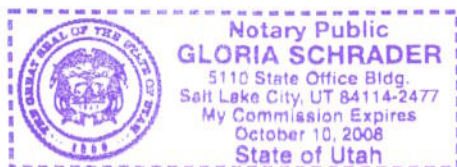
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I personally graded this road.

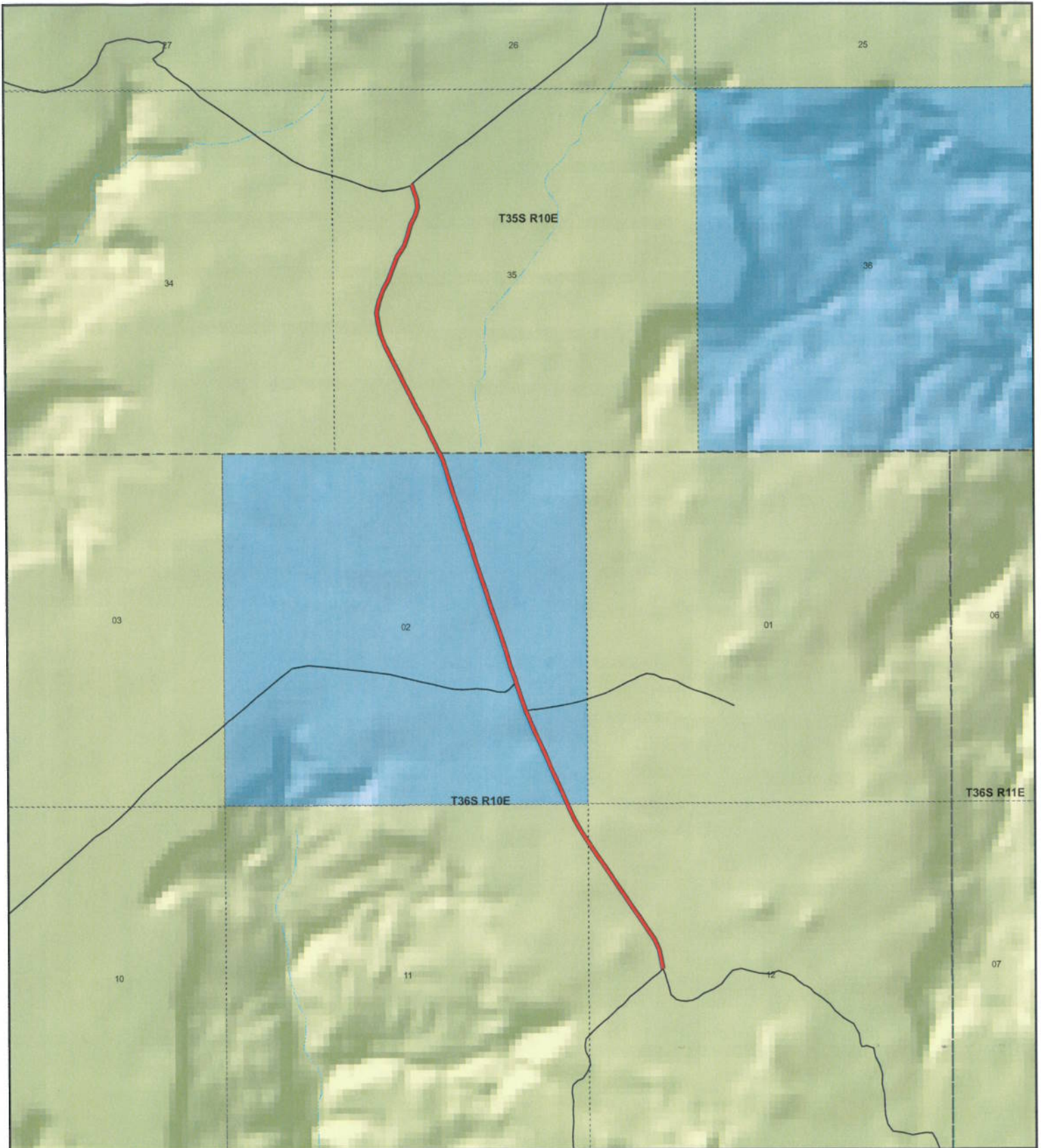
Dated this 11 day of July, 2007.

  
GERALD O. BARNEY

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of July, 2007.



  
NOTARY PUBLIC



**TOM CANYON RES RD**  
*County Unique - 2141*

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park/Monument (NPS)
- ◆ National Rec. Area
- ◆ Wilderness
- ◆ State Park

**Transportation Network**

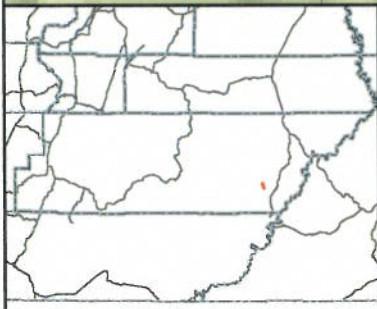
- TOM CANYON RES RD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:22,340  
 1 inch equals 0.4 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jul 08, 2007





