

Ent 390398 Page 1 of 13  
Date: 07-MAY-2008 12:31PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 MUDDY CANYON ROAD; County Road Number: 806; State Geographic Information Database (SGID) Road Identification Number: RD080538. Total road length is 4.14 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

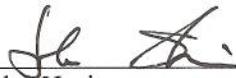
Internet at <http://recorded2477roads.utah.gov>.

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

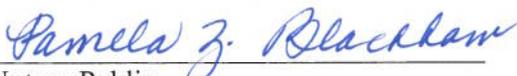
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

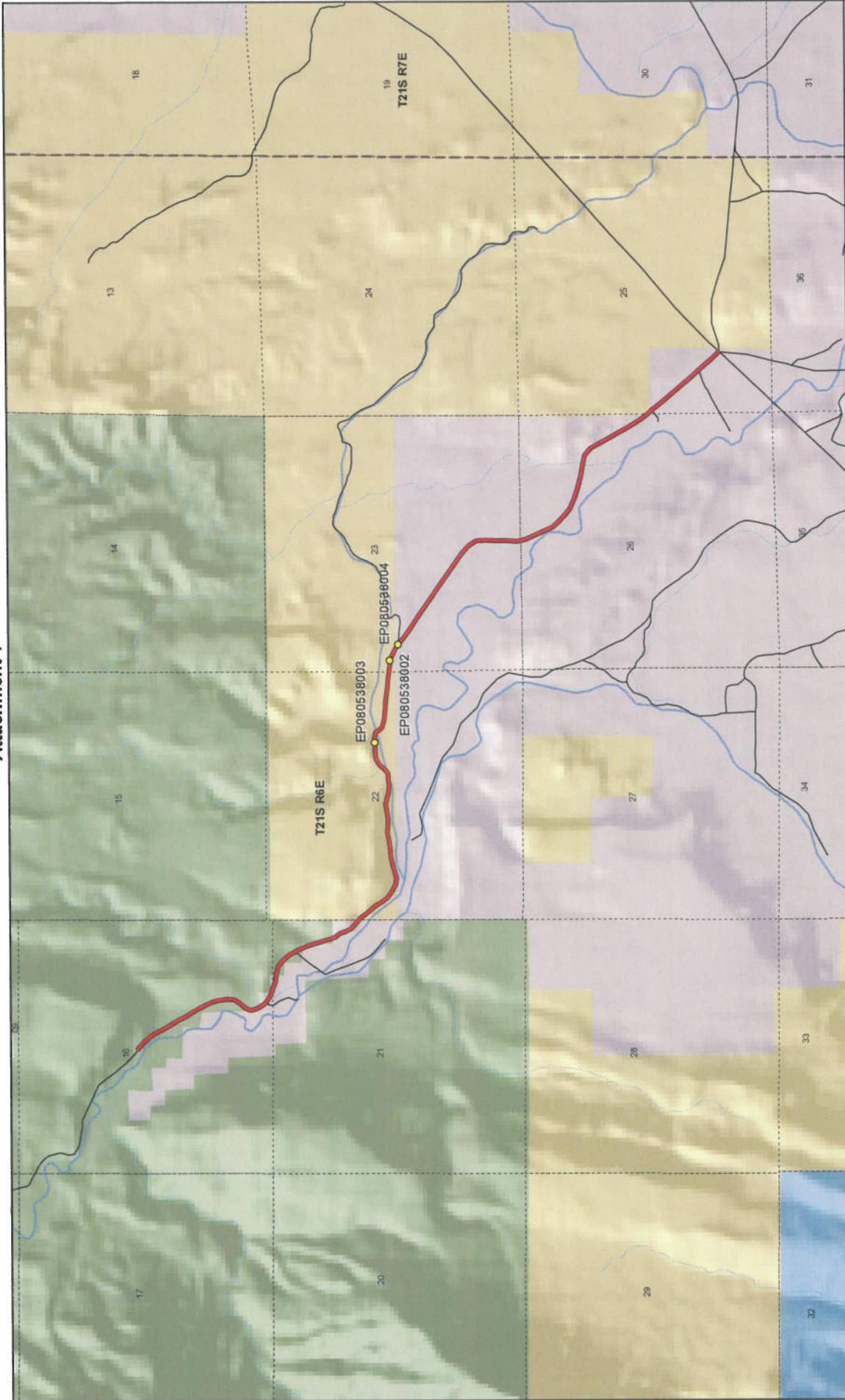
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to 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.



