

0/30

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

ENT 80029:2008 PG 1 of 30  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Jul 15 12:51 pm FEE 0.00 BY SS  
RECORDED FOR STATE OF UTAH ATTORNEYS GEN

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

This Supplement to Acknowledgment and Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Acknowledgment and Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Utah County known as LEWISTON ROAD; County Road Number: B897; State Geographic Information Database (SGID) Road Identification Number: RD250013.

This document supplements and supports the information contained in the document recorded on **Feb. 26, 2008** at **Ent: 21738:2008, Beg Pg 1**. 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 Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 3<sup>rd</sup> day of July, 2008.

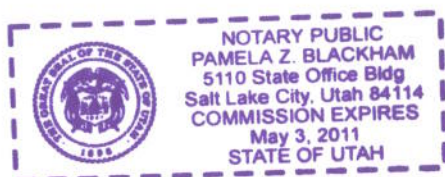
By the Governor's Designee

  
\_\_\_\_\_  
John Harja

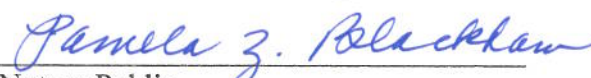
**CERTIFICATION**

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 3<sup>rd</sup> day of July, 2008.

  
\_\_\_\_\_  
Notary Public

## **Exhibit A**

**AFFIDAVIT OF CLYDE R. NAYLOR**

**LEWISTON ROAD**

**UTAH COUNTY, UTAH**

**COUNTY "B" ROAD NUMBER B 897**

STATE OF UTAH                    )  
  :SS  
COUNTY OF UTAH                )

I, CLYDE R. NAYLOR, being first sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. My educational background includes a B.E.S. degree in Civil Engineering and M.S. degree in Structural Engineering, both from Brigham Young University.
3. I am currently a member of the American Public Works Association where I was the past chapter president and a past National Institute for Transportation Executive Council Member, a member of the American Society of Civil Engineers, and a member of the Utah Council of Land Surveyors.
4. I have been the Utah County Surveyor from January 1979 to December 31, 2006, the Utah County Engineer from January 1980 to the present, and the Utah County Public Works Director from January 1991 to the present. During these time periods, I have been personally familiar with Utah County's construction and maintenance activities on county roads, including the "B" road known as the Lewiston Road that runs from State Road 73 southwesterly, west and northwesterly to Manning Canyon Road. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 897. The road is a dirt road located in Township 6 South, Range 3 West. The 2.15 miles length of the road, located in Sections 14, 15 and 23 of Township 6 South, Range 3 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segment of the Lewiston Road believed to be in the ownership of the Bureau of Land Management. The center line description is as follows:

SEGMENT 2:

Commencing at a point located at the center line of Lewiston Road, said point being located North 8936.32 feet and West 7294.35 feet from the Northwest Corner of Section 25, Township 6 South, Range 3 West, Salt Lake Base and Meridian; thence the following along said center line: South 25° 14' 32" East 283.66 feet; South 31° 22' 33" East 160.00 feet; South 37° 17' 59" East 125.80 feet; South 39° 35' 23" East 8996.73 feet; South 39° 16' 59" East 2117.21 feet.

7. Pursuant to Utah Code Ann. § 17-23-1 and during the time I served as the Utah County Surveyor, I was the designated record holder for all the surveys and maps made within the county. The records of the Utah County Surveyor show that the road has existed since 1955, and has been utilized and maintained as a county "B" road since that time. The attached copies of documents taken from the Utah County Surveyor's records identify the roads existence:

- a. The General Highway Map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Lewiston Road as a county



“B” road that runs from State Road 73 southwesterly, west and northwesterly to Manning Canyon Road, which is attached hereto as Exhibit “A1”.

- b. The Utah County map, prepared by L. D. Green, County Surveyor, and revised in September of 1966, shows the county road, which is attached hereto as Exhibit “A2”.
- c. The United States Government survey map for Mercur, Utah dated 1968, shows the location of the road within Sections 14, 15 and 23 of Township 6 South, Range 3 West, which is attached hereto as Exhibit “A3”.
- d. The general highway map of Utah County, prepared by the Utah State Department of Highways, dated 1975, shows the “B” road as a county road that runs from State Road 73 southwesterly, west and northwesterly to Manning Canyon Road, which is attached hereto as Exhibit “A4”.
- e. The general highway map of Utah County prepared by the Utah Department of Transportation, dated 1985, shows the county road, which is attached as Exhibit “A5”.
- f. The Road Map of Utah County, Sheet # 4, created November 21, 1995, shows the relationship the road has with the federal property in the area, which is attached as Exhibit “A6”.
- g. The official County Road Map of Utah County, Sheet #4, adopted by the Board of County Commissioners on October 30, 1996, shows the road running across the federal properties, which is attached as Exhibit “A7”.

- h. The current County Atlas, page 5, titled Cedar Valley, shows the Lewiston Road as it traverses federal property, which is attached as Exhibit "A8".
  - i. The surveyed description for Segment 02 of the Lewiston Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A9".
8. At no time during my tenure with the County did it undertake any procedure to abandon or vacate its right-of-way on the road.
9. I have had the County records searched for any evidence of reservations on this road and none have been found.

DATED this 7<sup>th</sup> day of MARCH, 2007

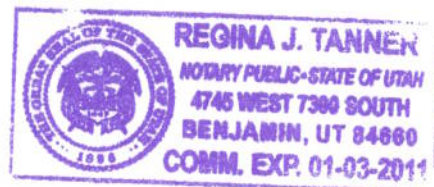
Clyde R. Naylor  
CLYDE R. NAYLOR

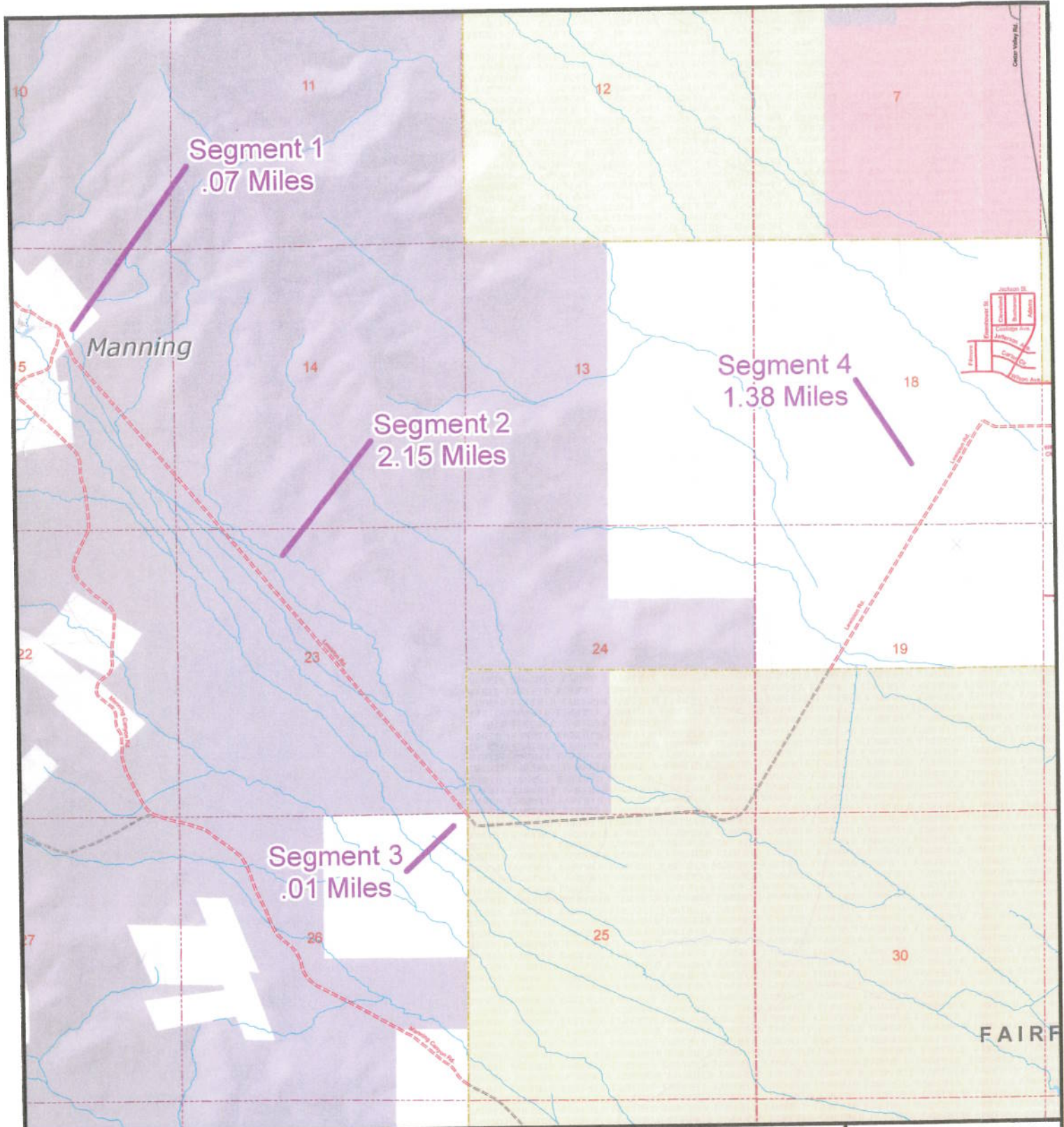
SUBSCRIBED AND SWORN to me, a Notary Public, this 7<sup>th</sup> day of march, 2007

