

Ent 390359 Page 1 of 13
 Date: 07-MAY-2008 10:58AM
 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 SOUTH CANAL ROAD; County Road Number: 322; State Geographic Information Database (SGID) Road Identification Number: RD080131. Total road length is 3.88 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.

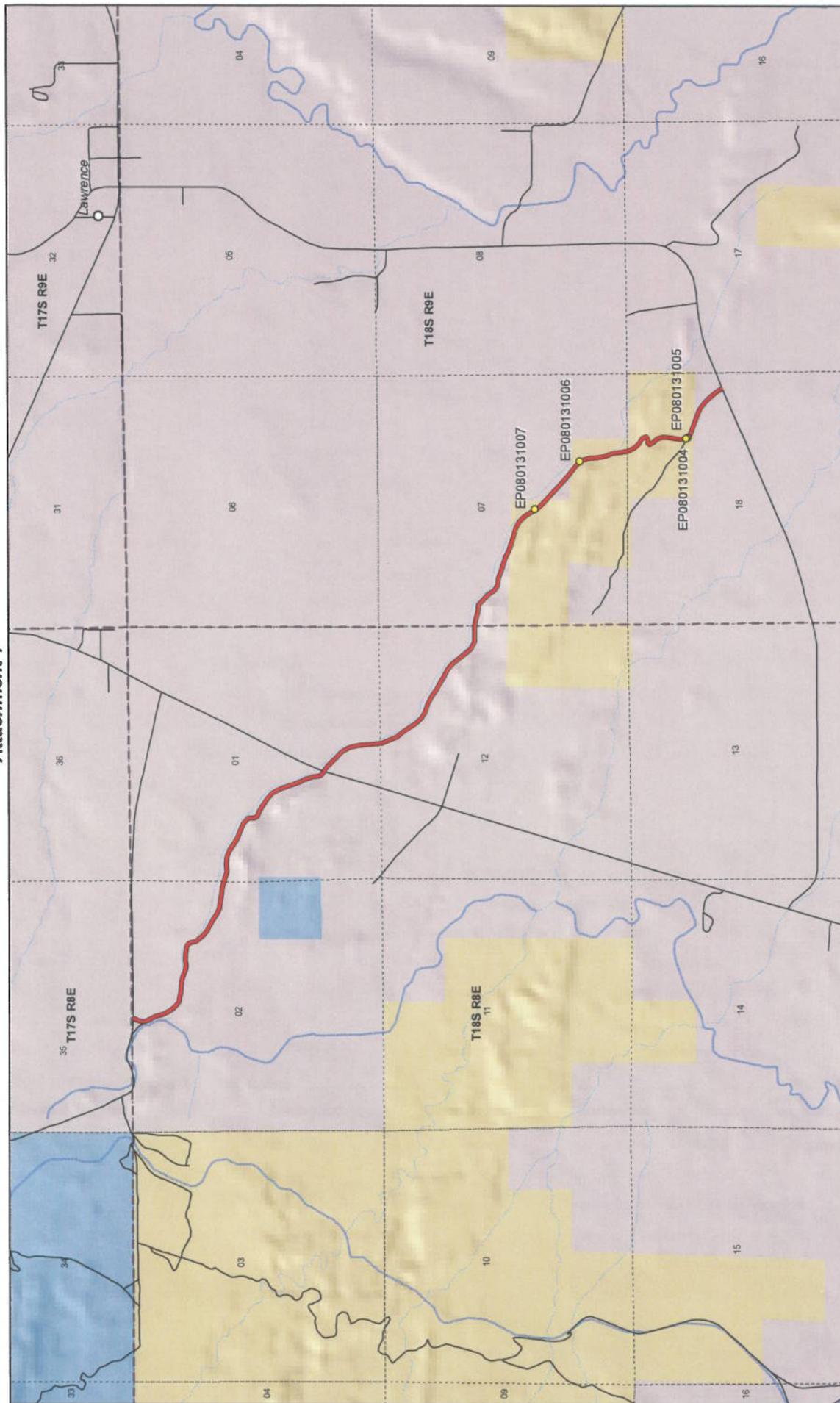
This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of 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

Attachment 1



Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- Wilderness
- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Transportation Network

- SOUTH CANAL ROAD
- Other Roads
- Title V, Issued or Under Consideration By BLM
- Photo Event Point
- Section = 1 Mile

SOUTH CANAL ROAD - Emery County
SGID RD_ID RD080131

Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Jan 25, 2008

Attachment 2



EP080131004



EP080131005



EP080131006



EP080131007

EP000000000

EP000000000

SOUTH CANAL ROAD - Emery County
SGID RD_ID RD080131



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: SOUTH CANAL ROAD

County: Emery

County Road Number: 322

State Geographic Information Database (SGID) Road Identification Number: RD080131.

