

00165763

B: 485 P: 378 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 09:56:31 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Desert Research Road; County Road Number: MC2061; State Geographic Information Database (SGID) Road Identification Number: RD141139. Total road length is 0.96 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

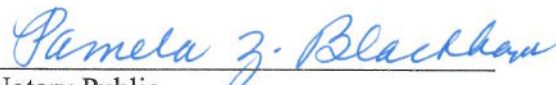
CERTIFICATION

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.

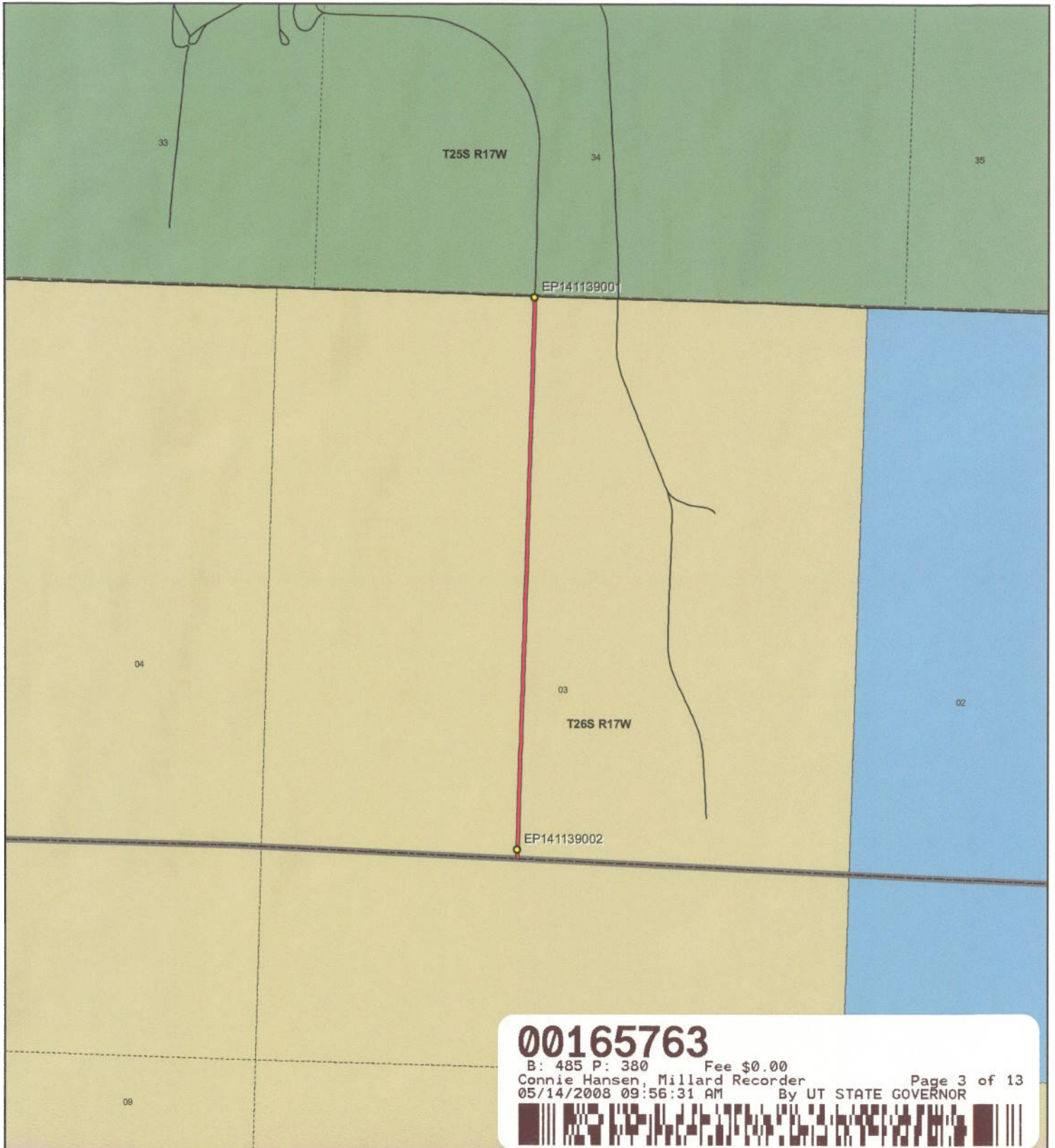




Notary Public

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<p>1:14,055 1 inch equals 0.2 miles</p>		<p align="center">Desert Research Road - Millard County SGID RD_ID RD141139</p> <table border="0"> <tr> <td colspan="2">Land Ownership Categories</td> <td colspan="2">Transportation Network</td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> Desert Research 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>	Land Ownership Categories		Transportation Network		BLM	Wilderness	Desert Research 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 Mar 03, 2008</p>
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EP141139001



