

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

Ent 251460 Bk 431 Pg 157  
Date: 12-MAY-2008 11:30AM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 E SEVIER RIVER ROAD; County Road Number: 0147; State Geographic Information Database (SGID) Road Identification Number: RD090150. Total road length is 1.65 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 6<sup>th</sup> day of MAY, 2008.

By the Governor's Designee

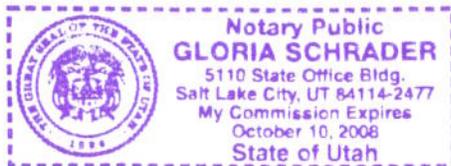
  
\_\_\_\_\_  
John Harja

**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

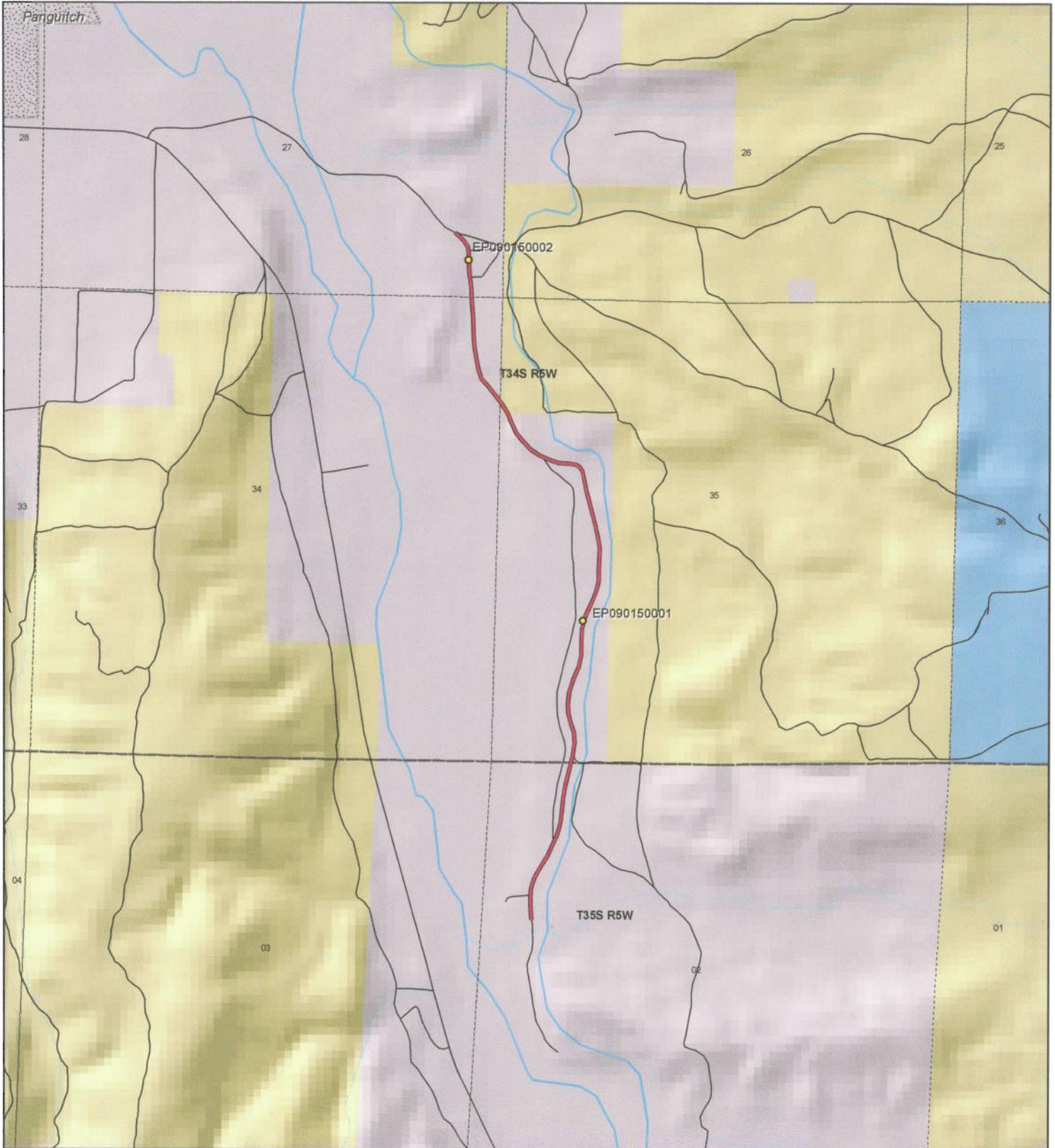
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 6<sup>th</sup> day of May, 2008.



