

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

Ent 416122 Bk A571 Pg 501
Date: 17-JUN-2009 11:03AM
Fee: None
Filed By: CC
CAROLYNE MADSEN, Recorder
DUCHESTER COUNTY CORPORATION
For: STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Duchesne County as it pertains to the highway located in Duchesne County known as South Monument Butte Road; County Road Number: 517; State Geographic Information Database (SGID) Road Identification Number: RD070031. Total road length is 0.39 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

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 Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 10th day of JUNE, 2009.

By the Governor's Designee



John Harja

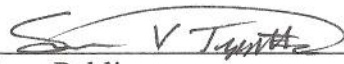
CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

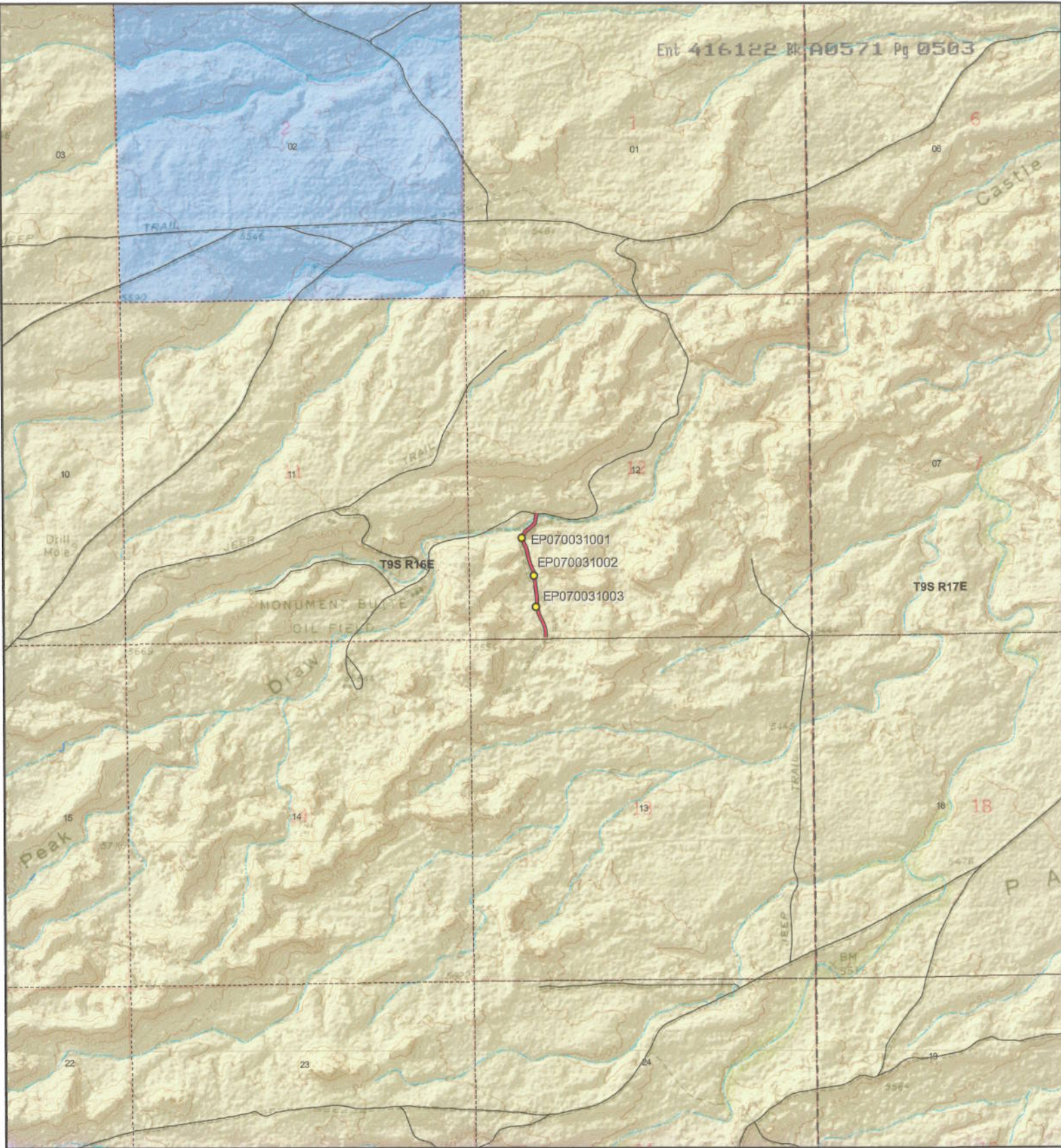
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 10th day of JUNE, 2009.





