

Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

DOC # 00354971

Affidavits B: 0603 P: 0037 Jayrene B Nielsen Sevier County Recorder Page 1 of 9 07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE OF UTAH



THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Sevier County known as 1059d Annabella Waterline Road; County Road Number: 6386; State Geographic Information Database (SGID) Road Identification Number: RD210070.

This document supplements and supports the information contained in the document first recorded at Doc # 00344664, Bk 0561, Beg Pg 0379, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on 2/13/2008 at Doc #00352479 Bk 0591, Beg Pg 0594. A legal description is attached hereto as Exhibit B.

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 Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 25th day of June, 2008.

By the Governor's Designee

John Harja (handwritten signature)

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 25th day of June, 2008.

Pamela Z. Blackham (handwritten signature)
Notary Public

Exhibit A

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Affidavits B: 0603 P: 0038
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AFFIDAVIT OF PHIL BARNEY
ANNABELLA WATERLINE ROAD
SEVIER COUNTY, UTAH
COUNTY ROAD NUMBER 6386

State of Utah)
 : ss.
County of Sevier)

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PHIL BARNEY, 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 Salina City in Sevier County, Utah. I was born in Sevier County in 1942 leaving in 1967 for another work opportunity and returning to Sevier County in 1977. I have worked in Law Enforcement in Sevier County since 1977 and am presently the Sevier County Sheriff. Work related activities both for Law Enforcement and Search and Rescue has given me first hand knowledge of the majority of the roads in this county.

2. I have traveled and am familiar with a road in Sevier County known as the Annabella Waterline Road (County Road Number 6386). I am also familiar with the land the road traverses. When I first used and observed the road in 1955, it followed the same route as 2006 when I last observed it. Attached is a Sevier County map showing Annabella Waterline Road (County Road Number 6386). 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 1955 and continuing through 1976 to 2006.

Throughout this time period I have observed travel on the road by various means, including automobiles, pickups, horseback, ATV's, motorcycles, and bikes. Throughout this time period, the road has been used weekly.

5. Throughout the time period from 1955 to 2006, I have used the road myself for traveling thru the area for hunting, search and rescue i.e. flooding and sheriff' activities and investigations and picnicking.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: livestock operations, oil and gas exploration, mining, and prospecting for minerals.

6. 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 1950's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

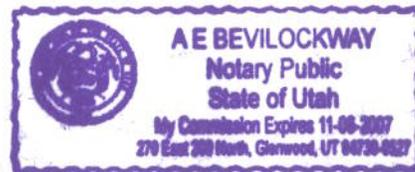
8. Prior to 1976, I observed gravel on the road as well as graders performing maintenance/construction activities on the road.

DATED this 14 day of November, 2006.

Phil Barney
PHIL BARNEY

SUBSCRIBED AND SWORN to before me this 14th day of November, 2006.