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

Attachment 1



<p>1:17,842 1 inch equals 0.3 miles</p>		<p align="center"><b>E SEVIER RIVER ROAD - Garfield County</b> <b>SGID RD_ID RD090150</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> E SEVIER RIVER 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	E SEVIER RIVER 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 28, 2008</p>
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Attachment 2



EP090150001



EP090150002

EP000000000

EP000000000

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**E SEVIER RIVER ROAD - Garfield County**  
**SGID RD\_ID RD090150**

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: E SEVIER RIVER ROAD**

**County: Garfield**

**County Road Number: 0147**

**State Geographic Information Database (SGID) Road Identification Number: RD090150.**

**Total Road Length: 1.65 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 47 minutes 054.2 seconds North Latitude and -112 degrees 23 minutes 39.64 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,382,011.8 feet and Y = 10,255,816.8 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 49 minutes 11.75 seconds North Latitude and -112 degrees 23 minutes 52.08 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,381,088.4 feet and Y = 10,263,669.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 34 South Range 5 West, Section(s) 27,34,35, Salt Lake Base & Meridian

Township 35 South Range 5 West, Section(s) 2, 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: E SEVIER RIVER ROAD**

**County: Garfield**

**County Road Number: 0147**

**State Geographic Information Database (SGID) Road Identification Number: RD090150.**

**Total Road Length: 1.65 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>RD090150</b>	<b>001</b>	<b>PVT</b>	<b>1.23 Miles</b>	<b>(not shown)</b>
<b>RD090150</b>	<b>002</b>	<b>BLM</b>	<b>0.03 Miles</b>	<b>A</b>
<b>RD090150</b>	<b>003</b>	<b>PVT</b>	<b>0.39 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>1.65</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 RUSSELL BULKLEY**

**EAST SEVIER RIVER ROAD**

**GARFIELD COUNTY, UTAH**

**ROAD NUMBER 0147**

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 East Sevier River 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 East Sevier River 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, 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.

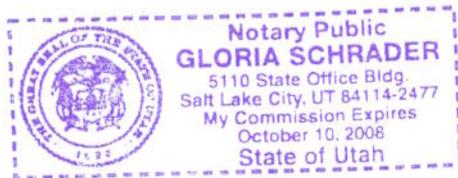
8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction activities such as berms along the side of the road.

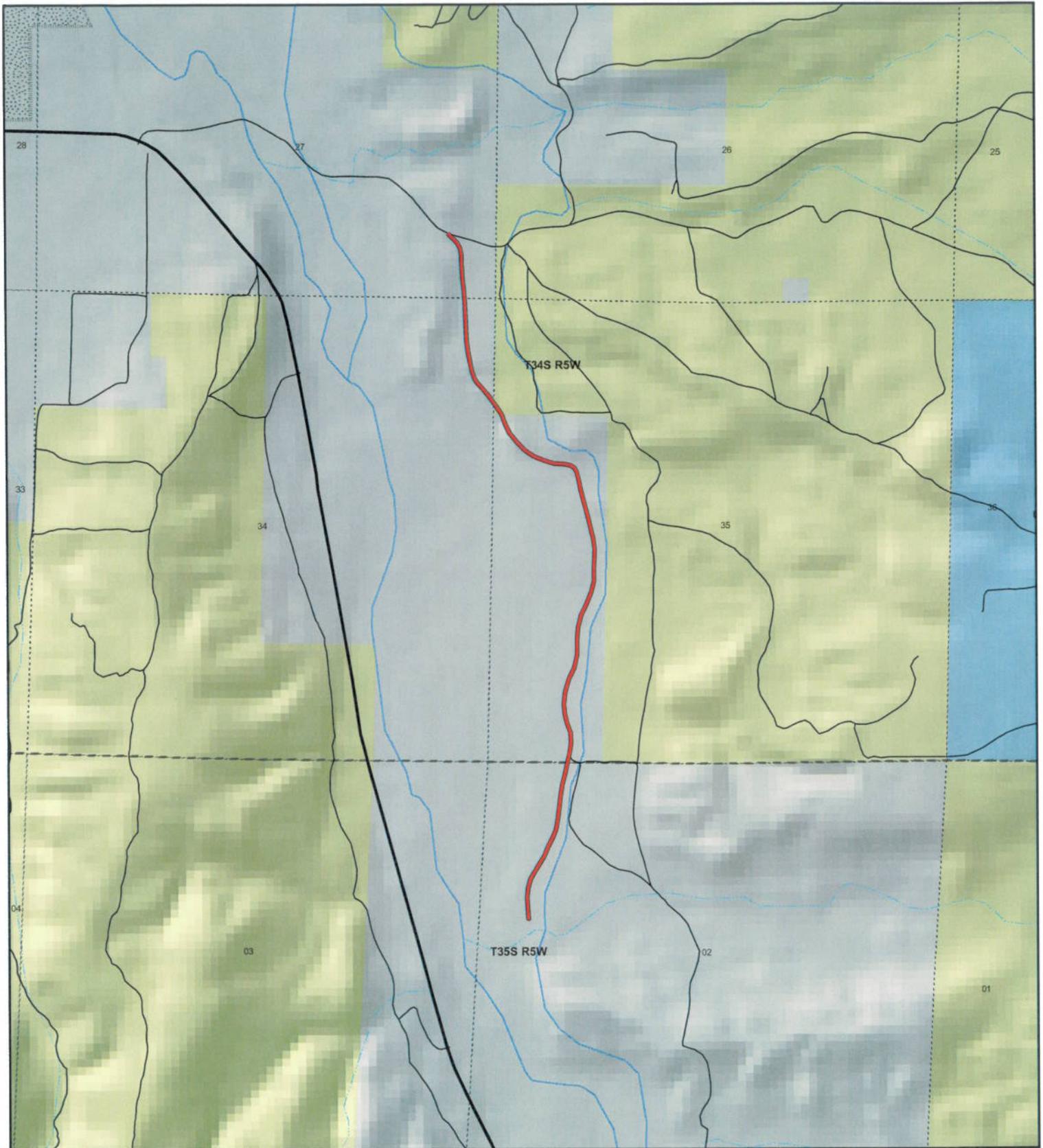
DATED this 12 day of July, 2007.

