

**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 LOWER CUNNINGHAM WASH ROAD; County Road Number: B-22; State Geographic Information Database (SGID) Road Identification Number: RD010087.

This document supplements and supports the information contained in the document first recorded at **Ent 232989, Bk 409, Beg Pg 615**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **February 15, 2008** at **Ent 235811, Bk 418, Beg Pg 519**. 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

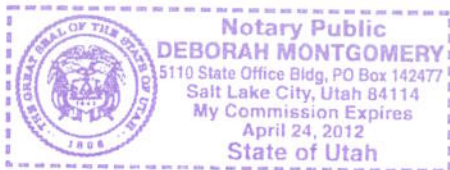
**CERTIFICATION**


Ent 237014 Bk 424 Pg 136  
Date: 02-JUL-2008 1:39PM  
Fee: None  
Filed By: CP  
BRUCE BROWN, Recorder  
BEAVER COUNTY CORPORATION  
For: STATE OF UTAH

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<sup>th</sup> day of June, 2008.



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

## Exhibit A

**AFFIDAVIT OF FLOYD YARDLEY**  
**LOWER CUNNINGHAM WASH ROAD**  
**BEAVER COUNTY, UTAH**  
**ROAD NUMBER B-22**

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 Lower Cunningham Wash 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 Lower Cunningham Wash 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 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, prospecting for minerals, government access, wood gathering, recreation, such as camping, picnicking, hiking, and/or sightseeing and hunting.

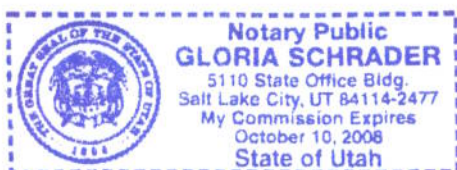
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 31 day of January, 2007.

