

00166654

B: 490 P: 373 Fee \$0.00
Connie Hansen, Millard Recorder Page 1 of 13
07/16/2008 09:31:25 AM By UT STATE GOVERNOR

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

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Millard County as it pertains to the highway located in Millard County known as Gandy Highway; County Road Number: MC09; State Geographic Information Database (SGID) Road Identification Number: RD140023. Total road length is 34.92 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 10th day of July, 2008.

By the Governor's Designee



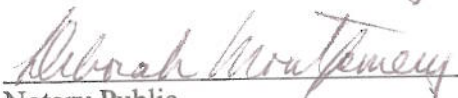
John Harja

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.

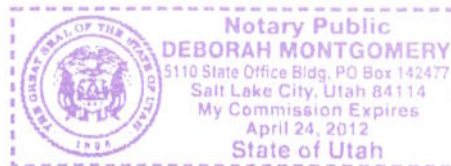
Dated this 10th day of July, 2008.

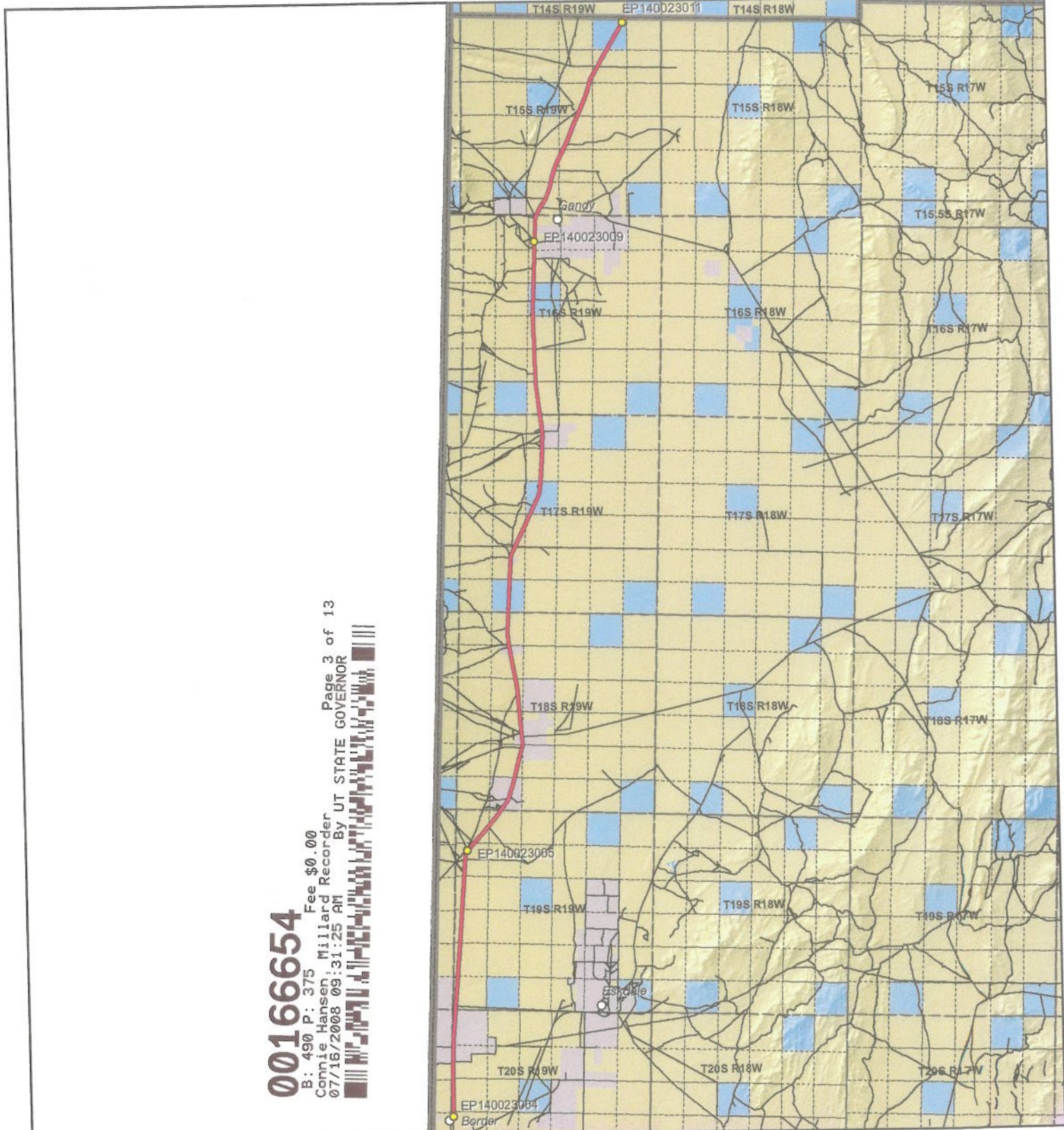


Notary Public

00166654

B: 490 P: 374 Fee \$0.00 Page 2 of 13
Connie Hansen, Millard Recorder By UT STATE GOVERNOR
07/16/2008 09:31:25 AM