  
\_\_\_\_\_  
RUSSELL BULKLEY

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of July, 2007.

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





**E SEVIER RIVER RD**  
**County Unique - 0147**

**Land Ownership Categories**

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

**Transportation Network**

- E SEVIER RIVER RD
- State / U.S. Highway
- Local Roads

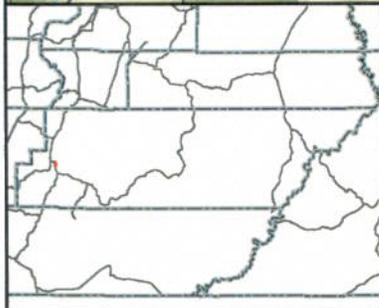
**Misc**

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



1:17,578

1 inch equals 0.3 miles



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



**AFFIDAVIT OF STANLEY HUNTINGTON**

**E SEVIER RIVER ROAD**

**COUNTY ROAD NUMBER 0147**

**GARFIELD COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Garfield            )

STANLEY HUNTINGTON, 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 26 years.

2. I have traveled and am familiar with a road in Garfield County known as E Sevier River Road. I am also familiar with the land the road traverses. When I first used and observed the road in the 1960s, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing E Sevier River 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 1960s 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 the 1960s to 2007, I have used the road myself for UPS delivery, 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 farming, livestock operations, recreation, hiking and government access.

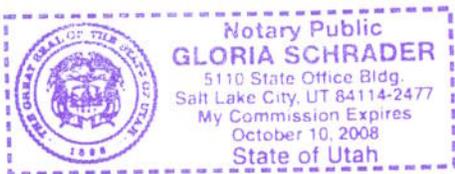
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