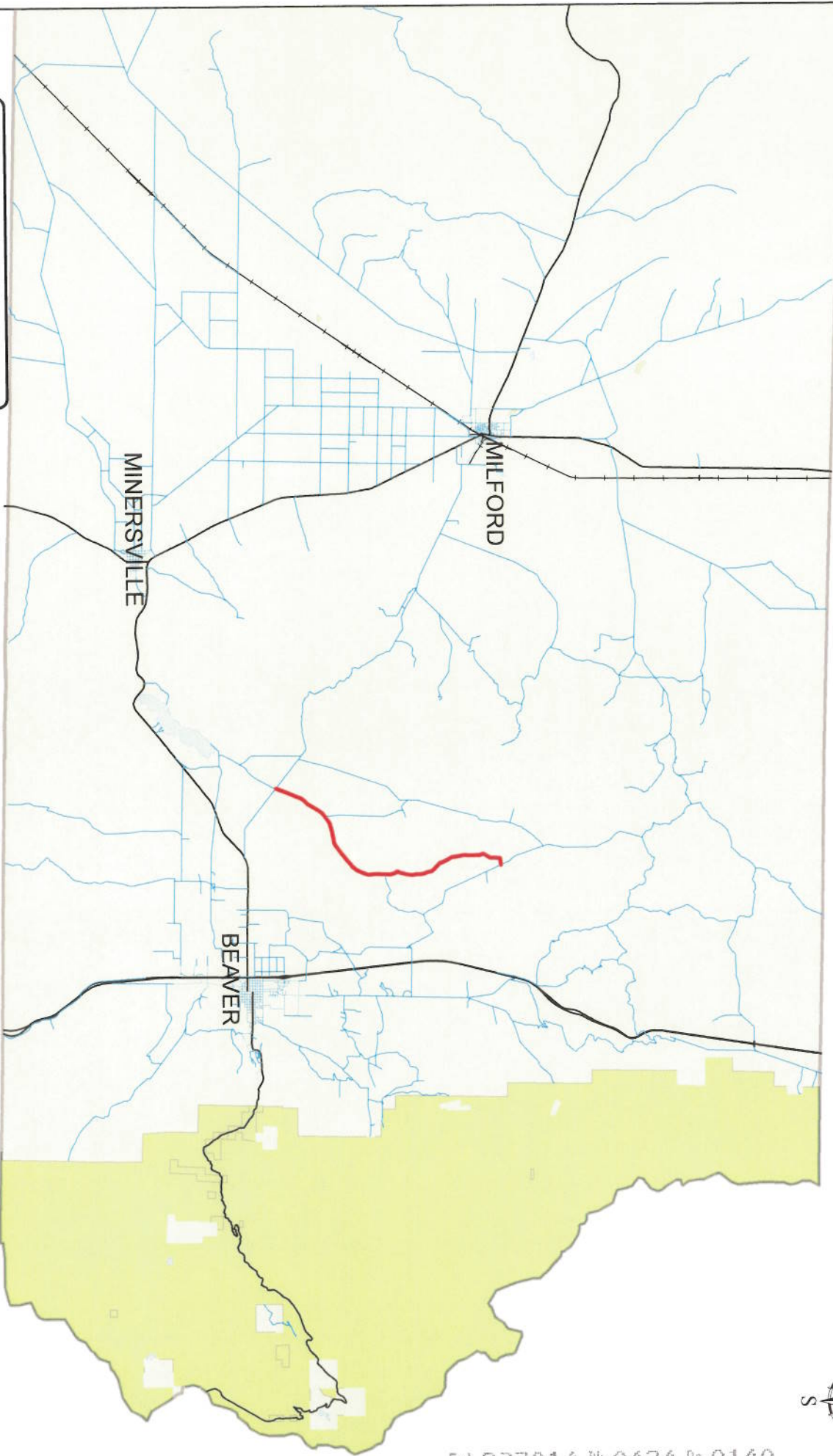
  
FLOYD YARDLEY

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of January, 2007.



  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS



**Legend**

- Lower Cunningham Wash
- County B Roads
- State Highways
- UPRR

## LOWER CUNNINGHAM WASH B-22



**AFFIDAVIT OF SPENCER L. STEPHENS**  
**LOWER CUNNINGHAM WASH ROAD**  
**BEAVER COUNTY, UTAH**  
**ROAD NUMBER B-22**

State of Utah                    )  
  : ss.  
County of Beaver                )

SPENCER L. STEPHENS, 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 Adamsville, Beaver County, Utah. I have lived in Beaver County since 1950.

2. I have traveled and am familiar with a road in Beaver County known as Lower Cunningham Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1952, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Lower Cunningham Wash 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 1952 and continuing through 1976 to 2006 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.

5. Throughout the time period from 1952 to 2006, I have used the road myself for wood gathering 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 mining, prospecting for minerals, livestock operations, government access, recreation and traveling in and through the area.

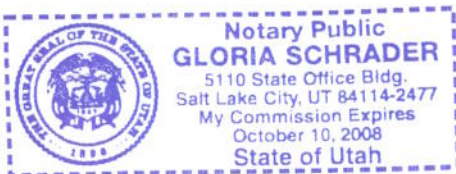
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 30 day of January, 2007.