Notary Public



South Monument Butte Road - Duchesne County
SGID RD_ID RD070031 CO_UNIQUE 517

- | | | |
|---|--|---|
| <p>Land Ownership Categories</p> <ul style="list-style-type: none"> ● BLM ● Private ● SITLA, State Trust Land ● USFS, National Forest ● State Parks and Recreation ● UDWR Wildlife Reserve ● Tribal ● Wilderness | <p>Misc</p> <ul style="list-style-type: none"> ● Photo Event Point Section = 1 Mile | <p>Transportation Network</p> <ul style="list-style-type: none"> — South Monument Butte Road — Title V: Issued Or Under Consideration By BLM Or County — County B Road — State / U.S. Highway — Other Roads |
|---|--|---|

Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Dec 04, 2008



Scale
1:24,076
1 inch = 0.38 miles



EP070031001



EP070031002



EP070031003

EP000000000

EP000000000

Ent 416122 Bk A0571 Pg 0504

EP000000000

South Monument Butte Road - Duchesne County
SGID RD_ID RD070031



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
January 28, 2009



Attachment 3

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

Popular Name: South Monument Butte Road

County: Duchesne

County Road Number: 517

State Geographic Information Database (SGID) Road Identification Number: RD070031.

Total Road Length: 0.39 miles more or less.

Beginning at a point on the road centerline located at 40 degrees 02 minutes 17.49 seconds North Latitude and -110 degrees 04 minutes 22.59 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,039,947.8 feet and Y = 7,185,822.6 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 02 minutes 36.29 seconds North Latitude and -110 degrees 04 minutes 24.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,039,789.1 feet and Y = 7,187,722.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 9 South Range 16 East, Section(s) 12, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4
Road Centerline Description Cover Page(s)

Popular Name: South Monument Butte Road

County: Duchesne

County Road Number: 517

State Geographic Information Database (SGID) Road Identification Number: RD070031.

Total Road Length: 0.39 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD070031	001	BLM	0.39 Miles	A
		Total Road Length	0.39	—————

* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

**AFFIDAVIT OF JAMES L. BROWN
SOUTH MONUMENT BUTTE ROAD
DUCHESNE COUNTY, UTAH
DUCHESNE COUNTY ROAD 517**

State of Utah)
 : ss.
County of Duchesne)

I, JAMES L. BROWN, testify and declare under oath as follows:

1. I am an adult competent to testify about the matters set forth in this affidavit. My testimony is based upon my personal knowledge and experience. I was born on May 10, 1942, in Evanston, Wyoming. I have lived in Duchesne County since 1970. I did seasonal work for the BLM and Forest Service in Duchesne County from 1965 to 1970. From 1970 to 1986 I worked for Nutter Ranch in Duchesne, Uintah and Carbon Counties.

2. I have traveled and am familiar with South Monument Butte Road, Duchesne County Road 517, and the land it traverses.

3. I took the following steps to verify that the Road I refer to in this affidavit and South Monument Butte Road (the “ Road”) are the same road:

a. I examined a large Duchesne County map depicting the Road in relation to other roads, intersections and landmarks. I observed the Road on the large map verifying that it is accurately depicted on the map and it is the road I refer to herein.

b. I examined the map attached to this affidavit depicting the Road and surrounding area and verified that the Road is accurately depicted on the map and is the road I refer to herein.

c. I examined ground photos depicting the road and surrounding area and verified that the Road is accurately depicted in the photos and is the Road I refer to herein.

4. I have personally traveled the Road from 1965 through 1976 and continuing until 2008, (“the Time Period of My Experience”). It is the reputation in the community that the Road has been traveled as early as the early 1900s by livestock men and gilsonite miners.

5. When I last traveled and observed the Road in 2008, it followed the same route as in 1965, when I first traveled and observed it.

