

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

Ent 251396 Bk 430 Pg 252  
Date: 09-MAY-2008 4:39PM  
Fee: None  
Filed By: CT  
LES BARKER, Recorder  
GARFIELD COUNTY CORPORATION  
For: GOVERNOR/STATE OF UTAH

**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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Garfield County as it pertains to the highway located in Garfield County known as YELLOW CREEK ROAD; County Road Number: 0494; State Geographic Information Database (SGID) Road Identification Number: RD090075. Total road length is 1.42 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

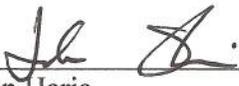
Internet at <http://recorded2477roads.utah.gov>.

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 23<sup>rd</sup> day of April, 2008.

By the Governor's Designee

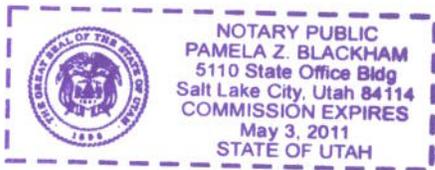
  
\_\_\_\_\_  
John Harja

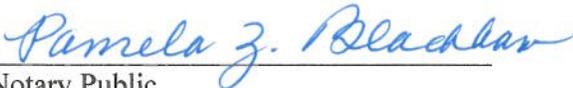
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

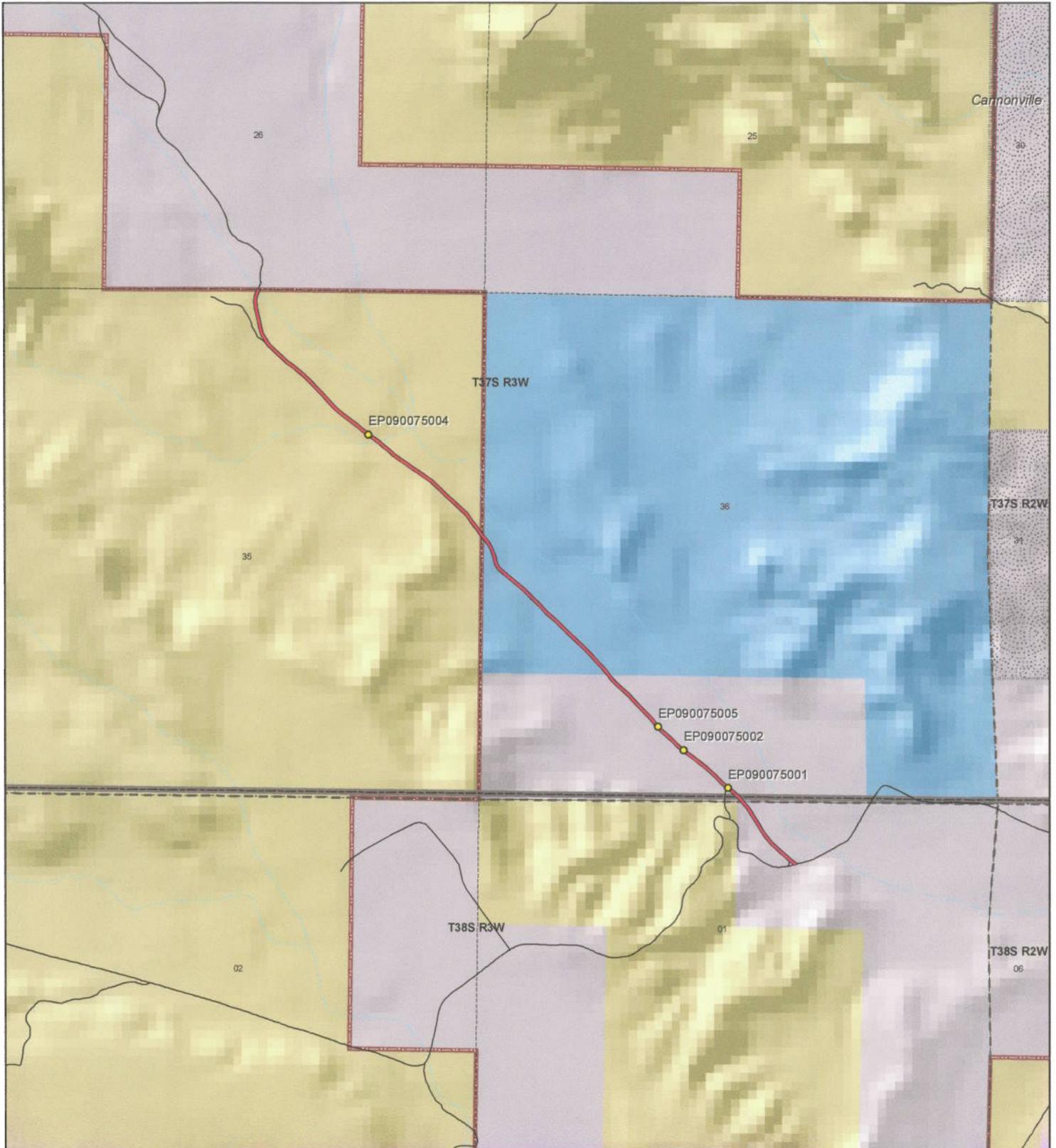
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 23<sup>rd</sup> day of April, 2008.