Regina J. Tanner  
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





**RS2477**  
**Lewiston Rd**  
**2.15 Miles**

**B897**  
**3.61 Miles**

**Legend**

- |  |   |  |
|--|---|--|
| <b>State Roads</b><br>I-15<br>US HWY/State Route<br>Other FAE Route<br><b>Official County Roads</b><br>Paved<br>Unpaved<br><b>Local Roads</b><br>Paved<br>Dirt Roads<br>Gravel Roads<br>Other Roads<br>Railroads | <b>Public Land</b><br>B.L.M. Lands<br>National Park Service<br>National Forest<br>Military<br>Other Federal Lands<br>State Lands<br>State Park<br>Utah County Property<br>Urban Parks<br>National Forest Boundary<br>Wilderness Study Areas<br>Major Peaks<br>Minor Peaks | <b>Public Survey Lines</b><br>Township Lines<br>Section Lines<br>Incorporated Cities |
|--|---|--|

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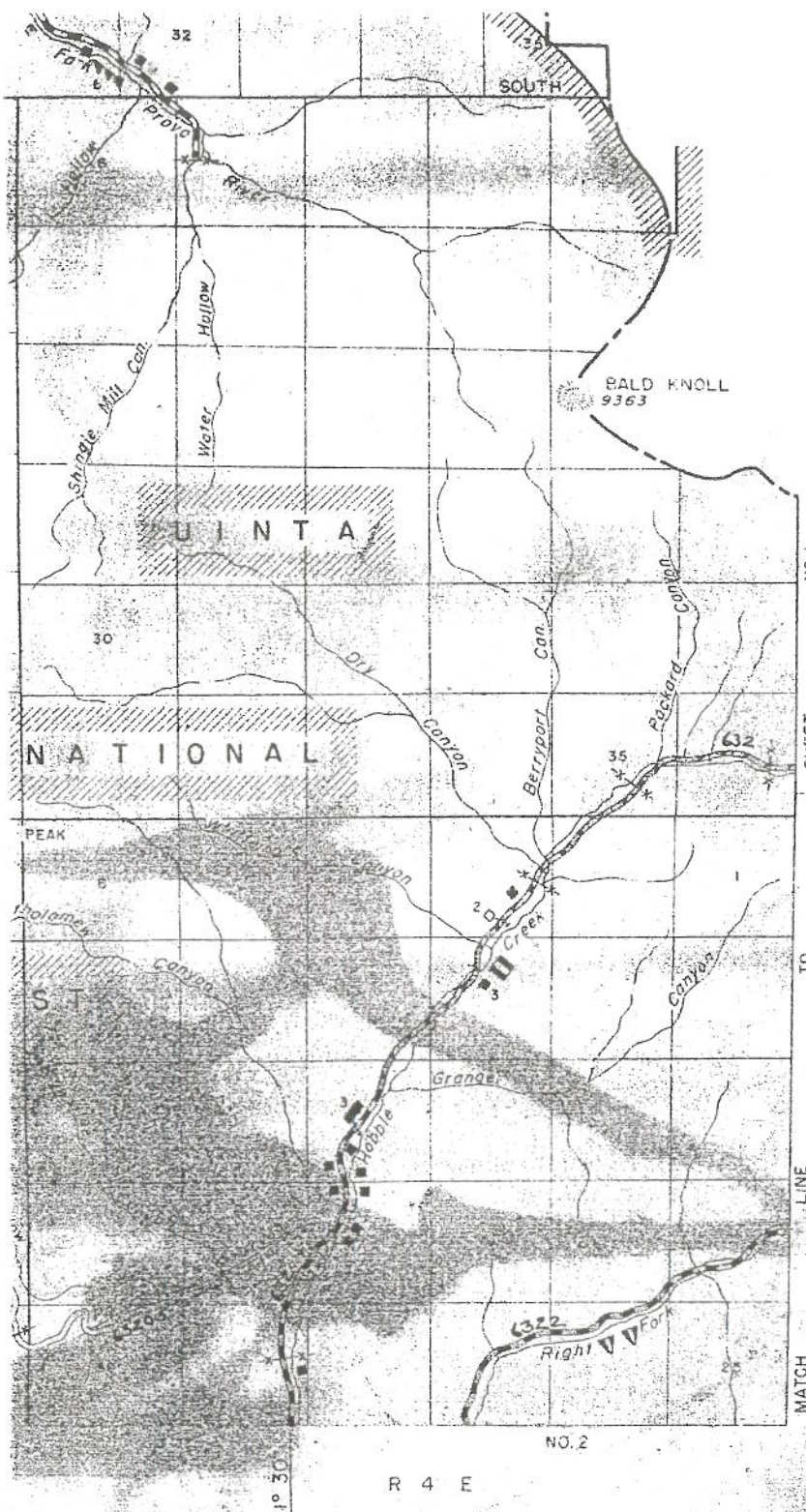
1:29,925  
 1 inch equals 2,493.78 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8526  
 Printed on August 17, 2006 by maryek

"Exhibit A"





T  
6  
S

NO 1

SHEET

40° 15'

TO

T  
7  
S

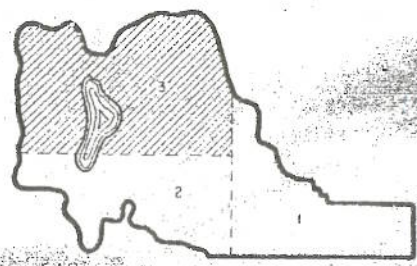
LINE

MATCH

NO. 2

R 4 E

KEY TO SHEETS



GENERAL HIGHWAY MAP  
UTAH COUNTY  
UTAH

EXHIBIT "A1"-MAP TITLE

1955

3 3



TOOELE COUNTY

T  
5  
S

LEWISTON  
PEAK  
10,403

FIRST

Cedar Valley

FAIRFIELD  
AIRPORT

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T  
6  
S

SHEET NO. 1

40°15'

TOOELE COUNTY

TOOELE COUNTY

EXHIBIT "A1"-MAP



# MAP OF UTAH COUNTY, UTAH



L. D. GREEN COUNTY SURVEYOR

Revised Sept. 1966

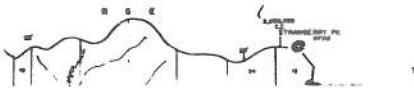
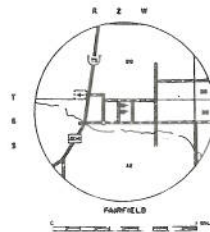