6. During the Time Period of My Experience the Road has been traveled daily, weather permitting. Based upon my observation during the Time Period of My Experience, the Road was continuously used as a public thoroughfare by members of the public for public purposes whenever it was necessary and convenient for them to do so and I have never known the use of the road to have been interrupted by any means.

7. During the Time Period of My Experience I have personally traveled the Road by horseback, pickup truck and have observed others traveling the road in pickup trucks and oil field vehicles.

8. During the Time Period of My Experience I have personally used the Road for livestock operations, my work with Nutter Ranch, BLM, and hunting and have observed others use the Road for the same purposes, plus recreation and oil and gas exploration and development.

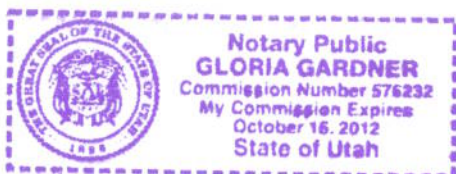
9. Prior to 1976, I observed evidence of maintenance and construction on the road.

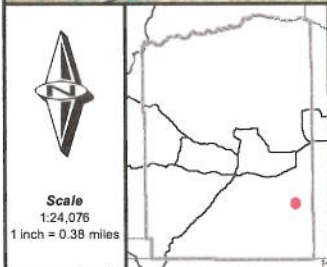
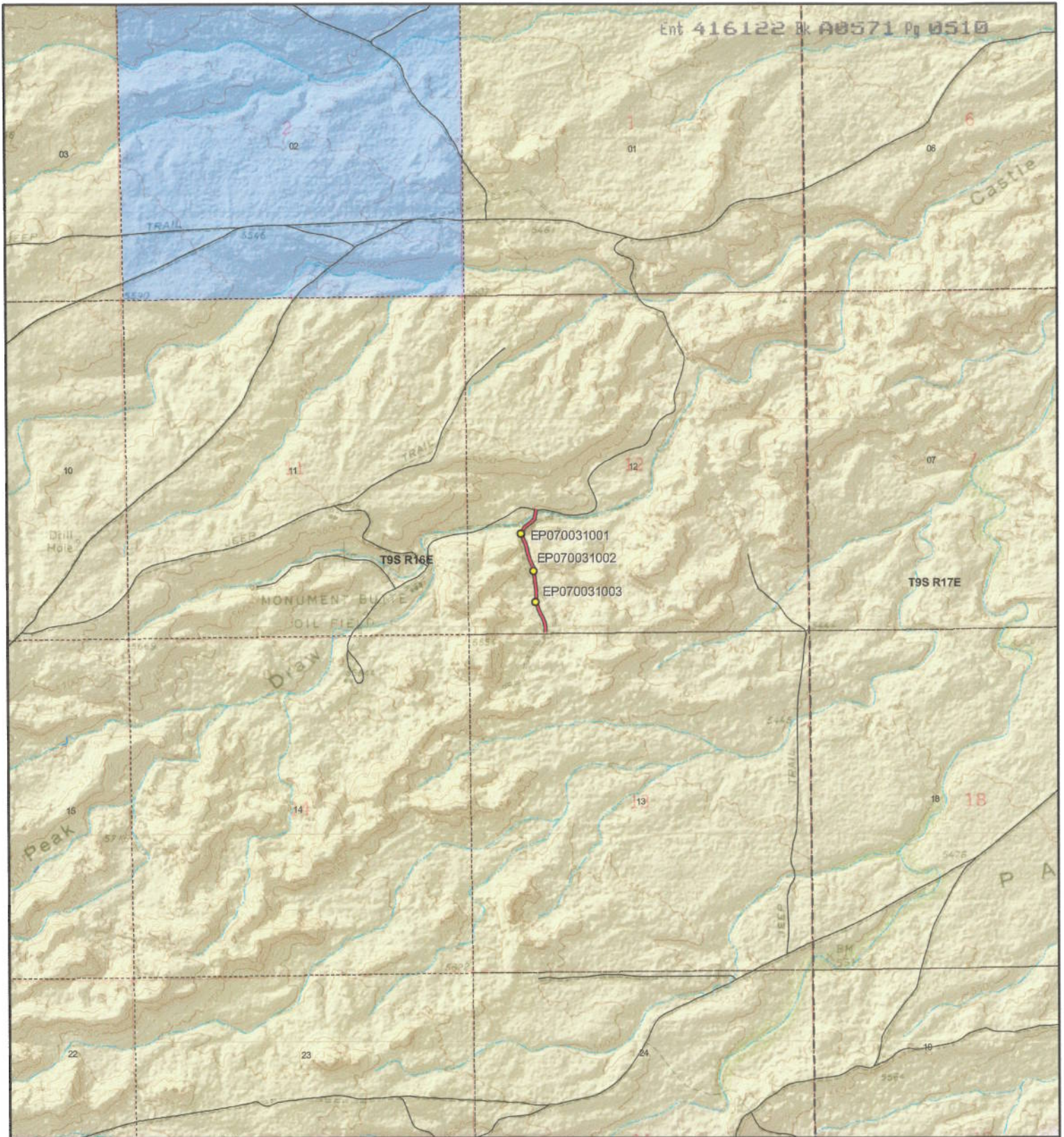
DATED this 6th day of January, 2009.