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

Attachment 1



<p>1:16,320 1 inch equals 0.3 miles</p>		<p align="center"><b>YELLOW CREEK ROAD - Garfield County</b> <b>SGID RD_ID RD090075</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td><b>Transportation Network</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li><span style="color: yellow;">◆</span> BLM</li> <li><span style="color: pink;">◆</span> Private</li> <li><span style="color: lightblue;">◆</span> SITLA, State Trust Land</li> <li><span style="color: green;">◆</span> USFS, National Forest</li> <li><span style="color: blue;">◆</span> State Parks and Recreation</li> <li><span style="color: orange;">◆</span> Tribal, Indian Reservation</li> <li><span style="color: lightgreen;">◆</span> NPS, National Park</li> </ul> </td> <td> <ul style="list-style-type: none"> <li><span style="color: green;">◆</span> Wilderness</li> <li><span style="color: brown;">◆</span> UDWR Wildlife Reserve</li> <li><span style="color: grey;">◆</span> DOD, Military</li> <li><span style="color: lightblue;">◆</span> State Sovereign Land</li> <li><span style="color: pink;">◆</span> National Recreation Area</li> <li><span style="color: brown;">◆</span> USFWS, Natl. Wildlife Refuge</li> </ul> </td> <td> <ul style="list-style-type: none"> <li><span style="color: red;">—</span> YELLOW CREEK ROAD</li> <li><span style="color: red;">—</span> Title V: Issued Or Under Consideration By BLM Or County</li> <li><span style="color: black;">—</span> Other Roads</li> <li><span style="color: yellow;">●</span> Photo Event Point</li> <li><span style="border: 1px dashed black; display: inline-block; width: 10px; height: 10px;"></span> Section = 1 Mile</li> </ul> </td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>	<ul style="list-style-type: none"> <li><span style="color: yellow;">◆</span> BLM</li> <li><span style="color: pink;">◆</span> Private</li> <li><span style="color: lightblue;">◆</span> SITLA, State Trust Land</li> <li><span style="color: green;">◆</span> USFS, National Forest</li> <li><span style="color: blue;">◆</span> State Parks and Recreation</li> <li><span style="color: orange;">◆</span> Tribal, Indian Reservation</li> <li><span style="color: lightgreen;">◆</span> NPS, National Park</li> </ul>	<ul style="list-style-type: none"> <li><span style="color: green;">◆</span> Wilderness</li> <li><span style="color: brown;">◆</span> UDWR Wildlife Reserve</li> <li><span style="color: grey;">◆</span> DOD, Military</li> <li><span style="color: lightblue;">◆</span> State Sovereign Land</li> <li><span style="color: pink;">◆</span> National Recreation Area</li> <li><span style="color: brown;">◆</span> USFWS, Natl. Wildlife Refuge</li> </ul>	<ul style="list-style-type: none"> <li><span style="color: red;">—</span> YELLOW CREEK ROAD</li> <li><span style="color: red;">—</span> Title V: Issued Or Under Consideration By BLM Or County</li> <li><span style="color: black;">—</span> Other Roads</li> <li><span style="color: yellow;">●</span> Photo Event Point</li> <li><span style="border: 1px dashed black; display: inline-block; width: 10px; height: 10px;"></span> Section = 1 Mile</li> </ul>	<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Feb 28, 2008</p>
<b>Land Ownership Categories</b>		<b>Transportation Network</b>							
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Attachment 2



