

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 COTTONWOOD CANYON ROAD; County Road Number: 506; State Geographic Information Database (SGID) Road Identification Number: RD080486. Total road length is 3.7 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 21<sup>st</sup> day of April, 2008.

By the Governor's Designee

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

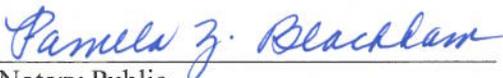
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

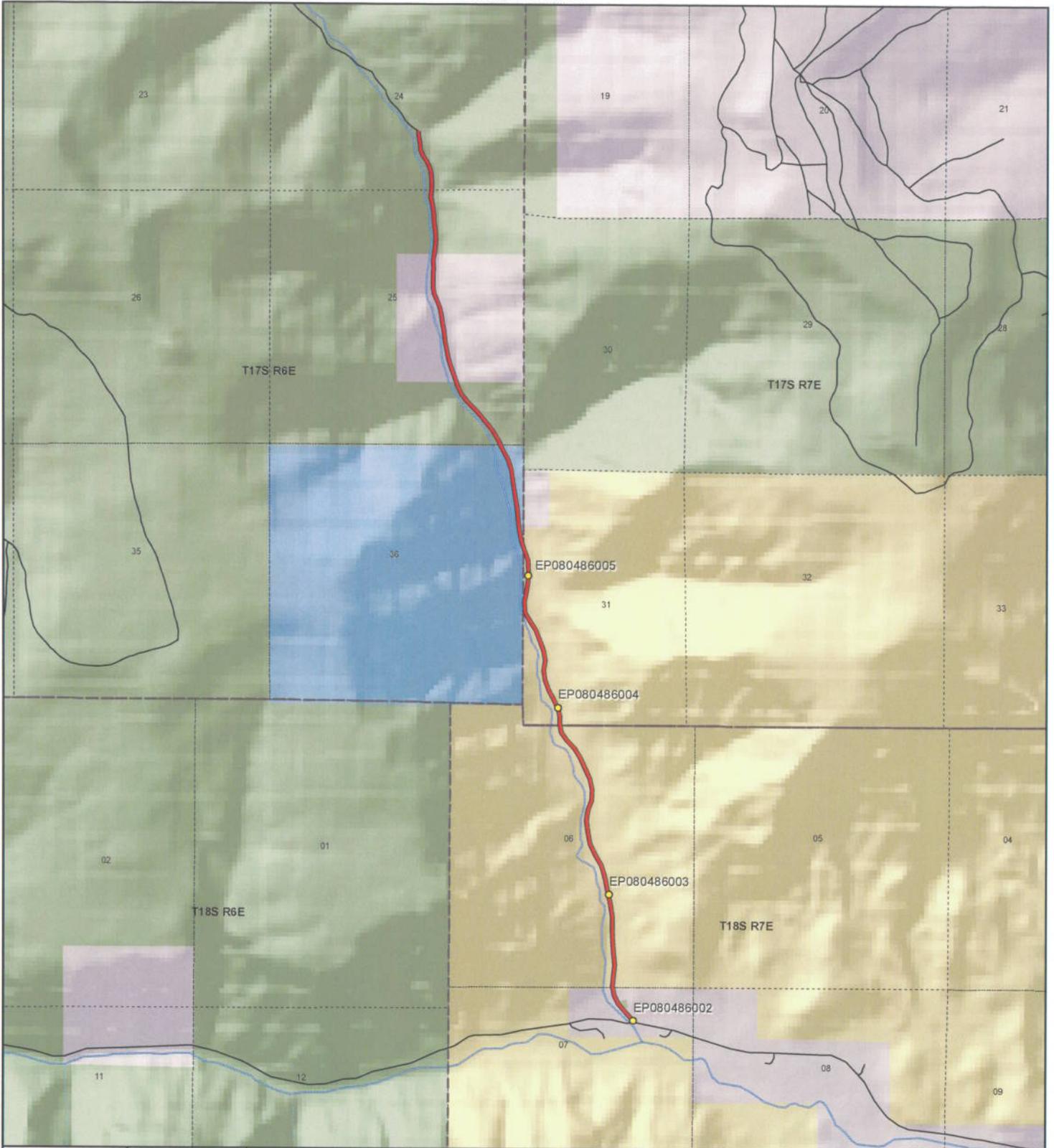
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 21<sup>st</sup> day of April, 2008.