James L. Brown
JAMES L. BROWN

SUBSCRIBED AND SWORN to before me this 6th day of January, 2009.

Gloria Gardner
NOTARY PUBLIC





Scale
1:24,076
1 inch = 0.38 miles

South Monument Butte Road - Duchesne County
SGID RD_ID RD070031 CO_UNIQUE 517

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- UDWR Wildlife Reserve
- Tribal
- Wilderness

Misc

- Photo Event Point
- Section = 1 Mile

Transportation Network

- South Monument Butte Road
- Title V, Issued Or Under Consideration By BLM Or County
- County B Road
- State / U.S. Highway
- Other Roads

Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Dec 04, 2008



AFFIDAVIT OF LEON FILLINGIM
SOUTH MONUMENT BUTTE ROAD
DUCHESNE COUNTY, UTAH
DUCHESNE COUNTY D ROAD 517

State of Utah)
 : ss.
County of Duchesne)

I, LEON FILLINGIM, testify and declare under oath as follows:

1. I am an adult competent to testify about the matters set forth in this affidavit. My testimony is based upon my personal knowledge and experience. I was born on May 21, 1938, in Vernal, Uintah County, Utah. I have lived in Duchesne County all of my life. I supervised the maintenance of Roads in Duchesne county as Superintendent of the County Road Department from 1988 to 1996. I was also a road grader operator from 1964 to 1988. During the time of my employment with Duchesne county I used heavy machinery to construct and grade roads in the summer and to open snowbound roads in the winter.

2. I have traveled and am familiar with South Monument Butte Road, Duchesne County Road 517 and the land it traverses.

3. I took the following steps to verify that the road I refer to in this affidavit as South Monument Butte Road and Duchesne County Road 517 (the “ Road”) are the same road:

a. I examined a large Duchesne County map depicting the Road in relation to other roads, intersections and landmarks. I observed the Road on the large map verifying that it is accurately depicted on the map and it is the road I refer to herein.

b. I examined the map attached to this affidavit depicting the Road and surrounding area and verified that the Road is accurately depicted on the map and is the road I refer to herein.

c. I viewed ground photography and verified that it accurately depicts the Road I refer to in this affidavit.

4. I personally traveled the Road from the late 1940s and continuing until the early 2000s, (“the Time Period of My Experience”). It is the reputation in the community that the Road was traveled as early as the early 1900s, prior to my earliest recollection.

5. When I last traveled and observed the Road in the early 2000s, it followed the same route as in the late 1940s when I first traveled and observed it.

6. During the Time Period of My Experience the Road has been traveled daily. Based upon my observation during the Time Period of My Experience, the road was continuously used as a public thoroughfare by members of the public for public purposes whenever it was necessary and convenient for them to do so and I have never known the use of the Road to have been interrupted by any means.

7. During the Time Period of My Experience I have personally traveled the Road by various means, including pickup truck and oil truck I have observed others from the general public travel the road by the same means plus oil field vehicles, automobiles and livestock vehicles.

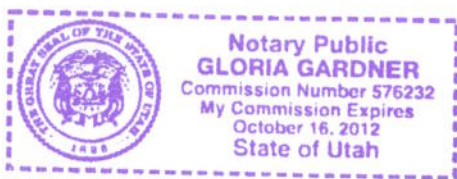
8. During the Time Period of My Experience I have personally used the Road for trapping, hunting and heating oil wells and I have observed others from the general public using the Road for the same purposes, plus livestock operations, oil and gas exploration and oil well access.

