

Ent 390404 Page 1 of 13  
Date: 07-MAY-2008 12:45PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 COWBOY MINE ROAD; County Road Number: 915; State Geographic Information Database (SGID) Road Identification Number: RD080553. Total road length is 2.97 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

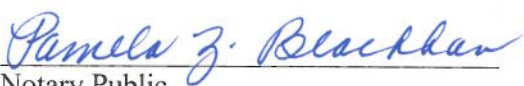
**CERTIFICATION**

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.

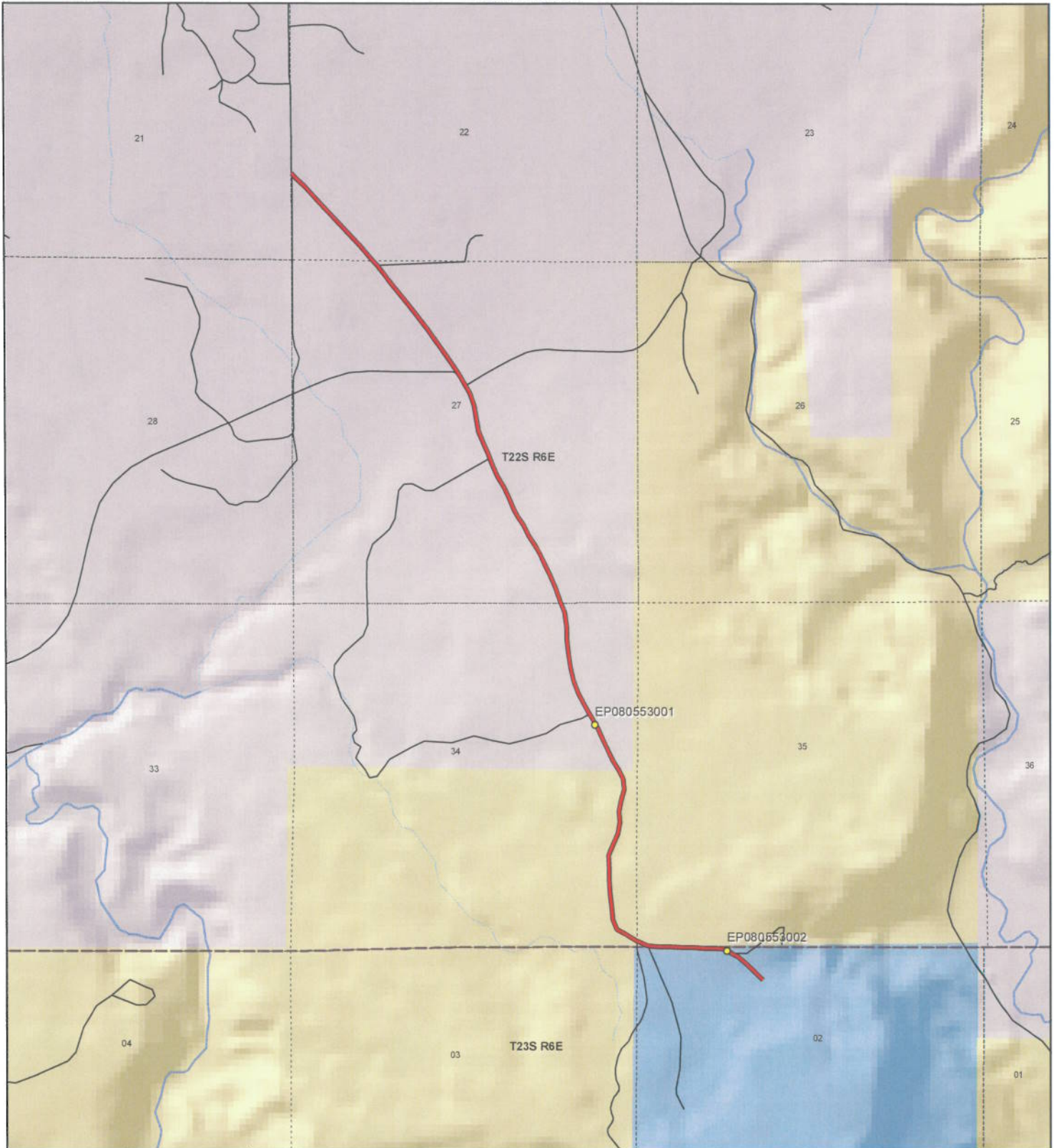
Dated this 21<sup>st</sup> day of April, 2008.