Total Road Length: 3.88 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 17 minutes 35.86 seconds North Latitude and -110 degrees 59 minutes 35.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,783,845.6 feet and Y = 6,911,725.7 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 15 minutes 32.37 seconds North Latitude and -110 degrees 56 minutes 45.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,797,252.2 feet and Y = 6,899,311.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 18 South Range 8 East, Section(s) 1,2,12, Salt Lake Base & Meridian

Township 18 South Range 9 East, Section(s) 7,18, 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 CANAL ROAD

County: Emery

County Road Number: 322

State Geographic Information Database (SGID) Road Identification Number: RD080131.

Total Road Length: 3.88 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
RD080131	001	PVT	2.66 Miles	(not shown)
RD080131	002	BLM	0.27 Miles	A
RD080131	003	PVT	0.14 Miles	(not shown)
RD080131	004	BLM	0.62 Miles	B
RD080131	005	PVT	0.2 Miles	(not shown)
		Total Road Length	3.88	_____

* 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 HENRY E. JENSEN

SOUTH CANAL ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 322

State of Utah)
 : ss.
County of Emery)

HENRY E. JENSEN, 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 Cleveland, Emery County, Utah. I have lived in Emery County my entire life. I was employed by the Emery County Road Department from approximately 1956 to 1993.

2. I have traveled and am familiar with a road in Emery County known as South Canal 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 the early 1990s when I last observed it. Attached is an Emery County map showing South Canal 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 the early 1990s. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, horses and wagons and ATVs. Throughout the time period from the late 1950s to the early 1990s the road was used daily.

5. Throughout the time period from the late 1950s to the early 1990s, I have used the

road myself for county road maintenance and traveling in and through the area.

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 farming, livestock operations, recreation, tourism and hunting.

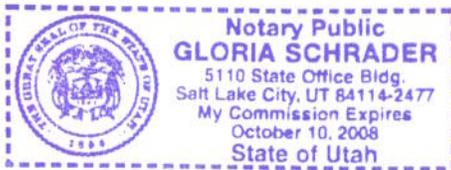
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally performed maintenance and construction activities on the road.

DATED this 7 day of March, 2007.


HENRY E. JENSEN

SUBSCRIBED AND SWORN to before me this 7th day of March, 2007.




