

Ent 390388 Page 1 of 13
Date: 07-MAY-2008 12:06PM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 SODA SPUR ROAD; County Road Number: 610; State Geographic Information Database (SGID) Road Identification Number: RD080503. Total road length is 1.71 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 21st day of April, 2008.

By the Governor's Designee



John Harja

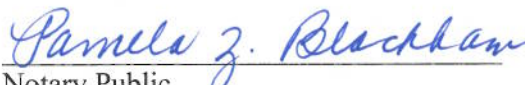
CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

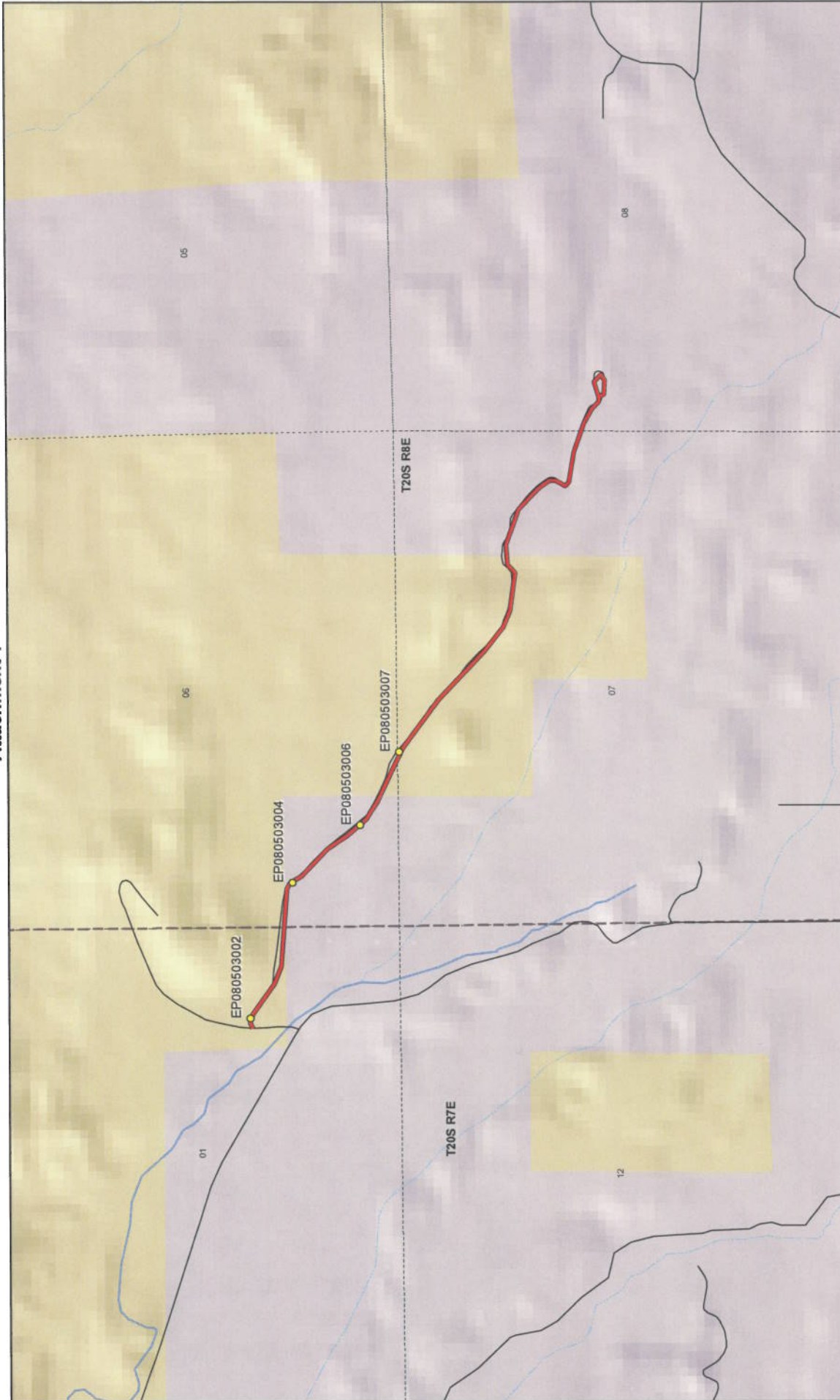
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 21st day of April, 2008.





Notary Public



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jan 28, 2008

SODA SPUR ROAD - Emery County
SGID RD_ID RD080503

Land Ownership Categories

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

Transportation Network

- SODA SPUR 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

1:17,430
1 inch equals 0.3 miles

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Attachment 1

Attachment 2



EP080503004



EP080503006



EP080503007



EP080503002

EP000000000

EP000000000

SODA SPUR ROAD - Emery County
SGID RD_ID RD080503



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: SODA SPUR ROAD

County: Emery

County Road Number: 610

State Geographic Information Database (SGID) Road Identification Number: RD080503.

