

00165779

B: 485 P: 586 Fee \$0.00
Connie Hansen, Millard Recorder Page 1 of 13
05/14/2008 10:16:14 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 South Peak Well Road; County Road Number: MC3533; State Geographic Information Database (SGID) Road Identification Number: RD141863. Total road length is 1.28 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



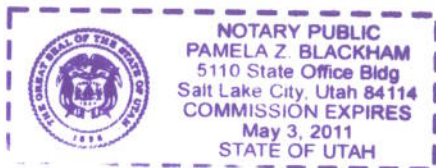
John Harja


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.



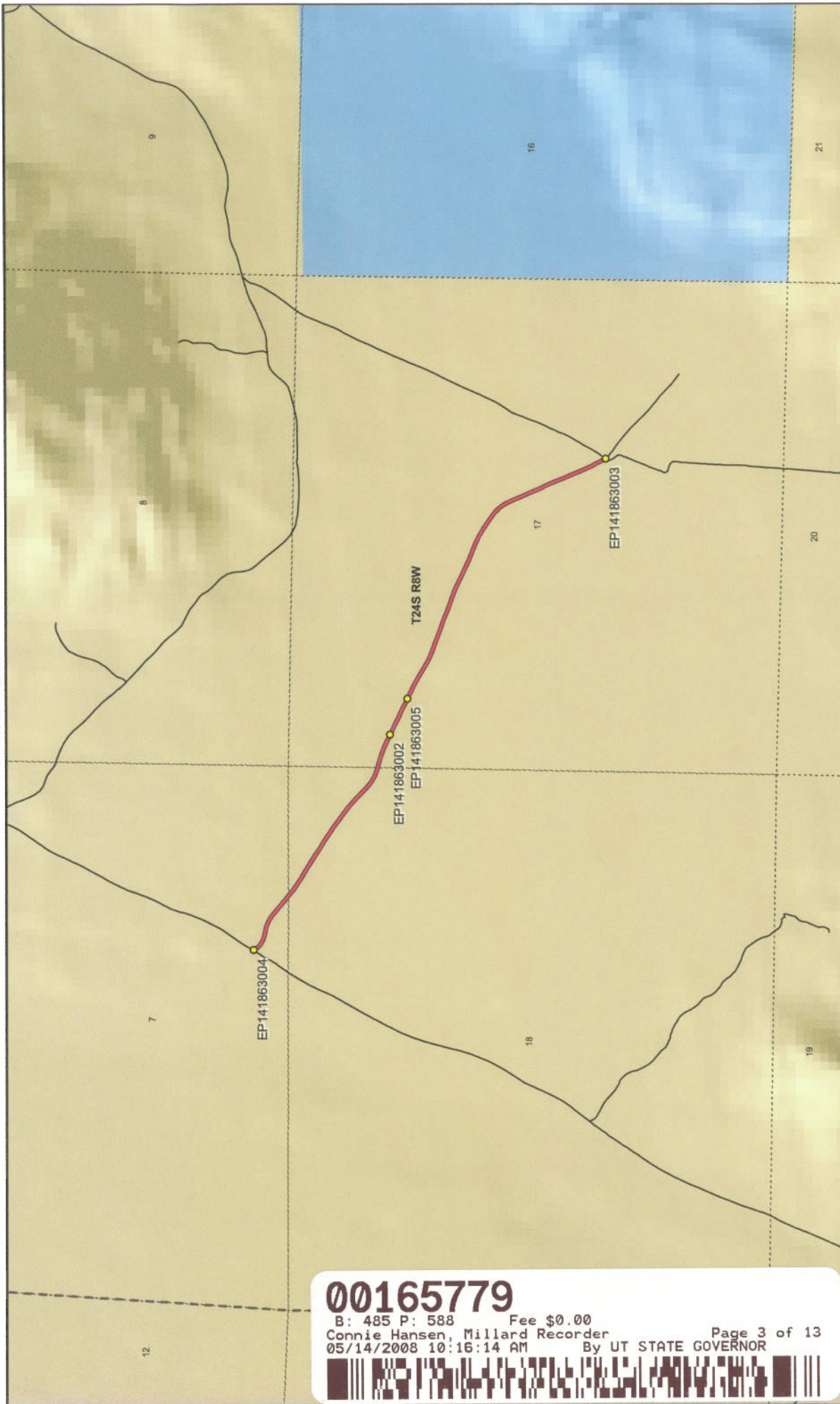


Notary Public

00165779

B: 485 P: 587 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM By UT STATE GOVERNOR Page 2 of 13





Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Nov 24, 2006



South Peak Well Road - Millard County
SGID RD_ID RD141863

Transportation Network

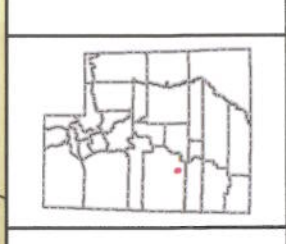
- South Peak Well Road
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile

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

Legend

- Yellow diamond: BLM
- White diamond: Private
- Light blue diamond: SITLA, State Trust Land
- Light green diamond: USFS, National Forest
- Light purple diamond: State Parks and Recreation
- Light orange diamond: Tribal, Indian Reservation
- Light pink diamond: NPS, National Park
- Green diamond: Wilderness
- Dark green diamond: UDWR Wildlife Reserve
- Dark blue diamond: DOD, Military
- Light blue diamond: State Sovereign Land
- Light purple diamond: National Recreation Area
- Light orange diamond: USFWS, Natl. Wildlife Refuge



1:17,250
1 inch equals 0.3 miles



00165779
 B: 485 P: 588 Fee \$0.00
 Connie Hansen, Millard Recorder
 05/14/2008 10:16:14 AM By UT STATE GOVERNOR
 Page 3 of 13



Attachment 2



EP141863002



EP141863005



EP141863004



EP141863003

EP000000000

00165779

B: 485 P: 589 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM

Page 4 of 13
By UT STATE GOVERNOR



South Peak Well Road - Millard County
SGID RD_ID RD141863

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