NOTARY PUBLIC

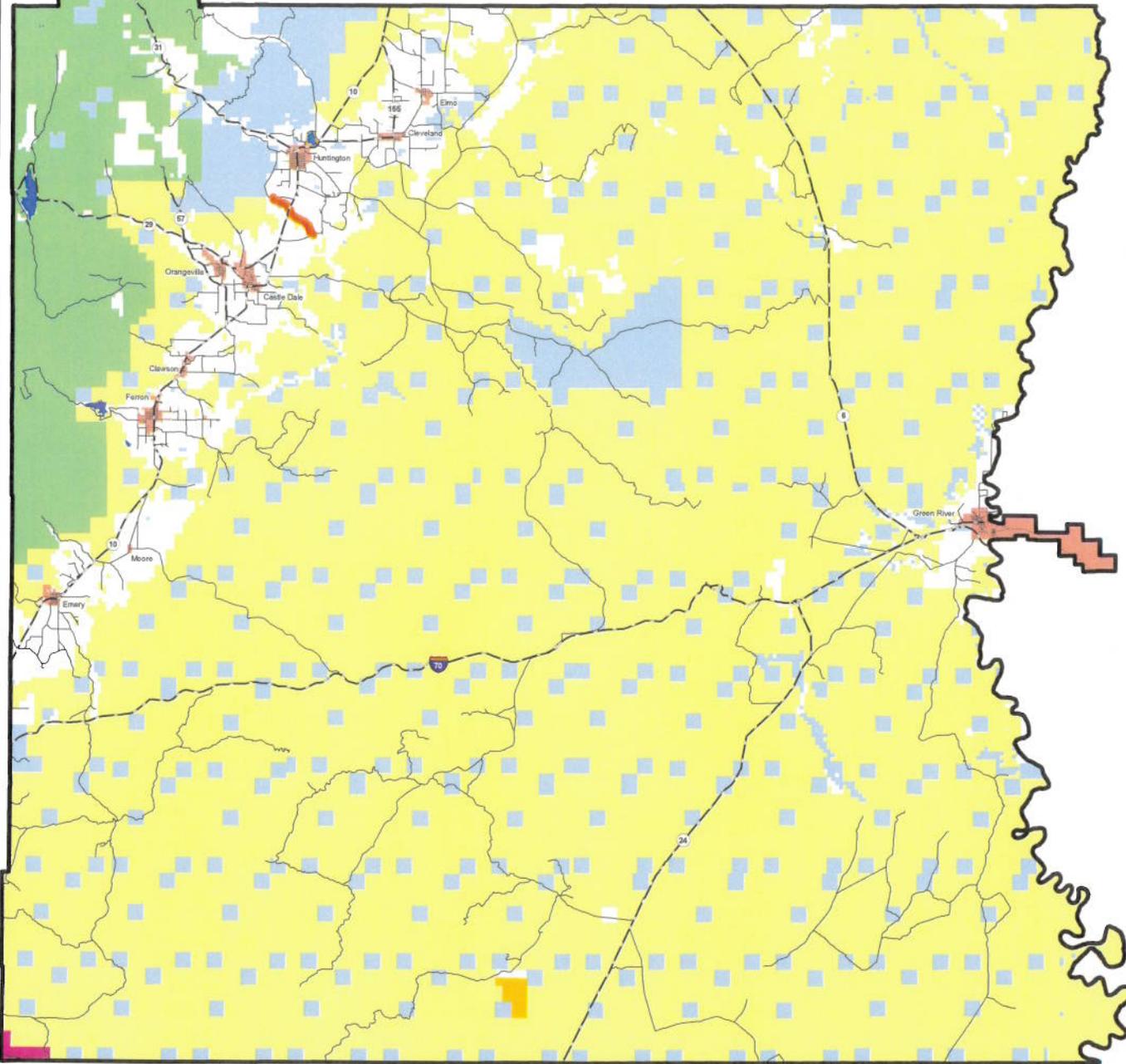
Road #322

South Canal

-  South Canal
-  Highway/Interstate
-  B Class Road



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



AFFIDAVIT OF VERNON LEAMASTER

SOUTH CANAL ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 322

State of Utah)
 : ss.
County of Emery)

VERNON LEAMASTER, 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 Huntington, Emery County, Utah. I have lived in Emery County for most of my life. I worked for the Emery County Road Department from May of 1965 until May of 1982.

2. I have traveled and am familiar with a road in Emery County known as South Canal Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1930s it followed the same route as in 2007 when I last observed it. Attached is a Emery County map showing the South Canal 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 early 1930s 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 daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the early 1930s to 2007, I have used the road myself for county road maintenance and traveling in and through the area.

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 the following uses: farming, hunting, recreation and livestock operations.

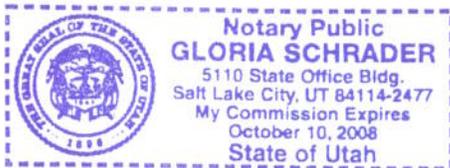
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally supervised the maintenance and construction activities on the road.

DATED this 6 day of March, 2007.

Vernon Leamaster
VERNON LEAMASTER

SUBSCRIBED AND SWORN to before me this 2nd day of March, 2007.