EP141139002

EP000000000

EP000000000

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Desert Research Road - Millard County
SGID RD_ID RD141139

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



Attachment 3

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

Popular Name: Desert Research Road

County: Millard

County Road Number: MC2061

State Geographic Information Database (SGID) Road Identification Number: RD141139.

Total Road Length: 0.96 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 34 minutes 26.57 seconds North Latitude and -113 degrees 44 minutes 30.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 999,435.3 feet and Y = 6,657,381.7 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 35 minutes 16.42 seconds North Latitude and -113 degrees 44 minutes 30.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 999,561.7 feet and Y = 6,662,424.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 26 South Range 17 West, Section(s) 3, 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: Desert Research Road
County: Millard
County Road Number: MC2061
State Geographic Information Database (SGID) Road Identification Number: RD141139.
Total Road Length: 0.96 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
RD141139	001	BLM	0.96 Miles	A
		Total Road Length	0.96	_____

* 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 JAY ATKINSON
DESERT RESEARCH ROAD
MILLARD COUNTY, UTAH
ROAD NUMBER MC 2061

State of Utah)
 : ss.
County of Millard)

JAY ATKINSON, 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 sixty-eight years. I was an employee of the Millard County Road Department from February of 1970 to April of 2000, and participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as Desert Research Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1970s, it followed the same route as in 1999 when I last observed it. Attached is a Millard County map showing Desert Research 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 1970s and continuing through 1976 to 1999. 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 1999.

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5. Throughout the time period from the early 1970s to 1999, I have used the road myself for the following uses: hunting, rock hounding, county road work 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: livestock operations, traveling in and through the area, trapping, 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 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

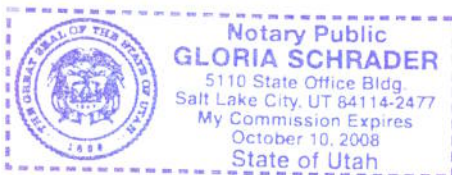
8. Prior to 1976, I participated in maintenance and construction activities on the road. Construction and maintenance have been performed since the early 1950s by Millard County Road Department.

DATED this 6 day of December, 2006.



JAY ATKINSON

SUBSCRIBED AND SWORN to before me this 6th day of December, 2006.