00166654
 B: 490 P: 375 Fee \$0.00
 Connie Hansen, Millard Recorder
 07/16/2008 09:31:25 AM By UT STATE GOVERNOR

Gandy Highway - Millard County
SGID RD_ID RD140023

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- ◆ Wilderness
- ◆ UDWR Wildlife Reserve
- ◆ DOD, Military
- ◆ State Sovereign Land
- ◆ National Recreation Area
- ◆ USFWS, Natl. Wildlife Refuge

Transportation Network

- Gandy Highway
- Title V: Issued Or Under Consideration By BLM Or County
- Other Roads
- 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
 Jun 03, 2008



1:247,982
 1 inch equals 3.9 miles



Attachment 2



EP140023005



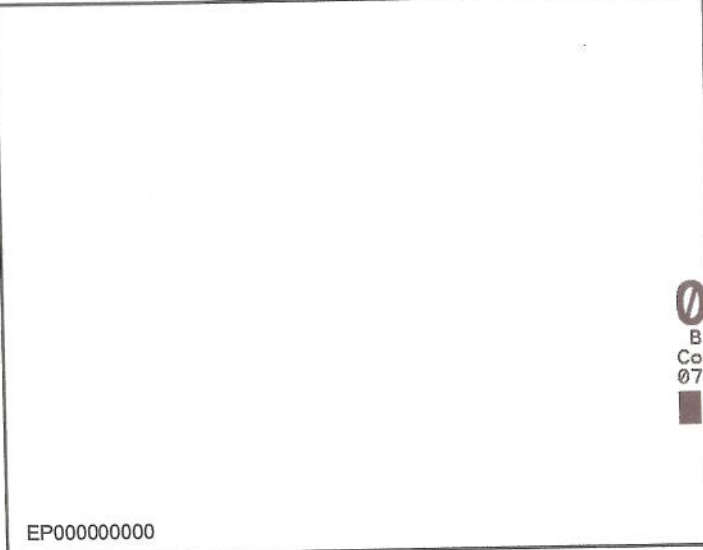
EP140023011



EP140023009



EP140023004



EP000000000



EP000000000

00166654

B: 490 P: 376 Fee \$0.00 Page 4 of 13
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR



Gandy Highway - Millard County
SGID RD_ID RD140023

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
June 3, 2008



Attachment 3

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

Popular Name: Gandy Highway

County: Millard

County Road Number: MC09

State Geographic Information Database (SGID) Road Identification Number: RD140023.

Total Road Length: 34.92 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 03 minutes 22.33 seconds North Latitude and -114 degrees 02 minutes 11.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 920,188.4 feet and Y = 6,835,179.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 32 minutes 35.97 seconds North Latitude and -113 degrees 56 minutes 52.93 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 950,168.0 feet and Y = 7,011,832.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 15 South Range 19 West, Section(s) 2,10,11,15,22,27,28,33, Salt Lake Base & Meridian
Township 16 South Range 19 West, Section(s) 4,9,16,21,28,33, Salt Lake Base & Meridian
Township 17 South Range 19 West, Section(s) 4,9,16,20,21,29,32, Salt Lake Base & Meridian
Township 18 South Range 19 West, Section(s) 5,8,17,20,29,32, Salt Lake Base & Meridian
Township 19 South Range 19 West, Section(s) 5,6,7,18,19,30,31, Salt Lake Base & Meridian
Township 20 South Range 19 West, Section(s) 6,7,18,19, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

00166654

B: 490 P: 377 Fee \$0.00
Connie Hansen, Millard Recorder Page 5 of 13
07/16/2008 09:31:25 AM By UT STATE GOVERNOR



**Attachment 4
Road Centerline Description Cover Page(s)**

00166654

B: 490 P: 378 Fee \$0.00
 Connie Hansen, Millard Recorder
 07/16/2008 09:31:25 AM By UT STATE GOVERNOR Page 6 of 13



Popular Name: Gandy Highway

County: Millard

County Road Number: MC09

State Geographic Information Database (SGID) Road Identification Number: RD140023.

Total Road Length: 34.92 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
RD140023	001	BLM	1.71 Miles	A
RD140023	002	PVT	1.61 Miles	(not shown)
RD140023	003	BLM	6.45 Miles	B
RD140023	004	PVT	1.11 Miles	(not shown)
RD140023	005	BLM	0.91 Miles	C
RD140023	006	PVT	0.4 Miles	(not shown)
RD140023	007	BLM	2.5 Miles	D
RD140023	008	PVT	0.26 Miles	(not shown)
RD140023	009	BLM	1.01 Miles	E
RD140023	010	ST	1 Miles	(not shown)
RD140023	011	BLM	0.47 Miles	F
RD140023	012	PVT	0.23 Miles	(not shown)
RD140023	013	BLM	1.44 Miles	G
RD140023	014	ST	1.06 Miles	(not shown)
RD140023	015	BLM	5.05 Miles	H
RD140023	016	ST	1.01 Miles	(not shown)
RD140023	017	BLM	7.54 Miles	I
RD140023	018	ST	1.15 Miles	(not shown)
		Total Road Length	34.92	

* 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

00166654

B: 490 P: 379 Fee \$0.00 Page 7 of 13
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR