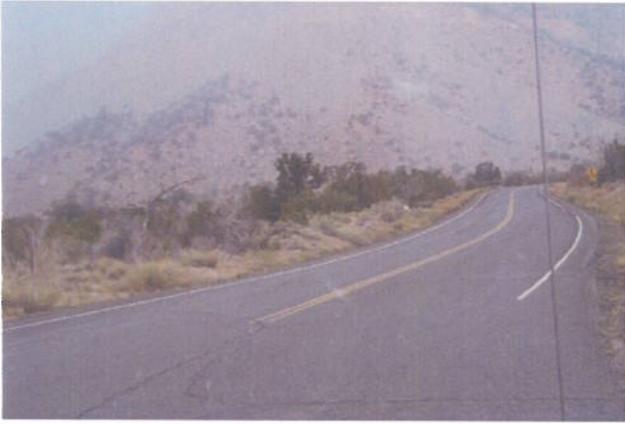
  
\_\_\_\_\_  
Notary Public

Attachment 1



|   |   |   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
|---|---|---|----------------------------------|--|-------------------------------|--|-------|--------------|------------------------|---------------------|-----------|-------------------------|---|--------------------|---------------------------|-----------------|---------------|--|-------------------------|------------------------|--|--|------------------------------|----------------------------|--|--|------------------------------|--------------------------------|--|--|----------------------|--|--|--|--|
|  <p>1:32,234<br/>1 inch equals 0.5 miles</p> |  | <p align="center"><b>COTTONWOOD CANYON ROAD - Emery County</b><br/><b>SGID RD_ID RD080486</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td>● BLM</td> <td>◆ Wilderness</td> <td>— COTTONWOOD CANYON RD</td> <td>● Photo Event Point</td> </tr> <tr> <td>● Private</td> <td>◆ UDWR Wildlife Reserve</td> <td>— Title V, Issued Or Under Consideration By BLM Or County</td> <td>○ Section = 1 Mile</td> </tr> <tr> <td>◆ SITLA, State Trust Land</td> <td>◆ DOD, Military</td> <td>— Other Roads</td> <td></td> </tr> <tr> <td>◆ USFS, National Forest</td> <td>◆ State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td>◆ State Parks and Recreation</td> <td>◆ National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td>◆ Tribal, Indian Reservation</td> <td>◆ USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td>◆ NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table> | <b>Land Ownership Categories</b> |  | <b>Transportation Network</b> |  | ● BLM | ◆ Wilderness | — COTTONWOOD CANYON RD | ● Photo Event Point | ● Private | ◆ UDWR Wildlife Reserve | — Title V, Issued Or Under Consideration By BLM Or County | ○ Section = 1 Mile | ◆ SITLA, State Trust Land | ◆ DOD, Military | — Other Roads |  | ◆ USFS, National Forest | ◆ State Sovereign Land |  |  | ◆ State Parks and Recreation | ◆ National Recreation Area |  |  | ◆ Tribal, Indian Reservation | ◆ USFWS, Natl. Wildlife Refuge |  |  | ◆ NPS, National Park |  |  |  | <p>Map prepared by the State of Utah<br/>Automated Geographic Reference Center<br/>Room 5130 State Office Building<br/>Salt Lake City, Utah 84114<br/>Jan 29, 2008</p>  |
| <b>Land Ownership Categories</b>  |   | <b>Transportation Network</b>   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● BLM   | ◆ Wilderness  | — COTTONWOOD CANYON RD  | ● Photo Event Point              |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● Private   | ◆ UDWR Wildlife Reserve   | — Title V, Issued Or Under Consideration By BLM Or County   | ○ Section = 1 Mile               |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ◆ SITLA, State Trust Land   | ◆ DOD, Military   | — Other Roads   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ◆ USFS, National Forest   | ◆ State Sovereign Land  |   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ◆ State Parks and Recreation  | ◆ National Recreation Area  |   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ◆ Tribal, Indian Reservation  | ◆ USFWS, Natl. Wildlife Refuge  |   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ◆ NPS, National Park  |   |   |                                  |  |                               |  |       |              |                        |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |