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



Attachment 1



 <p>1:24,107 1 inch equals 0.4 miles</p>		<p align="center"><b>COWBOY MINE ROAD - Emery County</b> <b>SGID RD_ID RD080553</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> COWBOY MINE ROAD</td> <td> Title V: Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Other Roads</td> <td> Photo Event Point</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Section = 1 Mile</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	COWBOY MINE ROAD	Title V: Issued Or Under Consideration By BLM Or County	Private	UDWR Wildlife Reserve	Other Roads	Photo Event Point	SITLA, State Trust Land	DOD, Military	Section = 1 Mile		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 Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Jan 31, 2008</p> 
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NPS, National Park																																			

Attachment 2



EP080553001



EP080553002

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**COWBOY MINE ROAD - Emery County**  
**SGID RD\_ID RD080553**



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: COWBOY MINE ROAD**

**County: Emery**

**County Road Number: 915**

**State Geographic Information Database (SGID) Road Identification Number: RD080553.**

**Total Road Length: 2.97 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 51 minutes 00.84 seconds North Latitude and -111 degrees 13 minutes 02.08 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,720,950.3 feet and Y = 6,750,073.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 53 minutes 03.26 seconds North Latitude and -111 degrees 14 minutes 33.92 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,713,648.9 feet and Y = 6,762,437.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 22 South Range 6 East, Section(s) 22,27,34,35, Salt Lake Base & Meridian

Township 23 South Range 6 East, Section(s) 2, 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: COWBOY MINE ROAD**

**County: Emery**

**County Road Number: 915**

**State Geographic Information Database (SGID) Road Identification Number: RD080553.**

**Total Road Length: 2.97 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>
<b>RD080553</b>	<b>001</b>	<b>ST</b>	<b>0.37 Miles</b>	<b>(not shown)</b>
<b>RD080553</b>	<b>002</b>	<b>BLM</b>	<b>0.58 Miles</b>	<b>A</b>
<b>RD080553</b>	<b>003</b>	<b>PVT</b>	<b>2.02 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>2.97</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 LAMOND GARDNER**

**COWBOY MINE ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 915**

State of Utah                    )  
  : ss.  
County of Emery                )

LAMOND GARDNER, 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 for my entire life.

2. I have traveled and am familiar with a road in Emery County known as Cowboy Mine Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1940s, it followed the same route as in 2001 when I last observed it. Attached is an Emery County map showing Cowboy Mine 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 1940s and continuing through 1976 to 2001. 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 1940s to 2001, I have used the road myself for irrigation surveys 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, farming, mining, oil and gas exploration, recreation, rock hounding, hunting and government access.

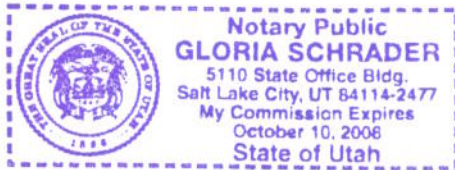
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 9 day of March, 2007.

Lamond Gardner  
LAMOND GARDNER


SUBSCRIBED AND SWORN to before me this 9th day of March, 2007.