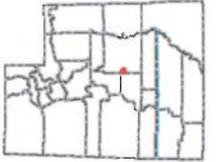
  
\_\_\_\_\_  
Notary Public

Attachment 1





1:33,230  
1 inch equals 0.5 miles



### Muddy Canyon Road - Emery County

#### SGID RD\_ID RD080538

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



**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**

- Muddy Canyon Road
- Other Roads
- Title V, Issued, Or Under Construction By BLM Or County
- Photo Event Point
- Section = 1 Mile

Attachment 2



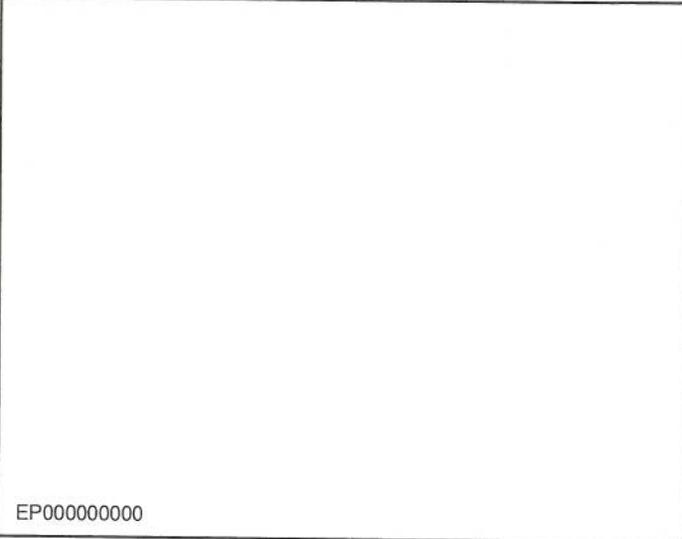
EP080538002



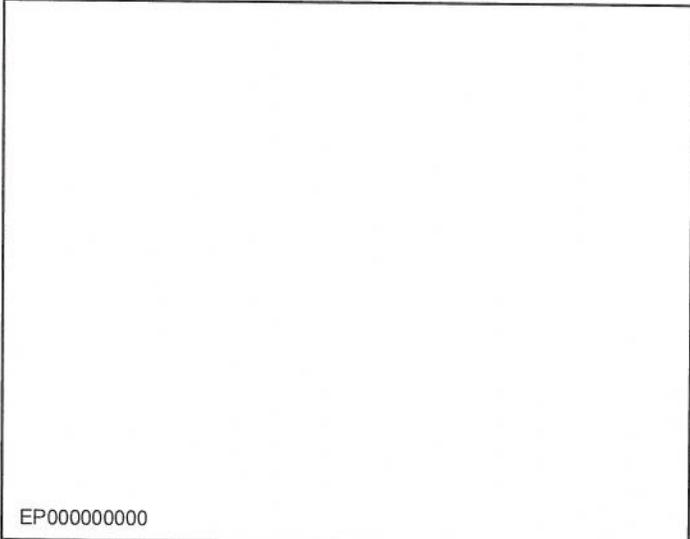
EP080538003



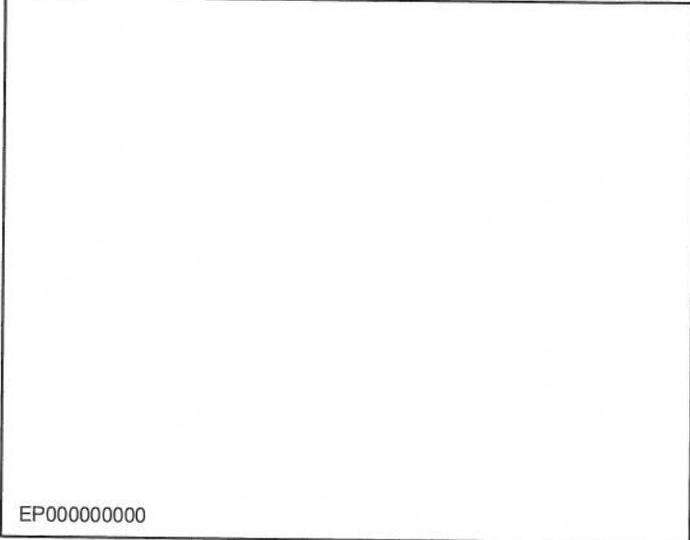
EP080538004



EP000000000



EP000000000



EP000000000

**MUDDY CANYON ROAD - Emery County**  
**SGID RD\_ID RD080538**

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: MUDDY CANYON ROAD**

**County: Emery**

**County Road Number: 806**

**State Geographic Information Database (SGID) Road Identification Number: RD080538.**

**Total Road Length: 4.14 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 59 minutes 26.56 seconds North Latitude and -111 degrees 15 minutes 09.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,710,724.7 feet and Y = 6,801,208.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 57 minutes 26.26 seconds North Latitude and -111 degrees 12 minutes 05.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,725,292.8 feet and Y = 6,789,082.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 21 South Range 6 East, Section(s) 16,21,22,23,25,26, 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: MUDDY CANYON ROAD**