Attachment 2



EP080486002



EP080486003



EP080486004



EP080486005

EP000000000

EP000000000

**COTTONWOOD CANYON ROAD - Emery County**  
**SGID RD\_ID RD080486**



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: COTTONWOOD CANYON ROAD**

**County: Emery**

**County Road Number: 506**

**State Geographic Information Database (SGID) Road Identification Number: RD080486.**

**Total Road Length: 3.7 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 16 minutes 035.2 seconds North Latitude and -111 degrees 10 minutes 28.91 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,732,503.6 feet and Y = 6,905,350.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 19 minutes 36.53 seconds North Latitude and -111 degrees 11 minutes 26.72 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,727,894.7 feet and Y = 6,923,679.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 17 South Range 6 East, Section(s) 24,25,36, Salt Lake Base & Meridian

Township 17 South Range 7 East, Section(s) 31, Salt Lake Base & Meridian

Township 18 South Range 7 East, Section(s) 6,7, 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: COTTONWOOD CANYON ROAD**

**County: Emery**

**County Road Number: 506**

**State Geographic Information Database (SGID) Road Identification Number: RD080486.**

**Total Road Length: 3.7 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).**

| <b>Road-Segments<br/>Listed by SGID<br/>Road Identification<br/>Number (RD_ID)</b> | <b>Road-Segment<br/>Numbers</b> | <b>Believed Ownership<br/>Of Servient Estate</b> | <b>Approximate<br/>Segment<br/>Length</b> | <b>See Attached<br/>Appendix</b> |
|--|---------------------------------|--|---|----------------------------------|
| <b>RD080486</b>  | <b>001</b>                      | <b>PVT</b>                                       | <b>0.08 Miles</b>                         | <b>(not shown)</b>               |
| <b>RD080486</b>  | <b>002</b>                      | <b>FS</b>  | <b>0.01 Miles</b>                         | <b>†(pending)</b>                |
| <b>RD080486</b>  | <b>003</b>                      | <b>PVT</b>                                       | <b>0.07 Miles</b>                         | <b>(not shown)</b>               |
| <b>RD080486</b>  | <b>004</b>                      | <b>BLM</b>                                       | <b>1.82 Miles</b>                         | <b>A</b>                         |
| <b>RD080486</b>  | <b>005</b>                      | <b>ST</b>  | <b>0.4 Miles</b>                          | <b>(not shown)</b>               |
| <b>RD080486</b>  | <b>006</b>                      | <b>FS</b>  | <b>0.31 Miles</b>                         | <b>†(pending)</b>                |
| <b>RD080486</b>  | <b>007</b>                      | <b>PVT</b>                                       | <b>0.51 Miles</b>                         | <b>(not shown)</b>               |
| <b>RD080486</b>  | <b>008</b>                      | <b>FS</b>  | <b>0.49 Miles</b>                         | <b>†(pending)</b>                |
|  |                                 | <b>Total Road Length</b>                         | <b>3.7</b>                                | <b>_____</b>                     |

\* 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 E. JAMES NIELSEN**

**COTTONWOOD CANYON ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 506**

State of Utah                    )  
  : ss.  
County of Emery                )

E. JAMES NIELSEN, 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 Clawson, Emery County, Utah. I have lived in Emery County my entire life. I have been employed as the supervisor of the Emery County Weed and Mosquito Department since 1980.