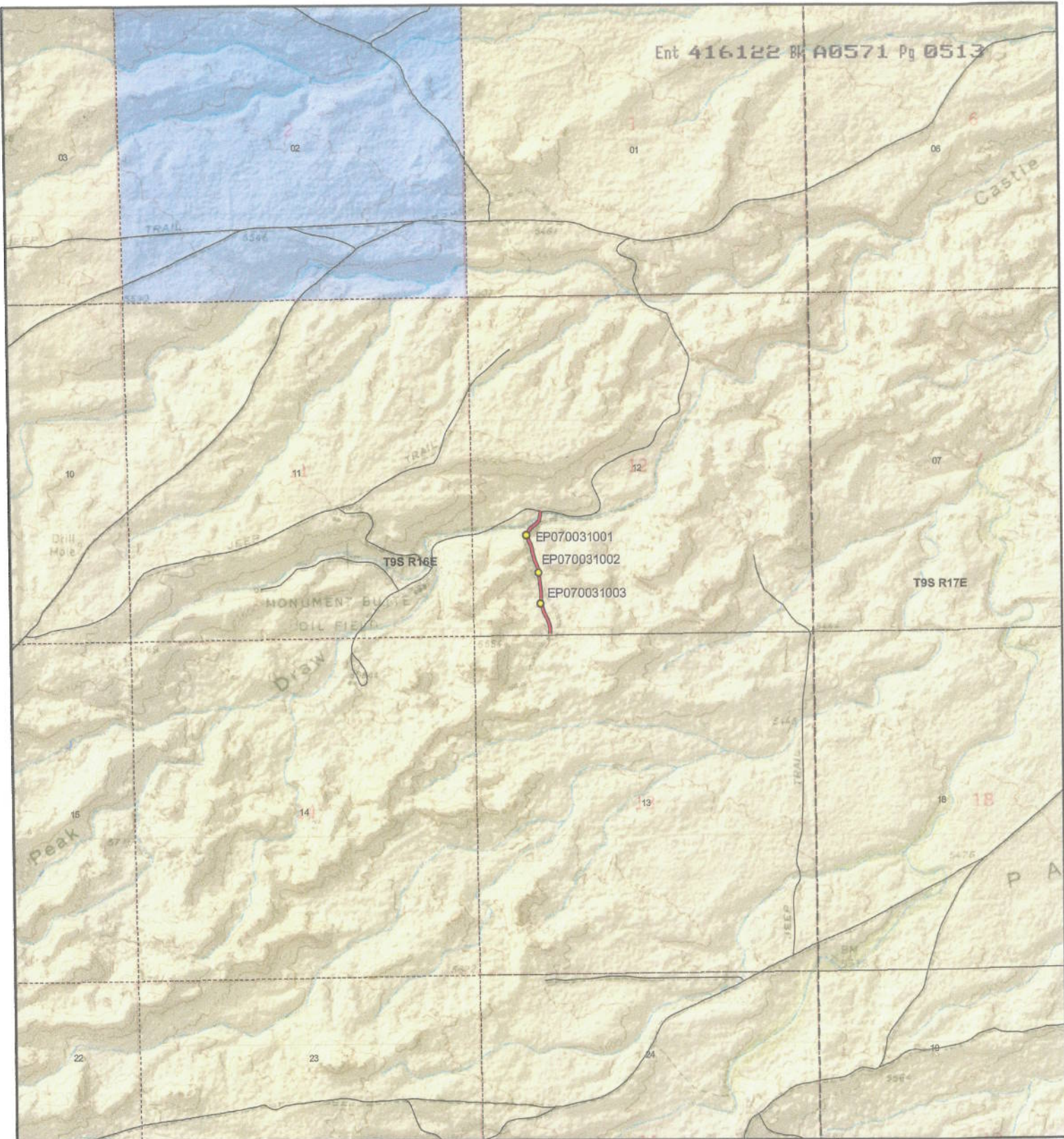
DATED this 6 day of January, 2009.

Leon Fillingim
LEON FILLINGIM

SUBSCRIBED AND SWORN to before me this 6th day of January, 2009.

