

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

Ent 486367 Bk 729 Pg 536 -548  
Date: 27-MAY-2008 10:50AM  
Fee: None  
Filed By: PL  
MERLENE MOSHER DALTON, Recorder  
GRAND COUNTY CORPORATION  
For: 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Grand County as it pertains to the highway located in Grand County known as THOMPSON WATER TANK ROAD; County Road Number: 00162; State Geographic Information Database (SGID) Road Identification Number: RD100057. Total road length is 0.36 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

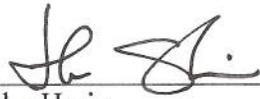
Internet at <http://recorded2477roads.utah.gov>.

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 May, 2008.

By the Governor's Designee

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

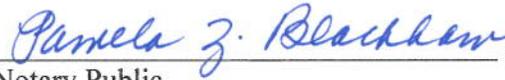
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

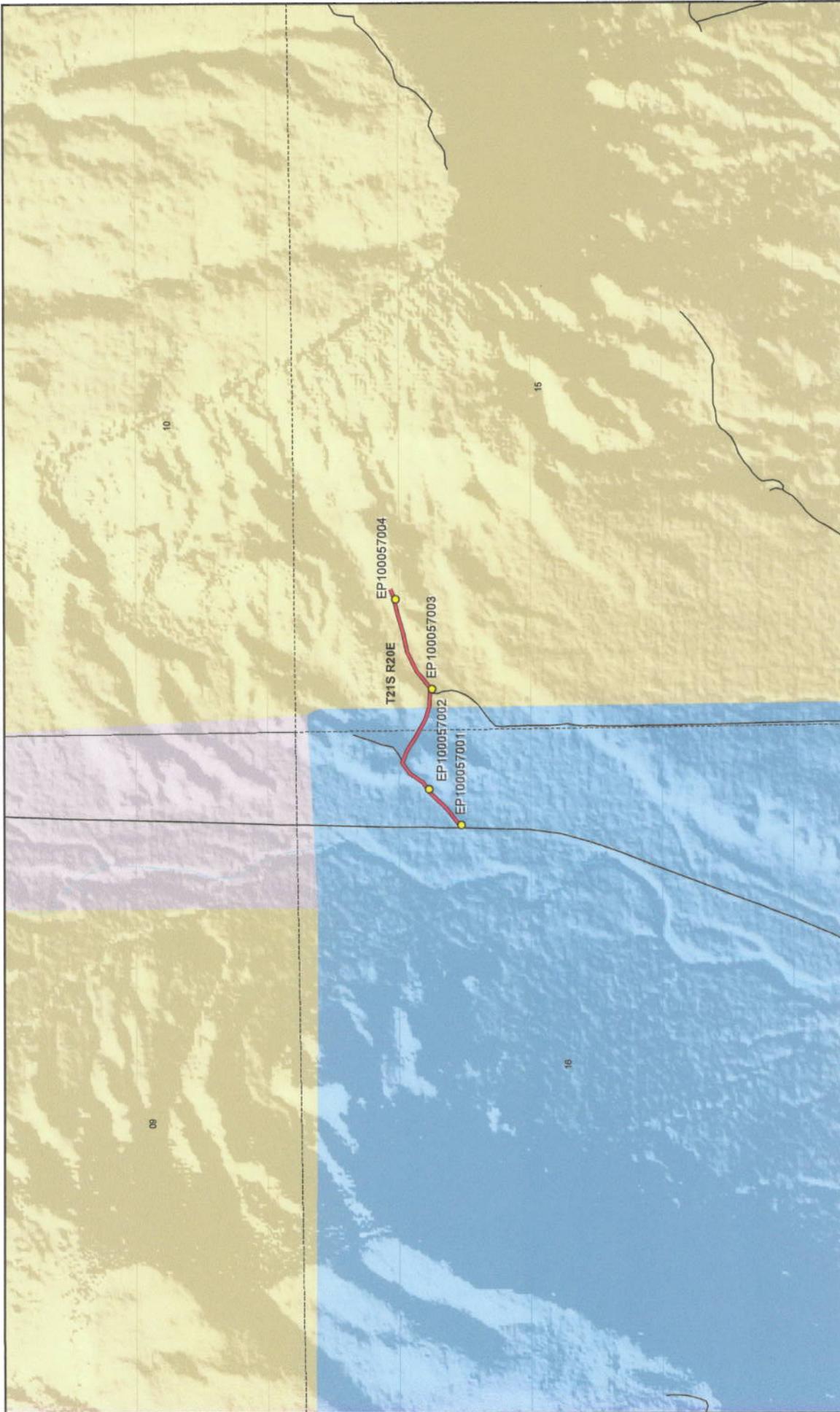
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to 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 May, 2008.