2. I have traveled and am familiar with a road in Emery County known as Cottonwood Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is an Emery County map showing Cottonwood Canyon 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 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, horses, and ATVs. Throughout the 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 1950s to 2007, I have used the road

myself for county weed and mosquito control, plant surveys, hunting, rock hounding 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 livestock operations, recreation, mining, wood gathering and government access.

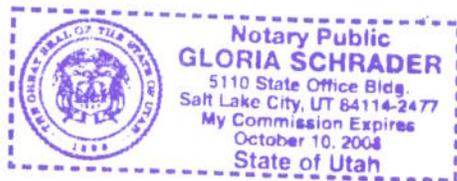
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed the graded surface of the road.

DATED this 7 day of March, 2007.

  
E. JAMES NIELSEN

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



  
NOTARY PUBLIC

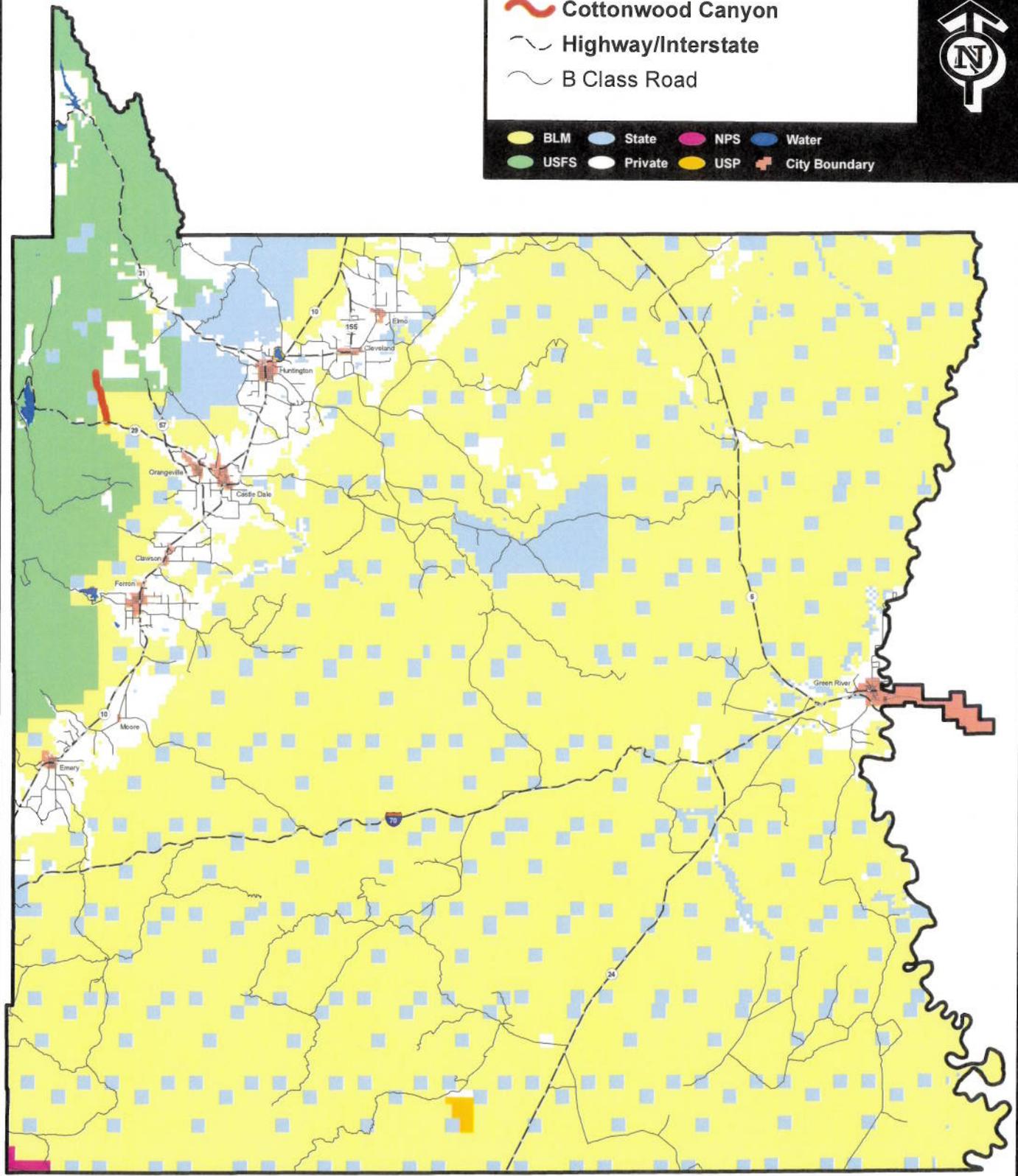
# Road #506 Cottonwood Canyon

 Cottonwood Canyon

 Highway/Interstate

 B Class Road

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



AFFIDAVIT OF MERRILL DUNCAN

COTTONWOOD CANYON

EMERY COUNTY, UTAH

ROAD NUMBER 506

State of Utah )  
 : ss.  
County of Emery )

MERRILL DUNCAN, 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 Molen, Emery County, Utah. I have lived in Emery County since 1956.

2. I have traveled and am familiar with a road in Emery County known as Cottonwood Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1956 it followed the same route as in 2006 when I last observed it. Attached is a Emery County map showing the Cottonwood Canyon 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 1956 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, weather permitting, for more than ten continuous years prior to 1976, and is presently used daily, weather permitting.

5. Throughout the time period from the early 1956 to 2006, I have used the road myself for the following uses: livestock operations, hunting, fishing, contract work for mining industry and U.S. Forest Service 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: logging, oil and gas exploration, mining and recreation.

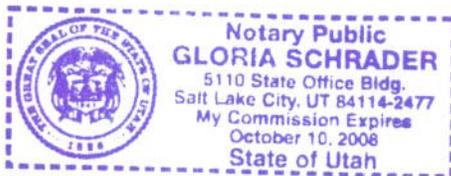
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed graders performing maintenance and construction activities on the road. I personally performed construction work on the road, including culvert work and clearing slides.

DATED this 6 day of March, 2007.

Merrill Duncan  
MERRILL DUNCAN

SUBSCRIBED AND SWORN to before me this 6th day of March, 2007.



