

00165708

B: 484 P: 577 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 08:59:11 AM By UT STATE GOVERNOR Page 1 of 13



**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Red Rock No. 2 Reservoir Road; County Road Number: MC1008; State Geographic Information Database (SGID) Road Identification Number: RD140034. Total road length is 1.32 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

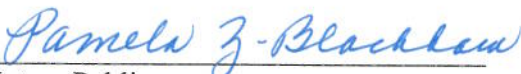
CERTIFICATION

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.



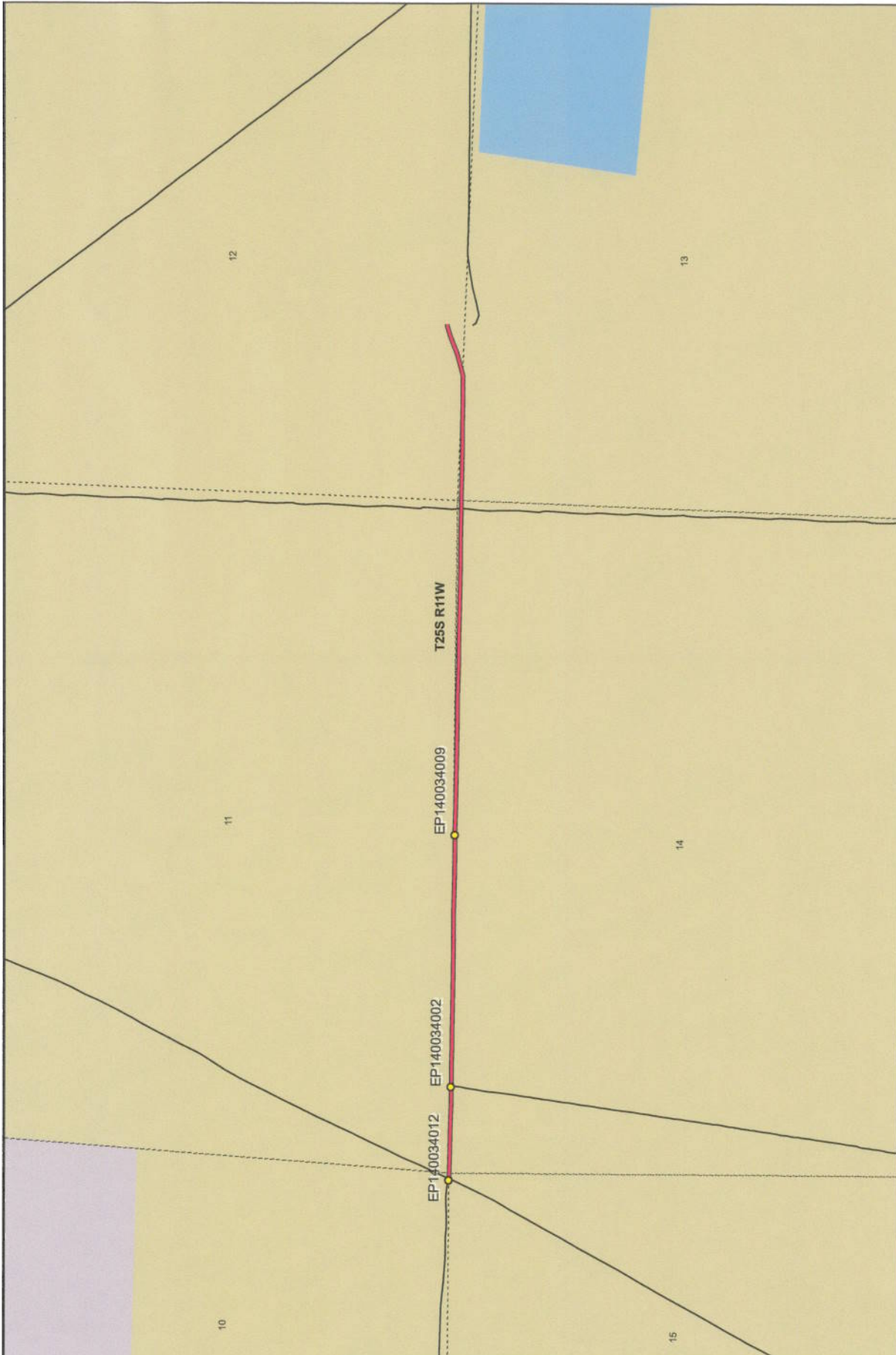


Notary Public

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Red Rock No. 2 Reservoir Road - Millard County
SGID RD_ID RD140034

Land Ownership Categories

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

Transportation Network

- Red Rock No. 2 Reservoir Road
- Other Roads
- Title V, Issued Or Under Consideration By BLM 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
 Nov 23, 2006

1:13,966
1 inch equals 0.2 miles

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Attachment 1

SGID Road Identification Number RD_ID: RD140034



EP140034002



EP140034009



EP140034012

EP000000000

EP000000000

EP000000000

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Red Rock No. 2 Reservoir Road - Millard County
SGID RD_ID RD140034

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
November 22, 2006



Attachment 3

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

Popular Name: Red Rock No. 2 Reservoir Road

County: Millard

County Road Number: MC1008

State Geographic Information Database (SGID) Road Identification Number: RD140034.