EP090075001



EP090075002



EP090075005



EP090075004

EP000000000

EP000000000

**YELLOW CREEK ROAD - Garfield County**  
**SGID RD\_ID RD090075**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
February 29, 2008



### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: YELLOW CREEK ROAD**

**County: Garfield**

**County Road Number: 0494**

**State Geographic Information Database (SGID) Road Identification Number: RD090075.**

**Total Road Length: 1.42 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 32 minutes 08.83 seconds North Latitude and -112 degrees 03 minutes 53.04 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,476,668.1 feet and Y = 10,159,455.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 33 minutes 01.07 seconds North Latitude and -112 degrees 04 minutes 56.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,471,594.8 feet and Y = 10,164,770.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 37 South Range 3 West, Section(s) 35,36, 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: YELLOW CREEK ROAD**

**County: Garfield**

**County Road Number: 0494**

**State Geographic Information Database (SGID) Road Identification Number: RD090075.**

**Total Road Length: 1.42 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>RD090075</b>	<b>001</b>	<b>PVT</b>	<b>0.37 Miles</b>	<b>(not shown)</b>
<b>RD090075</b>	<b>002</b>	<b>ST</b>	<b>0.38 Miles</b>	<b>(not shown)</b>
<b>RD090075</b>	<b>003</b>	<b>BLM</b>	<b>0.68 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>1.42</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 WALLACE M. OTT**

**YELLOW CREEK ROAD**

**GARFIELD COUNTY, UTAH**

**ROAD NUMBER 0494**

State of Utah                    )  
  : ss.  
County of Garfield            )

WALLACE M. OTT, 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 Tropic, Garfield County, Utah. I have lived in Garfield County for 96 years. I was a member of the advisory board for the Bureau of Land Management, District 2, for 30 years from 1944 to 1974. I was also a Garfield County Commissioner for six years from 1974 to 1980.

2. I have traveled and am familiar with a road in Garfield County known as a Yellow Creek Road. I am also familiar with the land the road traverses. When I first used and observed the road in approximately 1915 it followed the same route as in 2007 when I last observed it. I grew up in a home near the road. Attached is a Garfield County map showing Yellow Creek 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 1915 and continuing through 1976 to the 2007. Throughout this time period I have observed travel on the road by means of cars, trucks and pickup trucks. Throughout this time period, the road has been used daily for more than ten

continuous years prior to 1976, and is so used presently.

5. Throughout the time period from 1915 to 2007, I have used the road myself for supervision of county road maintenance, hunting, livestock operations, farming, residential access, private property access, recreation and travel 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 sightseeing.

