

**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 Duchesne County known as Nine Mile Canyon Road; County Road Number: 240; State Geographic Information Database (SGID) Road Identification Number: RD070006.

This document supplements and supports the information contained in the document first recorded at Ent 393651, Bk A500, Beg Pg 294, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on 12/27/2007 at Ent 401385 Bk A525 Beg Pg 733 . 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 5<sup>th</sup> day of June, 2008.

By the Governor's Designee

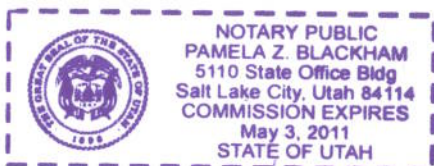
  
\_\_\_\_\_  
John Harja


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



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

## Exhibit A

**AFFIDAVIT OF JOHN URESK**

**NINE MILE ROAD, DUCHESNE COUNTY, UTAH**

**COUNTY ROAD NUMBER 240**

State of Utah                    )  
  :  
County of Duchesne         )

JOHN URESK, 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 Duchesne County.

2. I have traveled and am familiar with a road in Duchesne County known to me as the Nine Mile Road. I am also familiar with the land the road traverses. Attached is a Duchesne County map showing the Nine Mile 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. I am informed that Duchesne County also identifies this road according to the road number listed above.

3. I am familiar with the indicated road because I have lived my whole life in Duchesne County. I was born Jan 5<sup>th</sup>, 1922. I supervised maintenance of the roads as Superintendent of the Duchesne County Road Department from 1986 to 1987. I was also a Road Grader Operator from 1962 to 1986. Prior to that time I used heavy machinery to construct and grade roads in the summer and to open snowbound roads in the winter.

4. It is the reputation in the community that this road was used by the general public since at least as early as 1920, and has been used as such continuously since that time.

5. 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 1920 by reputation and from 1950 through to the present by my personal observations.

6. Since at least as early as 1920, by reputation, and from 1950 through the present by my own observation, the road has been used for homesteading, ranching, traveling in and through the area, recreation, accessing state lands, hunting and other sportsmen access, state and local government access, oil and mineral exploration and drilling, and by various contractors.

7. By reputation in the community, travelers on the road from at least as early as 1920 and continuing thereafter went by foot, horseback, wagon and car, and by my observation, travelers on the road from 1947 to the present went by those means as well as by truck and recreational vehicle.

8. As grader operator and road supervisor, I maintained or supervised maintenance of this road with road graders from 1962 to 1987. Maintenance included grading of the surface, cleaning of the barrow, and any other necessary maintenance and was conducted as needed or requested. Such maintenance was performed numerous times before 1976 and usually once or twice per year from 1962 to 1987.

9. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1950.

10. At no time during my tenure as Road Supervisor did the County undertake any procedure to abandon or vacate its right-of-way on the road.

11. This road has been included in the state highway system or infrastructure and has been designated as a Class B highway over which the County has been given jurisdiction by the state legislature for construction, operations and maintenance. The road has been on the official county road system since 1950. The road has been maintained since 1950 by the County as a

public highway, freely open for all to come and go as they please.

12. My own personal knowledge is that this road was worked regularly during the years I worked for Duchesne County, beginning in 1962. We did major construction on the road. This road received a lot of attention from the road crew. The road was worked with a grader and a caterpillar winter and summer.

Dated this 13<sup>th</sup> day of December, 2006.

