

Supplement to Amended Acknowledgment and  
Amended 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:

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 Beaver County known as ELEPHANT CANYON ROAD; County Road Number: B-109; State Geographic Information Database (SGID) Road Identification Number: RD010015.

This document supplements and supports the information contained in the document first recorded at Ent 232962, Bk 409, Beg Pg 453, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on February 13, 2008 at Ent 235708, Bk 418, Beg Pg 38. 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 27<sup>th</sup> day of June, 2008.

By the Governor's Designee

  
John Harja

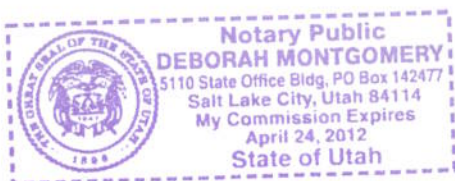
Ent 236948 Bk 423 Pg 422  
Date: 02-JUL-2008 11:29AM  
Fee: None  
Filed By: CP  
BRUCE BROWN, Recorder  
BEAVER COUNTY CORPORATION  
For: STATE OF UTAH

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 27 day of June, 2008.



  
Notary Public

**Exhibit A**

**AFFIDAVIT OF ROBERT MERRYWEATHER**

**ELEPHANT CANYON ROAD**

**BEAVER COUNTY, UTAH**

**ROAD NUMBER B-109**

State of Utah                    )  
  : ss.  
County of Beaver                )

ROBERT MERRYWEATHER, 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 Milford, Beaver County, Utah. I have lived in Beaver County most of my life. I was employed with the Beaver County Road Department from approximately 1970 to 2000.

2. I have traveled and am familiar with a road in Beaver County known as Elephant Canyon 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 2006 when I last observed it. Attached is a Beaver County map showing Elephant Canyon 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 1950 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of pickup trucks and ATVs. Throughout this time period, the road has been used daily.

5. Throughout the time period from 1950 to 2006, I have used the road myself for county road maintenance and hunting.

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 sightseeing and livestock operations.

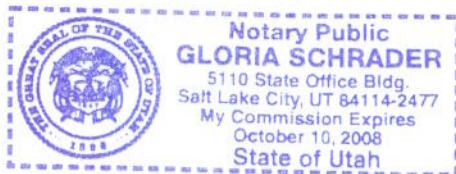
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I performed maintenance and construction activities on the road.

DATED this 1 day of February, 2007.

