

00165822

B: 486 P: 234 Fee \$0.00
Connie Hansen, Millard Recorder
05/14/2008 10:56:08 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Bogg's Road; County Road Number: MC449; State Geographic Information Database (SGID) Road Identification Number: RD142901. Total road length is 5.5 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

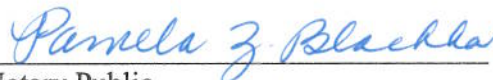
CERTIFICATION

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.



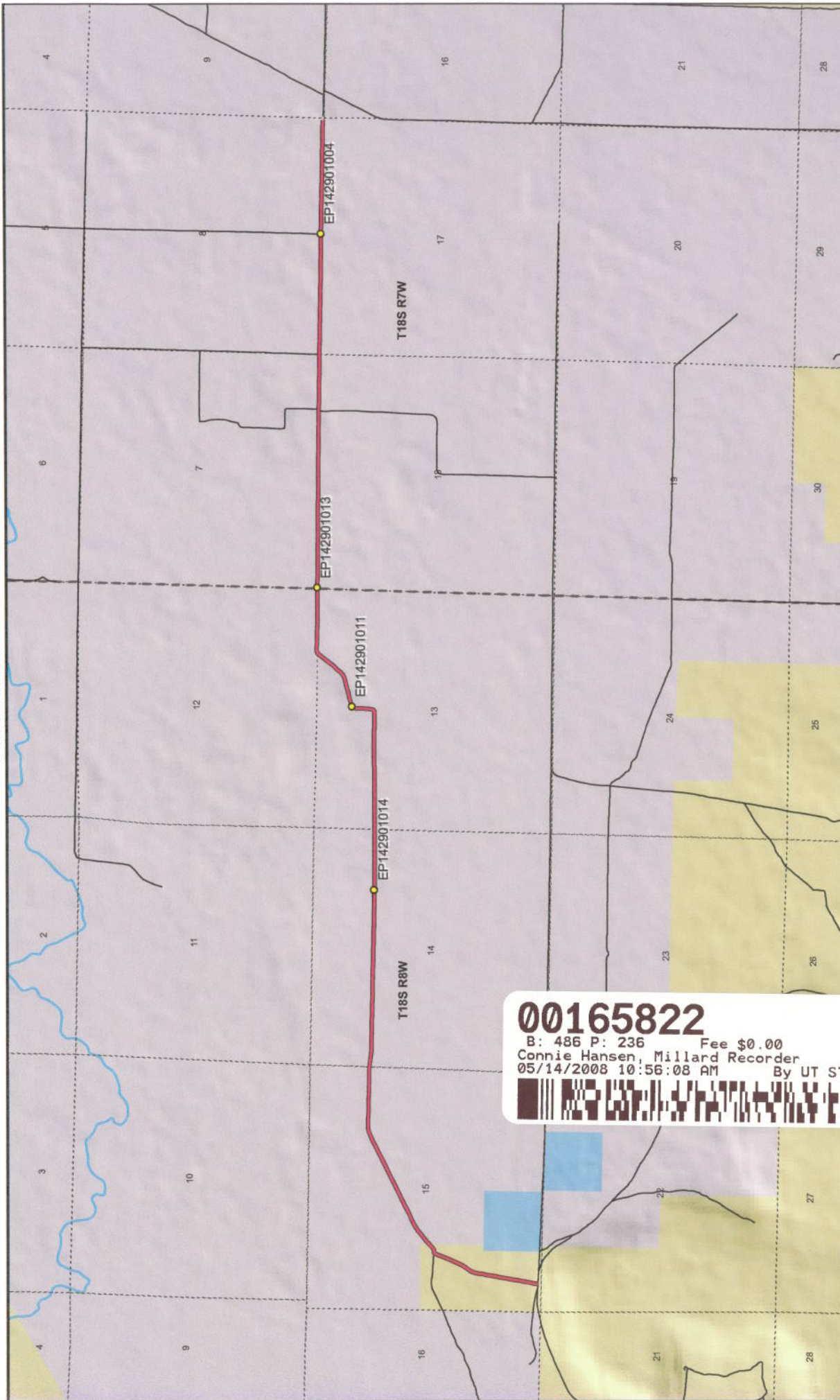


Notary Public

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

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

- Bogg's Road
- Other Roads
- Title V, Issued Or Under Consideration By BLM
- County
- Photo Event Point
- Section = 1 Mile

**Bogg's Road - Millard County
 SGID RD_ID RD142901**

1:35,808
 1 inch equals 0.6 miles

Attachment 2



EP142901004



EP142901011



EP142901013



EP142901014

EP000000000

EP000000000

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Bogg's Road - Millard County
SGID RD_ID RD142901

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: Bogg's Road

County: Millard

County Road Number: MC449

State Geographic Information Database (SGID) Road Identification Number: RD142901.