November 24, 2006



Attachment 3

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

Popular Name: South Peak Well Road

County: Millard

County Road Number: MC3533

State Geographic Information Database (SGID) Road Identification Number: RD141863.

Total Road Length: 1.28 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 43 minutes 059.7 seconds North Latitude and -112 degrees 47 minutes 32.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,271,700.2 feet and Y = 6,710,000.3 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 43 minutes 23.09 seconds North Latitude and -112 degrees 46 minutes 25.17 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,277,009.0 feet and Y = 6,706,219.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 24 South Range 8 West, Section(s) 7,17,18, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

00165779

B: 485 P: 590 Fee \$0.00

Connie Hansen, Millard Recorder

05/14/2008 10:16:14 AM

By UT STATE GOVERNOR

Page 5 of 13



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

Popular Name: South Peak Well Road
County: Millard
County Road Number: MC3533
State Geographic Information Database (SGID) Road Identification Number: RD141863.
Total Road Length: 1.28 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
RD141863	001	BLM	1.28 Miles	A
		Total Road Length	1.28	_____

* 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.

00165779

B: 485 P: 591 Fee \$0.00
 Connie Hansen, Millard Recorder
 05/14/2008 10:16:14 AM

Page 6 of 13
 By UT STATE GOVERNOR



Attachment 5

00165779

B: 485 P: 592 Fee \$0.00 Page 7 of 13
Connie Hansen, Millard Recorder By UT STATE GOVERNOR
05/14/2008 10:16:14 AM



AFFIDAVIT OF WILLIAM THAYNE HENRIE
SOUTH PEAK WELL ROAD
MILLARD COUNTY, UTAH
ROAD NUMBER MC3533

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 South Peak Well 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 South Peak well 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.