Total Road Length: 1.32 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 38 minutes 44.16 seconds North Latitude and -113 degrees 03 minutes 58.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,193,015.4 feet and Y = 6,679,328.9 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 38 minutes 46.02 seconds North Latitude and -113 degrees 02 minutes 30.95 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,199,987.1 feet and Y = 6,679,395.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 25 South Range 11 West, Section(s) 10,11,12,13,14, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

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

Popular Name: Red Rock No. 2 Reservoir Road

County: Millard

County Road Number: MC1008

State Geographic Information Database (SGID) Road Identification Number: RD140034.

Total Road Length: 1.32 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
RD140034	001	BLM	1.32 Miles	A
		Total Road Length	1.32	_____

* 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.

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Attachment 5

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AFFIDAVIT OF WILLIAM THAYNE HENRIE

RED ROCK NO. 2 RESERVOIR ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC1008

State of Utah)
 : ss.
County of Millard)

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 Red Rock No. 2 Reservoir 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 2006 when I last observed it. Attached is a Millard County map showing Red Rock No. 2 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. 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 weekly for more than ten continuous years prior to 1976, and is presently used weekly.

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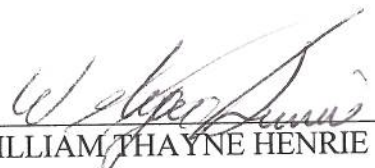
5. Throughout the time period from the 1950s to the present, I have used the road myself for camping, hunting, rock hounding, participating in search and rescue efforts and recreation.

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, trapping, tourism, government access, picnicking, hiking and sightseeing.

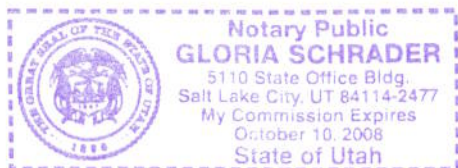
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 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.




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**ROAD = MC1008
RED ROCK #2 RESERVOIR ROAD**

Crystal Peak Rd

Black Rock Pass

15

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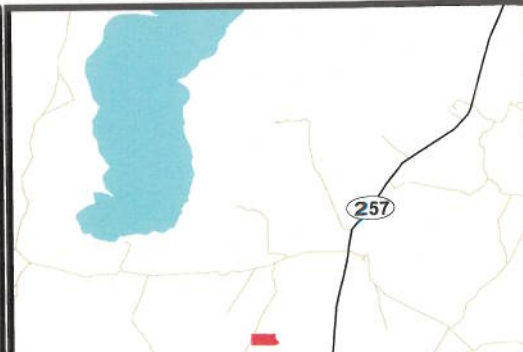
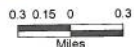
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MILLARD COUNTY

- 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

— B Class Road of Interest



**AFFIDAVIT OF JOHN LARSEN
RED ROCK NO. 2 RESERVOIR ROAD
MILLARD COUNTY, UTAH
ROAD NUMBER MC1008**

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 Red Rock No. 2 Reservoir 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 2004 when I last observed it. Attached is a Millard County map showing Red Rock No. 2 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. 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 weekly for more than ten continuous years prior to 1976, and was so used through 2004.

5. Throughout the time period from 1962 to 2004, I have used the road myself for

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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.

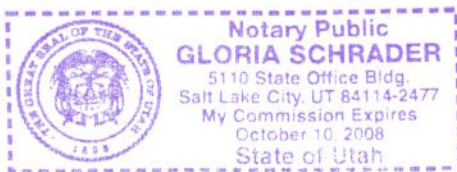
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1900 and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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.




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**ROAD = MC1008
RED ROCK #2 RESERVOIR ROAD**

Crystal Peak Rd

Black Rock Pass

15

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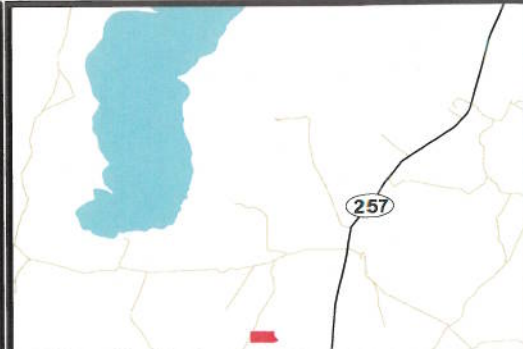
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MILLARD COUNTY

— 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 |

0.3 0.15 0 0.3
Miles



Appendix A to Attachment 4

Popular Name: Red Rock No. 2 Reservoir Road

County: Millard

County Road Number: MC1008

State Geographic Information Database (SGID) Road Identification Number: RD140034.