Gloria Schrader  
NOTARY PUBLIC

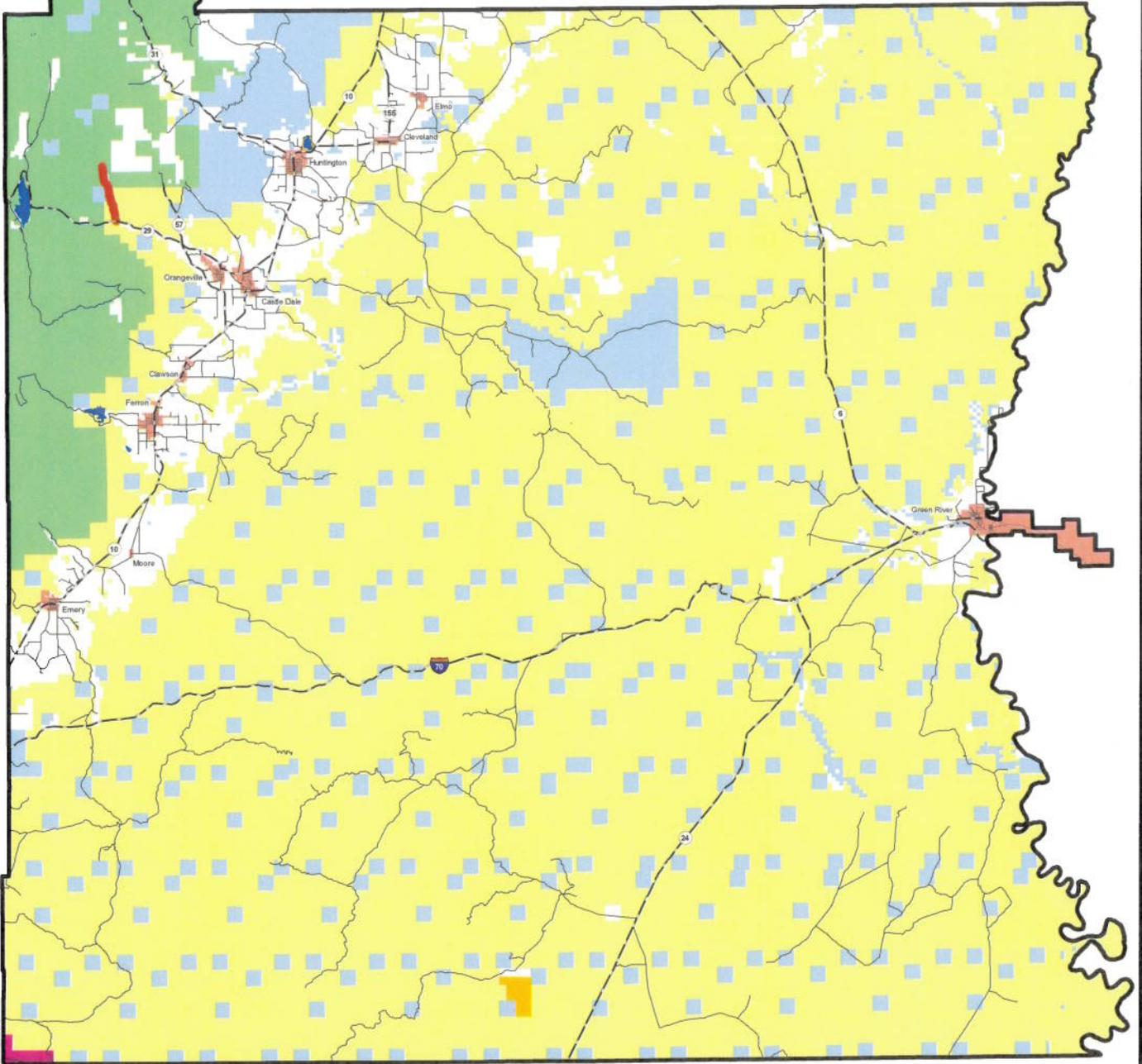
# Road #506

# Cottonwood Canyon

-  Cottonwood Canyon
-  Highway/Interstate
-  B Class Road



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



## Appendix A to Attachment 4

**Popular Name: COTTONWOOD CANYON ROAD**

**County: Emery**

**County Road Number: 506**

**State Geographic Information Database (SGID) Road Identification Number: RD080486.**

**Road-Segment Number: 004**

**Road-Segment Length: 1.82 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 17 South Range 6 East, Section(s) 36, Salt Lake Base & Meridian

Township 17 South Range 7 East, Section(s) 31, Salt Lake Base & Meridian

Township 18 South Range 7 East, Section(s) 6, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (COTTONWOOD CANYON 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 42.14 seconds North Latitude and -111 degrees 10 minutes 34.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,732,052.0 feet and Y = 6,906,050.2 feet; thence the following courses along the said road center line:

thence North 10 Degrees 11 Minutes 05 Seconds West 7.7 feet  
thence North 09 Degrees 46 Minutes 52 Seconds West 35.9 feet  
thence North 05 Degrees 53 Minutes 25 Seconds East 206.3 feet  
thence North 05 Degrees 47 Minutes 15 Seconds East 222.1 feet  
thence North 05 Degrees 03 Minutes 21 Seconds West 234.5 feet  
thence North 04 Degrees 52 Minutes 50 Seconds West 247.6 feet  
thence North 02 Degrees 10 Minutes 08 Seconds West 254.2 feet  
thence North 02 Degrees 36 Minutes 24 Seconds West 263.1 feet  
thence North 07 Degrees 50 Minutes 38 Seconds West 268.1 feet