EXHIBIT "A2"-MAP TITLE

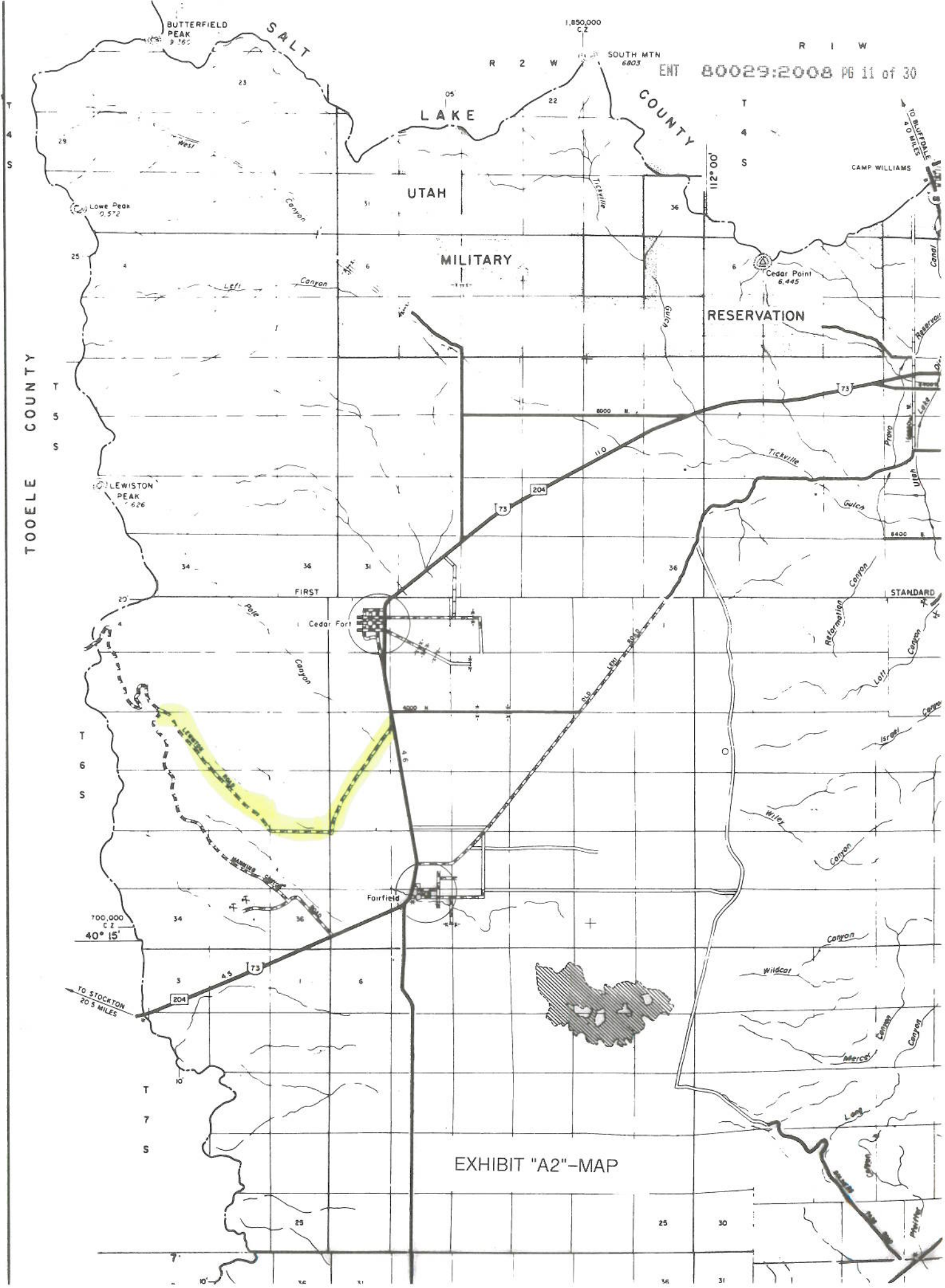
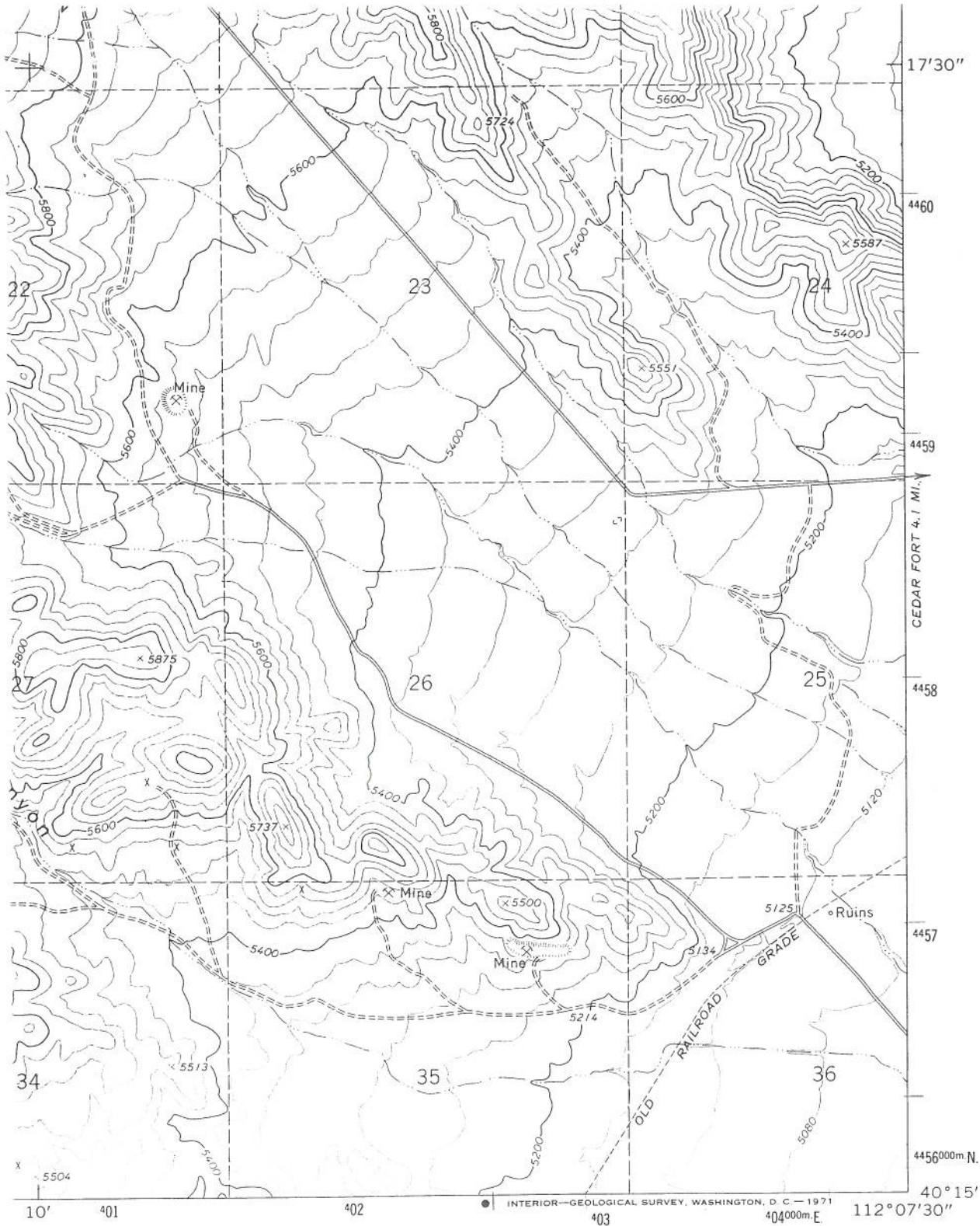


EXHIBIT "A2"-MAP





#### ROAD CLASSIFICATION

Secondary highway, all weather, hard surface ———— Light-duty road, all weather, improved surface ————  
 Unimproved road, fair or dry weather ————

○ State Route



QUADRANGLE LOCATION

#### MERCUR, UTAH

SW/4 FAIRFIELD 15' QUADRANGLE  
 N4015—W11207.5/7.5

1968

AMS 3564 I SW—SERIES V897

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(GOSHEN PASS)  
 3564 II NE

#.10

37

EXHIBIT "A3"—MAP TITLE



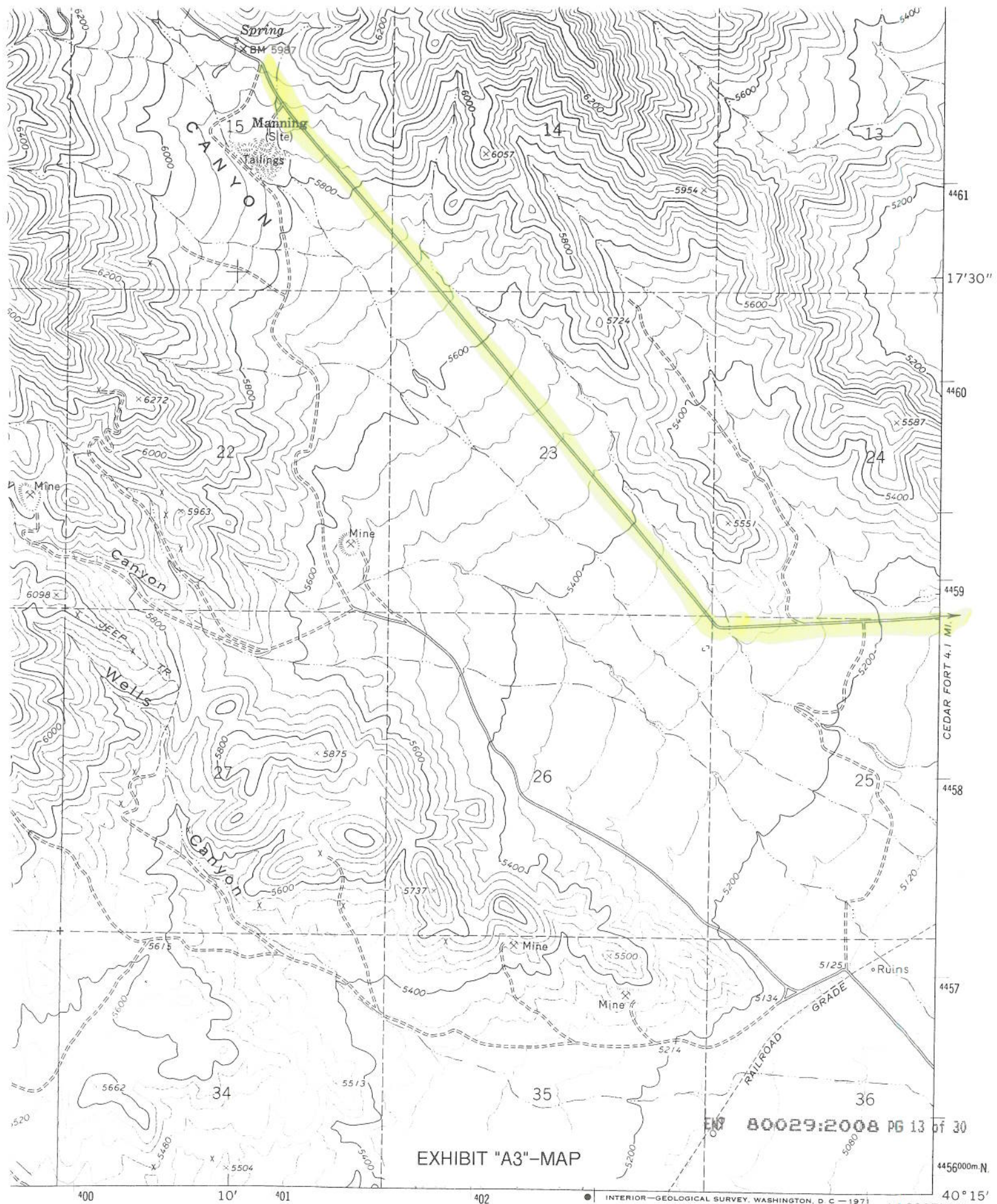
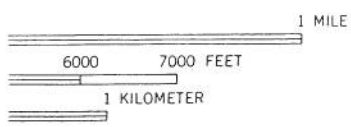