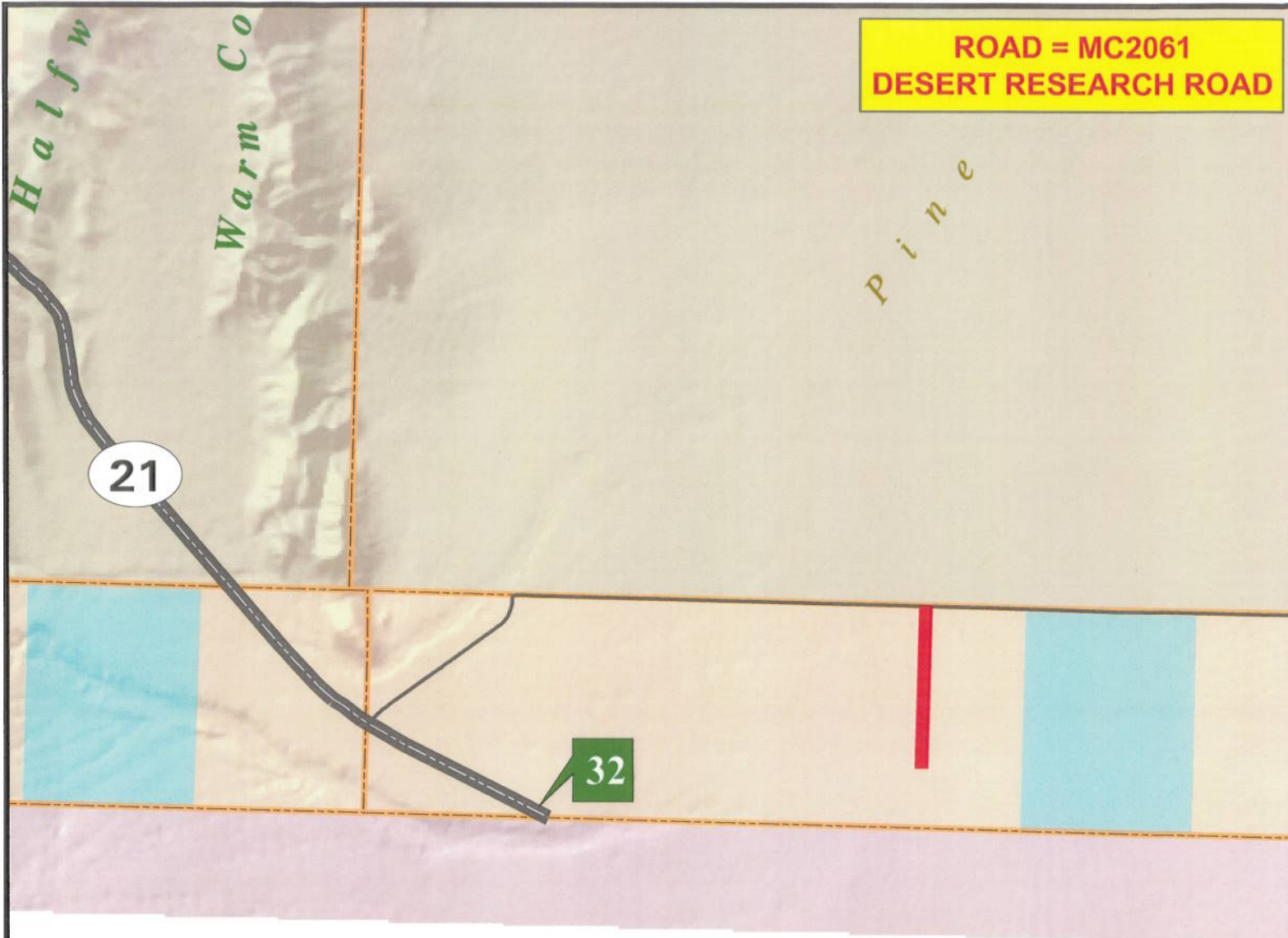


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**ROAD = MC2061
DESERT RESEARCH ROAD**



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M I L L A R D C O U N T Y

— 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



**AFFIDAVIT OF LELAND J. ROPER
DESERT RESEARCH ROAD
MILLARD COUNTY, UTAH
ROAD NUMBER MC2061**

State of Utah)
 : ss.
County of Millard)

LELAND J. ROPER, 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 Delta, Millard County, Utah. I have lived in Millard County for seventy-four years. I was an employee of the Road Department in the position of Road Superintendent from 1982 through 1993, and participated in maintenance of the road during that time.

2. I have traveled and am familiar with a road in Millard County known as Desert Research Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2001 when I last observed it. Attached is a Millard County map showing Desert Research 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 use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to 2001. Throughout this time period I have observed travel on the road by various means, including car, truck, recreational vehicle, and pickup truck. Throughout this time period, the road has been used weekly for more than ten continuous years prior to 1976, and was so used through 2001.

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5. Throughout the time period from 1950 to 2001, I have used the road myself for the following uses: hunting, sight seeing and county road inspection.

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, tourism, government access, wood gathering, recreation, and traveling in and through the area.

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 1930 and continuing through 1976 to the present, for the uses described in the previous paragraphs.

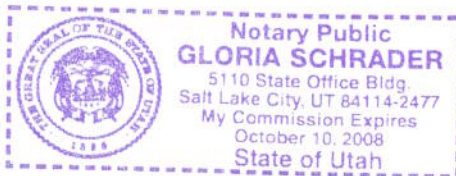
8. I observed the following evidence of maintenance/construction activities on the road prior to 1976: I have personally observed the graded surface of the road.

DATED this 4 day of Dec., 2006.

