

Ent 390317 Page 1 of 13
Date: 07-MAY-2008 9:22AM
Fee: None
Filed By: DKS
DIXIE SWASEY, Recorder
EMERY COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

**Acknowledgment and
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:

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Emery County as it pertains to the highway located in Emery County known as GILSON BUTTE WELL ROAD; County Road Number: 1023; State Geographic Information Database (SGID) Road Identification Number: RD080026. Total road length is 2.04 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 17th day of APRIL, 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 17th day of April, 2008.





Notary Public

Attachment 1





1:17,851
1 inch equals 0.3 miles



GILSON BUTTE WELL ROAD - Emery County
SGID RD_ID RD080026



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jan. 23, 2008

Land Ownership Categories

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ State Parks and Recreation
- ◆ Tribal, Indian Reservation
- ◆ NPS, National Park

Transportation Network

- GILSON BUTTE WELL ROAD
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile

Wilderness

- ◆ UDWR Wildlife Reserve
- ◆ DOD, Military
- ◆ State Sovereign Land
- ◆ National Recreation Area
- ◆ USFWS, Natl. Wildlife Refuge

Attachment 2



EP080026004



EP080026005

EP000000000

EP000000000

EP000000000

EP000000000

GILSON BUTTE WELL ROAD - Emery County
SGID RD_ID RD080026

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 1, 2008



Attachment 3

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

Popular Name: GILSON BUTTE WELL ROAD

County: Emery

County Road Number: 1023

State Geographic Information Database (SGID) Road Identification Number: RD080026.

Total Road Length: 2.04 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 35 minutes 13.71 seconds North Latitude and -110 degrees 35 minutes 33.16 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,899,844.1 feet and Y = 6,655,433.9 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 35 minutes 17.63 seconds North Latitude and -110 degrees 33 minutes 22.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,910,217.1 feet and Y = 6,655,938.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 25 South Range 12 East, Section(s) 33,34,35, 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: GILSON BUTTE WELL ROAD

County: Emery

County Road Number: 1023

State Geographic Information Database (SGID) Road Identification Number: RD080026.

Total Road Length: 2.04 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
RD080026	001	BLM	2.04 Miles	A
		Total Road Length	2.04	_____

* 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 CHERYL KEENER

GILSON BUTTE WELL ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 1023

State of Utah)
 : ss.
County of Emery)

CHERYL KEENER, 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 Green River, Emery County, Utah. I have lived in Emery County for most of my life.

2. I have traveled and am familiar with a road in Emery County known as Gilson Butte Well Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1960s it followed the same route as in 2007 when I last observed it. Attached is a Emery County map showing the Gilson Butte Well 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 the late 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used weekly, for more than ten continuous years prior to 1976, and is presently used weekly.

5. Throughout the time period from the late 1960s to 2007, I have used the road myself for the following uses: access to livestock operations and well access.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus government access.

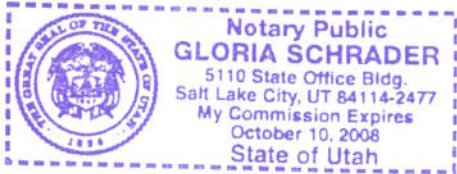
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 8th day of March, 2007.

Cheryl Keener
CHERYL KEENER

SUBSCRIBED AND SWORN to before me this 8th day of March, 2007.