Gloria Schrader
NOTARY PUBLIC

Road #322

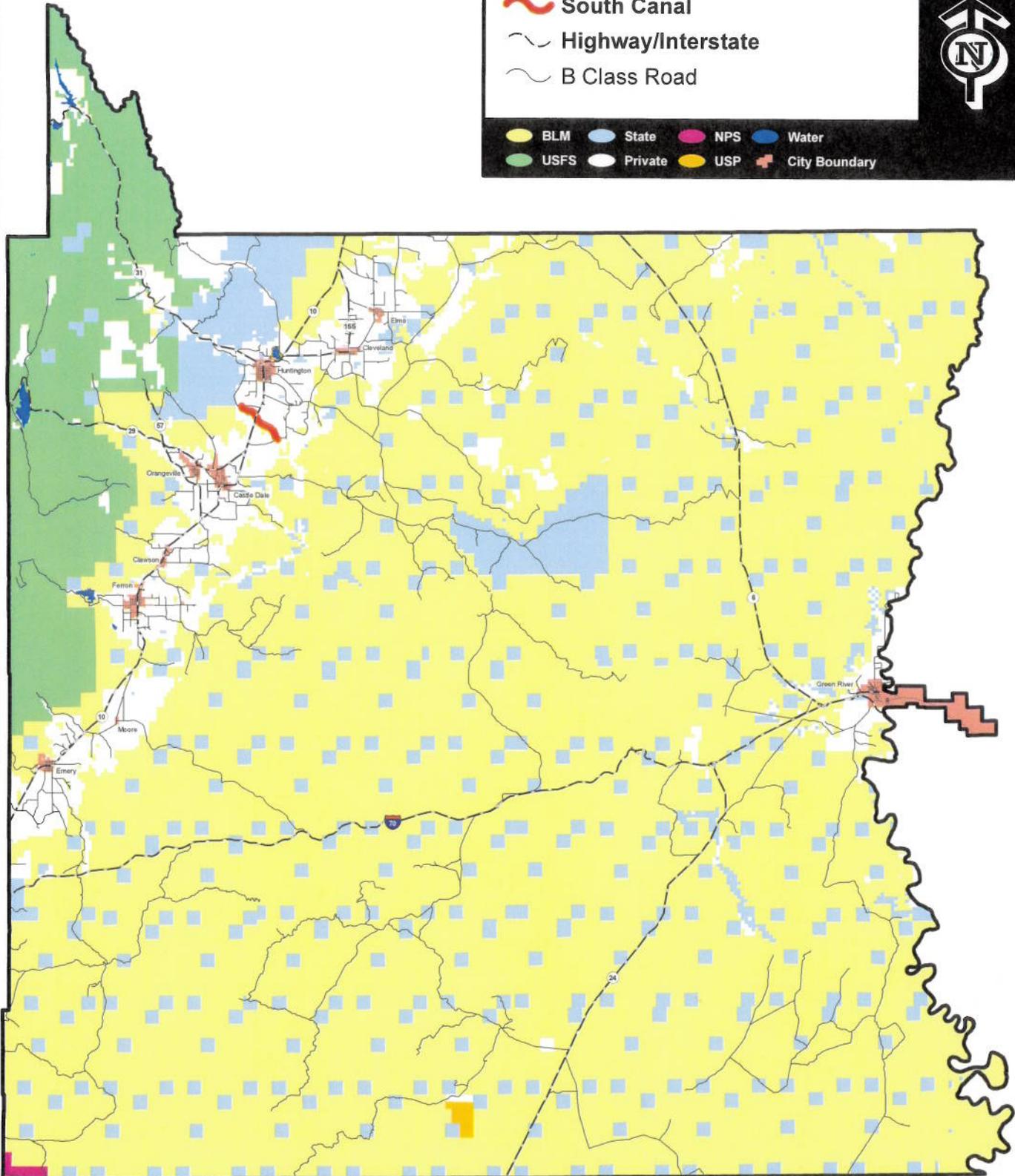
South Canal

 South Canal

 Highway/Interstate

 B Class Road

 BLM	 State	 NPS	 Water
 USFS	 Private	 USP	 City Boundary



Appendix A to Attachment 4

Popular Name: SOUTH CANAL ROAD

County: Emery

County Road Number: 322

State Geographic Information Database (SGID) Road Identification Number: RD080131.