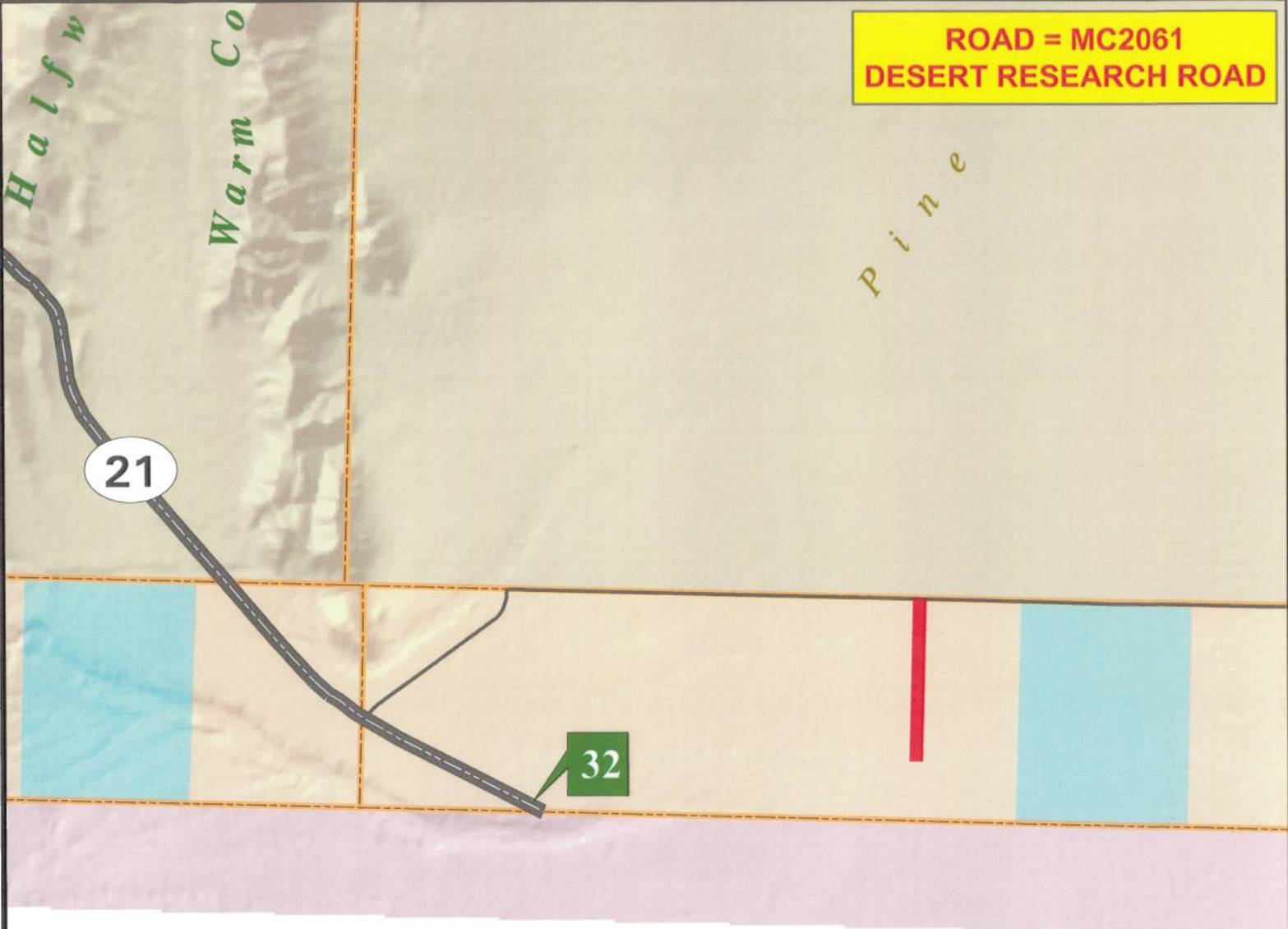
Leland J. Roper
LELAND J. ROPER

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

Gloria Schrader
NOTARY PUBLIC



**ROAD = MC2061
DESERT RESEARCH ROAD**



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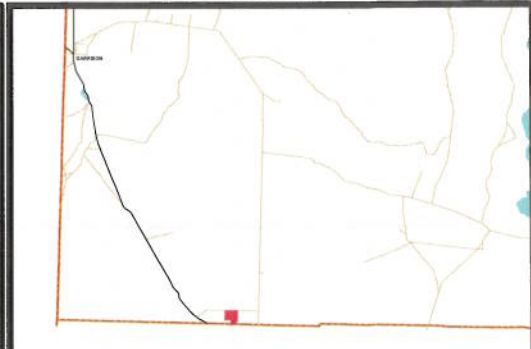