Gloria Schrader
NOTARY PUBLIC

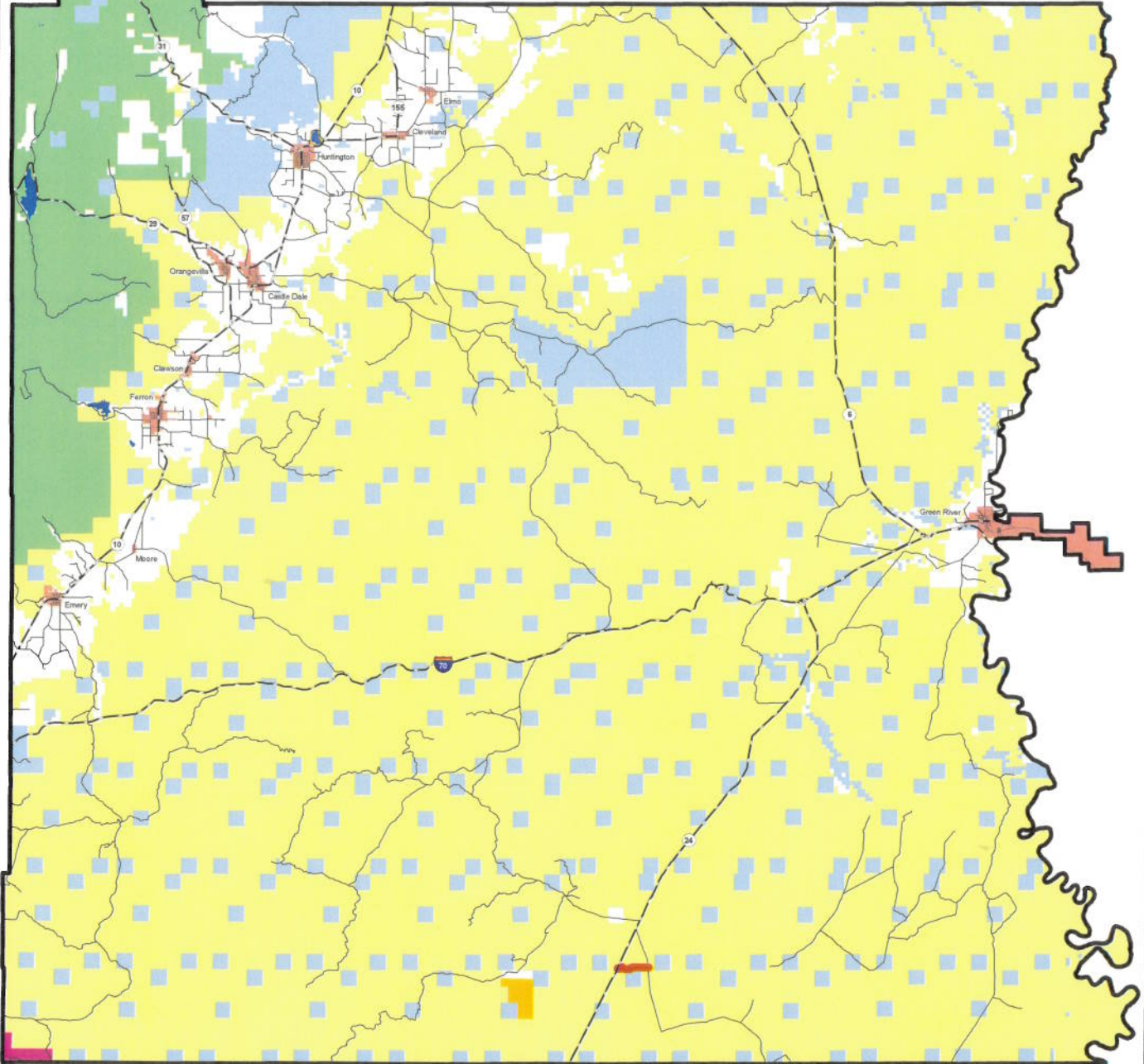
Road #1023

Gilson Butte Well

-  Gilson Butte Well
-  Highway/Interstate
-  B Class Road



- | | | | |
|--|---|---|---|
|  BLM |  State |  NPS |  Water |
|  USFS |  Private |  USP |  City Boundary |



AFFIDAVIT OF TED EKKER
GILSON BUTTE WELL ROAD
EMERY COUNTY, UTAH
ROAD NUMBER 1023

State of Utah)
 : ss.
County of Emery)

TED EKKER, 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 Green River, Emery County, Utah. I have lived in Emery County for the past 53 years.

2. I have traveled and am familiar with a road in Emery County known as Gilson Butte Well Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1950s it followed the same route as in 2006 when I last observed it. Attached is a Emery County map showing the Gilson Butte Well 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 the late 1950s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily, for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the late 1950s to 2006, I have used the road myself for the following uses: recreation, well access, livestock operations and sight seeing.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus mining and gas and oil exploration.

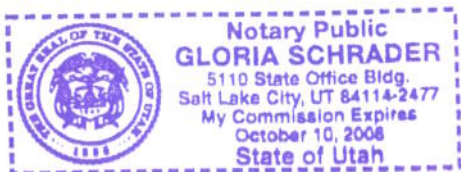
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally graded the road.

DATED this 8 day of March, 2007.


TED EKKER

SUBSCRIBED AND SWORN to before me this 8th day of March, 2007.