Total Road Length: 5.5 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 14 minutes 36.22 seconds North Latitude and -112 degrees 44 minutes 42.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,287,774.7 feet and Y = 6,895,599.7 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 15 minutes 28.39 seconds North Latitude and -112 degrees 39 minutes 11.38 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,313,899.1 feet and Y = 6,900,527.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 18 South Range 7 West, Section(s) 7,8, Salt Lake Base & Meridian

Township 18 South Range 8 West, Section(s) 12,13,14,15, 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: Bogg's Road

County: Millard

County Road Number: MC449

State Geographic Information Database (SGID) Road Identification Number: RD142901.

Total Road Length: 5.5 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
RD142901	001	BLM	0.51 Miles	A
RD142901	002	PVT	4.99 Miles	(not shown)
		Total Road Length	5.5	_____

* 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

BOGG'S ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC449

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 Bogg's 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 Bogg's 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 daily for more than ten continuous years prior to 1976, and is presently used daily.

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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.

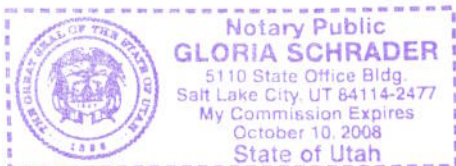
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 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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MILLARD COUNTY

**ROAD = MC449
BOGG'S ROAD**

Deseret

Great Stone Face

Rock

Black

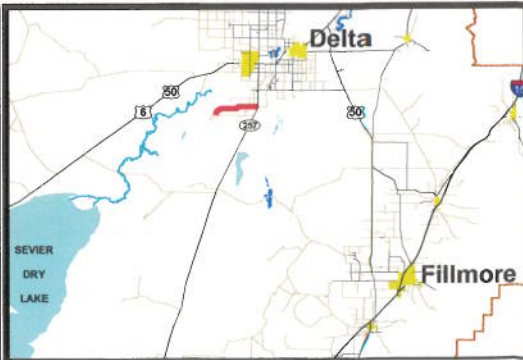
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M I L L A R D C O U N T Y

- 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 DALE BLISS

BOGG'S ROAD

MILLARD COUNTY, UTAH

ROAD NUMBER MC449

State of Utah)
 :ss.
County of Millard)

DALE BLISS, 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 Hinckley, Millard County, Utah. I have lived in Millard County for seventy-two years. I was employed by the Millard County Road Department from the mid 1950s to the mid 1960s.

2. I have traveled and am familiar with a road in Millard County known as the Bogg's Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2005 when I last observed it. Attached is a Millard County map showing the Bogg's 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 the early 1950s and continuing through 1976 to 2005. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, and farm equipment. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

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5. Throughout the time period from the early 1950s to the present, I have used the road myself for the following uses: hunting and road county road work.

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, government access, recreation, accessing other roads and areas, 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.

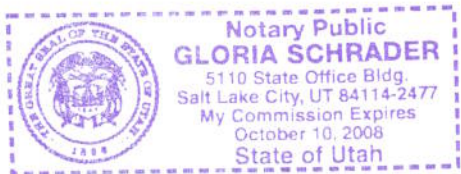
8. I observed the following evidence of maintenance/construction activities on the road prior to 1976: Construction and maintenance activities on the road and the presence of maintenance equipment including road graders and other road equipment in addition to the passing of motorized vehicles over the roadways. I have personally graded the road.

DATED this 4 day of December, 2006.