MILLARD COUNTY

— 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 |

0.2 0.1 0 0.2
Miles



Appendix A to Attachment 4

Popular Name: Desert Research Road

County: Millard

County Road Number: MC2061

State Geographic Information Database (SGID) Road Identification Number: RD141139.

Road-Segment Number: 001

Road-Segment Length: 0.96 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 26 South Range 17 West, Section(s) 3, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Desert Research 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 34 minutes 26.57 seconds North Latitude and -113 degrees 44 minutes 30.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 999,435.3 feet and Y = 6,657,381.7 feet; thence the following courses along the said road center line:

thence North 01 Degrees 46 Minutes 15 Seconds East	36.8 feet
thence North 01 Degrees 39 Minutes 08 Seconds East	107.3 feet
thence North 01 Degrees 07 Minutes 53 Seconds East	107 feet
thence North 01 Degrees 30 Minutes 15 Seconds East	105.7 feet
thence North 01 Degrees 20 Minutes 48 Seconds East	104.4 feet
thence North 01 Degrees 13 Minutes 05 Seconds East	100.7 feet
thence North 00 Degrees 55 Minutes 23 Seconds East	94.2 feet
thence North 01 Degrees 33 Minutes 04 Seconds East	82.4 feet
thence North 01 Degrees 45 Minutes 42 Seconds East	73.9 feet
thence North 00 Degrees 00 Minutes 59 Seconds East	64.6 feet
thence North 01 Degrees 50 Minutes 01 Seconds East	53.5 feet

thence North 03 Degrees 57 Minutes 43 Seconds East 53.3 feet
 thence North 01 Degrees 36 Minutes 34 Seconds East 49.9 feet
 thence North 00 Degrees 16 Minutes 28 Seconds West 44.6 feet
 thence North 00 Degrees 13 Minutes 41 Seconds East 37.4 feet
 thence North 01 Degrees 46 Minutes 15 Seconds East 36.8 feet
 thence North 02 Degrees 18 Minutes 30 Seconds East 43.7 feet
 thence North 01 Degrees 46 Minutes 15 Seconds East 46 feet
 thence North 00 Degrees 31 Minutes 36 Seconds East 46.9 feet
 thence North 01 Degrees 10 Minutes 32 Seconds East 51.8 feet
 thence North 02 Degrees 07 Minutes 32 Seconds East 54.8 feet
 thence North 03 Degrees 11 Minutes 37 Seconds East 54.2 feet
 thence North 01 Degrees 54 Minutes 50 Seconds East 51.5 feet
 thence North 01 Degrees 02 Minutes 00 Seconds West 49.5 feet
 thence North 00 Degrees 54 Minutes 38 Seconds East 47.6 feet
 thence North 02 Degrees 05 Minutes 42 Seconds East 47.6 feet
 thence North 02 Degrees 23 Minutes 50 Seconds East 49.3 feet
 thence North 00 Degrees 58 Minutes 47 Seconds East 45 feet
 thence North 00 Degrees 44 Minutes 22 Seconds East 37.1 feet
 thence North 02 Degrees 08 Minutes 11 Seconds East 31.2 feet
 thence North 02 Degrees 00 Minutes 57 Seconds East 24.6 feet
 thence North 02 Degrees 22 Minutes 04 Seconds East 21.3 feet
 thence North 02 Degrees 22 Minutes 04 Seconds East 21.3 feet
 thence North 02 Degrees 10 Minutes 46 Seconds East 23 feet
 thence North 00 Degrees 25 Minutes 26 Seconds East 26.9 feet
 thence North 02 Degrees 38 Minutes 46 Seconds East 32.2 feet
 thence North 01 Degrees 22 Minutes 39 Seconds East 34.1 feet
 thence North 00 Degrees 16 Minutes 16 Seconds East 34.4 feet
 thence North 00 Degrees 49 Minutes 37 Seconds East 34.1 feet
 thence North 02 Degrees 14 Minutes 12 Seconds East 37.4 feet
 thence North 00 Degrees 54 Minutes 38 Seconds East 47.6 feet
 thence North 01 Degrees 13 Minutes 11 Seconds East 37.7 feet
 thence North 00 Degrees 44 Minutes 21 Seconds East 37.1 feet
 thence North 01 Degrees 23 Minutes 20 Seconds East 79.1 feet
 thence North 01 Degrees 54 Minutes 18 Seconds East 94.9 feet
 thence North 01 Degrees 54 Minutes 18 Seconds East 94.9 feet
 thence North 01 Degrees 21 Minutes 22 Seconds East 92.2 feet
 thence North 01 Degrees 37 Minutes 13 Seconds East 89.3 feet
 thence North 01 Degrees 18 Minutes 59 Seconds East 82.7 feet
 thence North 01 Degrees 34 Minutes 49 Seconds East 81.1 feet
 thence North 01 Degrees 18 Minutes 36 Seconds East 83 feet
 thence North 01 Degrees 51 Minutes 50 Seconds East 79.1 feet
 thence North 01 Degrees 22 Minutes 55 Seconds East 79.4 feet
 thence North 01 Degrees 25 Minutes 53 Seconds East 77.1 feet
 thence North 00 Degrees 59 Minutes 54 Seconds East 73.8 feet
 thence North 01 Degrees 02 Minutes 42 Seconds East 71.2 feet
 thence North 01 Degrees 08 Minutes 10 Seconds East 66.6 feet
 thence North 02 Degrees 22 Minutes 04 Seconds East 64 feet
 thence North 01 Degrees 20 Minutes 03 Seconds East 58.4 feet
 thence North 01 Degrees 09 Minutes 26 Seconds East 52.5 feet