**County: Emery**

**County Road Number: 806**

**State Geographic Information Database (SGID) Road Identification Number: RD080538.**

**Total Road Length: 4.14 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 Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
RD080538	001	FS	0.56 Miles	†(pending)
RD080538	002	PVT	0.14 Miles	(not shown)
RD080538	003	FS	0.15 Miles	†(pending)
RD080538	004	PVT	0.05 Miles	(not shown)
RD080538	005	FS	0.07 Miles	†(pending)
RD080538	006	PVT	0.13 Miles	(not shown)
RD080538	007	BLM	0.23 Miles	A
RD080538	008	PVT	0 Miles	(not shown)
RD080538	009	BLM	0.94 Miles	B
RD080538	010	PVT	1.47 Miles	(not shown)
RD080538	011	BLM	0.01 Miles	C
RD080538	012	PVT	0.37 Miles	(not shown)
		<b>Total Road Length</b>	<b>4.14</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 MORRIS SORENSEN**

**MUDDY CANYON ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 806**

State of Utah                    )  
  : ss.  
County of Emery                )

MORRIS SORENSEN, 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, Emery County, Utah. I have lived in Emery County for most of my life. I have been employed by the Emery County Road Department for 23 years and am currently the County Road Supervisor.

2. I have traveled and am familiar with a road in Emery County known as Muddy Canyon 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 2007 when I last observed it. Attached is an Emery County map showing Muddy 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 late 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, recreational vehicles. 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 late 1950s to 2007, I have used the road myself for livestock operations, farming, county road maintenance, hunting 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 irrigation access, mining and government access.

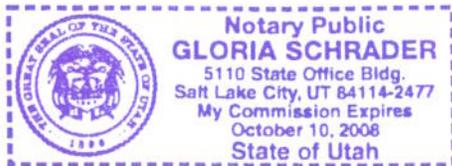
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 9 day of March, 2007.

  
MORRIS SORENSEN

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of March, 2007.