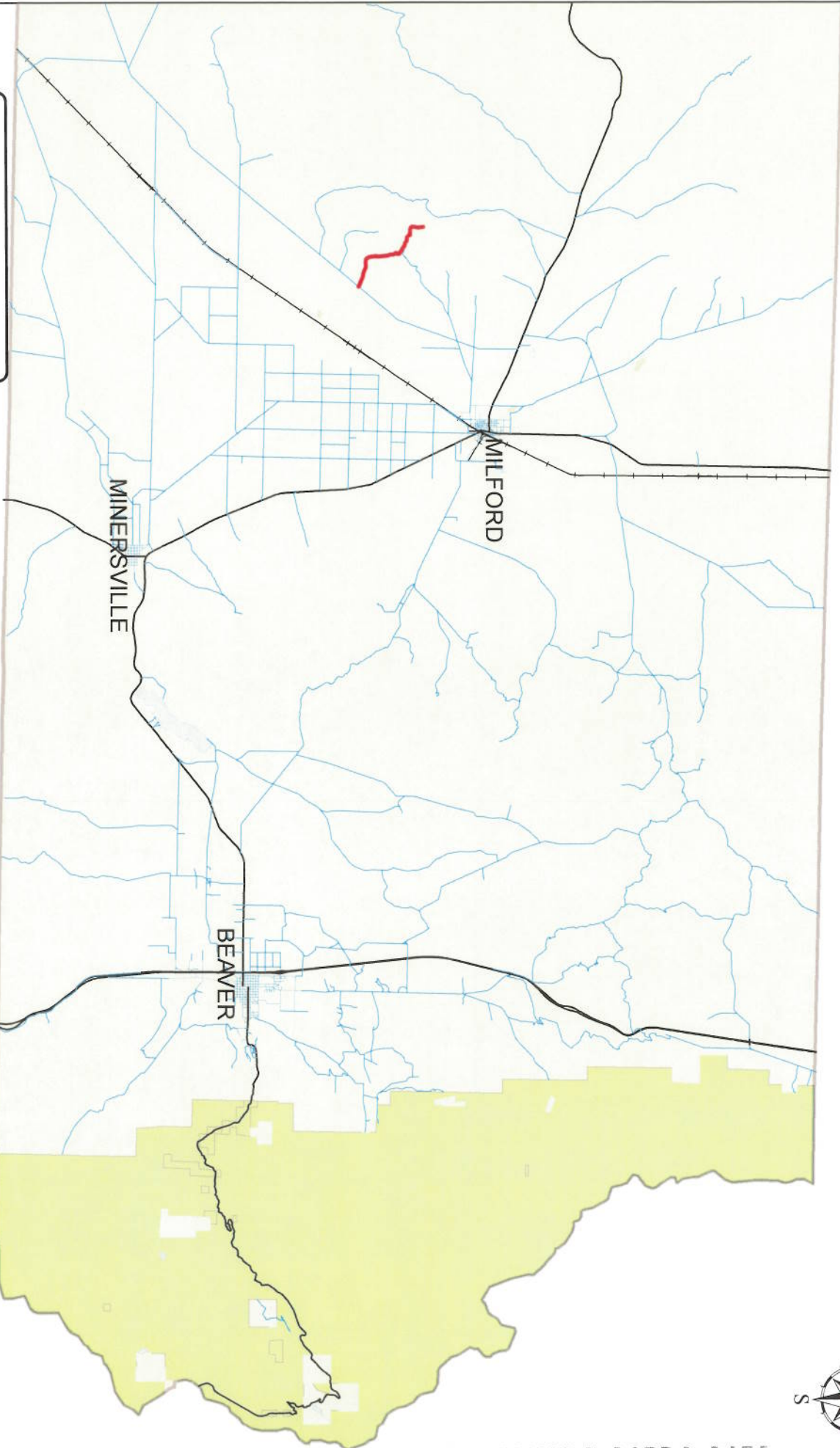
  
ROBERT MERRYWEATHER

SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of February, 2007.



  
NOTARY PUBLIC

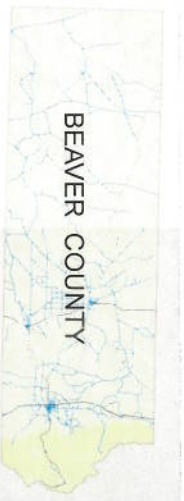
# BEAVER COUNTY "B" ROADS



**Legend**

- Elephant Canyon Road
- County B Roads
- State Highways
- UPRR

## ELEPHANT CANYON ROAD B-109



**AFFIDAVIT OF CARL E. PATTERSON**

**ELEPHANT CANYON ROAD**

**BEAVER COUNTY, UTAH**

**ROAD NUMBER B-109**

State of Utah                    )  
  : ss.  
County of Beaver                )

CARL E. PATTERSON, 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 Milford, Beaver County, Utah. I have lived in Beaver County my entire life.

2. I have traveled and am familiar with a road in Beaver County known as Elephant Canyon 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 2005 when I last observed it. Attached is a Beaver County map showing Elephant Canyon 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 1950 and continuing through 1976 to 2005. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, jeeps and ATVs. Throughout this time period, the road has been used weekly.

5. Throughout the time period from 1950 to 2005, I have used the road myself for recreation, hunting and traveling in and through the area.

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, livestock operations and recreation.

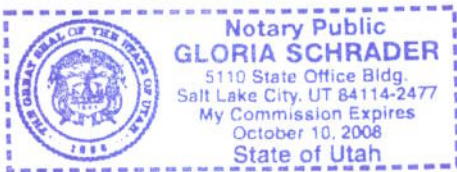
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 1 day of February, 2007.