thence North 11 Degrees 56 Minutes 26 Seconds West 272.1 feet  
 thence North 12 Degrees 45 Minutes 55 Seconds West 272.6 feet  
 thence North 17 Degrees 13 Minutes 53 Seconds West 261.7 feet  
 thence North 28 Degrees 07 Minutes 56 Seconds West 256 feet  
 thence North 26 Degrees 04 Minutes 27 Seconds West 249.2 feet  
 thence North 11 Degrees 09 Minutes 22 Seconds West 249.6 feet  
 thence North 06 Degrees 39 Minutes 02 Seconds West 244 feet  
 thence North 07 Degrees 26 Minutes 46 Seconds East 211.3 feet  
 thence North 20 Degrees 43 Minutes 06 Seconds East 214.8 feet  
 thence North 02 Degrees 45 Minutes 33 Seconds East 226.1 feet  
 thence North 14 Degrees 55 Minutes 22 Seconds West 233 feet  
 thence North 23 Degrees 27 Minutes 14 Seconds West 233.1 feet  
 thence North 24 Degrees 50 Minutes 37 Seconds West 230.9 feet  
 thence North 33 Degrees 09 Minutes 06 Seconds West 231.2 feet  
 thence North 43 Degrees 21 Minutes 07 Seconds West 229.9 feet  
 thence North 36 Degrees 33 Minutes 44 Seconds West 192.1 feet  
 thence North 08 Degrees 49 Minutes 50 Seconds West 146.3 feet  
 thence North 08 Degrees 33 Minutes 55 Seconds West 22.9 feet  
 thence North 01 Degrees 25 Minutes 06 Seconds West 171 feet  
 thence North 14 Degrees 29 Minutes 09 Seconds West 174.3 feet  
 thence North 26 Degrees 42 Minutes 50 Seconds West 197.9 feet  
 thence North 27 Degrees 38 Minutes 39 Seconds West 210.2 feet  
 thence North 21 Degrees 52 Minutes 30 Seconds West 213.5 feet  
 thence North 07 Degrees 30 Minutes 00 Seconds West 207.4 feet  
 thence North 09 Degrees 46 Minutes 24 Seconds East 206 feet  
 thence North 09 Degrees 26 Minutes 56 Seconds West 204.8 feet  
 thence North 21 Degrees 09 Minutes 56 Seconds West 219.5 feet  
 thence North 21 Degrees 43 Minutes 11 Seconds West 226.7 feet  
 thence North 33 Degrees 42 Minutes 15 Seconds West 222.5 feet  
 thence North 31 Degrees 00 Minutes 09 Seconds West 218.7 feet  
 thence North 05 Degrees 28 Minutes 21 Seconds West 208.3 feet  
 thence North 12 Degrees 13 Minutes 43 Seconds East 214.5 feet  
 thence North 07 Degrees 50 Minutes 07 Seconds East 219.8 feet  
 thence North 02 Degrees 01 Minutes 30 Seconds East 224.7 feet  
 thence North 04 Degrees 22 Minutes 47 Seconds West 217.8 feet  
 thence North 18 Degrees 23 Minutes 56 Seconds West 217.8 feet  
 thence North 18 Degrees 49 Minutes 26 Seconds West 84.8 feet  
 thence North 18 Degrees 58 Minutes 52 Seconds West 52.3 feet more or less to **the ending**

**point at:** 39 degrees 18 minutes 12.45 seconds North Latitude and -111 degrees 10 minutes 58.75 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,730,122.3 feet and Y = 6,915,180.2 feet.