Total Road Length: 1.71 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 06 minutes 26.94 seconds North Latitude and -111 degrees 04 minutes 44.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,759,846.7 feet and Y = 6,843,924.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 05 minutes 49.37 seconds North Latitude and -111 degrees 03 minutes 17.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,766,739.9 feet and Y = 6,840,156.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 20 South Range 7 East, Section(s) 1, Salt Lake Base & Meridian
Township 20 South Range 8 East, Section(s) 6,7,8, 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: SODA SPUR ROAD

County: Emery

County Road Number: 610

State Geographic Information Database (SGID) Road Identification Number: RD080503.

Total Road Length: 1.71 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
RD080503	001	BLM	0.23 Miles	A
RD080503	002	PVT	0.35 Miles	(not shown)
RD080503	003	BLM	0.59 Miles	B
RD080503	004	PVT	0.53 Miles	(not shown)
		Total Road Length	1.71	—————

* 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 LEE SWASEY

SODA SPUR ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 610

State of Utah)
 : ss.
County of Emery)

LEE SWASEY, 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 Ferron, Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as Soda Spur 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 2005 when I last observed it. Attached is a Emery County map showing the Soda Spur 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 2005. 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.

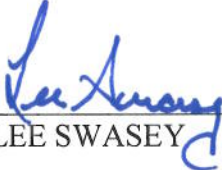
5. Throughout the time period from the late 1960s to 2005, I have used the road myself for hunting.

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, farming 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 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

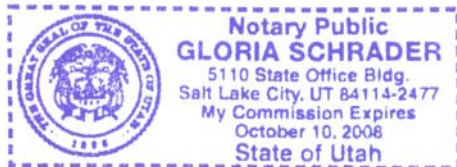
8. Prior to 1976, I personally observed the graded surface of the road.

DATED this 5 day of March, 2007.



LEE SWASEY

SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.