## Appendix A to Attachment 4

**Popular Name: TOM CANYON RES ROAD**

**County: Garfield**

**County Road Number: 2141**

**State Geographic Information Database (SGID) Road Identification Number: RD090138.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.53 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 36 South Range 10 East, Section(s) 2,11,12, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (TOM CANYON RES 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 41 minutes 036.4 seconds North Latitude and -110 degrees 46 minutes 8.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,851,941.9 feet and Y = 10,217,194.7 feet; thence the following courses along the said road center line:

thence North 09 Degrees 33 Minutes 36 Seconds West 118.4 feet  
thence North 14 Degrees 17 Minutes 12 Seconds West 163 feet  
thence North 23 Degrees 33 Minutes 03 Seconds West 162.2 feet  
thence North 34 Degrees 42 Minutes 50 Seconds West 181.8 feet  
thence North 34 Degrees 47 Minutes 02 Seconds West 218.6 feet  
thence North 33 Degrees 52 Minutes 44 Seconds West 221.4 feet  
thence North 35 Degrees 35 Minutes 42 Seconds West 140.3 feet  
thence North 35 Degrees 25 Minutes 14 Seconds West 113.5 feet  
thence North 33 Degrees 09 Minutes 27 Seconds West 205.1 feet  
thence North 34 Degrees 31 Minutes 00 Seconds West 220.7 feet  
thence North 35 Degrees 16 Minutes 59 Seconds West 198.7 feet



thence North 33 Degrees 23 Minutes 43 Seconds West 121.4 feet

thence North 34 Degrees 04 Minutes 45 Seconds West 63.2 feet

thence North 34 Degrees 42 Minutes 21 Seconds West 32.9 feet

thence North 34 Degrees 42 Minutes 19 Seconds West 187.9 feet

thence North 29 Degrees 34 Minutes 28 Seconds West 205.4 feet

thence North 24 Degrees 43 Minutes 58 Seconds West 177 feet

thence North 24 Degrees 14 Minutes 40 Seconds West 54.5 feet

thence North 24 Degrees 14 Minutes 39 Seconds West 7.5 feet more or less to **the ending point**

**at:** 37 degrees 42 minutes 00.13 seconds North Latitude and -110 degrees 46 minutes 25.45 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,850,537.4 feet and Y = 10,219,584.2 feet.

## Appendix B to Attachment 4

**Popular Name: TOM CANYON RES ROAD**

**County: Garfield**

**County Road Number: 2141**

**State Geographic Information Database (SGID) Road Identification Number: RD090138.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.8 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 10 East, Section(s) 35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (TOM CANYON RES 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 37 degrees 42 minutes 50.54 seconds North Latitude and -110 degrees 46 minutes 48.13 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,848,675.3 feet and Y = 10,224,668.7 feet; thence the following courses along the said road center line:

thence North 23 Degrees 40 Minutes 41 Seconds West 3.9 feet  
thence North 32 Degrees 54 Minutes 24 Seconds West 33.5 feet  
thence North 25 Degrees 15 Minutes 56 Seconds West 78.6 feet  
thence North 27 Degrees 33 Minutes 42 Seconds West 146.2 feet  
thence North 26 Degrees 03 Minutes 11 Seconds West 154.1 feet  
thence North 28 Degrees 07 Minutes 19 Seconds West 107.6 feet  
thence North 23 Degrees 42 Minutes 40 Seconds West 71.9 feet  
thence North 27 Degrees 55 Minutes 10 Seconds West 168.5 feet  
thence North 26 Degrees 07 Minutes 50 Seconds West 170.3 feet  
thence North 28 Degrees 30 Minutes 02 Seconds West 191 feet  
thence North 27 Degrees 07 Minutes 19 Seconds West 201.5 feet

thence North 26 Degrees 28 Minutes 25 Seconds West 211.4 feet  
thence North 26 Degrees 39 Minutes 50 Seconds West 202.5 feet  
thence North 21 Degrees 23 Minutes 16 Seconds West 184.3 feet  
thence North 11 Degrees 39 Minutes 40 Seconds West 165 feet  
thence North 08 Degrees 30 Minutes 27 Seconds West 149.5 feet  
thence North 11 Degrees 10 Minutes 56 Seconds East 164.8 feet  
thence North 21 Degrees 24 Minutes 55 Seconds East 175.6 feet  
thence North 27 Degrees 59 Minutes 39 Seconds East 169.6 feet  
thence North 18 Degrees 40 Minutes 36 Seconds East 173.5 feet  
thence North 21 Degrees 49 Minutes 11 Seconds East 193.4 feet  
thence North 32 Degrees 08 Minutes 55 Seconds East 181.6 feet  
thence North 18 Degrees 45 Minutes 59 Seconds East 167.7 feet  
thence North 14 Degrees 06 Minutes 15 Seconds East 158.2 feet  
thence North 28 Degrees 23 Minutes 18 Seconds East 142.2 feet  
thence North 16 Degrees 02 Minutes 57 Seconds East 125.9 feet  
thence North 06 Degrees 28 Minutes 07 Seconds West 128.4 feet  
thence North 19 Degrees 13 Minutes 52 Seconds West 121.4 feet  
thence North 17 Degrees 43 Minutes 28 Seconds West 70.2 feet  
thence North 42 Degrees 34 Minutes 48 Seconds West 24.4 feet more or less to **the ending**

**point at:** 37 degrees 43 minutes 29.03 seconds North Latitude and -110 degrees 46 minutes 52.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,848,264.7 feet and Y = 10,228,558.7 feet.