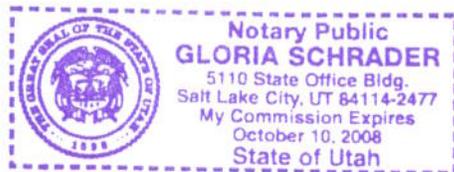
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

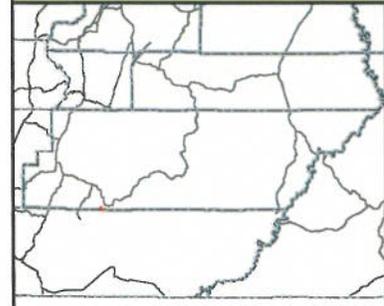
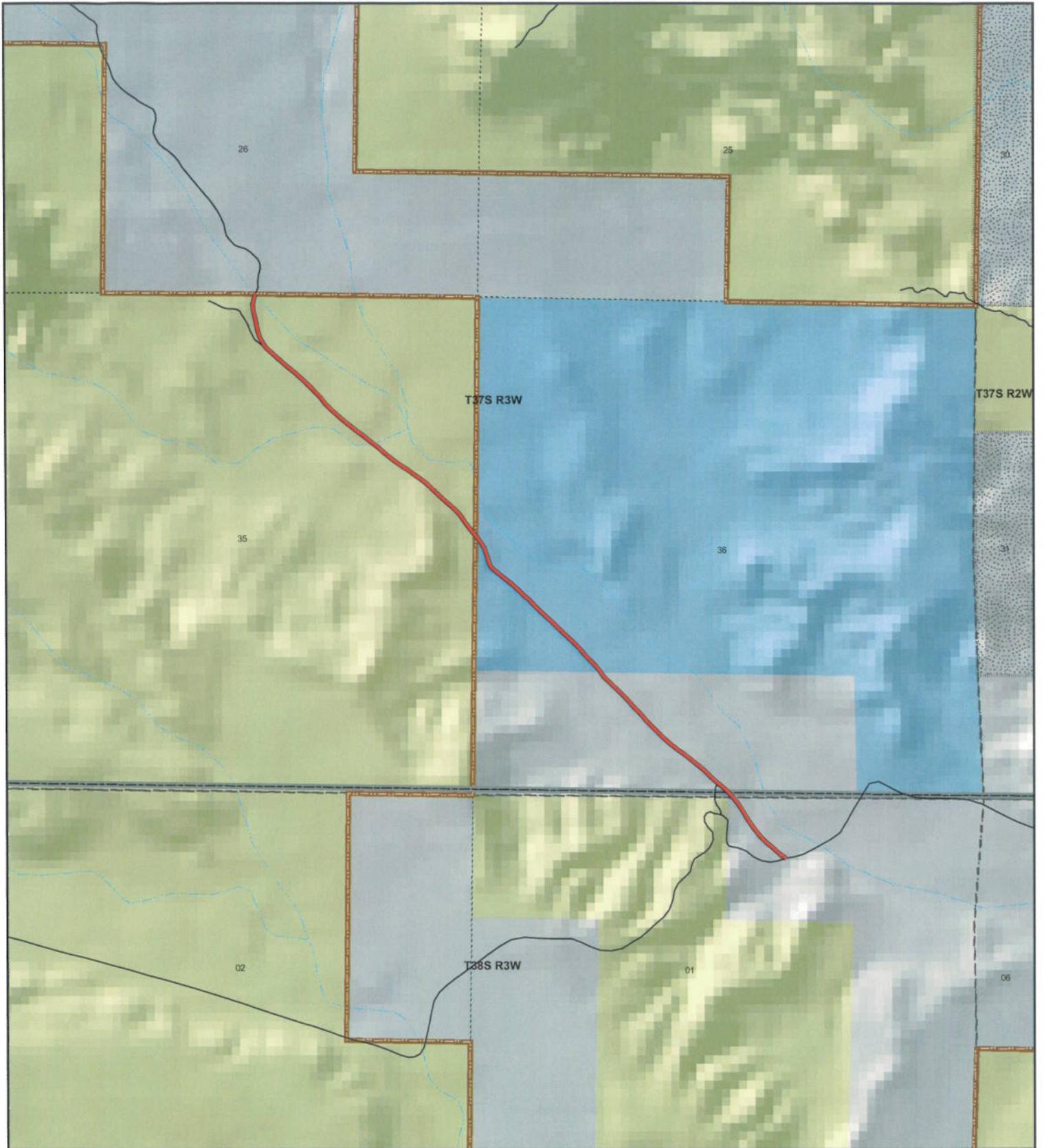
DATED this 10 day of July, 2007.