NOTARY PUBLIC

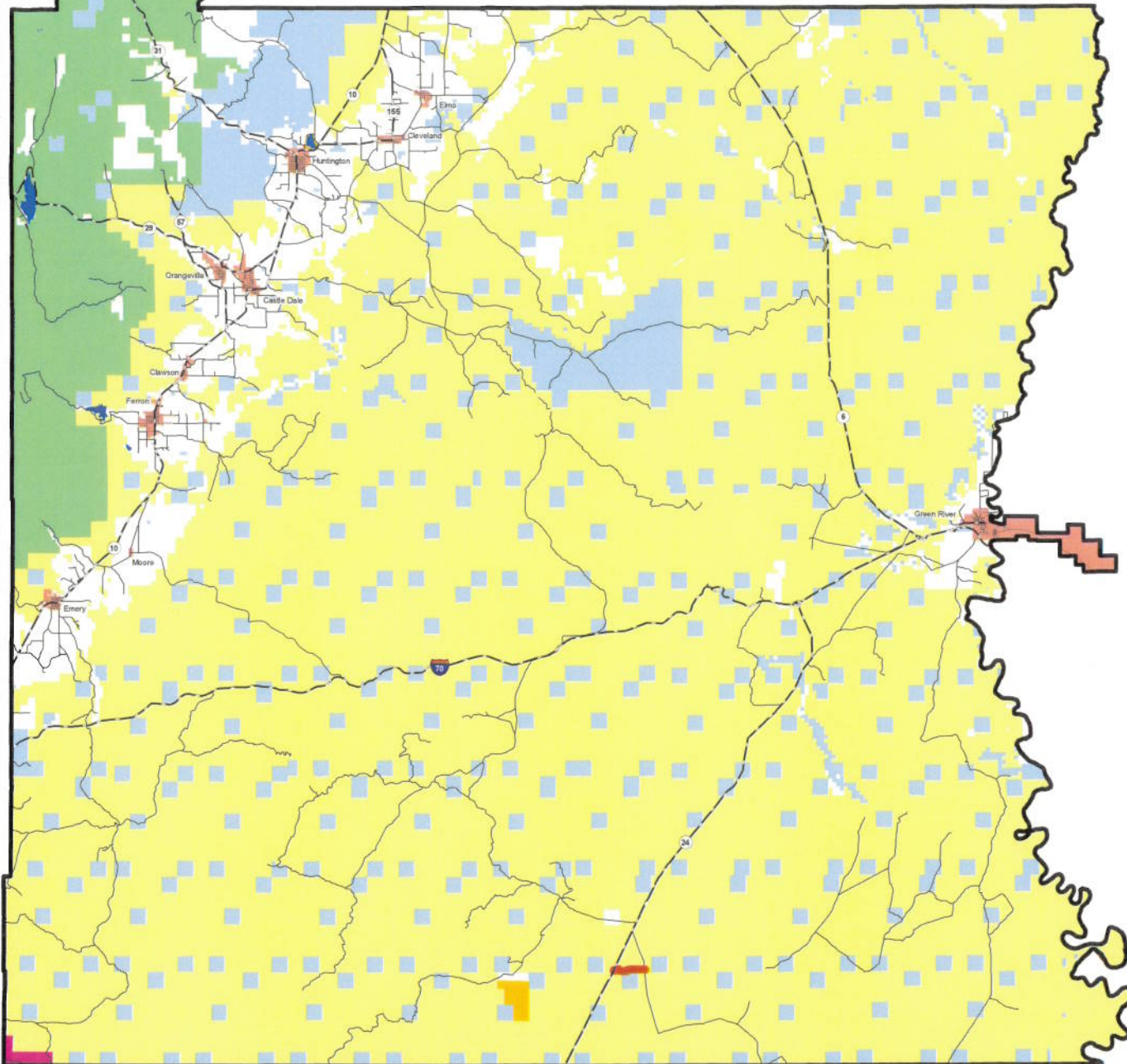
Road #1023

Gilson Butte Well

-  Gilson Butte Well
-  Highway/Interstate
-  B Class Road



- | | | | |
|--|---|---|---|
|  BLM |  State |  NPS |  Water |
|  USFS |  Private |  USP |  City Boundary |



Appendix A to Attachment 4

Popular Name: GILSON BUTTE WELL ROAD

County: Emery

County Road Number: 1023

State Geographic Information Database (SGID) Road Identification Number: RD080026.

