

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 FORTUNA CANYON ROAD; County Road Number: B-21; State Geographic Information Database (SGID) Road Identification Number: RD010084.

This document supplements and supports the information contained in the document first recorded at **Ent 232963, Bk 409, Beg Pg 459**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **February 15, 2008** at **Ent 235808, Bk 418, Beg Pg 501**. 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 27th day of June, 2008.

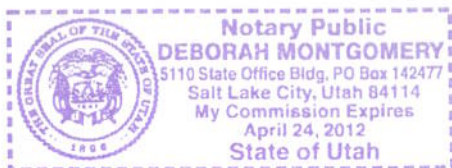
By the Governor's Designee


John Harja
Ent 237011 Bk 424 Pg 109
Date: 02-JUL-2008 1:34PM
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 27th day of June, 2008.


Notary Public

Exhibit A

AFFIDAVIT OF FLOYD YARDLEY

FORTUNA CANYON ROAD

BEAVER COUNTY, UTAH

ROAD NUMBER B-21

State of Utah)
 : ss.
County of Beaver)

FLOYD YARDLEY, 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 Beaver, 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 Fortuna 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 Fortuna 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 the present. Throughout this time period I have observed travel on the road by means of pickup trucks and automobiles. Throughout this time period, the road has been used daily, weather permitting.

5. Throughout the time period from 1950 to 2006, I have used the road myself for livestock operations.

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, oil and gas exploration, prospecting for minerals, farming, government access, wood gathering, recreation, such as camping, picnicking, hiking, and/or sightseeing and hunting.

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.

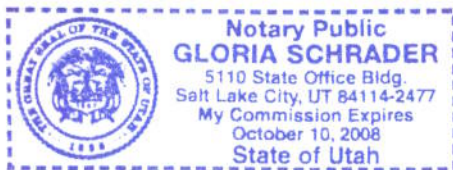
8. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

DATED this 31 day of January, 2007.



FLOYD YARDLEY

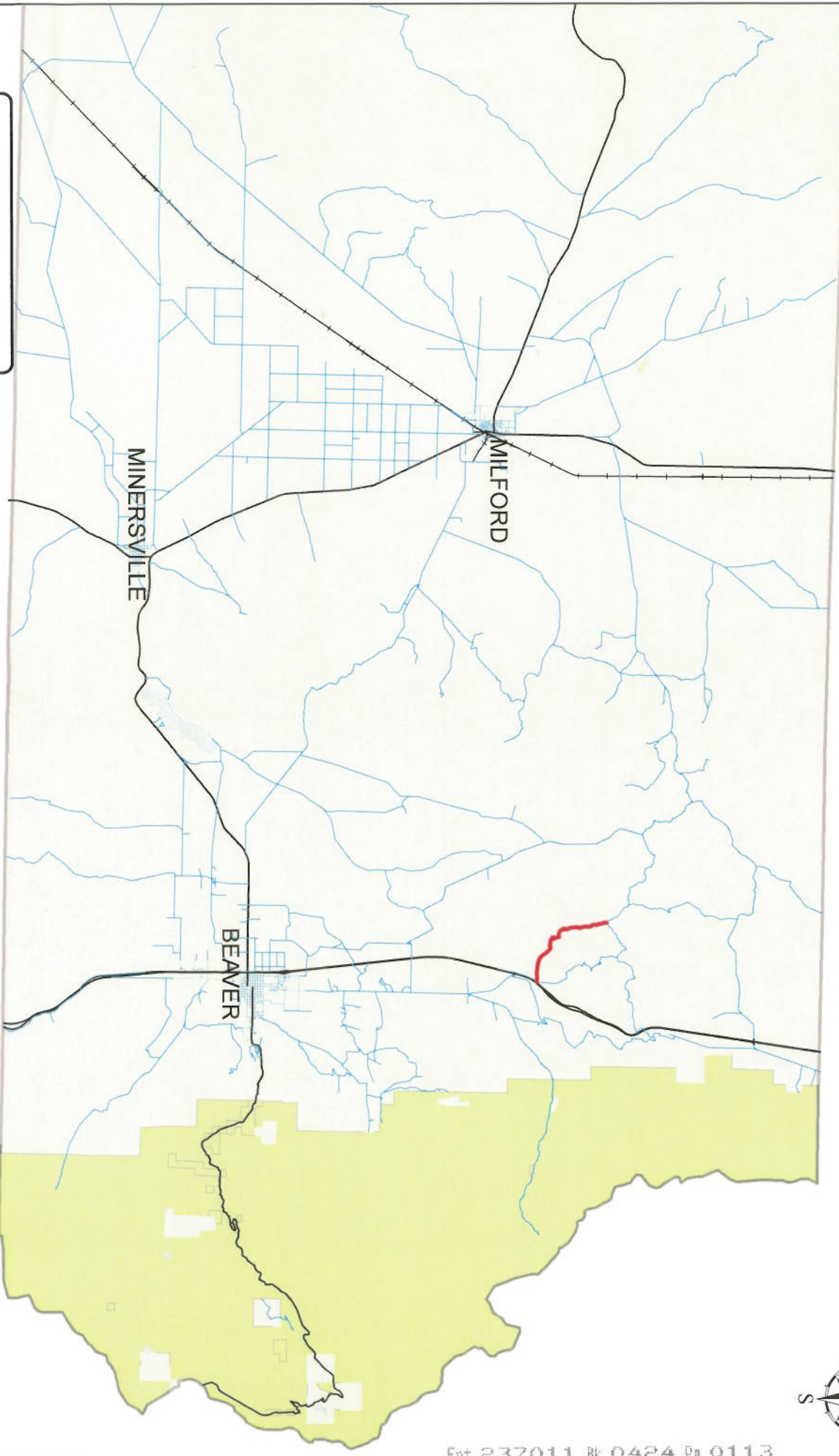
SUBSCRIBED AND SWORN to before me this 31st day of January, 2007.