  
NOTARY PUBLIC

# Road #806

# Muddy Canyon

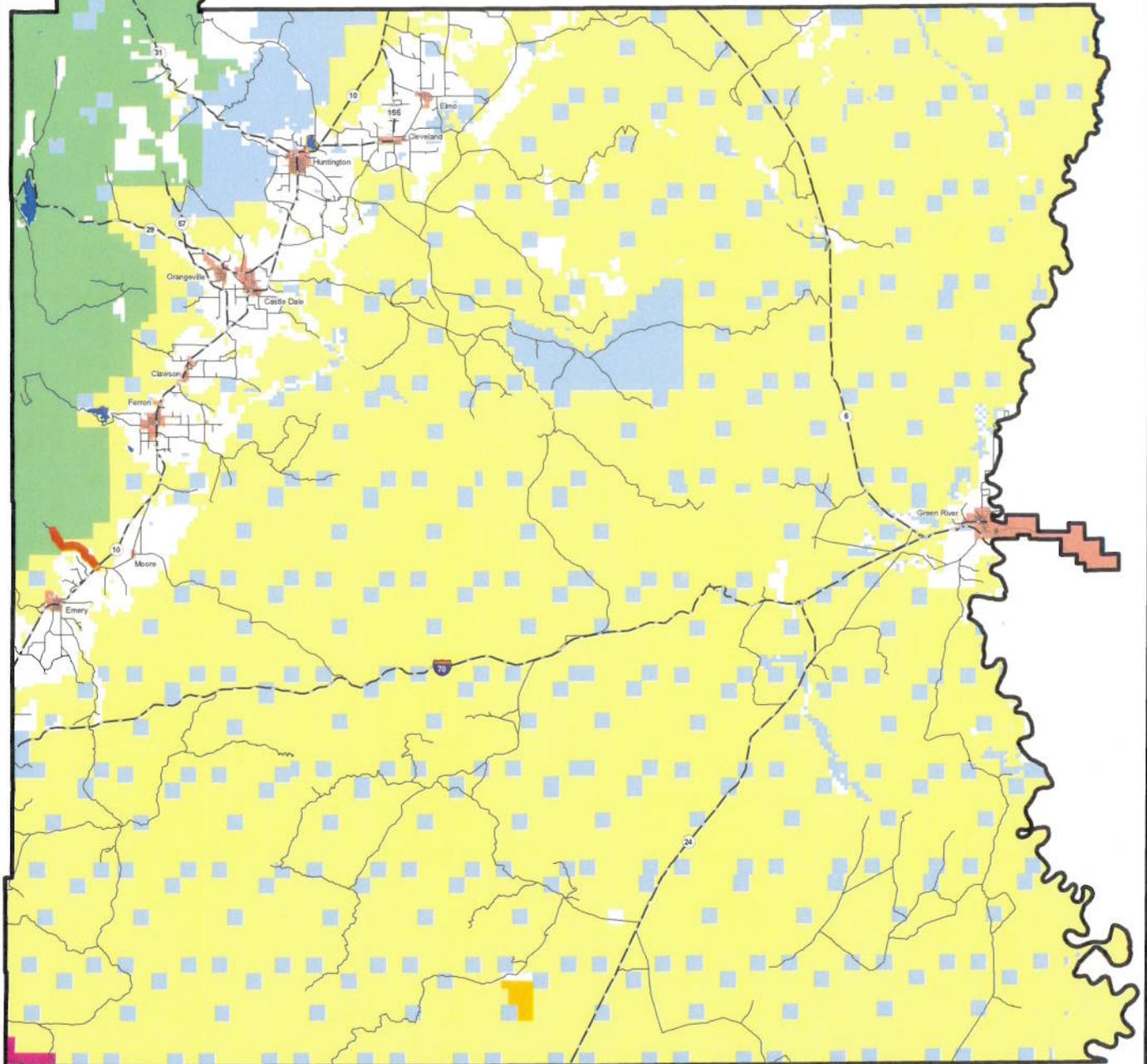
 Muddy Canyon

 Highway/Interstate

 B Class Road

 BLM     State     NPS     Water

 USFS     Private     USP     City Boundary



AFFIDAVIT OF ERIC BUNDERSON

MUDDY CANYON ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 806

State of Utah                    )  
  : ss.  
County of Emery                )

ERIC BUNDERSON, 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 Castle Dale, 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 Muddy Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s it followed the same route as in 2007 when I last observed it. Attached is a Emery County map showing the Muddy 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 mid 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including 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 mid 1950s to 2007, I have used the road myself for livestock operations, hunting and recreation.

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, fishing, government access, sight seeing and prospecting for minerals.

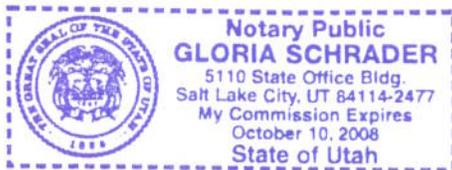
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

Eric Bunderson  
ERIC BUNDERSON

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of March, 2007.