Dale Bliss
DALE BLISS

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

Gloria Schrader
NOTARY PUBLIC



MILLARD COUNTY

**ROAD = MC449
BOGG'S ROAD**

Deseret

Great Stone Face

Rock

Black

257

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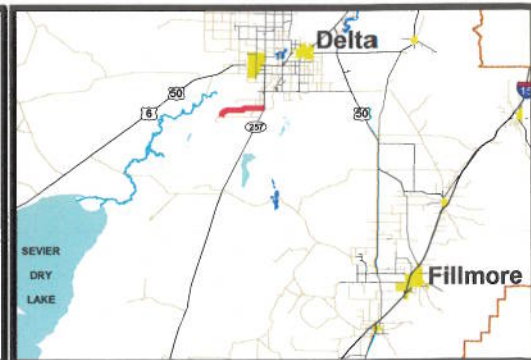
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M I L L A R D C O U N T Y

— 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 |



Appendix A to Attachment 4

Popular Name: Bogg's Road

County: Millard

County Road Number: MC449

State Geographic Information Database (SGID) Road Identification Number: RD142901.

Road-Segment Number: 001

Road-Segment Length: 0.51 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 18 South Range 8 West, Section(s) 15, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Bogg's 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 39 degrees 14 minutes 36.22 seconds North Latitude and -112 degrees 44 minutes 42.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,287,774.7 feet and Y = 6,895,599.7 feet; thence the following courses along the said road center line:

thence North 10 Degrees 24 Minutes 55 Seconds East	112.9 feet
thence North 10 Degrees 25 Minutes 13 Seconds East	107.5 feet
thence North 09 Degrees 17 Minutes 03 Seconds East	120.1 feet
thence North 10 Degrees 02 Minutes 13 Seconds East	129.7 feet
thence North 09 Degrees 35 Minutes 51 Seconds East	125.9 feet
thence North 09 Degrees 53 Minutes 17 Seconds East	122.3 feet
thence North 10 Degrees 03 Minutes 14 Seconds East	120.4 feet
thence North 09 Degrees 49 Minutes 25 Seconds East	115.7 feet
thence North 09 Degrees 47 Minutes 18 Seconds East	112.3 feet
thence North 10 Degrees 17 Minutes 30 Seconds East	108.8 feet
thence North 09 Degrees 35 Minutes 50 Seconds East	104.9 feet
thence North 09 Degrees 44 Minutes 51 Seconds East	94 feet

thence North 10 Degrees 19 Minutes 45 Seconds East 71.1 feet
 thence North 14 Degrees 08 Minutes 44 Seconds East 32.9 feet
 thence North 08 Degrees 13 Minutes 26 Seconds East 6.6 feet
 thence North 23 Degrees 28 Minutes 31 Seconds East 42.3 feet
 thence North 32 Degrees 03 Minutes 54 Seconds East 87 feet
 thence North 34 Degrees 18 Minutes 37 Seconds East 106.8 feet
 thence North 28 Degrees 22 Minutes 25 Seconds East 107.3 feet
 thence North 23 Degrees 55 Minutes 45 Seconds East 104.7 feet
 thence North 23 Degrees 28 Minutes 31 Seconds East 105.8 feet
 thence North 23 Degrees 00 Minutes 29 Seconds East 106.1 feet
 thence North 23 Degrees 27 Minutes 48 Seconds East 99.3 feet
 thence North 22 Degrees 00 Minutes 16 Seconds East 89 feet
 thence North 20 Degrees 32 Minutes 51 Seconds East 73.7 feet
 thence North 24 Degrees 20 Minutes 56 Seconds East 44 feet
 thence North 34 Degrees 23 Minutes 18 Seconds East 5.2 feet
 thence North 41 Degrees 30 Minutes 48 Seconds East 8.4 feet
 thence North 65 Degrees 48 Minutes 24 Seconds East 25.1 feet
 thence South 87 Degrees 26 Minutes 39 Seconds East 19.7 feet
 thence North 80 Degrees 52 Minutes 22 Seconds East 38.5 feet
 thence North 55 Degrees 01 Minutes 13 Seconds East 53.1 feet
 thence North 47 Degrees 47 Minutes 14 Seconds East 17.2 feet
 thence North 37 Degrees 15 Minutes 42 Seconds East 5.4 feet
 thence North 47 Degrees 37 Minutes 26 Seconds East 68.1 feet
 thence North 48 Degrees 30 Minutes 26 Seconds East 3.5 feet more or less to **the ending point**

at: 39 degrees 15 minutes 00.57 seconds North Latitude and -112 degrees 44 minutes 03.9 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,288,651.7 feet and Y = 6,898,051.1 feet.