EXHIBIT "A3"-MAP

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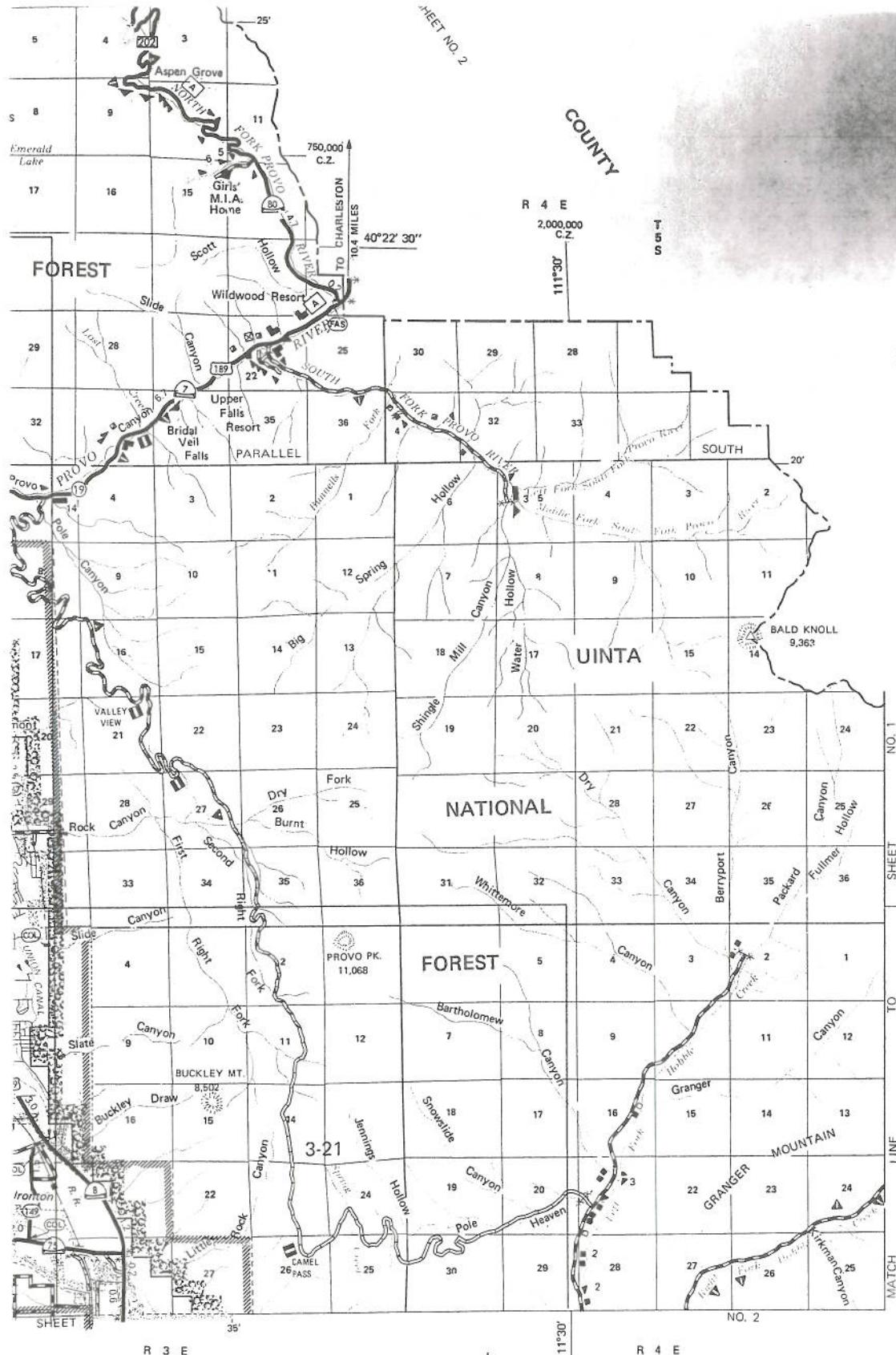


ROAD CLASSIFICATION  
Secondary highway, all weather, Light-duty road, all weather,  
hard surface improved surface  
Unimproved road, fair or dry weather

INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1971  
40°15' 112°07'30" 404000m E 4456000m N

GOSHE 3594 11



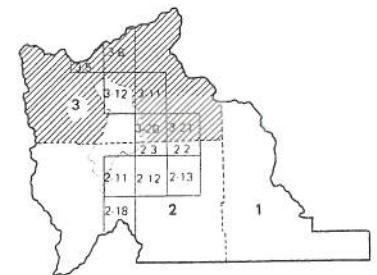


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T 6 S

700,000  
C.Z.  
40°15'

KEY TO SHEETS  
WITH SUPPLEMENTALS



R 3 E

R 4 E

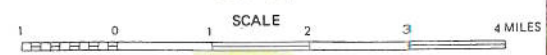
EXHIBIT "A4"-MAP TITLE

GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

1975



Reproduction for resale prohibited.

Copies of this map are available  
for public use at nominal cost.  
Utah State Dept. of Highways  
Room 612  
State Office Building  
Salt Lake City, Utah 84114

POLYCONIC PROJECTION  
50,000 foot grid based on Utah  
Coordinate System, Central Zone,  
as established by the NOAA

SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET

GENERAL HIGHWAY MAP UTAH COUNTY UTAH NO. 25



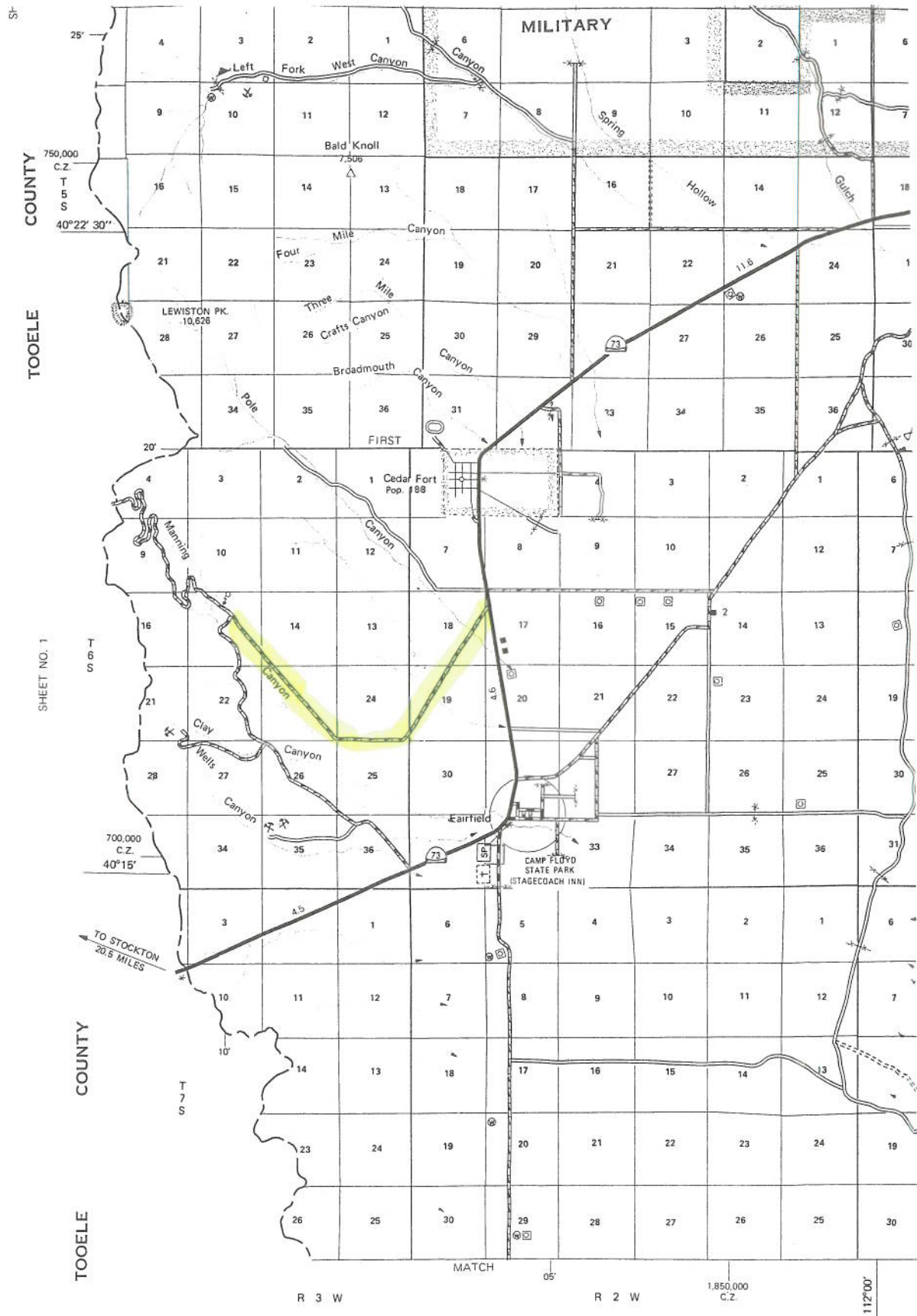
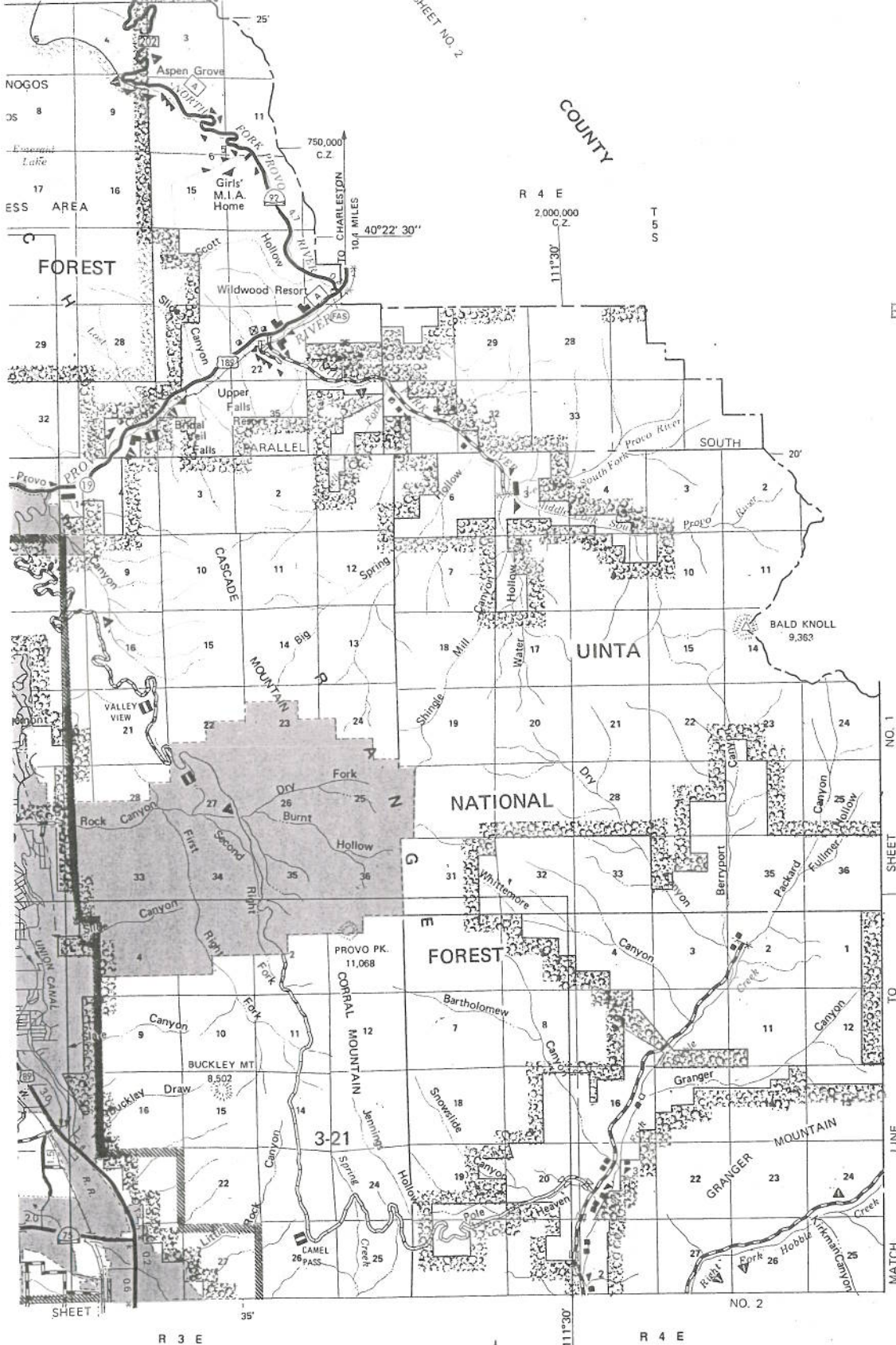
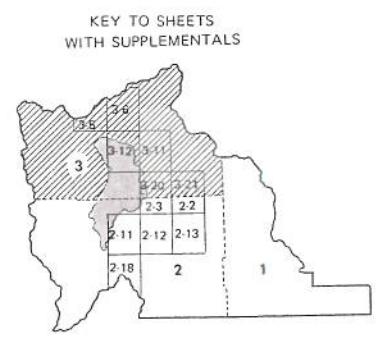