Wallace M Ott  
WALLACE M. OTT

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of July, 2007.



Gloria Schrader  
NOTARY PUBLIC



**YELLOW CREEK RD**  
**County Unique - 0494**

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park/Monument (NPS)
- ◆ National Rec. Area
- ◆ Wilderness
- ◆ State Park

**Transportation Network**

- YELLOW CREEK RD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:16,320  
 1 inch equals 0.3 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jul 05, 2007



**AFFIDAVIT OF BEN MATHEWS**

**YELLOW CREEK ROAD**

**COUNTY ROAD NUMBER 0494**

**GARFIELD COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Garfield            )

BEN MATHEWS, 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 have lived in Garfield County for 36 years. I have been employed by the Garfield County Road Department for the past 20 years.

2. I first used and have observed and am familiar with a road in Garfield County known as Yellow Creek 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 2007 when I last observed it. Attached is a Garfield County map showing Yellow Creek 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. The County also identifies this road according to the road number listed above.

3. 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 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, ATVs, maintenance vehicles and jeeps.

Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2007.

4. Throughout the time period from the early 1960s to 2007, I have used and observed vehicles using the road for wood gathering, cedar post cutting, hunting, camping and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus recreation, livestock operations, farming, tourism, rock hounding, prospecting for minerals and government access.

6. 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.

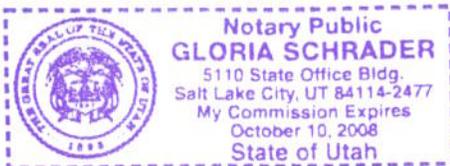
7. Prior to 1976, I observed the graded surface of the road.