Gloria Gardner
NOTARY PUBLIC





South Monument Butte Road - Duchesne County
SGID RD_ID RD070031 CO_UNIQUE 517

Land Ownership Categories

- BLM
- Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ State Parks and Recreation
- ◆ UDWR Wildlife Reserve
- ◆ Tribal
- ◆ Wilderness

Misc

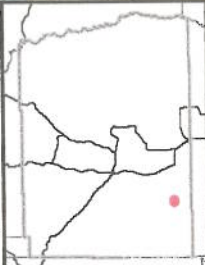
- Photo Event Point
- Section = 1 Mile

Transportation Network

- South Monument Butte Road
- Title V: Issued Or Under Consideration By BLM Or County
- County B Road
- State / U.S. Highway
- Other Roads



Scale
 1:24,076
 1 inch = 0.39 miles



Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Dec 04, 2008



Appendix A to Attachment 4

Popular Name: South Monument Butte Road

County: Duchesne

County Road Number: 517

State Geographic Information Database (SGID) Road Identification Number: RD070031.

Road-Segment Number: 001

Road-Segment Length: 0.39 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 9 South Range 16 East, Section(s) 12, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (South Monument Butte Road)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 40 degrees 02 minutes 17.49 seconds North Latitude and -110 degrees 04 minutes 22.59 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,039,947.8 feet and Y = 7,185,822.6 feet; thence the following courses along the said road center line:

thence North 02 Degrees 30 Minutes 07 Seconds West 19.8 feet
thence North 02 Degrees 45 Minutes 23 Seconds West 53.2 feet
thence North 11 Degrees 26 Minutes 32 Seconds West 71.6 feet
thence North 21 Degrees 21 Minutes 25 Seconds West 79.3 feet
thence North 26 Degrees 43 Minutes 21 Seconds West 78.8 feet
thence North 25 Degrees 12 Minutes 07 Seconds West 78.1 feet
thence North 16 Degrees 53 Minutes 20 Seconds West 74.7 feet
thence North 08 Degrees 33 Minutes 10 Seconds West 68.3 feet
thence North 03 Degrees 01 Minutes 54 Seconds West 58.2 feet
thence North 02 Degrees 55 Minutes 30 Seconds West 69.2 feet
thence North 04 Degrees 41 Minutes 20 Seconds West 73.6 feet

thence North 06 Degrees 16 Minutes 04 Seconds West 82 feet
thence North 08 Degrees 01 Minutes 39 Seconds West 82.9 feet
thence North 07 Degrees 29 Minutes 24 Seconds West 44.2 feet
thence North 04 Degrees 53 Minutes 57 Seconds West 29.2 feet
thence North 07 Degrees 27 Minutes 53 Seconds West 52.8 feet
thence North 20 Degrees 29 Minutes 06 Seconds West 68 feet
thence North 27 Degrees 09 Minutes 51 Seconds West 74.6 feet
thence North 18 Degrees 45 Minutes 38 Seconds West 74.1 feet
thence North 10 Degrees 28 Minutes 42 Seconds West 67.7 feet
thence North 08 Degrees 02 Minutes 22 Seconds West 64.5 feet
thence North 23 Degrees 14 Minutes 30 Seconds West 66.6 feet
thence North 24 Degrees 14 Minutes 18 Seconds West 68.7 feet
thence North 17 Degrees 18 Minutes 41 Seconds West 67.3 feet
thence North 03 Degrees 31 Minutes 04 Seconds East 64.3 feet
thence North 34 Degrees 11 Minutes 59 Seconds East 63.6 feet
thence North 48 Degrees 47 Minutes 11 Seconds East 66.5 feet
thence North 51 Degrees 32 Minutes 39 Seconds East 65.8 feet
thence North 41 Degrees 26 Minutes 58 Seconds East 64.2 feet
thence North 18 Degrees 37 Minutes 04 Seconds East 55.8 feet
thence North 10 Degrees 12 Minutes 06 Seconds East 36.8 feet
thence North 06 Degrees 34 Minutes 14 Seconds East 24.6 feet
thence North 05 Degrees 38 Minutes 42 Seconds East 31.9 feet more or less to **the ending**

point at: 40 degrees 02 minutes 36.29 seconds North Latitude and -110 degrees 04 minutes 24.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,039,789.1 feet and Y = 7,187,722.5 feet.