NOTARY PUBLIC

BEAVER COUNTY "B" ROADS



Legend

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

FORTUNA CANYON ROAD B-21

MAP VIEW AREA

BEAVER COUNTY

AFFIDAVIT OF BRENT G. BALDWIN

FORTUNA CANYON ROAD

BEAVER COUNTY, UTAH

ROAD NUMBER B-21

State of Utah)
 : ss.
County of Beaver)

BRENT G. BALDWIN, 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 Beaver, Beaver County, Utah. I have lived in Beaver County my entire life. I have been employed with the Beaver County Road Department since 1984.

2. I have traveled and am familiar with a road in Beaver County known as Fortuna Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1953, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Fortuna 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 1953 and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of pickup trucks, automobiles, tractors and ATVs. Throughout this time period, the road has been used daily.

5. Throughout the time period from 1953 to 2006, I have used the road myself for hunting, wood gathering and prospecting for minerals.

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, farming, government access, recreation and traveling in and through the area.

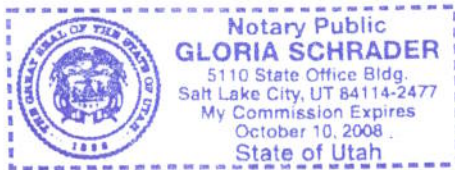
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road. In the past 20 years, I have participated in the maintenance of this road.

DATED this 30 day of January, 2007.