Road-Segment Number: 001

Road-Segment Length: 2.04 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 25 South Range 12 East, Section(s) 33,34,35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (GILSON BUTTE WELL 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 38 degrees 35 minutes 13.71 seconds North Latitude and -110 degrees 35 minutes 33.16 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,899,844.1 feet and Y = 6,655,433.9 feet; thence the following courses along the said road center line:

thence South 66 Degrees 41 Minutes 52 Seconds East	11.5 feet
thence South 73 Degrees 15 Minutes 06 Seconds East	100.6 feet
thence North 88 Degrees 24 Minutes 24 Seconds East	178.3 feet
thence North 83 Degrees 06 Minutes 25 Seconds East	221.1 feet
thence North 73 Degrees 31 Minutes 49 Seconds East	236.1 feet
thence North 68 Degrees 17 Minutes 09 Seconds East	235.8 feet
thence North 69 Degrees 04 Minutes 34 Seconds East	217.4 feet
thence North 68 Degrees 28 Minutes 49 Seconds East	200.7 feet
thence North 67 Degrees 46 Minutes 14 Seconds East	173.4 feet
thence South 82 Degrees 56 Minutes 36 Seconds East	153.3 feet
thence South 60 Degrees 02 Minutes 21 Seconds East	43 feet

thence South 59 Degrees 50 Minutes 59 Seconds East 159.2 feet
 thence South 59 Degrees 23 Minutes 32 Seconds East 223.5 feet
 thence South 50 Degrees 09 Minutes 39 Seconds East 220.4 feet
 thence South 61 Degrees 34 Minutes 12 Seconds East 184.2 feet
 thence North 84 Degrees 10 Minutes 01 Seconds East 164.2 feet
 thence South 81 Degrees 37 Minutes 30 Seconds East 162.7 feet
 thence South 69 Degrees 21 Minutes 33 Seconds East 213.7 feet
 thence South 76 Degrees 59 Minutes 08 Seconds East 223.3 feet
 thence South 82 Degrees 38 Minutes 15 Seconds East 235.5 feet
 thence South 82 Degrees 00 Minutes 20 Seconds East 235.9 feet
 thence North 78 Degrees 44 Minutes 26 Seconds East 214.6 feet
 thence North 62 Degrees 06 Minutes 17 Seconds East 243.3 feet
 thence North 55 Degrees 25 Minutes 56 Seconds East 227.5 feet
 thence North 56 Degrees 54 Minutes 53 Seconds East 201.4 feet
 thence North 65 Degrees 32 Minutes 44 Seconds East 220.8 feet
 thence North 68 Degrees 52 Minutes 02 Seconds East 238.4 feet
 thence North 78 Degrees 49 Minutes 29 Seconds East 263.4 feet
 thence North 85 Degrees 23 Minutes 52 Seconds East 290.7 feet
 thence North 85 Degrees 44 Minutes 27 Seconds East 287.2 feet
 thence North 85 Degrees 32 Minutes 04 Seconds East 282 feet
 thence North 85 Degrees 25 Minutes 23 Seconds East 270.2 feet
 thence North 89 Degrees 40 Minutes 20 Seconds East 247.2 feet
 thence South 89 Degrees 47 Minutes 02 Seconds East 242.3 feet
 thence North 88 Degrees 10 Minutes 27 Seconds East 213.4 feet
 thence North 87 Degrees 04 Minutes 11 Seconds East 115.7 feet
 thence North 87 Degrees 07 Minutes 20 Seconds East 81.2 feet
 thence North 87 Degrees 38 Minutes 33 Seconds East 213.2 feet
 thence North 87 Degrees 30 Minutes 30 Seconds East 243.4 feet
 thence North 88 Degrees 37 Minutes 04 Seconds East 267.6 feet
 thence North 88 Degrees 57 Minutes 41 Seconds East 264.6 feet
 thence North 89 Degrees 32 Minutes 05 Seconds East 273.4 feet
 thence North 89 Degrees 06 Minutes 48 Seconds East 269.2 feet
 thence North 89 Degrees 08 Minutes 50 Seconds East 250.8 feet
 thence North 89 Degrees 01 Minutes 19 Seconds East 231.4 feet
 thence North 88 Degrees 46 Minutes 07 Seconds East 208.1 feet
 thence South 89 Degrees 57 Minutes 48 Seconds East 206.5 feet
 thence North 89 Degrees 51 Minutes 40 Seconds East 198.9 feet
 thence South 88 Degrees 47 Minutes 39 Seconds East 171.7 feet
 thence North 89 Degrees 40 Minutes 20 Seconds East 132.3 feet
 thence North 87 Degrees 50 Minutes 44 Seconds East 144.2 feet
 thence North 87 Degrees 42 Minutes 09 Seconds East 124.2 feet
 thence North 88 Degrees 11 Minutes 13 Seconds East 88.7 feet
 thence North 81 Degrees 28 Minutes 11 Seconds East 36.8 feet

more or less to **the ending point at:** 38 degrees 35 minutes 17.63 seconds North Latitude and -110 degrees 33 minutes 22.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,910,217.1 feet and Y = 6,655,938.3 feet.