00165779

B: 485 P: 593 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM By UT STATE GOVERNOR Page 8 of 13



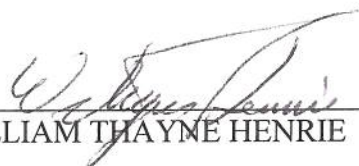
5. Throughout the time period from the 1950s to the present, I have used the road myself for camping, hunting, rock hounding, participating in search and rescue efforts and recreation.

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.

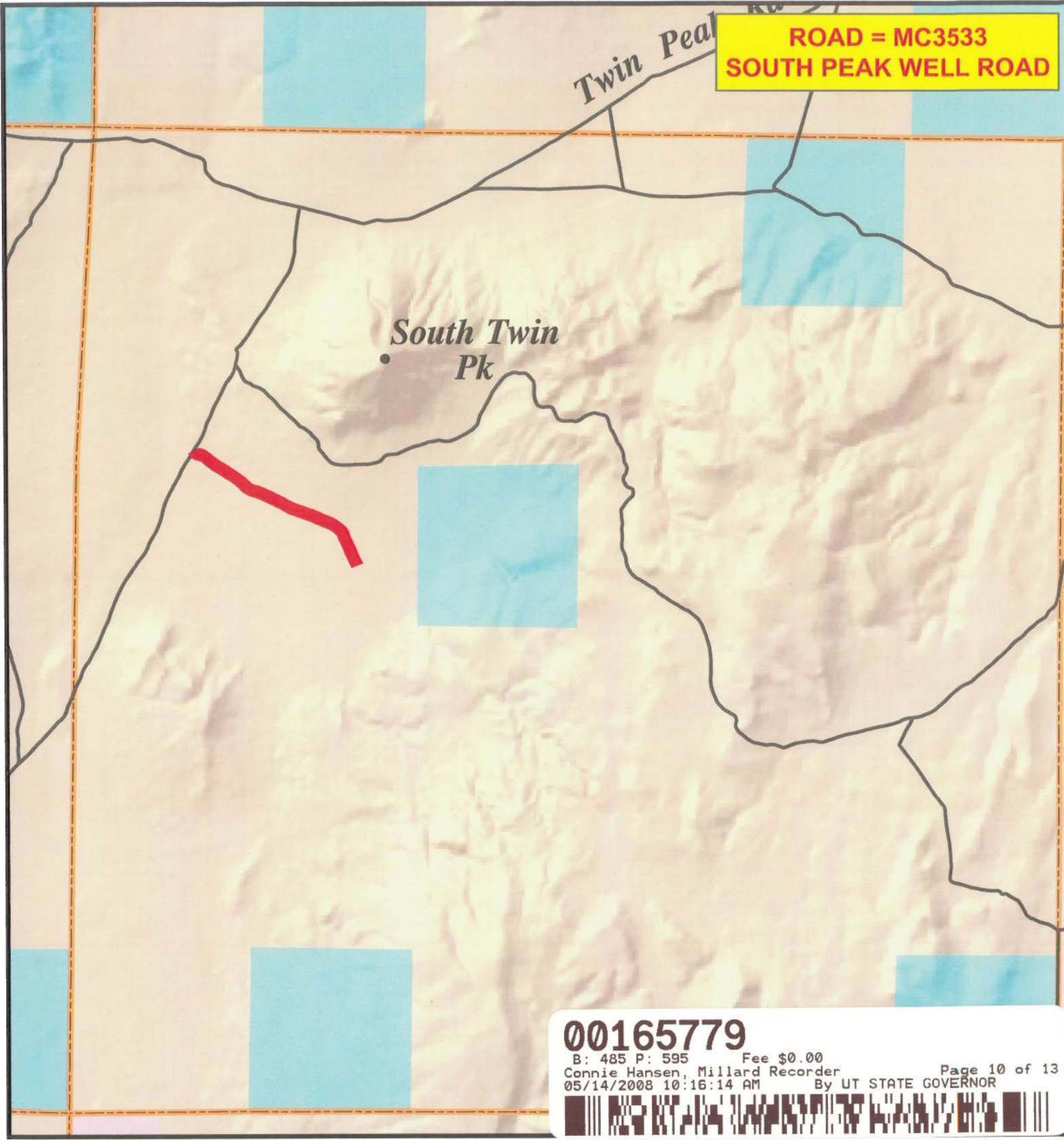



NOTARY PUBLIC

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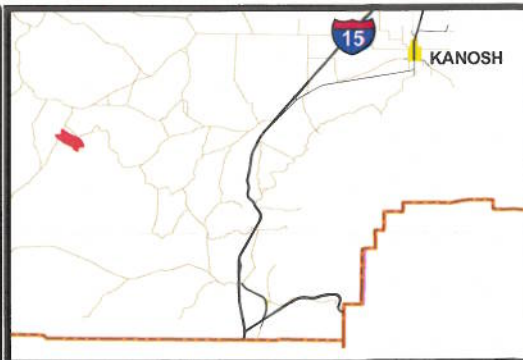
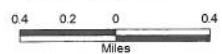
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Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM By UT STATE GOVERNOR Page 9 of 13





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



AFFIDAVIT OF JOHN LARSEN

SOUTH PEAK WELL ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC3533

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 South Peak Well 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 2006 when I last observed it. Attached is a Millard County map showing South Peak Well 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 the present. 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 is presently

00165779

B: 485 P: 596 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM By UT STATE GOVERNOR Page 11 of 13



used weekly.