Gloria Schrader  
NOTARY PUBLIC





# Road #915





# Cowboy Mine

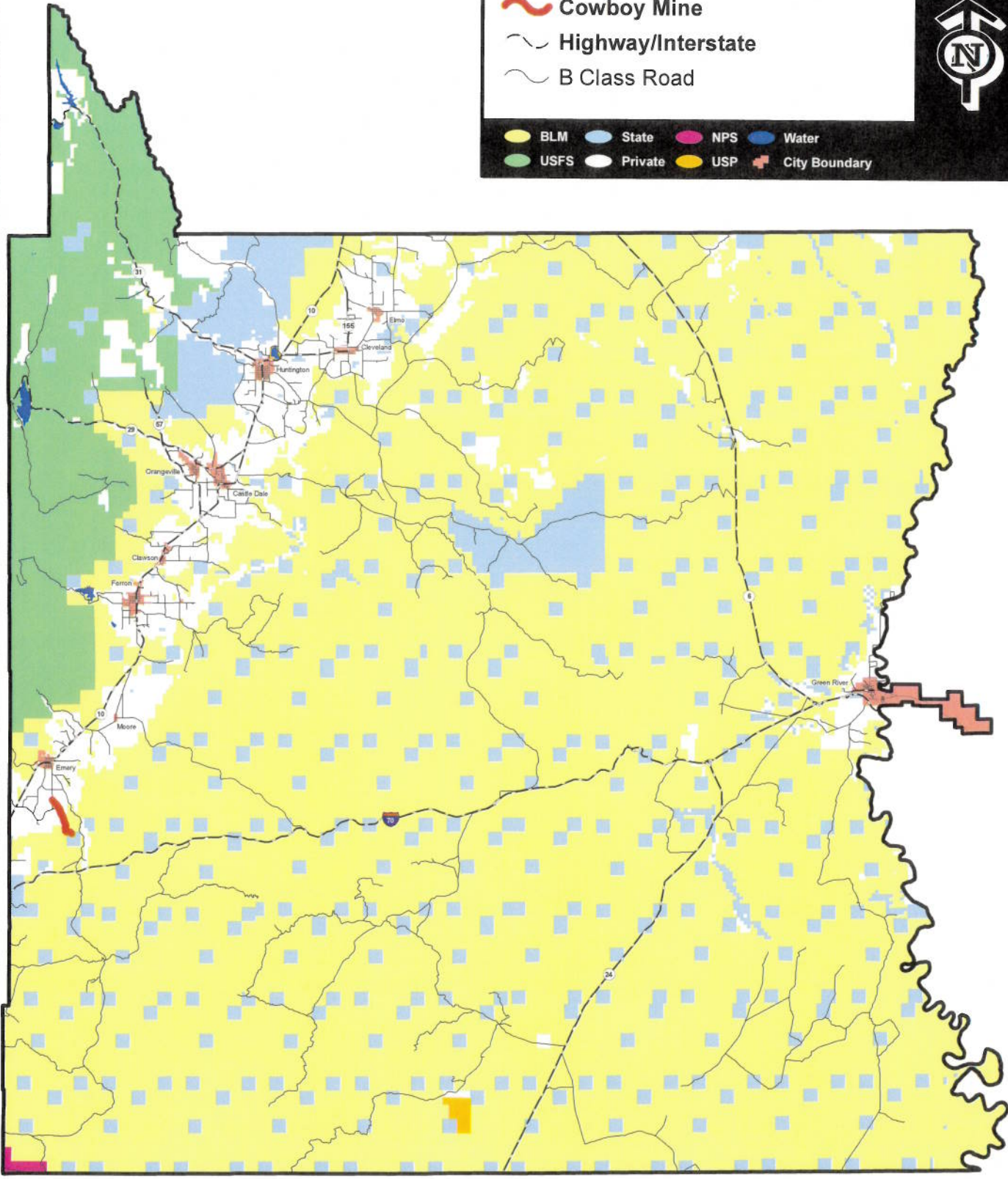
 Cowboy Mine

 Highway/Interstate

 B Class Road

 BLM    State    NPS    Water

 USFS    Private    USP    City Boundary



AFFIDAVIT OF ERIC BUNDERSON

COWBOY MINE ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 915

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 Cowboy Mine Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in 2000 when I last observed it. Attached is a Emery County map showing the Cowboy Mine 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 1960s and continuing through 1976 to 2000. 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 weekly.



5. Throughout the time period from the early 1960s to 2000, I have used the road myself for 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, government access and sight seeing.

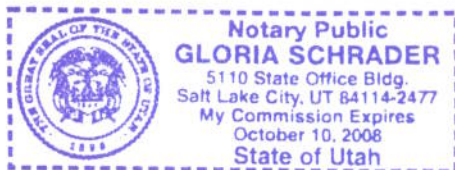
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 5 day of March, 2007.