John Uresk  
JOHN URESK

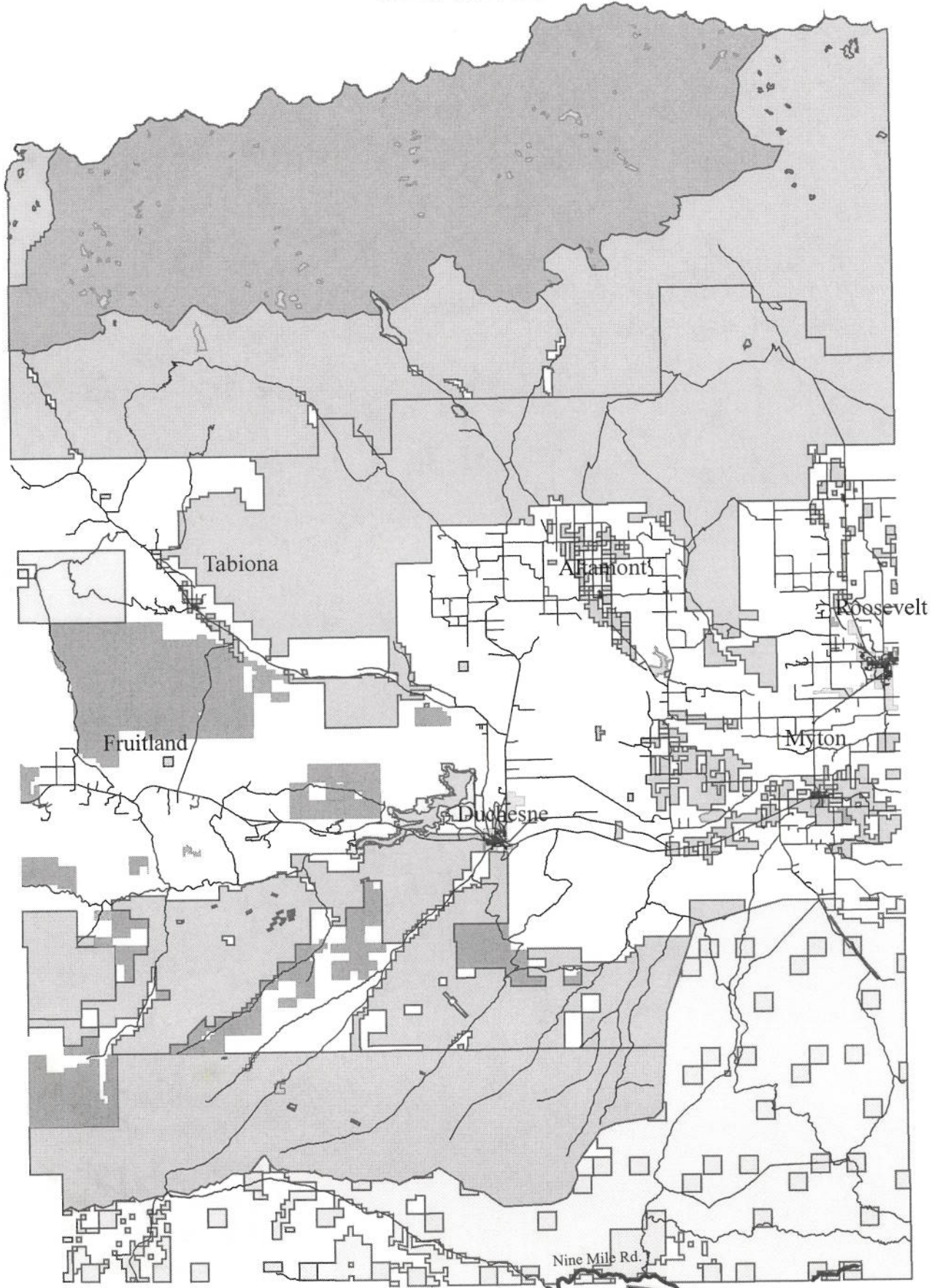
SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of December, 2006.



Maxine B. Panas  
Notary Public  
Residing at: Duchesne

# NINE MILE ROAD CR #240

Et. 485993 Bk A0541 Pg 0298



## AFFIDAVIT OF LEON FILLINGIM

### NINE MILE ROAD, DUCHEсне COUNTY, UTAH

### COUNTY ROAD NUMBER 240

State of Utah                    )  
  :  
County of Duchesne            )

LEON FILLINGIM, 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 Duchesne County.
2. I have traveled and am familiar with a road in Duchesne County known to me as the Nine Mile Road. I am also familiar with the land the road traverses. Attached is a Duchesne County map showing the Nine Mile 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. I am informed that Duchesne County also identifies this road according to the road number listed above.
3. I am familiar with the indicated road because I have lived my whole life in Duchesne County. I was born May 21, 1938. I supervised maintenance of the roads as Superintendent of the Duchesne County Road Department from 1988 to 1996. I was also a road grader operator from 1964 to 1988. During that time I used heavy machinery to construct and grade roads in the summer and to open snowbound roads in the winter.
4. It is the reputation in the community that this road was used by the general public since at least 1920, and has been continuously used since that time.
5. 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 1920, by reputation and from 1964 to the present by my personal observation.

6. Since at least as early as 1920, by reputation and from 1964 through the present by my own observation, the road has been used for homesteading, ranching, traveling in and through the area, recreation, hunting and other sportsmen access, state and local government access, oil and mineral exploration and drilling and by various contractors.

7. By reputation in the community, travelers on the road from at least as early as 1920 and continuing thereafter went by foot, horseback, wagon and car, and by my observation travelers on the road from 1964 to the present went by those means as well as by truck and recreational vehicle.

8. As grader operator and road supervisor I maintained or supervised maintenance of this road with road graders from 1964 until I retired in 1996. Maintenance included grading of the surface, cleaning of the barrow and any other necessary maintenance, and was conducted as needed or as requested. Such maintenance was performed numerous times before 1976, and usually once or twice per year from 1976 to 1996.

9. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1964.

10. At no time during my tenure as Road Supervisor did the County undertake any procedure to abandon or vacate it's right-of-way on the road.

11. This road has been included in the state highway system or infrastructure and has been designated as a Class B highway over which the County has been given jurisdiction by the state legislature for construction, operations and maintenance. The road has been on the official county road system since 1964. The road has been maintained since 1964 by the County as a



public highway, freely open for all to come and go as they please.

Dated this 13<sup>th</sup> day of December, 2006

*Leon Fillingim*

LEON FILLINGIM

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of December, 2006.