EXHIBIT "A4"-MAP



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GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

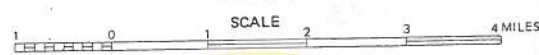
1985

EXHIBIT "A5"-MAP TITLE

Copies of this map are available for public use at nominal cost  
 UDOT  
 Office of Community Relations  
 UDOT - D.P.S. Complex  
 4501 South 2700 West  
 Salt Lake City, Utah 84119

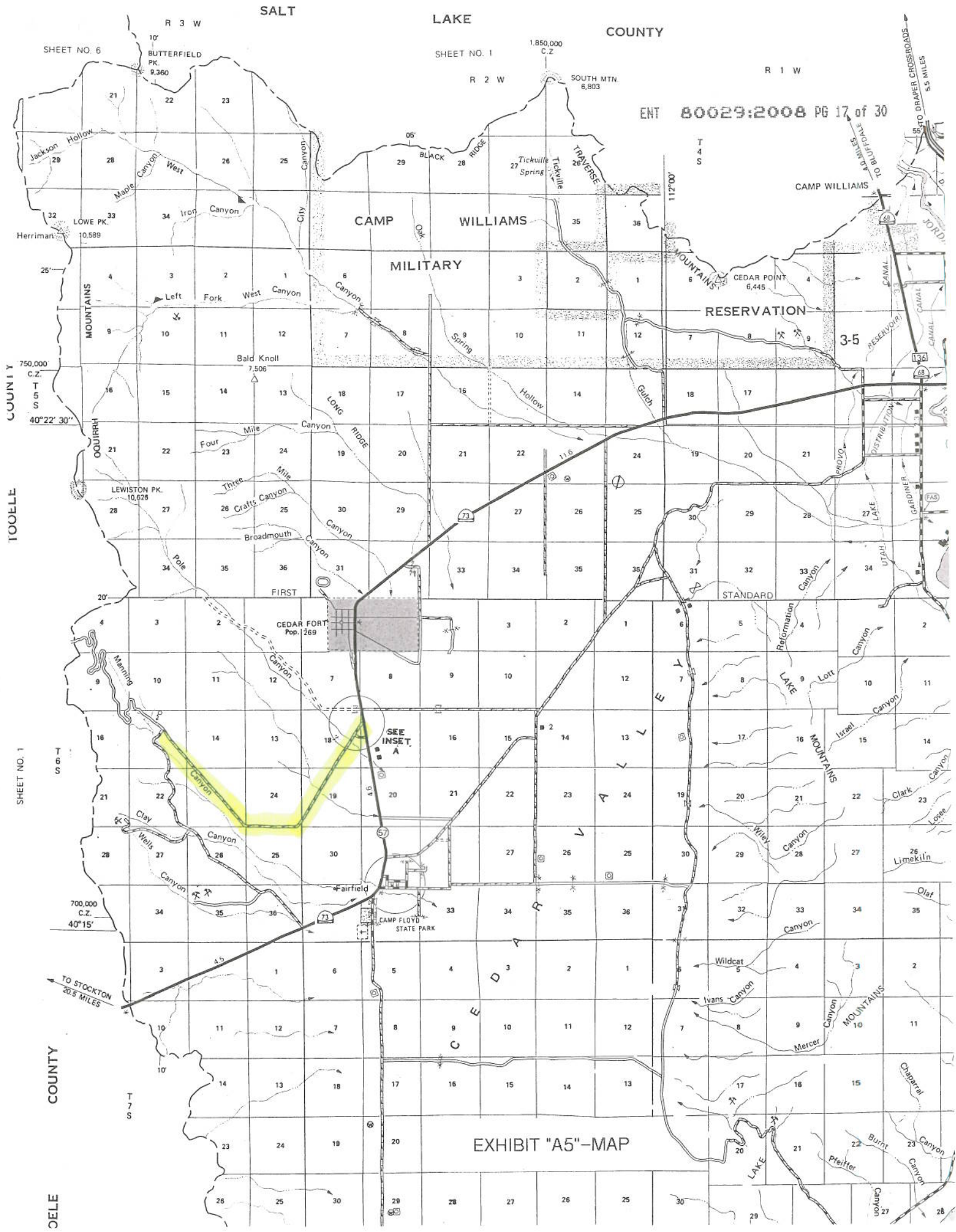
Copyright © Utah Department of Transportation

POLYCONIC PROJECTION  
 50,000 foot grid based on Utah  
 Coordinate System, Central Zone  
 as established by the NOAA.



SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET





SALT

LAKE

COUNTY

SHEET NO. 6

SHEET NO. 1

1,850,000  
C.Z.

R 1 W

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COUNTY

TOOELE

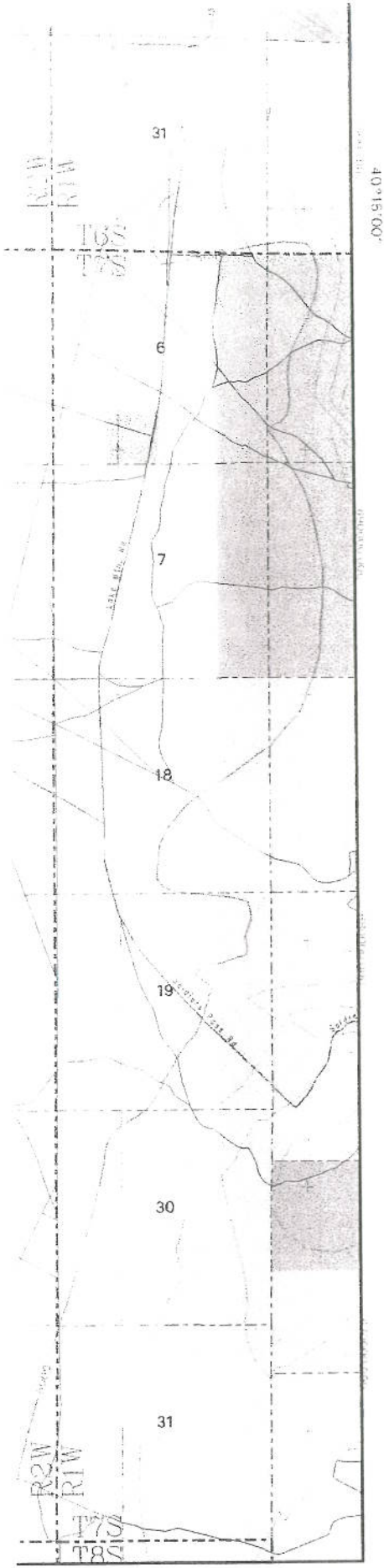
SHEET NO. 1

COUNTY

COLE

EXHIBIT "A5"-MAP





Class C roads: City roads  
 Class D roads: Public roads which are neither  
 class A, class B, or class C.