A E Bevilockway
NOTARY PUBLIC



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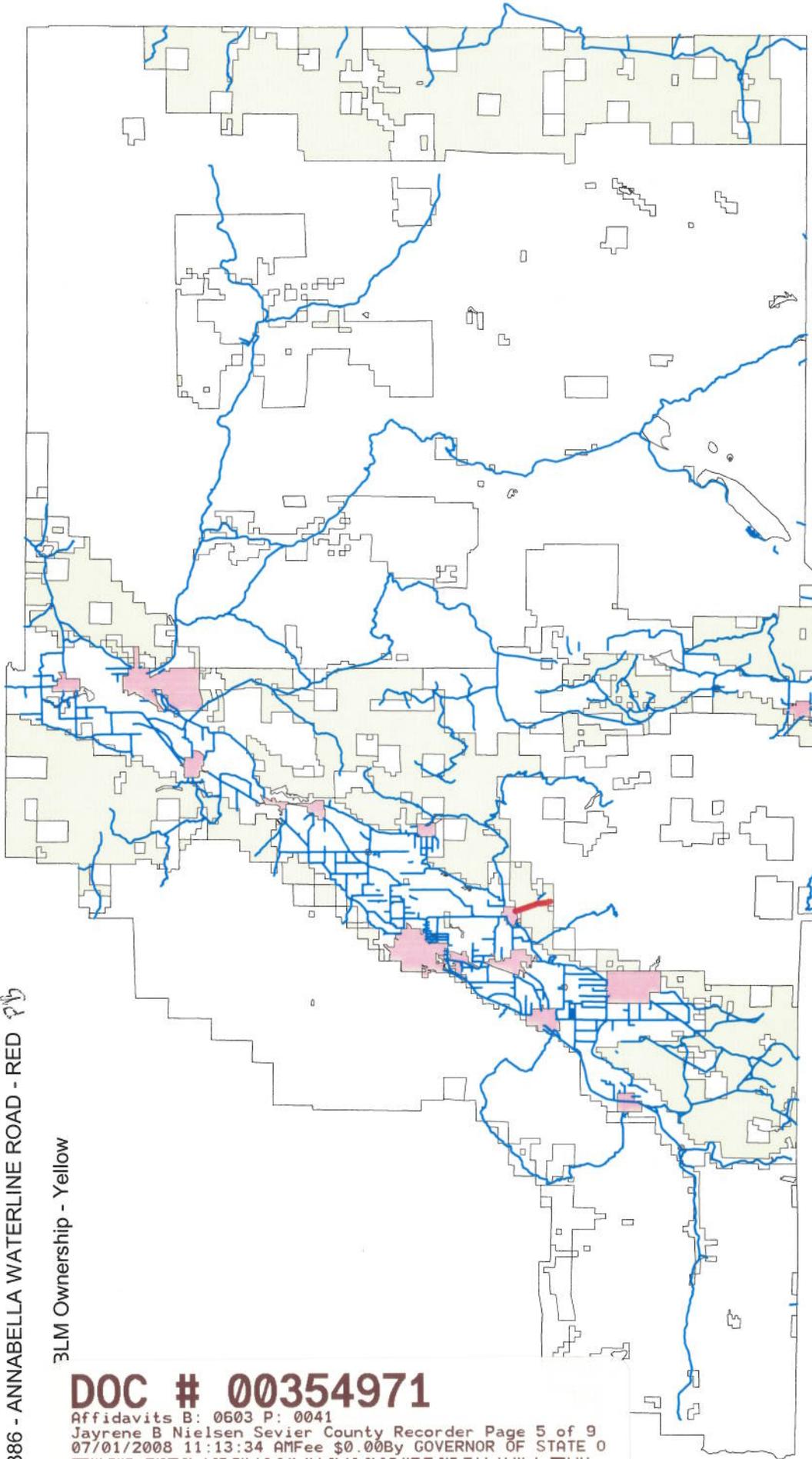


SEVIER COUNTY
RS2477
October 18, 2006

Class "B" Maintained Roads - Blue

6386 - ANNABELLA WATERLINE ROAD - RED

BLM Ownership - Yellow



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AFFIDAVIT OF WALTER ROBERTS
ANNABELLA WATERLINE ROAD
SEVIER COUNTY, UTAH
COUNTY ROAD NUMBER 6386

State of Utah)
 : ss.
County of Sevier)

WALTER ROBERTS 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 Annabella, Sevier County, Utah. I have lived in Sevier County since 1927.
2. I have traveled and am familiar with a road in Sevier County known as the Annabella Waterline Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1940, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Annabella Waterline 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 1940 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, horses, and four wheelers. Throughout this time period, the road has been used daily.
5. Throughout the time period from 1940 to 2006, I have used the road myself for the following uses: Helping to construct a dam for Annabella City in 1970 and hunting.

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6. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: Wood gathering, hunting, and traveling in and through the area.

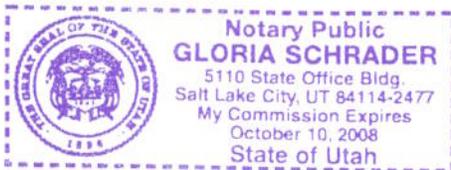
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road.

DATED this 15 day of November, 2006.


WALTER ROBERTS

SUBSCRIBED AND SWORN to before me this 15th day of November, 2006.