thence North 01 Degrees 38 Minutes 04 Seconds East 49.2 feet
 thence North 01 Degrees 17 Minutes 02 Seconds East 48.2 feet
 thence North 00 Degrees 16 Minutes 28 Seconds West 35.1 feet
 thence North 02 Degrees 30 Minutes 37 Seconds East 60.8 feet
 thence North 01 Degrees 46 Minutes 14 Seconds East 101.1 feet
 thence North 01 Degrees 14 Minutes 33 Seconds East 99.1 feet
 thence North 01 Degrees 30 Minutes 54 Seconds East 94.5 feet
 thence North 02 Degrees 16 Minutes 12 Seconds East 88.7 feet
 thence North 01 Degrees 05 Minutes 01 Seconds East 83 feet
 thence North 01 Degrees 39 Minutes 30 Seconds East 77.8 feet
 thence North 01 Degrees 13 Minutes 57 Seconds East 62.3 feet
 thence North 01 Degrees 52 Minutes 22 Seconds East 52.5 feet
 thence North 00 Degrees 46 Minutes 00 Seconds East 36.1 feet
 thence North 00 Degrees 59 Minutes 53 Seconds East 29.5 feet
 thence North 00 Degrees 36 Minutes 23 Seconds East 42.6 feet
 thence North 01 Degrees 39 Minutes 20 Seconds East 58.4 feet
 thence North 01 Degrees 53 Minutes 10 Seconds East 69.6 feet
 thence North 01 Degrees 06 Minutes 07 Seconds East 68.2 feet
 thence North 01 Degrees 04 Minutes 34 Seconds East 69.6 feet
 thence North 01 Degrees 24 Minutes 05 Seconds East 67.3 feet
 thence North 02 Degrees 08 Minutes 10 Seconds East 62.4 feet
 thence North 00 Degrees 40 Minutes 31 Seconds West 46.9 feet
 thence North 00 Degrees 52 Minutes 15 Seconds East 16.4 feet
 thence North 02 Degrees 35 Minutes 15 Seconds East 19.7 feet
 thence North 00 Degrees 16 Minutes 29 Seconds West 44.3 feet
 thence North 03 Degrees 14 Minutes 47 Seconds East 21.4 feet

more or less to **the ending point at:** 38 degrees 35 minutes 16.42 seconds North Latitude and -113 degrees 44 minutes 30.76 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 999,561.7 feet and Y = 6,662,424.2 feet.