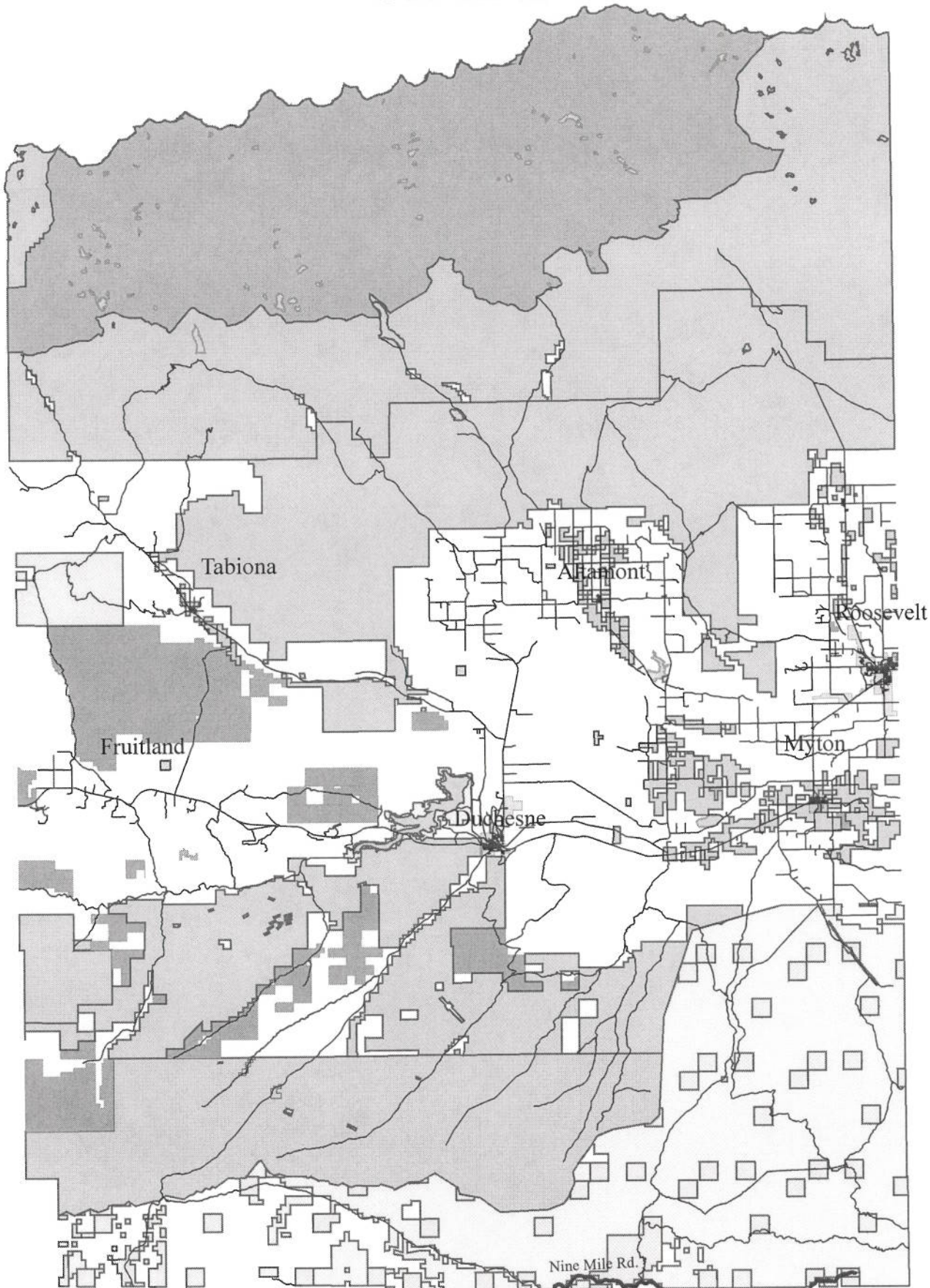
*Maxine B Panas*

Notary Public

Residing at: Duchesne

# NINE MILE ROAD CR #240

En 405994 Bk A0541 Pg 0302



## Exhibit B

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

**Popular Name: Nine Mile Canyon Road**

**County: Duchesne**

**County Road Number: 240**

**State Geographic Information Database (SGID) Road Identification Number: RD070006.**

**Total Road Length: 7.1 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 48 minutes 24.11 seconds North Latitude and -110 degrees 20 minutes 30.38 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,965,780.5 feet and Y = 7,100,421.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 48 minutes 23.98 seconds North Latitude and -110 degrees 13 minutes 54.19 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,996,694.0 feet and Y = 7,100,827.4 feet based on the US Survey Foot conversion.

This road may traverse:

Township 11 South Range 14 East, Section(s) 34,35,36, Salt Lake Base & Meridian

Township 11 South Range 15 East, Section(s) 31,32,33, Salt Lake Base & Meridian

Township 12 South Range 14 East, Section(s) 3, Salt Lake Base & Meridian

Township 12 South Range 15 East, Section(s) 3, Salt Lake Base & Meridian