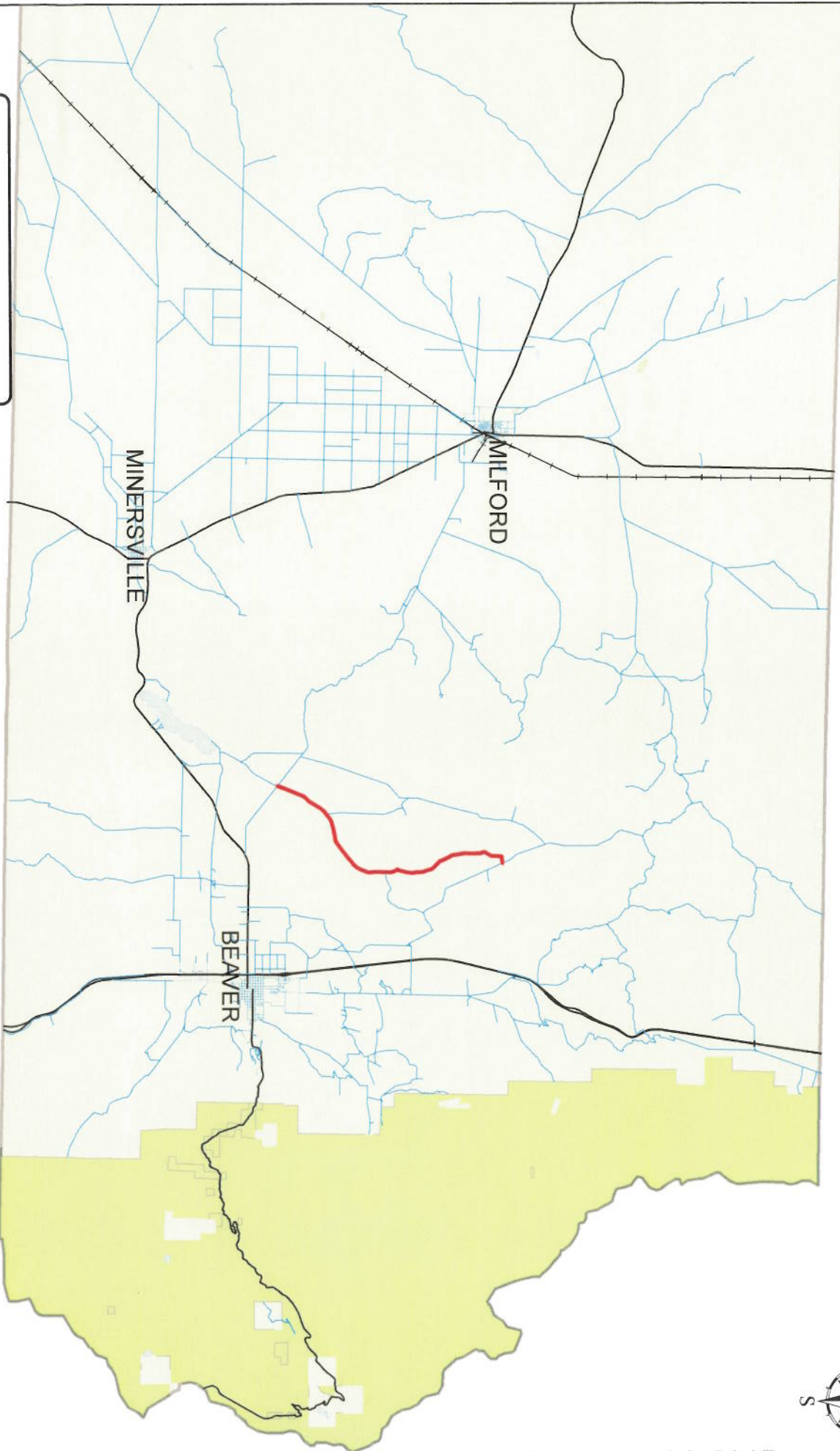
  
SPENCER L. STEPHENS

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of January, 2007.



  
NOTARY PUBLIC

# BEAVER COUNTY "B" ROADS



**Legend**

- Lower Cunningham Wash
- County B Roads
- State Highways
- UPRR

## LOWER CUNNINGHAM WASH B-22

MAP VIEW AREA





## Exhibit B

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

**Popular Name: LOWER CUNNINGHAM WASH ROAD**

**County: Beaver**

**County Road Number: B-22**

**State Geographic Information Database (SGID) Road Identification Number: RD010087.**

**Total Road Length: 10.07 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 17 minutes 16.88 seconds North Latitude and -112 degrees 46 minutes 031.1 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,274,377.0 feet and Y = 10,435,377.3 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 24 minutes 20.35 seconds North Latitude and -112 degrees 43 minutes 36.47 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,288,860.8 feet and Y = 10,478,025.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 8 West, Section(s) 2,3,10,14,15,23,26,34,35, Salt Lake Base & Meridian  
Township 29 South Range 8 West, Section(s) 3,4,8,9,17, Salt Lake Base & Meridian