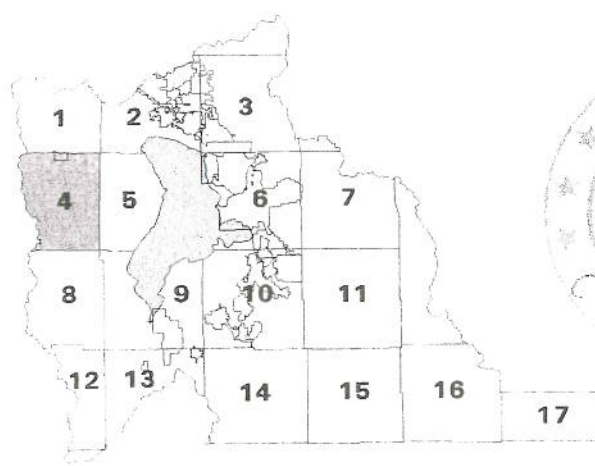
The latitude/longitude ties are based on the  
 NAD83 datum. The state plane coordinate ties  
 are based on the NAD27 datum.

Utah County Geographic Information System  
 Utah County Public Works Department, Mapping Division  
 2855 South State, Provo, UT 84606, (801)370-8600

Plot Created: November 21, 1995 DBH

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# Road Map of Utah County Sheet 4



Index Map

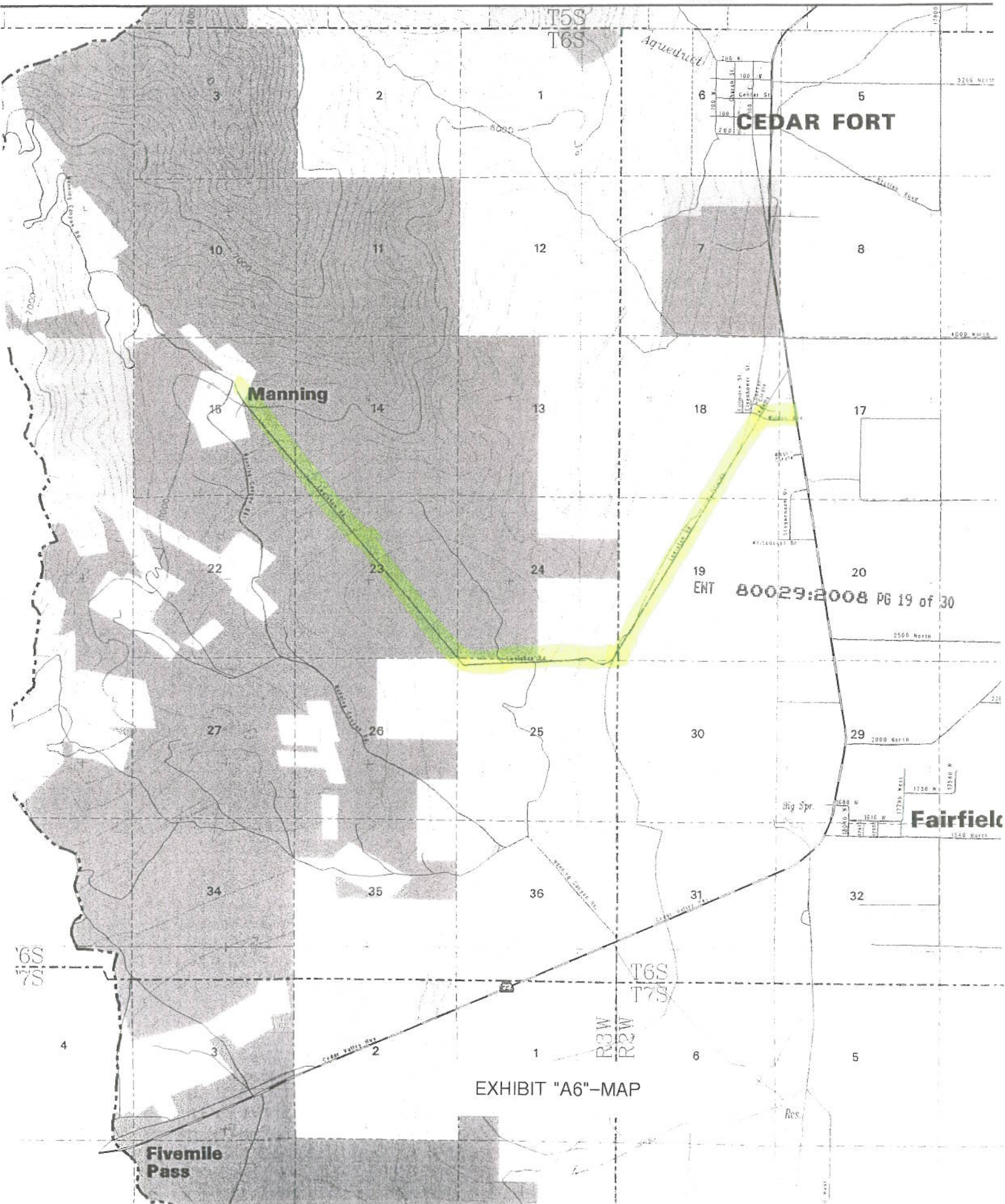
1810000.000

1820000.000

112°07'30"

1830000.000

184



**CEDAR FORT**

**Manning**

**Fairfield**

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EXHIBIT "A6"-MAP

**Fivemile Pass**



# Official County Road Map of Utah County Sheet 4

Utah County Geographic Information System  
Utah County Public Works Department, Mapping Division  
2855 South State, Provo, UT 84606, (801)370-8600

## Acceptance by Legislative Body

Adopted by the Board of County

Commissioners this 30 day of OCTOBER, 1996.

Chairman:

*Jerry D. Coraer*

Commissioner:

*[Signature]*

Commissioner:

*David R. Herbert*

Attest:

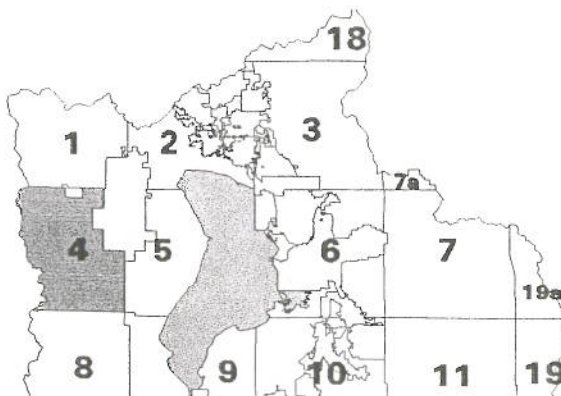
*[Signature]*

Title (See Seal): Deputy Clerk

Seal



## EXHIBIT "A7"-MAP TITLE





T6S

Aqueduct

**CEDAR  
FORT**

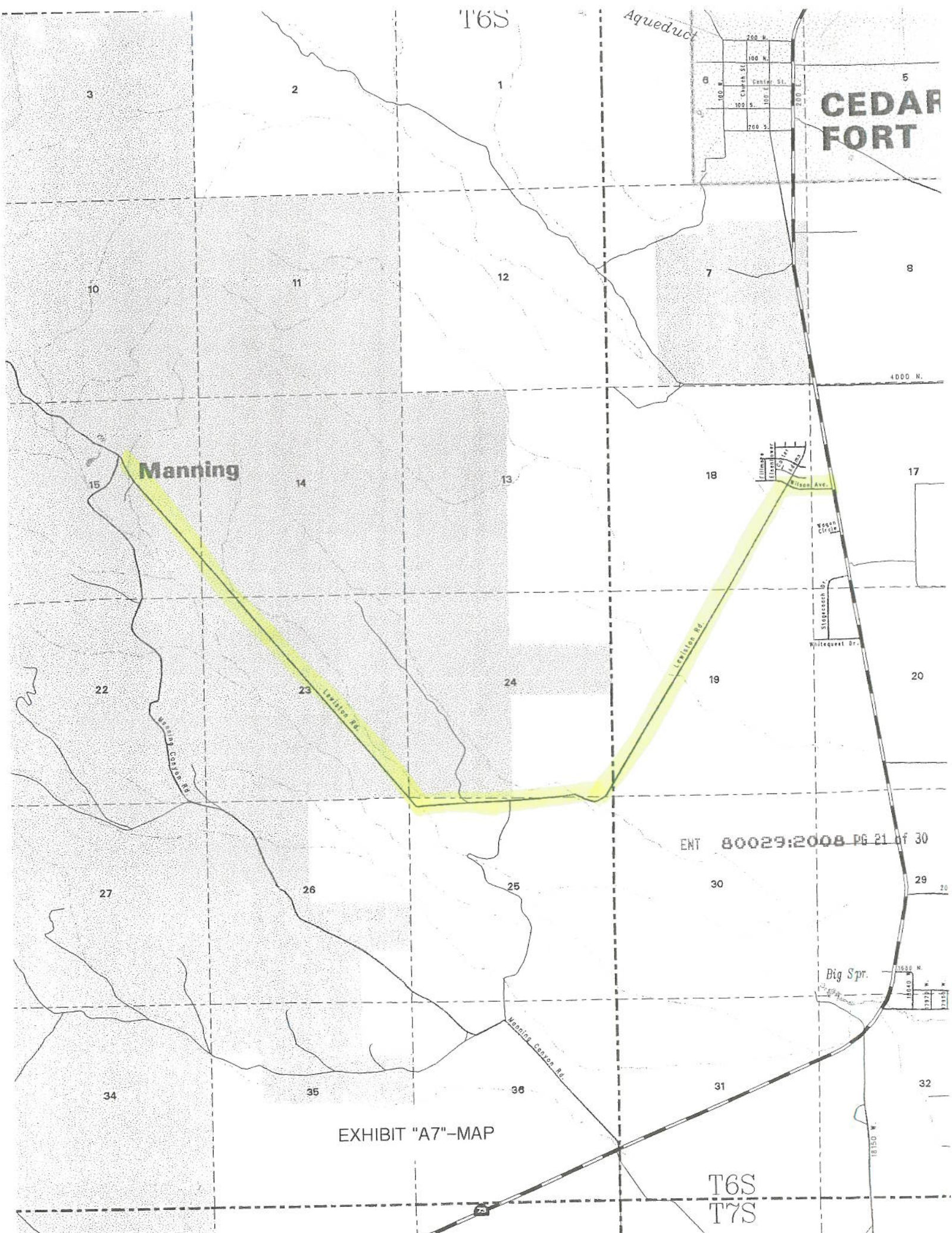
**Manning**

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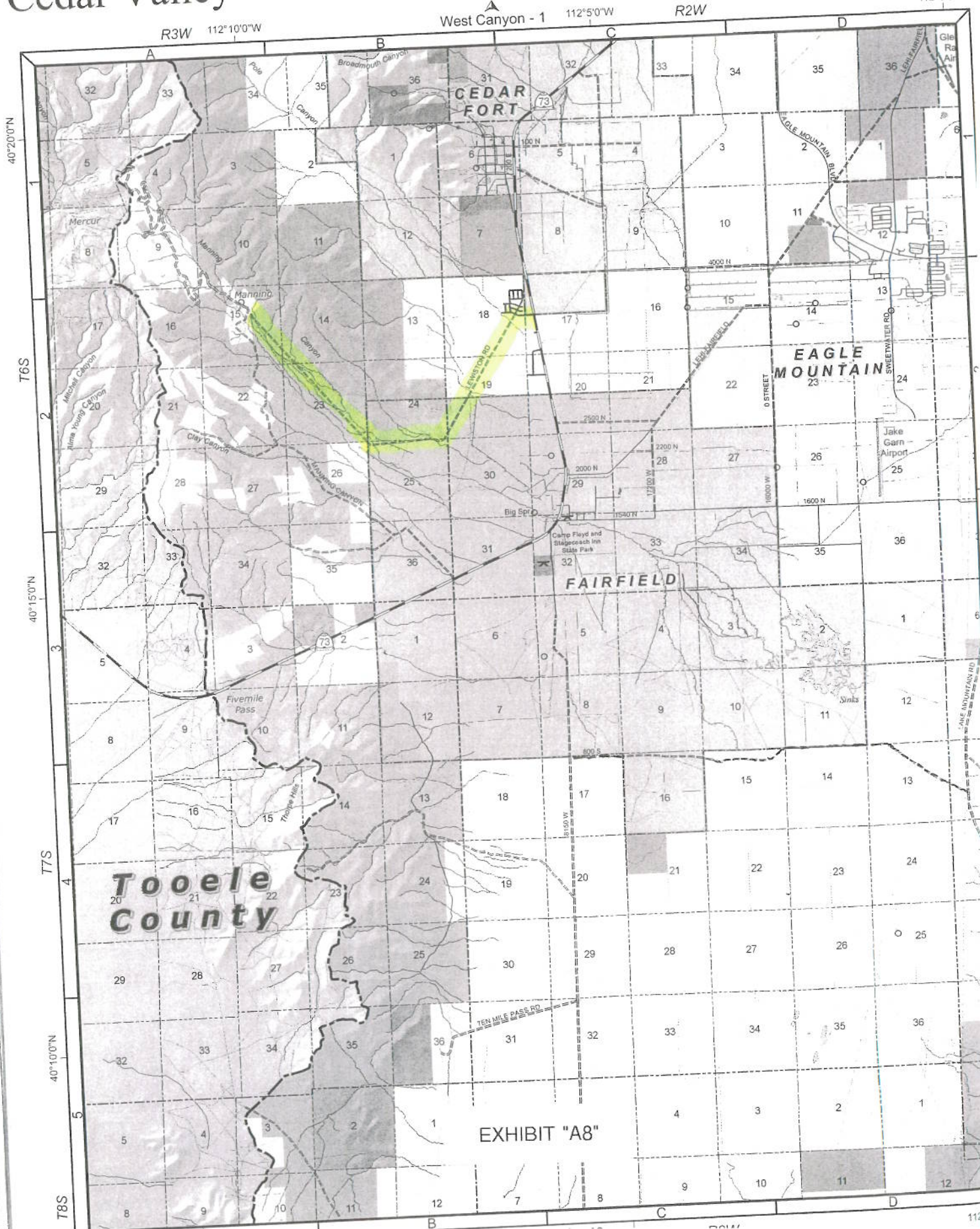
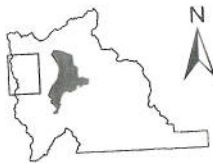
Big Spr.

EXHIBIT "A7"-MAP

T6S  
T7S











**RS2477  
Lewiston Rd.**

**Segment 02**

**Comparison with Aerial Photo  
(See Segment Description)**

**Photo Date 1993**

**EXHIBIT "A9"**



1:14,356  
1 inch equals 1,196.33 feet



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8626  
Printed on August 17, 2006 by maryek



**LEWISTON ROAD**

STATE OF UTAH                    )  
  :SS  
COUNTY OF UTAH                )

I, ROBERT CURTIS BEVERLY, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988 I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Lewiston Road that runs from U.S. Highway 73 intersecting and combining at Manning, Utah and continue to run together to Mercur, Tooele County, Utah. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on this road during my employment with the County: the road was a graded gravel road maintained to the summit where the County ends. The road was closed by Mercur at their intersection in Manning, Utah because Mercur oiled its main access road in Tooele County, Utah. After that the road was merely graded to that intersection.
4. All acts of the County regarding this road was, to my knowledge, consistent with it's status as a public highway.
5. It is the reputation in the community that this road was used by the public since at least as



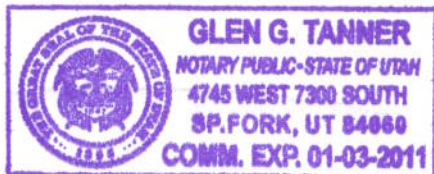
early as when Johnson's army was stationed in Fairfield, Utah, and has been continuously used since that time.

6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on this road.
7. Use of the road since before 1966 and before any federal reservation included, but were not limited to, providing the main mine access to Mercur, Utah. Manning, Utah is an old mining town which had a large population in its day.

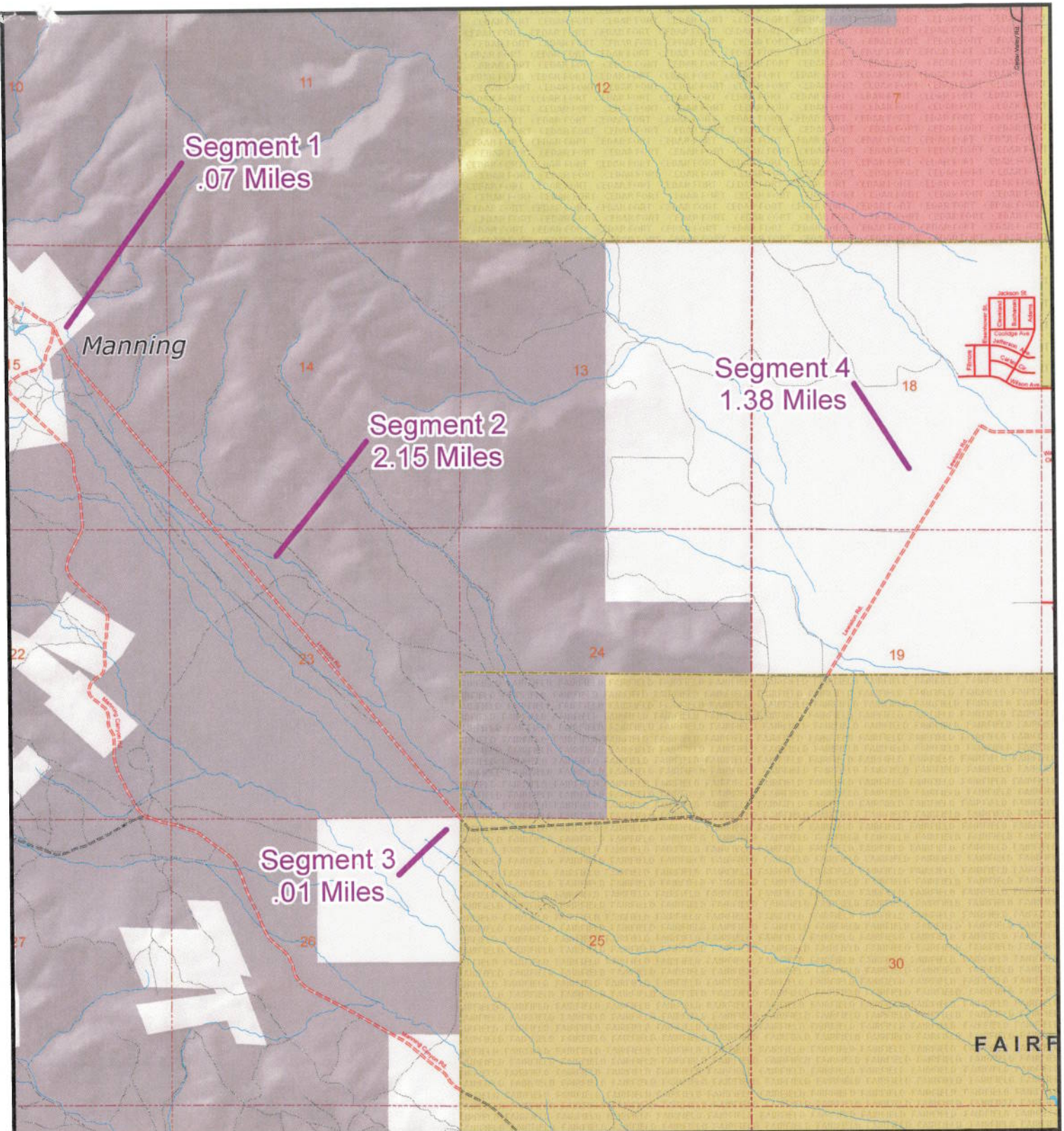
DATED this 11 day of JUNE, 2007.