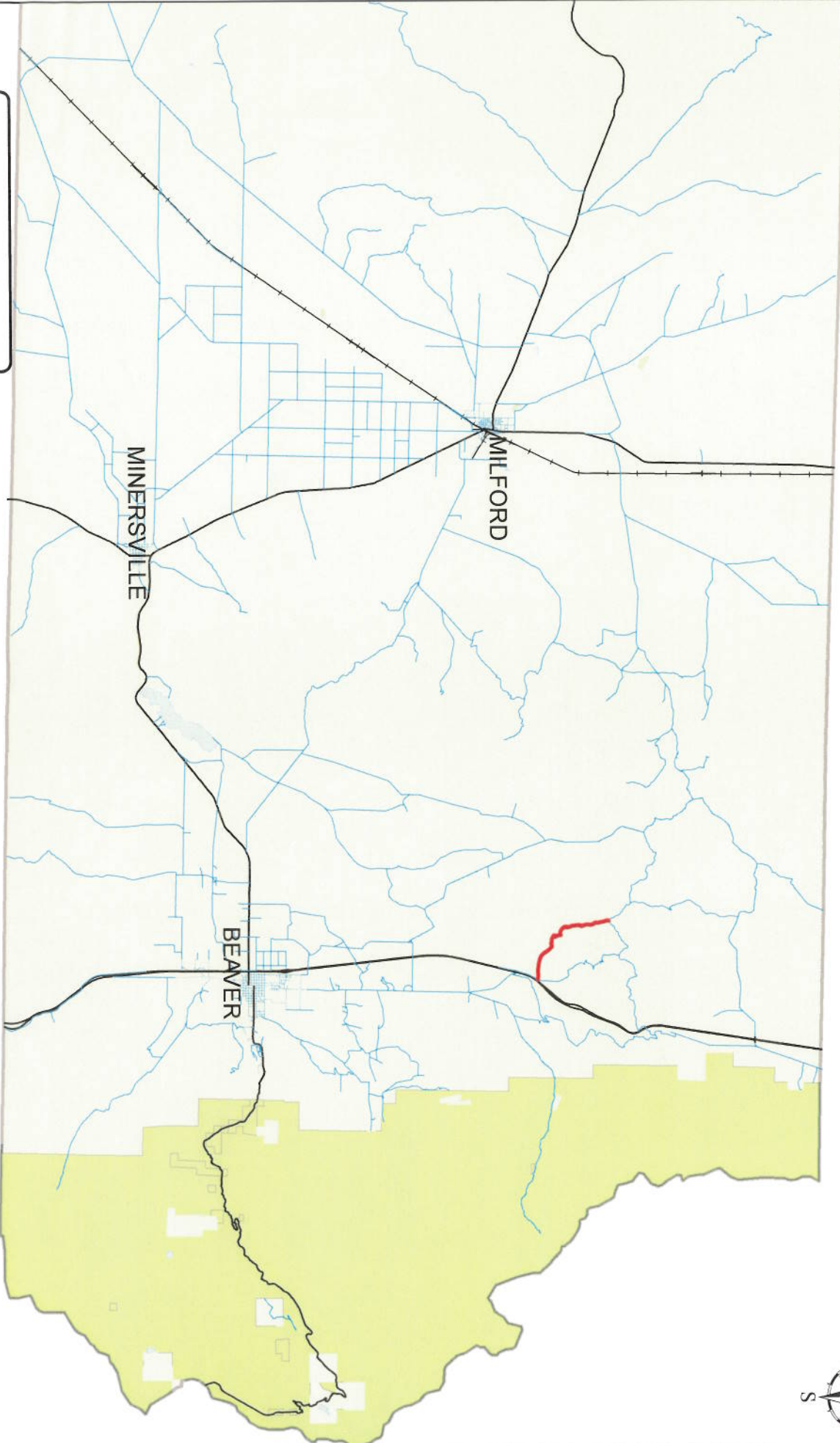

BRENT G. BALDWIN

SUBSCRIBED AND SWORN to before me this 30th day of January, 2007.




NOTARY PUBLIC

BEAVER COUNTY "B" ROADS



Legend

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

FORTUNA CANYON ROAD B-21



Exhibit B

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

Popular Name: FORTUNA CANYON ROAD

County: Beaver

County Road Number: B-21

State Geographic Information Database (SGID) Road Identification Number: RD010084.

Total Road Length: 5.48 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 25 minutes 28.72 seconds North Latitude and -112 degrees 38 minutes 50.39 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,311,717.3 feet and Y = 10,484,653.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 28 minutes 18.96 seconds North Latitude and -112 degrees 41 minutes 59.85 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,296,861.1 feet and Y = 10,502,063.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 27 South Range 7 West, Section(s) 18,19,28,29,30,33, Salt Lake Base & Meridian
Township 27 South Range 8 West, Section(s) 12,13, Salt Lake Base & Meridian