AFFIDAVIT OF WILLIAM THAYNE HENRIE

GANDY HIGHWAY

MILLARD COUNTY, UTAH

ROAD NUMBER MC09

State of Utah)
) : SS.
County of Millard)

00166654

B: 490 P: 380 Fee \$0.00
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR Page 8 of 13



WILLIAM THAYNE HENRIE, 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 Millard County, Utah. I have lived in Millard County for fifty-eight years. I have been an employee of the Millard County Road Department since June of 1990, have been the Road Department Supervisor from January 1993 to the present and have participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as the Gandy Highway. 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 2006 when I last observed it. Attached is a Millard County map showing the Gandy Highway. 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, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the 1950s to the present, I have used the road myself for camping, gathering fire wood, hunting, rock hounding, participating in search and rescue efforts and recreation.

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 mining, prospecting for minerals, livestock operations, farming, trapping, tourism, government access, picnicking, hiking and sightseeing.

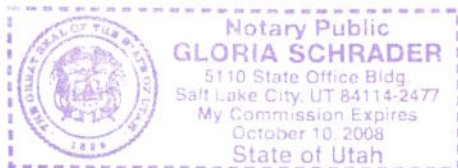
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976 I observed graders and other maintenance equipment performing maintenance and construction activities on the road. Maintenance on the road has been performed since 1955 by the State of Utah Department of Transportation and later by the Millard County Road Department.

DATED this 5 day of December, 2006.


WILLIAM THAYNE HENRIE

SUBSCRIBED AND SWORN to before me this 5th day of December, 2006.




NOTARY PUBLIC

00166654

B: 490 P: 381 Fee \$0.00
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR Page 9 of 13



**ROAD = MC09
GANDY HIGHWAY**

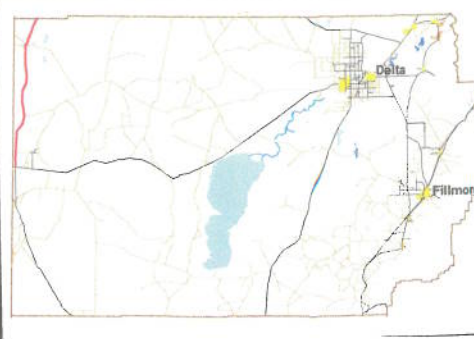
00166654

B: 490 P: 382 Fee \$0.00
 Connie Hansen, Millard Recorder Page 10 of 13
 07/16/2008 09:31:25 AM By UT STATE GOVERNOR



MILLARD COUNTY

- B Class Road of Interest
- Interstate
- Highway Major
- Highway Minor
- B Class Road
- - - Unimproved Road
- County Border
- River
- / / / Cities / Towns
- Lakes
- Lakes - Intermittent
- Township & Range Line
- Forest Service Lands
- BLM Lands
- State Trust Lands
- Private Lands



AFFIDAVIT OF JOHN LARSEN

GANDY HIGHWAY

MILLARD COUNTY, UTAH

ROAD NUMBER MC09

State of Utah)
 : ss
County of Millard)

JOHN LARSEN, 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 Millard County, Utah. I have lived in Millard County for forty-six years. I have been an employee of the Millard County Road Department since June 1980 to present and have participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as the Gandy Highway. 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 2004 when I last observed it. Attached is a Millard County map showing Gandy Highway. 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 early 1960s and continuing through 1976 to 2004. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, 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

00166654

B: 490 P: 383 Fee \$0.00 Page 11 of 13
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR



through 2004.

5. Throughout the time period from the early 1960s to 2004, I have used the road myself for the following uses: hunting, camping, gathering fire wood, and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: Mining, prospecting for minerals, livestock operations, farming, trapping, tourism, government access, picnicking, hiking and sightseeing.

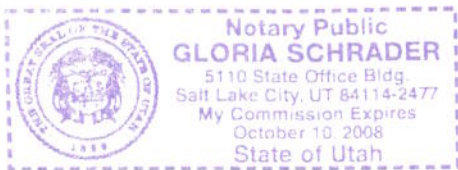
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1900 and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road and have personally graded the road since 1980.

DATED this 4 day of December, 2006.


JOHN LARSEN

SUBSCRIBED AND SWORN to before me this 4th day of December, 2006.




NOTARY PUBLIC

00166654

B: 490 P: 384 Fee \$0.00 Page 12 of 13
Connie Hansen, Millard Recorder
07/16/2008 09:31:25 AM By UT STATE GOVERNOR

**ROAD = MC09
GANDY HIGHWAY**

00166654

B: 490 P: 385 Fee \$0.00
 Connie Hansen, Millard Recorder
 07/16/2008 09:31:25 AM By UT STATE GOVERNOR



MILLARD COUNTY

— B Class Road of Interest

- | | | |
|-----------------|----------------------|-----------------------|
| Interstate | County Border | Township & Range Line |
| Highway Major | River | Forest Service Lands |
| Highway Minor | Cities / Towns | BLM Lands |
| B Class Road | Lakes | State Trust Lands |
| Unimproved Road | Lakes - Intermittent | Private Lands |