Road-Segment Number: 001

Road-Segment Length: 1.32 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 25 South Range 11 West, Section(s) 10,11,12,13,14, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Red Rock No. 2 Reservoir 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 38 degrees 38 minutes 44.16 seconds North Latitude and -113 degrees 03 minutes 58.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,193,015.4 feet and Y = 6,679,328.9 feet; thence the following courses along the said road center line:

thence South 89 Degrees 10 Minutes 37 Seconds East	84.7 feet
thence South 89 Degrees 08 Minutes 09 Seconds East	130.6 feet
thence South 88 Degrees 45 Minutes 35 Seconds East	123.1 feet
thence South 88 Degrees 33 Minutes 33 Seconds East	76.2 feet
thence South 88 Degrees 44 Minutes 56 Seconds East	207.8 feet
thence South 89 Degrees 44 Minutes 17 Seconds East	102.7 feet
thence North 87 Degrees 54 Minutes 13 Seconds East	31.2 feet
thence North 89 Degrees 42 Minutes 45 Seconds East	9.8 feet
thence South 82 Degrees 21 Minutes 37 Seconds East	26.2 feet
thence North 89 Degrees 42 Minutes 45 Seconds East	56.8 feet
thence South 89 Degrees 54 Minutes 19 Seconds East	98.4 feet

thence South 89 Degrees 33 Minutes 44 Seconds East 129.6 feet
 thence South 89 Degrees 32 Minutes 18 Seconds East 150.6 feet
 thence South 89 Degrees 32 Minutes 41 Seconds East 177.2 feet
 thence South 89 Degrees 54 Minutes 03 Seconds East 243.1 feet
 thence South 89 Degrees 22 Minutes 45 Seconds East 269.1 feet
 thence North 89 Degrees 50 Minutes 59 Seconds East 273.7 feet
 thence South 89 Degrees 15 Minutes 03 Seconds East 272.1 feet
 thence South 89 Degrees 31 Minutes 14 Seconds East 245.1 feet
 thence South 89 Degrees 19 Minutes 34 Seconds East 97.8 feet
 thence South 89 Degrees 33 Minutes 44 Seconds East 51.8 feet
 thence South 89 Degrees 28 Minutes 15 Seconds East 138.2 feet
 thence South 88 Degrees 52 Minutes 18 Seconds East 172.6 feet
 thence South 88 Degrees 59 Minutes 48 Seconds East 189.4 feet
 thence South 89 Degrees 32 Minutes 58 Seconds East 203.8 feet
 thence South 89 Degrees 15 Minutes 45 Seconds East 183.4 feet
 thence South 89 Degrees 52 Minutes 13 Seconds East 135.2 feet
 thence North 89 Degrees 42 Minutes 44 Seconds East 83.3 feet
 thence South 88 Degrees 18 Minutes 45 Seconds East 19 feet
 thence South 88 Degrees 05 Minutes 06 Seconds East 8.5 feet
 thence South 88 Degrees 27 Minutes 17 Seconds East 41 feet
 thence South 88 Degrees 19 Minutes 46 Seconds East 76.8 feet
 thence South 88 Degrees 59 Minutes 08 Seconds East 115.5 feet
 thence South 89 Degrees 19 Minutes 41 Seconds East 137.2 feet
 thence South 89 Degrees 06 Minutes 47 Seconds East 144.1 feet
 thence South 89 Degrees 16 Minutes 17 Seconds East 148 feet
 thence South 89 Degrees 44 Minutes 16 Seconds East 171 feet
 thence South 89 Degrees 18 Minutes 59 Seconds East 193.6 feet
 thence South 89 Degrees 30 Minutes 10 Seconds East 191.6 feet
 thence South 89 Degrees 22 Minutes 15 Seconds East 164.1 feet
 thence South 88 Degrees 10 Minutes 55 Seconds East 89.3 feet
 thence South 87 Degrees 25 Minutes 31 Seconds East 6.6 feet
 thence North 88 Degrees 15 Minutes 43 Seconds East 25.9 feet
 thence North 89 Degrees 53 Minutes 30 Seconds East 104.7 feet
 thence South 89 Degrees 31 Minutes 43 Seconds East 49.6 feet
 thence South 89 Degrees 24 Minutes 03 Seconds East 106 feet
 thence South 89 Degrees 29 Minutes 26 Seconds East 188.7 feet
 thence North 89 Degrees 52 Minutes 25 Seconds East 116.5 feet
 thence North 89 Degrees 54 Minutes 28 Seconds East 96.1 feet
 thence South 89 Degrees 07 Minutes 20 Seconds East 209.7 feet
 thence North 89 Degrees 42 Minutes 44 Seconds East 187.4 feet
 thence North 74 Degrees 19 Minutes 51 Seconds East 183.1 feet
 thence North 69 Degrees 46 Minutes 11 Seconds East 157.8 feet
 thence North 72 Degrees 20 Minutes 44 Seconds East 89 feet
 thence North 79 Degrees 13 Minutes 14 Seconds East 9 feet

more or less to **the ending point**
at: 38 degrees 38 minutes 46.02 seconds North Latitude and -113 degrees 02 minutes 30.95 seconds West
 Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet
 coordinates of X = 1,199,987.1 feet and Y = 6,679,395.7 feet.