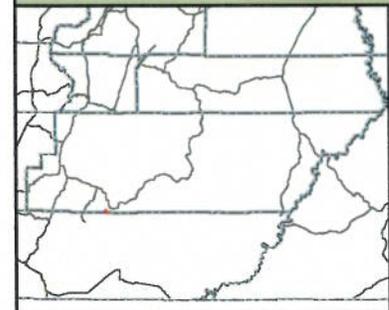
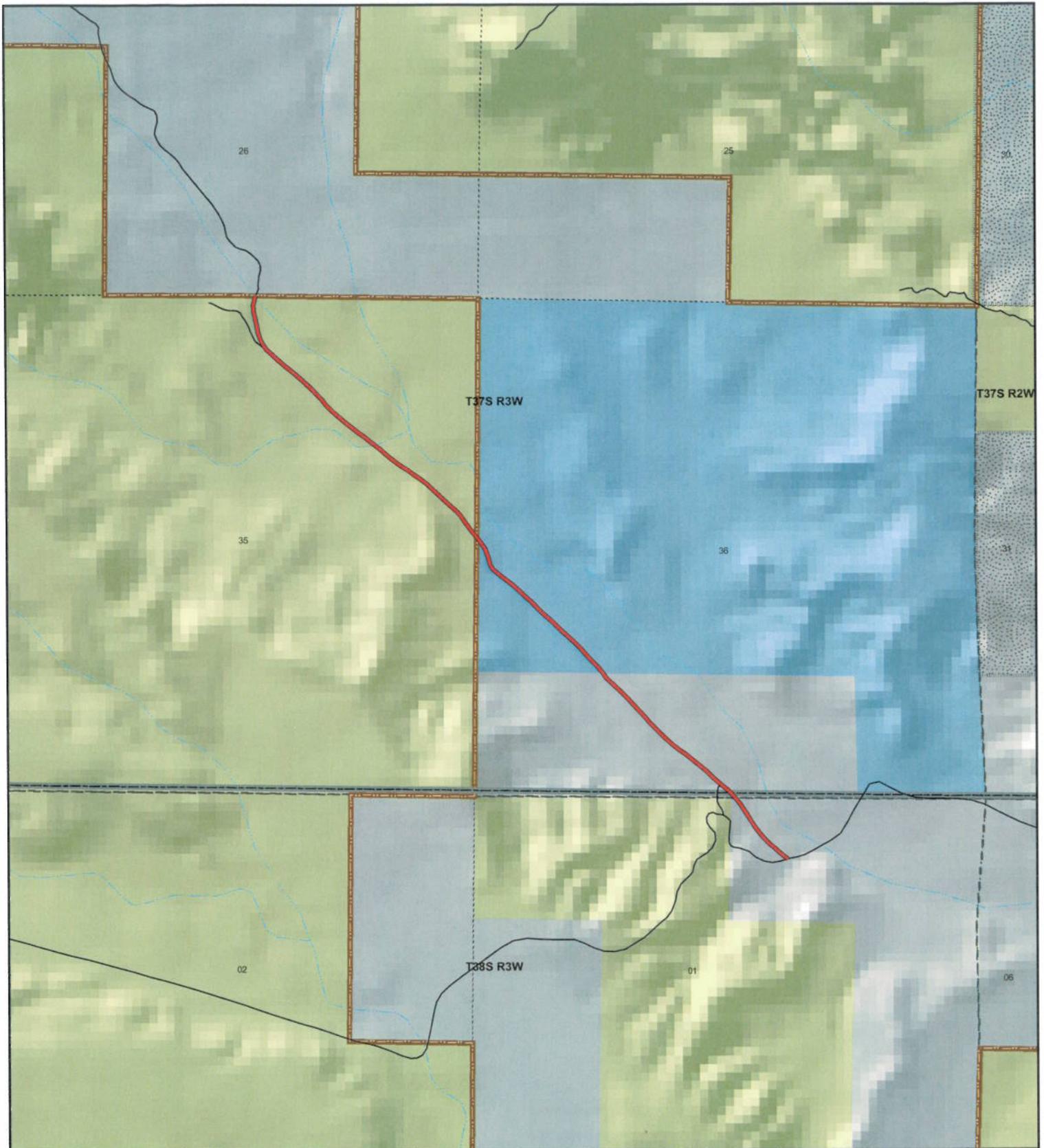
Dated this 10<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
BEN MATHEWS

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC





**YELLOW CREEK RD**  
**County Unique - 0494**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

**Transportation Network**

- YELLOW CREEK RD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:16,320  
 1 inch equals 0.3 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jul 05, 2007



## Appendix A to Attachment 4

**Popular Name: YELLOW CREEK ROAD**

**County: Garfield**

**County Road Number: 0494**

**State Geographic Information Database (SGID) Road Identification Number: RD090075.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.68 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 37 South Range 3 West, Section(s) 35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (YELLOW CREEK 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 37 degrees 32 minutes 36.03 seconds North Latitude and -112 degrees 04 minutes 27.23 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,473,931.2 feet and Y = 10,162,223.4 feet; thence the following courses along the said road center line:

thence North 39 Degrees 29 Minutes 56 Seconds West 28.9 feet  
thence North 39 Degrees 58 Minutes 31 Seconds West 72.5 feet  
thence North 35 Degrees 40 Minutes 59 Seconds West 83.3 feet  
thence North 36 Degrees 25 Minutes 04 Seconds West 94.7 feet  
thence North 46 Degrees 01 Minutes 40 Seconds West 91.7 feet  
thence North 49 Degrees 15 Minutes 43 Seconds West 97.5 feet  
thence North 47 Degrees 00 Minutes 24 Seconds West 101.4 feet  
thence North 46 Degrees 37 Minutes 00 Seconds West 101.2 feet  
thence North 46 Degrees 05 Minutes 02 Seconds West 102.1 feet  
thence North 55 Degrees 52 Minutes 41 Seconds West 92.3 feet  
thence North 55 Degrees 23 Minutes 27 Seconds West 76.8 feet