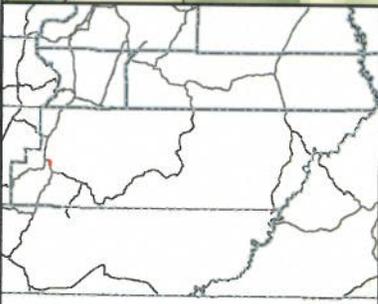
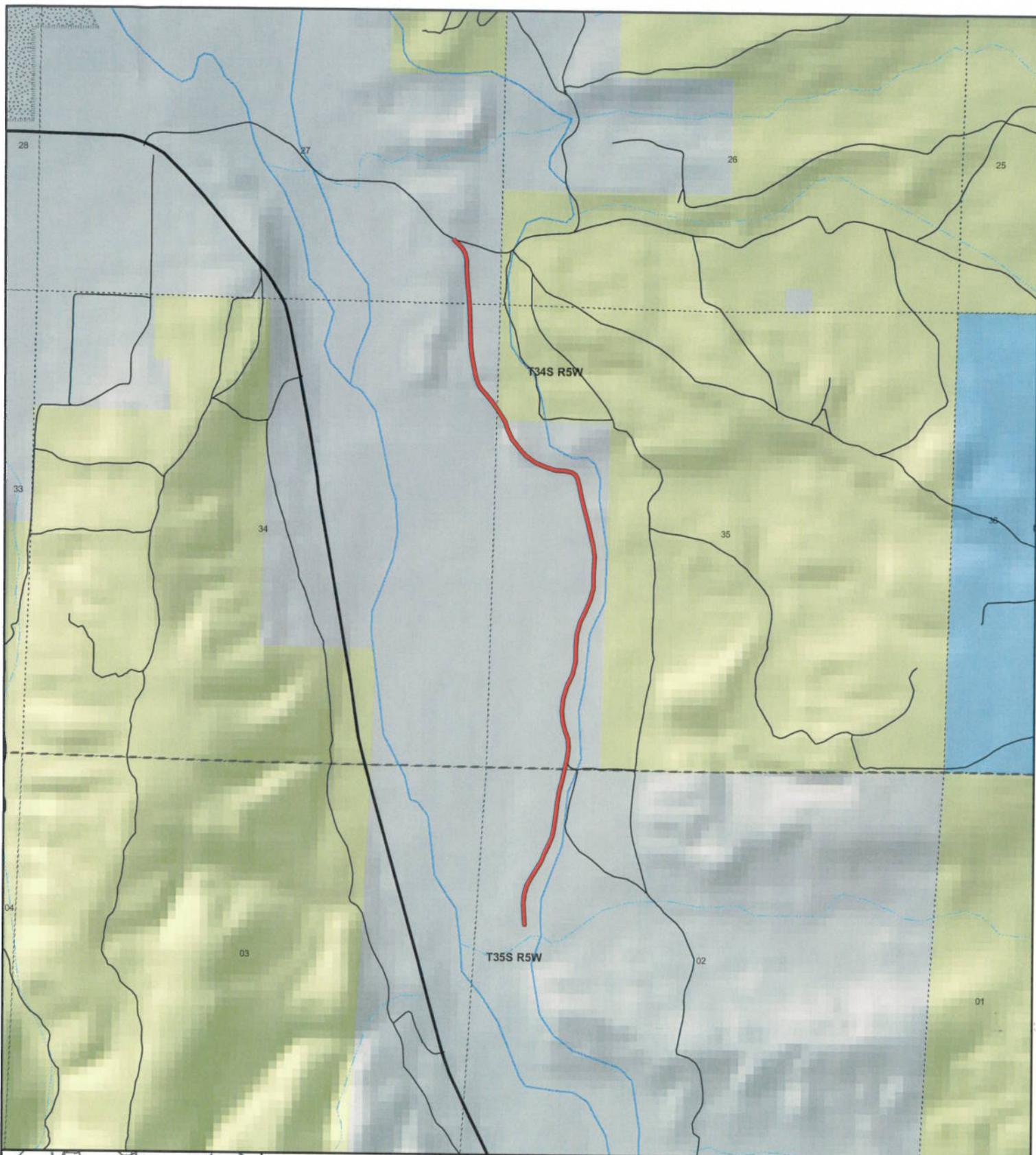
Dated this 12 day of July, 2007.

  
STANLEY HUNTINGTON

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of July, 2007.



  
NOTARY PUBLIC



**E SEVIER RIVER RD**  
**County Unique - 0147**

**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**

- E SEVIER RIVER RD
- State / U.S. Highway
- Local Roads

**Misc**

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



1:17,578  
 1 inch equals 0.3 miles



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



## Appendix A to Attachment 4

**Popular Name: E SEVIER RIVER ROAD**

**County: Garfield**

**County Road Number: 0147**

**State Geographic Information Database (SGID) Road Identification Number: RD090150.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.03 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 34 South Range 5 West, Section(s) 35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (E SEVIER RIVER 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 48 minutes 51.35 seconds North Latitude and -112 degrees 23 minutes 044.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,381,701.1 feet and Y = 10,261,600.3 feet; thence the following courses along the said road center line:

thence North 25 Degrees 04 Minutes 56 Seconds West 9.8 feet

thence North 32 Degrees 38 Minutes 59 Seconds West 112.2 feet

thence North 36 Degrees 51 Minutes 26 Seconds West 40.6 feet more or less to **the ending**

**point at:** 37 degrees 48 minutes 52.68 seconds North Latitude and -112 degrees 23 minutes 45.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,381,612.0 feet and Y = 10,261,736.2 feet.