  
ERIC BUNDERSON


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




  
NOTARY PUBLIC


# Road #915



# Cowboy Mine

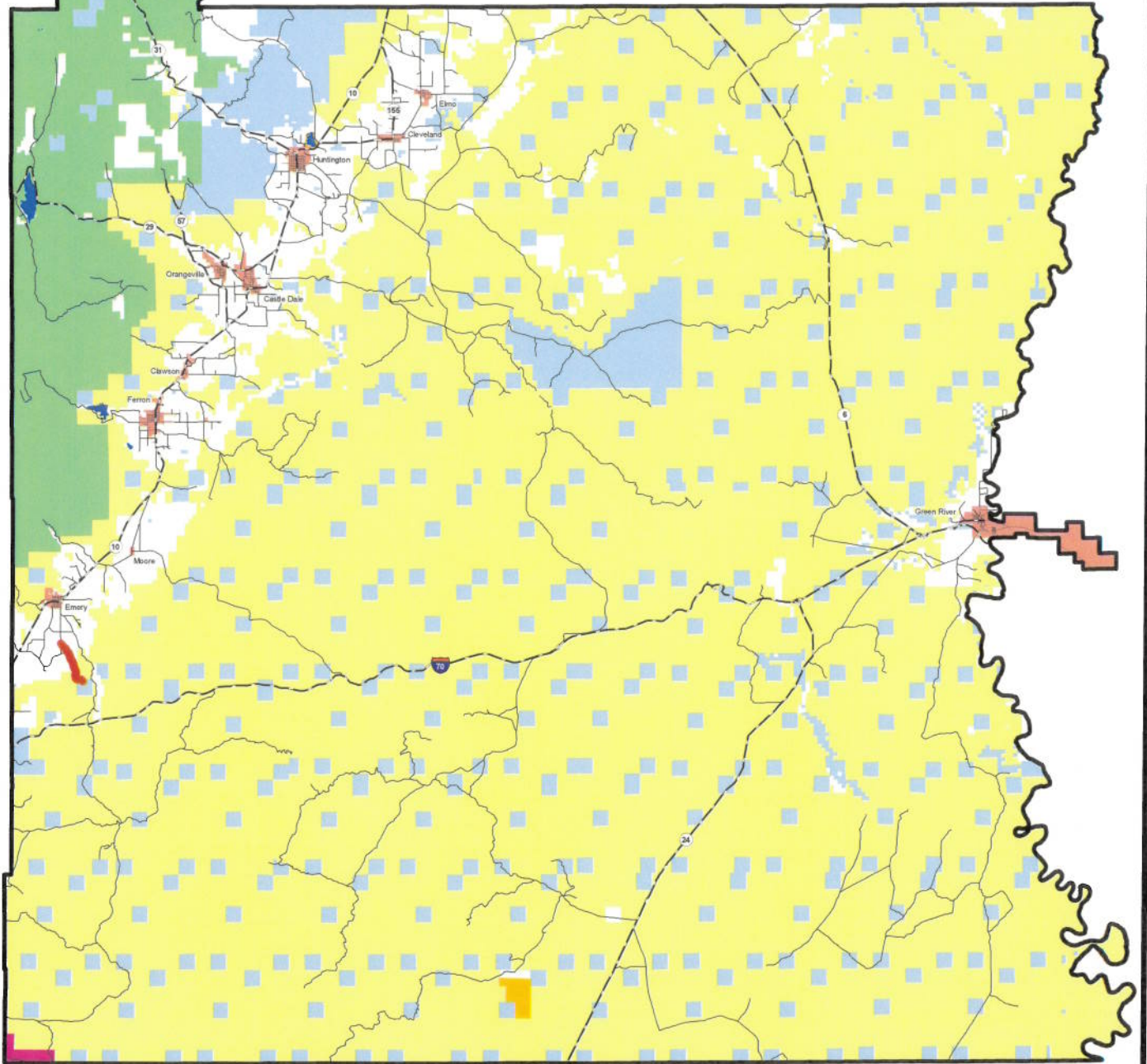
 Cowboy Mine

 Highway/Interstate

 B Class Road

 BLM    State    NPS    Water

 USFS    Private    USP    City Boundary





## Appendix A to Attachment 4

**Popular Name: COWBOY MINE ROAD**

**County: Emery**

**County Road Number: 915**

**State Geographic Information Database (SGID) Road Identification Number: RD080553.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.58 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 22 South Range 6 East, Section(s) 34, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (COWBOY MINE 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 38 degrees 51 minutes 05.97 seconds North Latitude and -111 degrees 13 minutes 24.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,719,172.0 feet and Y = 6,750,586.4 feet; thence the following courses along the said road center line:

thence North 67 Degrees 08 Minutes 51 Seconds West 171 feet  
thence North 59 Degrees 54 Minutes 22 Seconds West 17.5 feet  
thence North 58 Degrees 52 Minutes 57 Seconds West 171.2 feet  
thence North 60 Degrees 55 Minutes 01 Seconds West 169.2 feet  
thence North 24 Degrees 28 Minutes 52 Seconds West 161.2 feet  
thence North 06 Degrees 05 Minutes 06 Seconds West 196 feet  
thence North 06 Degrees 54 Minutes 22 Seconds West 208.8 feet  
thence North 03 Degrees 53 Minutes 57 Seconds West 204.9 feet  
thence North 01 Degrees 35 Minutes 40 Seconds West 191.4 feet  
thence North 01 Degrees 47 Minutes 28 Seconds West 191.4 feet  
thence North 21 Degrees 39 Minutes 08 Seconds East 186.9 feet



thence North 25 Degrees 05 Minutes 33 Seconds East 182.1 feet  
thence North 09 Degrees 58 Minutes 41 Seconds East 178.1 feet  
thence North 06 Degrees 26 Minutes 12 Seconds West 169.3 feet  
thence North 11 Degrees 07 Minutes 25 Seconds East 168.8 feet  
thence North 13 Degrees 33 Minutes 58 Seconds East 179.2 feet  
thence North 05 Degrees 53 Minutes 11 Seconds West 159 feet  
thence North 26 Degrees 25 Minutes 11 Seconds West 145.5 feet  
thence North 30 Degrees 03 Minutes 43 Seconds West 7.9 feet more or less to **the ending point**

**at:** 38 degrees 51 minutes 32.66 seconds North Latitude and -111 degrees 13 minutes 30.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,718,714.6 feet and Y = 6,753,285.6 feet.