Gloria Schrader  
NOTARY PUBLIC

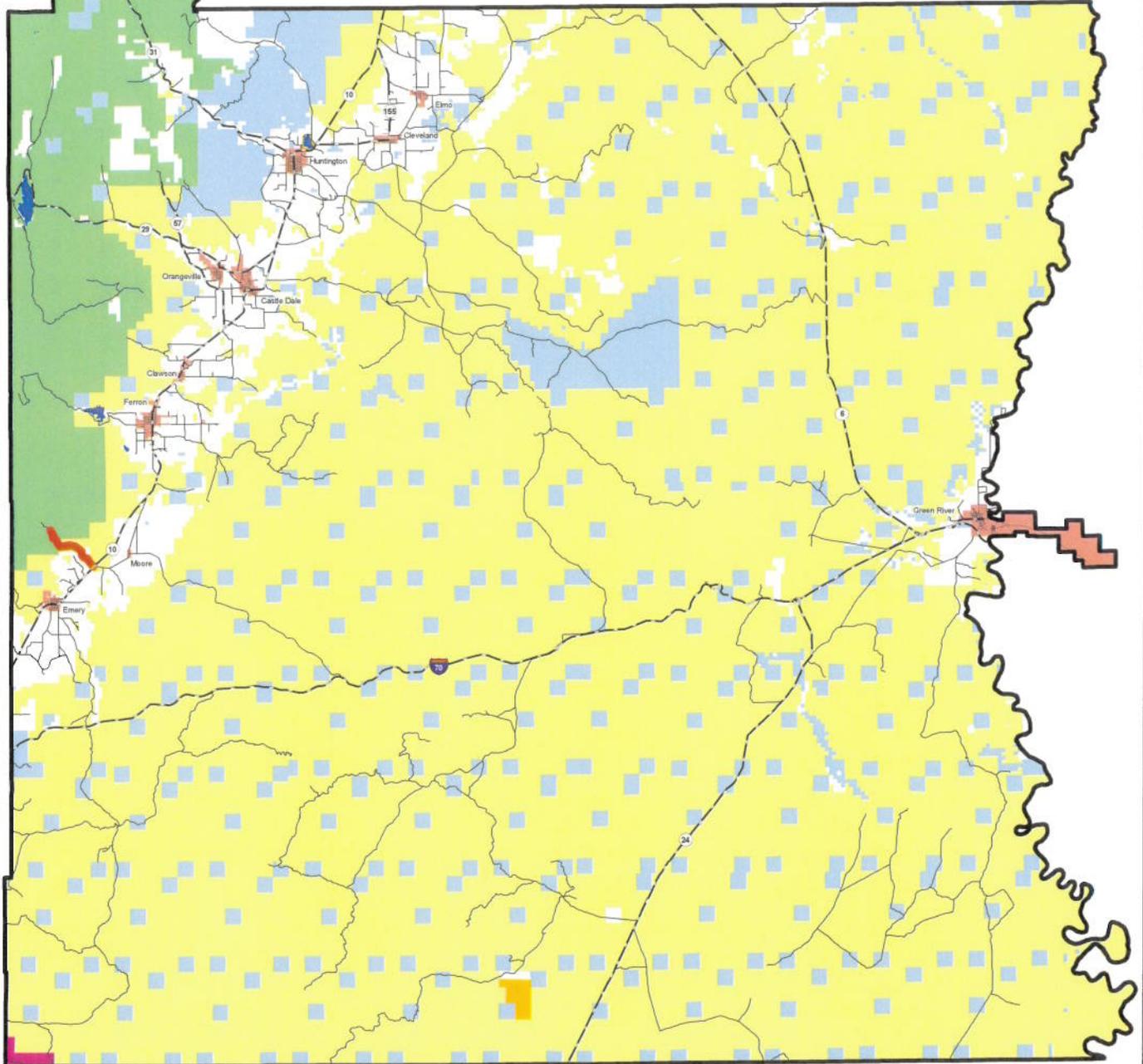
# Road #806

# Muddy Canyon

-  Muddy Canyon
-  Highway/Interstate
-  B Class Road



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



## Appendix A to Attachment 4

**Popular Name: MUDDY CANYON ROAD**

**County: Emery**

**County Road Number: 806**

**State Geographic Information Database (SGID) Road Identification Number: RD080538.**

**Road-Segment Number: 007**

**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 21 South Range 6 East, Section(s) 22, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MUDDY CANYON ROAD)-- Segment 007 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 58 minutes 41.06 seconds North Latitude and -111 degrees 14 minutes 35.29 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,713,441.9 feet and Y = 6,796,612.8 feet; thence the following courses along the said road center line:

thence South 50 Degrees 12 Minutes 59 Seconds East 8.2 feet  
thence South 50 Degrees 22 Minutes 16 Seconds East 34.2 feet  
thence South 36 Degrees 33 Minutes 50 Seconds East 138.8 feet  
thence South 40 Degrees 54 Minutes 13 Seconds East 135.7 feet  
thence South 40 Degrees 34 Minutes 58 Seconds East 151.8 feet  
thence South 28 Degrees 40 Minutes 26 Seconds East 159.6 feet  
thence South 38 Degrees 47 Minutes 51 Seconds East 147.2 feet  
thence South 53 Degrees 36 Minutes 05 Seconds East 146.6 feet  
thence South 59 Degrees 24 Minutes 52 Seconds East 159.1 feet  
thence South 82 Degrees 58 Minutes 44 Seconds East 131 feet more or less to **the ending**

**point at:** 38 degrees 58 minutes 33.17 seconds North Latitude and -111 degrees 14 minutes 24.47 seconds

West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,714,298.7 feet and Y = 6,795,817.7 feet.