thence North 55 Degrees 02 Minutes 47 Seconds West 69.9 feet  
thence North 56 Degrees 32 Minutes 31 Seconds West 73.8 feet  
thence North 55 Degrees 58 Minutes 21 Seconds West 81.5 feet  
thence North 53 Degrees 02 Minutes 41 Seconds West 77.5 feet  
thence North 50 Degrees 00 Minutes 23 Seconds West 73.6 feet  
thence North 50 Degrees 48 Minutes 11 Seconds West 62.9 feet  
thence North 50 Degrees 08 Minutes 48 Seconds West 55 feet  
thence North 53 Degrees 01 Minutes 39 Seconds West 74.2 feet  
thence North 52 Degrees 14 Minutes 22 Seconds West 78.8 feet  
thence North 52 Degrees 19 Minutes 52 Seconds West 85.3 feet  
thence North 52 Degrees 56 Minutes 21 Seconds West 83.8 feet  
thence North 51 Degrees 42 Minutes 43 Seconds West 85.2 feet  
thence North 51 Degrees 40 Minutes 27 Seconds West 94.1 feet  
thence North 48 Degrees 39 Minutes 12 Seconds West 99.3 feet  
thence North 44 Degrees 36 Minutes 08 Seconds West 94.9 feet  
thence North 38 Degrees 15 Minutes 38 Seconds West 79.5 feet  
thence North 45 Degrees 18 Minutes 10 Seconds West 91.4 feet  
thence North 43 Degrees 38 Minutes 13 Seconds West 103.8 feet  
thence North 45 Degrees 49 Minutes 51 Seconds West 100.7 feet  
thence North 49 Degrees 16 Minutes 12 Seconds West 104 feet  
thence North 53 Degrees 04 Minutes 04 Seconds West 103 feet  
thence North 48 Degrees 52 Minutes 45 Seconds West 104.2 feet  
thence North 47 Degrees 27 Minutes 41 Seconds West 104.7 feet  
thence North 45 Degrees 54 Minutes 36 Seconds West 65.7 feet  
thence North 35 Degrees 36 Minutes 50 Seconds West 9.7 feet  
thence North 34 Degrees 43 Minutes 16 Seconds West 21.5 feet  
thence North 32 Degrees 34 Minutes 42 Seconds West 22.1 feet  
thence North 29 Degrees 24 Minutes 27 Seconds West 72.9 feet  
thence North 16 Degrees 43 Minutes 55 Seconds West 80.1 feet  
thence North 10 Degrees 56 Minutes 08 Seconds West 87.1 feet  
thence North 14 Degrees 24 Minutes 10 Seconds West 71.4 feet  
thence North 15 Degrees 10 Minutes 16 Seconds West 38.4 feet  
thence North 05 Degrees 52 Minutes 30 Seconds West 27 feet  
thence North 04 Degrees 26 Minutes 15 Seconds West 27.3 feet  
thence North 02 Degrees 06 Minutes 41 Seconds West 31.2 feet  
thence North 08 Degrees 12 Minutes 20 Seconds East 42.1 feet  
thence North 16 Degrees 47 Minutes 59 Seconds East 44.6 feet  
thence North 20 Degrees 44 Minutes 04 Seconds East 27.4 feet more or less to **the ending**

**point at:** 37 degrees 33 minutes 01.07 seconds North Latitude and -112 degrees 04 minutes 56.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,471,594.8 feet and Y = 10,164,770.5 feet.