5. Throughout the time period from the early 1960s to the present, 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.

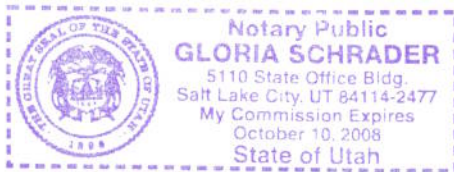
8. Prior to 1976, I observed the graded surface of the road and have personally graded the road since 1980.

DATED this 4 day of December, 2006.



JOHN LARSEN

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





NOTARY PUBLIC

**ROAD = MC3533
SOUTH PEAK WELL ROAD**

Twin Peak

South Twin
Pk

00165779

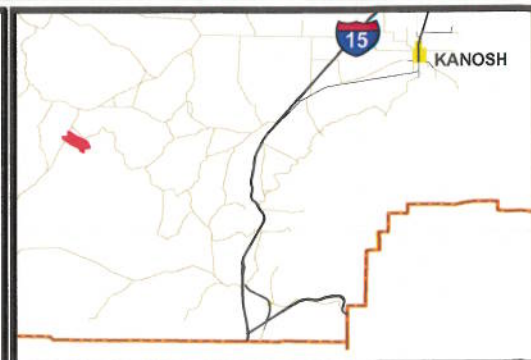
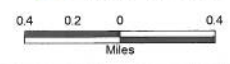
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Connie Hansen, Millard Recorder
05/14/2008 10:16:14 AM By UT STATE GOVERNOR Page 13 of 13



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 |



Appendix A to Attachment 4

Popular Name: South Peak Well Road

County: Millard

County Road Number: MC3533

State Geographic Information Database (SGID) Road Identification Number: RD141863.

Road-Segment Number: 001

Road-Segment Length: 1.28 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 24 South Range 8 West, Section(s) 7,17,18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (South Peak Well 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 43 minutes 059.7 seconds North Latitude and -112 degrees 47 minutes 32.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,271,700.2 feet and Y = 6,710,000.3 feet; thence the following courses along the said road center line:

thence South 25 Degrees 10 Minutes 04 Seconds East	39.8 feet
thence South 37 Degrees 09 Minutes 49 Seconds East	36.1 feet
thence South 50 Degrees 29 Minutes 17 Seconds East	41 feet
thence South 61 Degrees 49 Minutes 29 Seconds East	53 feet
thence South 75 Degrees 32 Minutes 06 Seconds East	63.1 feet
thence South 80 Degrees 41 Minutes 34 Seconds East	66.9 feet
thence South 68 Degrees 15 Minutes 47 Seconds East	76.1 feet
thence South 56 Degrees 49 Minutes 42 Seconds East	69.6 feet
thence South 50 Degrees 20 Minutes 51 Seconds East	68.5 feet
thence South 49 Degrees 29 Minutes 16 Seconds East	69.8 feet
thence South 50 Degrees 53 Minutes 35 Seconds East	71.3 feet

thence South 51 Degrees 17 Minutes 10 Seconds East 42.2 feet
 thence South 51 Degrees 43 Minutes 42 Seconds East 31.1 feet
 thence South 52 Degrees 06 Minutes 29 Seconds East 74.3 feet
 thence South 53 Degrees 25 Minutes 26 Seconds East 73.8 feet
 thence South 57 Degrees 50 Minutes 34 Seconds East 71.6 feet
 thence South 59 Degrees 44 Minutes 46 Seconds East 69.7 feet
 thence South 59 Degrees 50 Minutes 31 Seconds East 69.3 feet
 thence South 59 Degrees 30 Minutes 18 Seconds East 73.7 feet
 thence South 58 Degrees 42 Minutes 04 Seconds East 82.1 feet
 thence South 57 Degrees 43 Minutes 29 Seconds East 88.4 feet
 thence South 57 Degrees 55 Minutes 46 Seconds East 94.4 feet
 thence South 57 Degrees 26 Minutes 55 Seconds East 92.6 feet
 thence South 55 Degrees 22 Minutes 28 Seconds East 84.8 feet
 thence South 55 Degrees 25 Minutes 25 Seconds East 88.4 feet
 thence South 53 Degrees 17 Minutes 54 Seconds East 90 feet
 thence South 51 Degrees 46 Minutes 00 Seconds East 88.5 feet
 thence South 50 Degrees 07 Minutes 57 Seconds East 88 feet
 thence South 46 Degrees 55 Minutes 49 Seconds East 89.4 feet
 thence South 46 Degrees 19 Minutes 48 Seconds East 89.8 feet
 thence South 50 Degrees 09 Minutes 30 Seconds East 87.6 feet
 thence South 59 Degrees 31 Minutes 19 Seconds East 84 feet
 thence South 70 Degrees 54 Minutes 19 Seconds East 81.1 feet
 thence South 75 Degrees 43 Minutes 10 Seconds East 17 feet
 thence South 75 Degrees 49 Minutes 57 Seconds East 64.4 feet
 thence South 74 Degrees 02 Minutes 01 Seconds East 82 feet
 thence South 68 Degrees 55 Minutes 23 Seconds East 81 feet
 thence South 65 Degrees 14 Minutes 43 Seconds East 72.1 feet
 thence South 64 Degrees 11 Minutes 54 Seconds East 53.7 feet
 thence South 62 Degrees 33 Minutes 56 Seconds East 28.9 feet
 thence South 59 Degrees 19 Minutes 48 Seconds East 7.7 feet
 thence South 64 Degrees 46 Minutes 13 Seconds East 40.4 feet
 thence South 65 Degrees 04 Minutes 41 Seconds East 68.6 feet
 thence South 64 Degrees 28 Minutes 22 Seconds East 79.1 feet
 thence South 65 Degrees 10 Minutes 44 Seconds East 92.8 feet
 thence South 65 Degrees 09 Minutes 39 Seconds East 88.1 feet
 thence South 63 Degrees 43 Minutes 43 Seconds East 50.6 feet
 thence South 65 Degrees 16 Minutes 37 Seconds East 5.4 feet
 thence South 63 Degrees 43 Minutes 43 Seconds East 29.4 feet
 thence South 64 Degrees 01 Minutes 52 Seconds East 55.6 feet
 thence South 64 Degrees 49 Minutes 49 Seconds East 61.1 feet
 thence South 61 Degrees 42 Minutes 12 Seconds East 74.7 feet
 thence South 60 Degrees 10 Minutes 19 Seconds East 80.4 feet
 thence South 59 Degrees 05 Minutes 36 Seconds East 81.7 feet
 thence South 60 Degrees 45 Minutes 18 Seconds East 79.2 feet
 thence South 64 Degrees 40 Minutes 11 Seconds East 80.4 feet
 thence South 69 Degrees 07 Minutes 32 Seconds East 82.7 feet
 thence South 70 Degrees 34 Minutes 46 Seconds East 83.7 feet
 thence South 70 Degrees 08 Minutes 10 Seconds East 82.8 feet
 thence South 68 Degrees 42 Minutes 50 Seconds East 47.3 feet