## Appendix B to Attachment 4

**Popular Name: MUDDY CANYON ROAD**

**County: Emery**

**County Road Number: 806**

**State Geographic Information Database (SGID) Road Identification Number: RD080538.**

**Road-Segment Number: 009**

**Road-Segment Length: 0.94 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 21 South Range 6 East, Section(s) 22,23, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MUDDY CANYON ROAD)-- Segment 009 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 58 minutes 33.17 seconds North Latitude and -111 degrees 14 minutes 24.15 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,714,324.3 feet and Y = 6,795,817.8 feet; thence the following courses along the said road center line:

thence North 70 Degrees 59 Minutes 42 Seconds East	141.4 feet
thence North 71 Degrees 55 Minutes 27 Seconds East	158.2 feet
thence North 79 Degrees 42 Minutes 50 Seconds East	165 feet
thence North 84 Degrees 16 Minutes 05 Seconds East	170.4 feet
thence North 82 Degrees 35 Minutes 10 Seconds East	162.1 feet
thence North 79 Degrees 10 Minutes 41 Seconds East	160.2 feet
thence South 87 Degrees 57 Minutes 26 Seconds East	151.4 feet
thence South 87 Degrees 44 Minutes 34 Seconds East	153.4 feet
thence North 80 Degrees 03 Minutes 30 Seconds East	153.1 feet
thence North 80 Degrees 45 Minutes 34 Seconds East	137.5 feet
thence South 76 Degrees 57 Minutes 44 Seconds East	140.7 feet

thence South 73 Degrees 56 Minutes 11 Seconds East 124.5 feet  
thence South 88 Degrees 15 Minutes 23 Seconds East 127.8 feet  
thence North 81 Degrees 22 Minutes 13 Seconds East 131.7 feet  
thence North 88 Degrees 44 Minutes 44 Seconds East 120.5 feet  
thence North 54 Degrees 30 Minutes 22 Seconds East 108.8 feet  
thence North 38 Degrees 03 Minutes 44 Seconds East 147 feet  
thence North 59 Degrees 52 Minutes 27 Seconds East 147.9 feet  
thence North 81 Degrees 33 Minutes 08 Seconds East 146.2 feet  
thence North 88 Degrees 10 Minutes 05 Seconds East 149.1 feet  
thence North 87 Degrees 28 Minutes 13 Seconds East 153.1 feet  
thence South 73 Degrees 44 Minutes 37 Seconds East 115.1 feet  
thence South 23 Degrees 02 Minutes 50 Seconds East 26.3 feet  
thence South 36 Degrees 28 Minutes 32 Seconds East 31.7 feet  
thence South 43 Degrees 08 Minutes 01 Seconds East 109.6 feet  
thence South 75 Degrees 21 Minutes 48 Seconds East 159 feet  
thence South 84 Degrees 02 Minutes 32 Seconds East 192.2 feet  
thence South 84 Degrees 25 Minutes 14 Seconds East 210.8 feet  
thence South 83 Degrees 39 Minutes 37 Seconds East 229.3 feet  
thence South 83 Degrees 44 Minutes 31 Seconds East 229.3 feet  
thence South 82 Degrees 36 Minutes 40 Seconds East 144.4 feet  
thence South 82 Degrees 40 Minutes 38 Seconds East 81.5 feet  
thence South 81 Degrees 53 Minutes 03 Seconds East 219.3 feet  
thence South 63 Degrees 21 Minutes 13 Seconds East 168.7 feet more or less to **the ending**

**point at:** 38 degrees 58 minutes 33.42 seconds North Latitude and -111 degrees 13 minutes 24.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,719,055.4 feet and Y = 6,795,857.5 feet.

## Appendix C to Attachment 4

**Popular Name: MUDDY CANYON ROAD**

**County: Emery**

**County Road Number: 806**

**State Geographic Information Database (SGID) Road Identification Number: RD080538.**

**Road-Segment Number: 011**

**Road-Segment Length: 0.01 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 21 South Range 6 East, Section(s) 25, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MUDDY CANYON ROAD)-- Segment 011 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 57 minutes 041.5 seconds North Latitude and -111 degrees 12 minutes 22.25 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,723,968.7 feet and Y = 6,790,619.4 feet; thence the following courses along the said road center line:

thence South 35 Degrees 55 Minutes 01 Seconds East 35.5 feet

thence South 37 Degrees 11 Minutes 15 Seconds East 1.6 feet

thence South 39 Degrees 59 Minutes 08 Seconds East 17.5 feet more or less to **the ending**

**point at:** 38 degrees 57 minutes 41.07 seconds North Latitude and -111 degrees 12 minutes 21.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,724,001.8 feet and Y = 6,790,575.9 feet.