NOTARY PUBLIC

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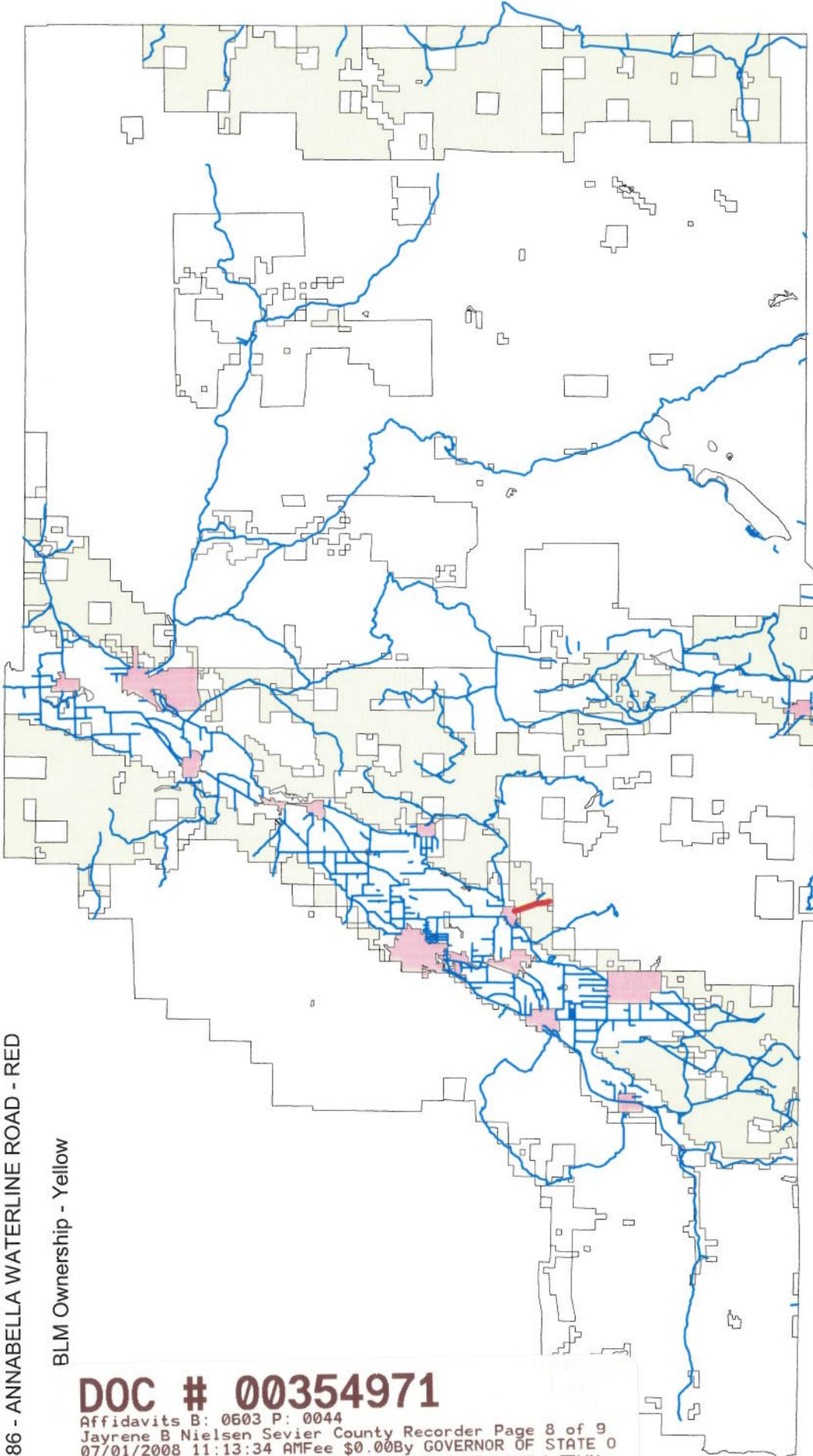
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SEVIER COUNTY
RS2477
October 18, 2006

Class "B" Maintained Roads - Blue

6386 - ANNABELLA WATERLINE ROAD - RED

BLM Ownership - Yellow



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Exhibit B

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

Popular Name: 1059d_Annabella Waterline Road

County: Sevier

County Road Number: 6386

State Geographic Information Database (SGID) Road Identification Number: RD210070.

Total Road Length: 1.72 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 40 minutes 44.82 seconds North Latitude and -112 degrees 02 minutes 51.19 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,484,083.1 feet and Y = 6,688,097.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 42 minutes 08.51 seconds North Latitude and -112 degrees 03 minutes 20.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,481,789.8 feet and Y = 6,696,579.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 24 South Range 2 West, Section(s) 19,20,29, Salt Lake Base & Meridian

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