NOTARY PUBLIC

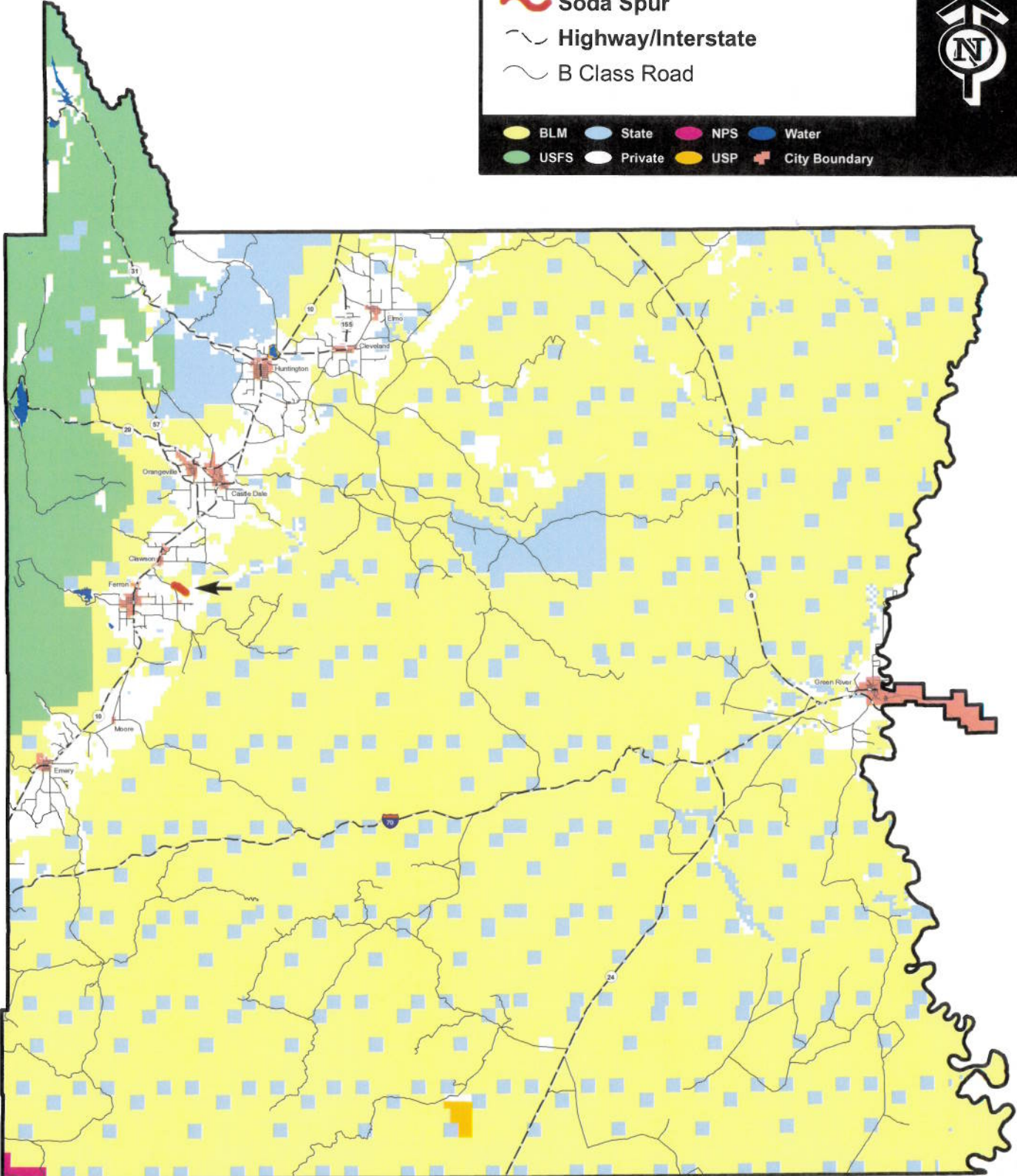
Road #610

Soda Spur

-  Soda Spur
-  Highway/Interstate
-  B Class Road



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



AFFIDAVIT OF JED BEHLING
SODA SPUR ROAD
EMERY COUNTY, UTAH
ROAD NUMBER 610

State of Utah)
 : ss.
County of Emery)

JED BEHLING, 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 Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as the Soda Spur 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 a Emery County map showing Soda Spur 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 the present. Throughout this time period I have observed travel on the road by various means, including car, truck, recreational vehicle, 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 1950s to the present, I have used the

road myself for the following uses: farming, livestock operations, hunting 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: oil and gas exploration, trapping, government access and recreation.

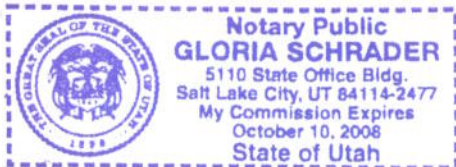
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

Jed Behling
JED BEHLING




SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.