  
ROBERT CURTIS BEVERLY

SUBSCRIBED AND SWORN to me, a Notary Public, this 11 day of JUNE, 2007.



  
Notary Public



**RS2477**  
**Lewiston Rd**  
**2.15 Miles**

**B897**  
**3.61 Miles**

**Legend**

- |  |  |   |
|--|--|---|
| <p><b>State Roads</b></p> <ul style="list-style-type: none"> <li> I-15</li> <li> US HWY/State Route</li> <li> Other FAE Route</li> </ul> <p><b>Official County Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Unpaved</li> </ul> <p><b>Local Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Dirt Roads</li> <li> Gravel Roads</li> <li> Other Roads</li> <li> Railroads</li> </ul> | <p><b>Public Land</b></p> <ul style="list-style-type: none"> <li> B.L.M. Lands</li> <li> National Park Service</li> <li> National Forest</li> <li> Military</li> <li> Other Federal Lands</li> <li> State Lands</li> <li> State Park</li> <li> Utah County Property</li> <li> Urban Parks</li> <li> National Forest Boundary</li> <li> Wilderness Study Areas</li> <li> Major Peaks</li> <li> Minor Peaks</li> </ul> | <p><b>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul> |
|--|--|---|



1:29,925  
 1 inch equals 2,493.78 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8626  
 Printed on August 17, 2006 by maryek

"Exhibit A"



**LEWISTON ROAD**

STATE OF UTAH                    )  
   :SS  
 COUNTY OF UTAH                )

I, BYRON L. ORTON, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1947 to 1965 I was employed with the Utah Department of Transportation in District 6 where I was a truck operator, a foreman, and a supervisor. From 1965 to 1985 I was employed with Utah County in the Roads Department where I was an assistant supervisor and supervisor over the Roads Department. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Lewiston Road that ran from U.S. Highway 73 intersecting and combining at Manning Canyon Road and they continue to run together to Mercur, Tooele County, Utah. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on this road during my employment with the County: the road was gravel which was graded by the County two or three times a year.
4. All acts of the County regarding this road was, to my knowledge, consistent with it's status as public highways.
5. It is the reputation in the community that this road was used by the public since at least as early as the startup of Manning Mine and has been continuously used since that time.

6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on this road.
7. Use of this road since before 1966 and before any federal reservation included, but were not limited to, mining.

DATED this 17 day of MAY, 2007.

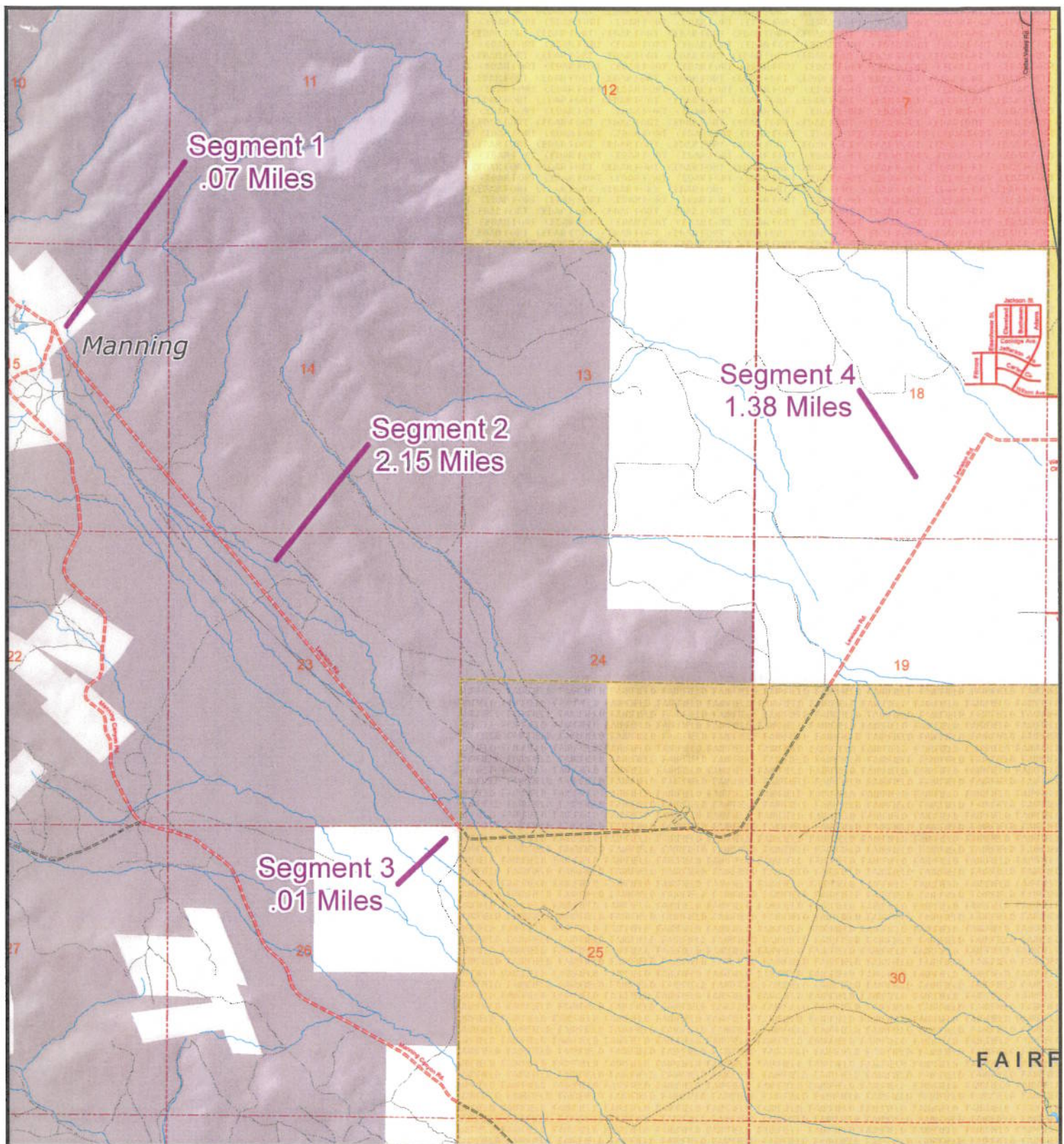
Byron L. Orton  
BYRON L. ORTON

SUBSCRIBED AND SWORN to me, a Notary Public, this 17 day of MAY, 2007.

Regina J. Tanner  
Notary Public







**RS2477**  
**Lewiston Rd**  
**2.15 Miles**

**B897**  
**3.61 Miles**

#### Legend

- |  |   |  |
|--|---|--|
| <b>State Roads</b><br>I-15<br>US HWY/State Route<br>Other FAE Route<br><b>Official County Roads</b><br>Paved<br>Unpaved<br><b>Local Roads</b><br>Paved<br>Dirt Roads<br>Gravel Roads<br>Other Roads<br>Railroads | <b>Public Land</b><br>B.L.M. Lands<br>National Park Service<br>National Forest<br>Military<br>Other Federal Lands<br>State Lands<br>State Park<br>Utah County Property<br>Urban Parks<br>National Forest Boundary<br>Wilderness Study Areas<br>Major Peaks<br>Minor Peaks | <b>Public Survey Lines</b><br>Township Lines<br>Section Lines<br>Incorporated Cities |
|--|---|--|



1:29,925  
 1 inch equals 2,493.78 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8626  
 Printed on August 17, 2006 by maryek

"Exhibit A"

## Exhibit B

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

**Popular Name: LEWISTON ROAD**

**County: Utah**

**County Road Number: B897**

**State Geographic Information Database (SGID) Road Identification Number: RD250013.**

**Total Road Length: 5 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 18 minutes 04.28 seconds North Latitude and -112 degrees 09 minutes 58.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,454,608.0 feet and Y = 7,279,128.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 17 minutes 53.28 seconds North Latitude and -112 degrees 06 minutes 13.36 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,472,029.5 feet and Y = 7,277,890.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 6 South Range 2 West, Section(s) 18,19, Salt Lake Base & Meridian

Township 6 South Range 3 West, Section(s) 14,15,23,24,25,26, Salt Lake Base & Meridian