Road-Segment Number: 002

Road-Segment Length: 0.27 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 18 South Range 9 East, Section(s) 7, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SOUTH CANAL ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 39 degrees 16 minutes 17.28 seconds North Latitude and -110 degrees 57 minutes 29.63 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,793,791.9 feet and Y = 6,903,833.6 feet; thence the following courses along the said road center line:

thence South 69 Degrees 28 Minutes 58 Seconds East 148.5 feet

thence South 74 Degrees 00 Minutes 53 Seconds East 164.8 feet

thence South 76 Degrees 35 Minutes 21 Seconds East 164.5 feet

thence South 60 Degrees 15 Minutes 44 Seconds East 163.8 feet

thence South 45 Degrees 34 Minutes 17 Seconds East 159 feet

thence South 34 Degrees 22 Minutes 20 Seconds East 144.2 feet

thence South 30 Degrees 51 Minutes 52 Seconds East 146 feet

thence South 38 Degrees 35 Minutes 04 Seconds East 148.4 feet

thence South 48 Degrees 50 Minutes 55 Seconds East 154.6 feet

thence South 49 Degrees 24 Minutes 22 Seconds East 6.5 feet more or less to **the ending point**

at: 39 degrees 16 minutes 09.36 seconds North Latitude and -110 degrees 57 minutes 15.91 seconds West

Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,794,875.5 feet and Y = 6,903,039.1 feet.

Appendix B to Attachment 4

Popular Name: SOUTH CANAL ROAD

County: Emery

County Road Number: 322

State Geographic Information Database (SGID) Road Identification Number: RD080131.

Road-Segment Number: 004

Road-Segment Length: 0.62 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 18 South Range 9 East, Section(s) 7,18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SOUTH CANAL ROAD)-- Segment 004 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 39 degrees 16 minutes 04.69 seconds North Latitude and -110 degrees 57 minutes 09.01 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,795,421.3 feet and Y = 6,902,569.9 feet; thence the following courses along the said road center line:

thence South 50 Degrees 42 Minutes 35 Seconds East	173 feet
thence South 47 Degrees 48 Minutes 59 Seconds East	181.2 feet
thence South 20 Degrees 24 Minutes 21 Seconds East	173 feet
thence South 01 Degrees 43 Minutes 48 Seconds East	186.8 feet
thence South 10 Degrees 50 Minutes 54 Seconds East	188.6 feet
thence South 22 Degrees 19 Minutes 09 Seconds East	177 feet
thence South 05 Degrees 38 Minutes 43 Seconds East	169.8 feet
thence South 11 Degrees 24 Minutes 11 Seconds East	129.8 feet
thence South 11 Degrees 26 Minutes 59 Seconds East	40.8 feet
thence South 29 Degrees 15 Minutes 33 Seconds East	141.8 feet
thence South 44 Degrees 18 Minutes 30 Seconds East	131.4 feet

thence South 55 Degrees 19 Minutes 43 Seconds East 128.2 feet
thence South 22 Degrees 25 Minutes 06 Seconds East 94.2 feet
thence South 62 Degrees 52 Minutes 33 Seconds West 70.6 feet
thence North 83 Degrees 11 Minutes 44 Seconds West 71.4 feet
thence South 32 Degrees 36 Minutes 05 Seconds West 54.3 feet
thence South 28 Degrees 12 Minutes 25 Seconds East 89.1 feet
thence South 41 Degrees 22 Minutes 02 Seconds East 114.5 feet
thence South 15 Degrees 32 Minutes 20 Seconds East 135 feet
thence South 01 Degrees 14 Minutes 33 Seconds West 168.4 feet
thence South 11 Degrees 37 Minutes 52 Seconds West 183.8 feet
thence South 06 Degrees 14 Minutes 51 Seconds East 155.7 feet
thence South 52 Degrees 11 Minutes 17 Seconds East 128.1 feet
thence South 71 Degrees 57 Minutes 25 Seconds East 166.7 feet
thence South 70 Degrees 20 Minutes 15 Seconds East 15.4 feet more or less to **the ending**

point at: 39 degrees 15 minutes 38.48 seconds North Latitude and -110 degrees 56 minutes 56.11 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,796,452.2 feet and Y = 6,899,924.5 feet.