Gloria Schrader
NOTARY PUBLIC

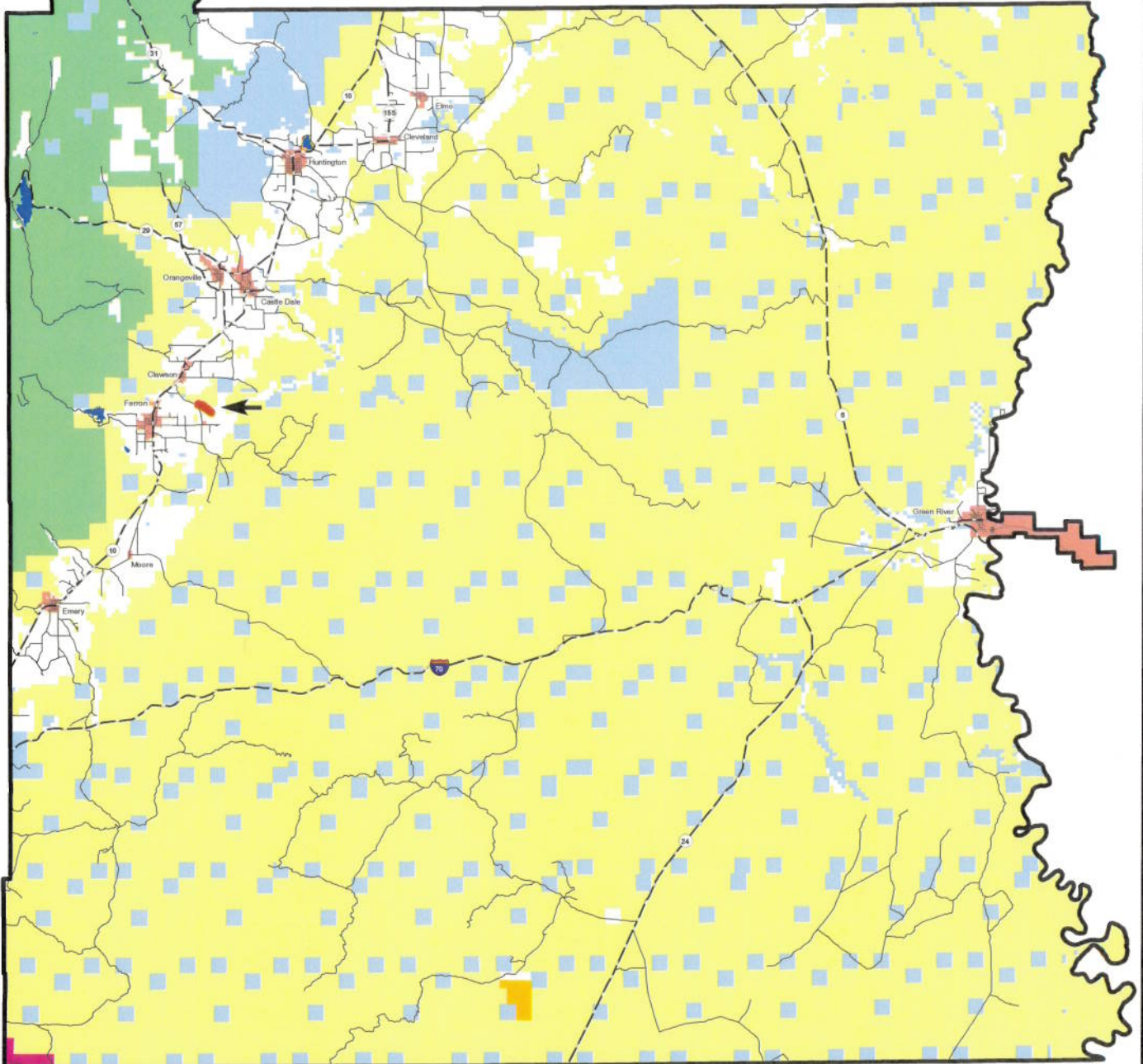
Road #610

Soda Spur

-  Soda Spur
-  Highway/Interstate
-  B Class Road



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



Appendix A to Attachment 4

Popular Name: SODA SPUR ROAD

County: Emery

County Road Number: 610

State Geographic Information Database (SGID) Road Identification Number: RD080503.

Road-Segment Number: 001

Road-Segment Length: 0.23 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 20 South Range 7 East, Section(s) 1, Salt Lake Base & Meridian

Township 20 South Range 8 East, Section(s) 6, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SODA SPUR 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 39 degrees 06 minutes 26.94 seconds North Latitude and -111 degrees 04 minutes 44.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,759,846.7 feet and Y = 6,843,924.0 feet; thence the following courses along the said road center line:

thence North 58 Degrees 10 Minutes 05 Seconds East 64.7 feet

thence South 73 Degrees 20 Minutes 38 Seconds East 97.8 feet

thence South 55 Degrees 11 Minutes 42 Seconds East 407.3 feet

thence South 68 Degrees 51 Minutes 23 Seconds East 206.3 feet

thence South 85 Degrees 44 Minutes 06 Seconds East 427.1 feet

thence South 85 Degrees 39 Minutes 09 Seconds East 16.1 feet more or less to **the ending**

point at: 39 degrees 06 minutes 23.59 seconds North Latitude and -111 degrees 04 minutes 30.71 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,760,964.2 feet and Y = 6,843,590.2 feet.

Appendix B to Attachment 4

Popular Name: SODA SPUR ROAD

County: Emery

County Road Number: 610

State Geographic Information Database (SGID) Road Identification Number: RD080503.

Road-Segment Number: 003

Road-Segment Length: 0.59 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 20 South Range 8 East, Section(s) 7, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SODA SPUR ROAD)-- Segment 003 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 06 minutes 13.16 seconds North Latitude and -111 degrees 04 minutes 12.78 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,762,382.6 feet and Y = 6,842,542.2 feet; thence the following courses along the said road center line:

thence South 65 Degrees 05 Minutes 29 Seconds East 446.6 feet

thence South 65 Degrees 04 Minutes 17 Seconds East 127.7 feet

thence South 53 Degrees 29 Minutes 02 Seconds East 655.3 feet

thence South 47 Degrees 06 Minutes 05 Seconds East 731.4 feet

thence South 52 Degrees 32 Minutes 26 Seconds East 326.8 feet

thence South 66 Degrees 58 Minutes 42 Seconds East 190.5 feet

thence South 82 Degrees 20 Minutes 50 Seconds East 421.2 feet

thence North 47 Degrees 22 Minutes 33 Seconds East 123.4 feet

thence North 85 Degrees 20 Minutes 22 Seconds East 99.7 feet more or less to **the ending**

point at: 39 degrees 05 minutes 59.52 seconds North Latitude and -111 degrees 03 minutes 39.56 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,765,008.4 feet and Y = 6,841,174.8 feet.