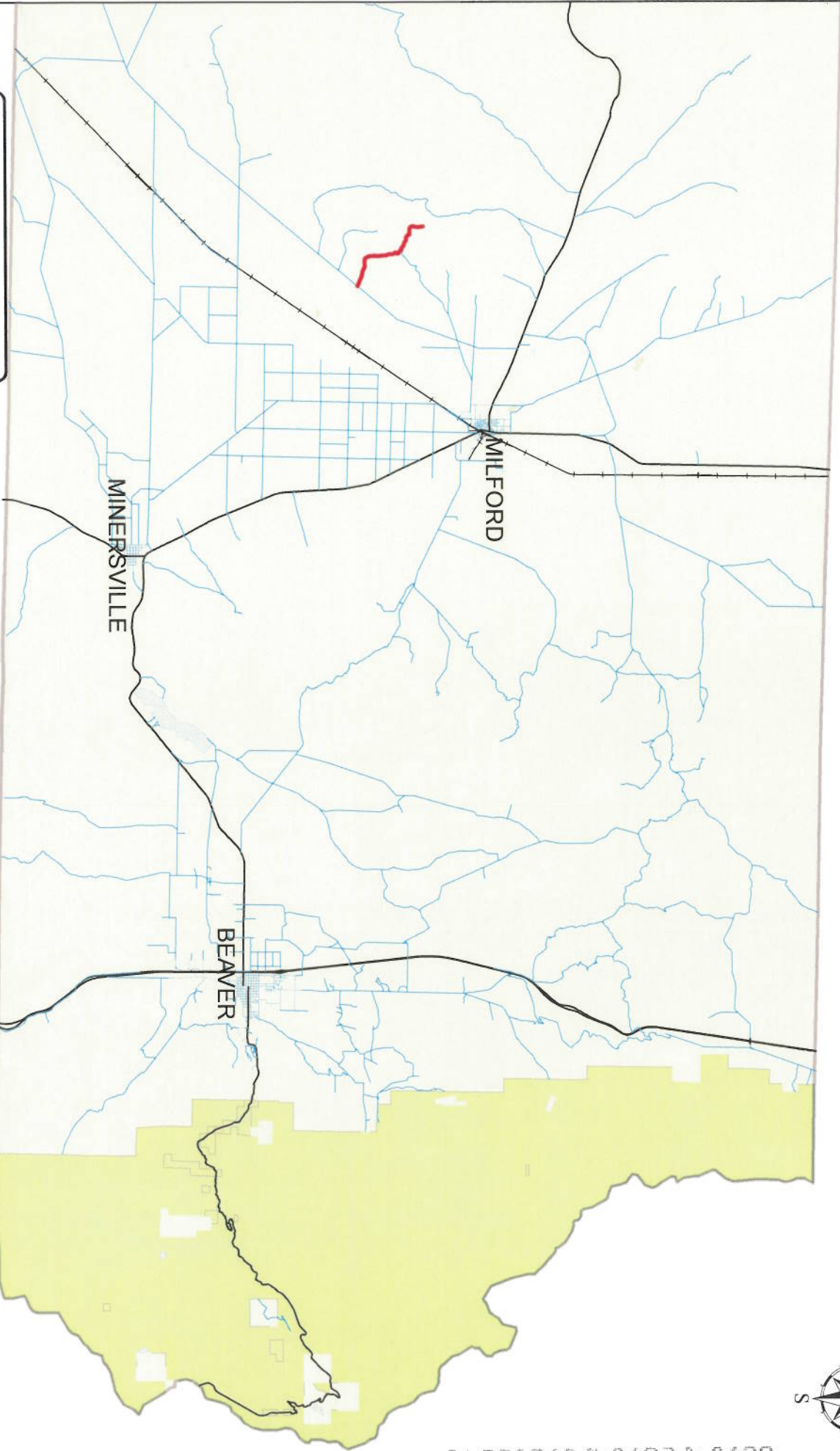
Carl E Patterson  
CARL E. PATTERSON

SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of February, 2007.



Gloria Schrader  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS



**Legend**

- Elephant Canyon Road
- County B Roads
- State Highways
- UPRR

## ELEPHANT CANYON ROAD B-109

MAP VIEW AREA

BEAVER COUNTY



## **Exhibit B**

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

**Popular Name: ELEPHANT CANYON ROAD**

**County: Beaver**

**County Road Number: B-109**

**State Geographic Information Database (SGID) Road Identification Number: RD010015.**

**Total Road Length: 2.69 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 19 minutes 39.63 seconds North Latitude and -113 degrees 06 minutes 17.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,180,016.5 feet and Y = 10,451,272.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 21 minutes 03.94 seconds North Latitude and -113 degrees 07 minutes 57.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,172,201.7 feet and Y = 10,459,938.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 11 West, Section(s) 30,31,32, Salt Lake Base & Meridian