thence South 67 Degrees 05 Minutes 43 Seconds East 10 feet
 thence South 73 Degrees 17 Minutes 27 Seconds East 41.5 feet
 thence South 69 Degrees 55 Minutes 02 Seconds East 61.3 feet
 thence South 68 Degrees 48 Minutes 00 Seconds East 68.1 feet
 thence South 68 Degrees 54 Minutes 50 Seconds East 82.8 feet
 thence South 70 Degrees 46 Minutes 59 Seconds East 88.4 feet
 thence South 68 Degrees 58 Minutes 50 Seconds East 93 feet
 thence South 65 Degrees 08 Minutes 43 Seconds East 95 feet
 thence South 64 Degrees 50 Minutes 22 Seconds East 90.9 feet
 thence South 65 Degrees 02 Minutes 40 Seconds East 83.1 feet
 thence South 65 Degrees 25 Minutes 30 Seconds East 84.3 feet
 thence South 68 Degrees 53 Minutes 19 Seconds East 88.1 feet
 thence South 67 Degrees 57 Minutes 30 Seconds East 91.5 feet
 thence South 64 Degrees 43 Minutes 05 Seconds East 93.5 feet
 thence South 59 Degrees 21 Minutes 48 Seconds East 96.4 feet
 thence South 56 Degrees 10 Minutes 27 Seconds East 97.1 feet
 thence South 53 Degrees 43 Minutes 15 Seconds East 76 feet
 thence South 51 Degrees 38 Minutes 02 Seconds East 16.8 feet
 thence South 49 Degrees 12 Minutes 43 Seconds East 34 feet
 thence South 47 Degrees 24 Minutes 54 Seconds East 56.4 feet
 thence South 37 Degrees 19 Minutes 14 Seconds East 71.9 feet
 thence South 25 Degrees 28 Minutes 27 Seconds East 97.2 feet
 thence South 21 Degrees 37 Minutes 41 Seconds East 104.6 feet
 thence South 23 Degrees 13 Minutes 56 Seconds East 104.4 feet
 thence South 25 Degrees 12 Minutes 38 Seconds East 102 feet
 thence South 25 Degrees 34 Minutes 00 Seconds East 97.6 feet
 thence South 22 Degrees 52 Minutes 57 Seconds East 93.1 feet
 thence South 22 Degrees 42 Minutes 27 Seconds East 91.2 feet
 thence South 22 Degrees 49 Minutes 59 Seconds East 89.9 feet
 thence South 23 Degrees 00 Minutes 46 Seconds East 87.5 feet
 thence South 23 Degrees 06 Minutes 19 Seconds East 82.9 feet
 thence South 25 Degrees 36 Minutes 13 Seconds East 73.7 feet
 thence South 28 Degrees 11 Minutes 28 Seconds East 63.1 feet
 thence South 27 Degrees 37 Minutes 59 Seconds East 54.3 feet
 thence South 27 Degrees 50 Minutes 48 Seconds East 42.6 feet
 thence South 29 Degrees 43 Minutes 16 Seconds East 14.7 feet more or less to **the ending**

point at: 38 degrees 43 minutes 23.09 seconds North Latitude and -112 degrees 46 minutes 25.17 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,277,009.0 feet and Y = 6,706,219.7 feet.