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

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1:10,911  
1 inch equals 0.2 miles

### Thompson Water Tank Road - Grand County

#### SGID RD\_ID RD100057

**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
- NPS, National Park

**Transportation Network**

- Thompson Water Tank Road
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
May 23, 2008

Attachment 2



EP100057003



EP100057001



EP100057002



EP100057004

EP000000000

Ent 486367 Bk 0729 Pg 0539

EP000000000

*Thompson Water Tank Road - Grand County*  
**SGID RD\_ID RD100057**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
May 23, 2008



### **Attachment 3**

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

**Popular Name: THOMPSON WATER TANK ROAD**

**County: Grand**

**County Road Number: 00162**

**State Geographic Information Database (SGID) Road Identification Number: RD100057.**

**Total Road Length: 0.36 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 59 minutes 21.51 seconds North Latitude and -109 degrees 42 minutes 22.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,150,249.2 feet and Y = 6,805,713.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 59 minutes 26.03 seconds North Latitude and -109 degrees 42 minutes 02.12 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,151,858.7 feet and Y = 6,806,203.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 21 South Range 20 East, Section(s) 15,16, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

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**Attachment 4  
Road Centerline Description Cover Page(s)**

**Popular Name: THOMPSON WATER TANK ROAD**

**County: Grand**

**County Road Number: 00162**

**State Geographic Information Database (SGID) Road Identification Number: RD100057.**

**Total Road Length: 0.36 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>RD100057</b>	<b>001</b>	<b>ST</b>	<b>0.19 Miles</b>	<b>(not shown)</b>
<b>RD100057</b>	<b>002</b>	<b>BLM</b>	<b>0.16 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>0.36</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.

Ent 486367 Bk 0729 Pg 0541

## Attachment 5

**AFFIDAVIT OF NEAL SWISHER**  
**THOMPSON WATER TANK ROAD**  
**GRAND COUNTY, UTAH**  
**ROAD NUMBER 00162**

State of Utah                    )  
  : ss.  
County of Grand                )

NEAL SWISHER, 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 Moab, Grand County, Utah. I have lived in Grand County since 1960. I worked in the oil fields of Grand County until I retired in the early 1990s.

2. I have familiar with a road in Grand County known as Thompson Water Tank Road. I am also familiar with the land the road traverses. When I first observed the road in the early 1960s it followed the same route as in 2007 when I last observed it. Attached is a Grand County map showing Thompson Water Tank 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. 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 2007. Throughout this time period I observed travel on the road by means of jeeps, pickup trucks and ATVs. During this time period, the road was used daily for more than ten continuous years prior to 1976 and was used daily in 2007.

5. 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, water tank access.

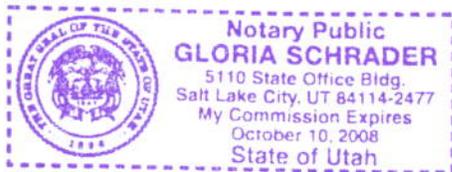
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

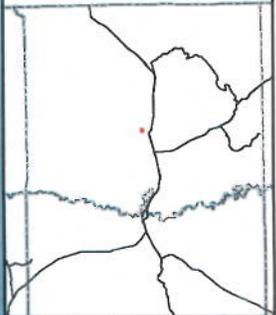
DATED this 2 day of August, 2007.

  
NEAL SWISHER

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of August, 2007.



  
NOTARY PUBLIC



**Thompson Water Tank  
County Unique - 00162**

- Land Ownership Categories**
  - BLM
  - State Sovereign Land
  - SITLA, State Trust Land
  - USFS, National Forest
  - National Park (NPS)
  - Private
- Misc**
  - Wildlife Reserve
  - Military
  - Wilderness
  - State Park
  - Tribal Lands
- City / Town Municipalities**
  - Section = 1 Mile
- Transportation Network**
  - Thompson Water Tank
  - State / U.S. Highway
  - Local Roads



1:10,411  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
Automatic Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
JUL 24, 2007



**AFFIDAVIT OF JOHN CORTES**  
**THOMPSON WATER TANK ROAD**  
**COUNTY ROAD NUMBER 00162**  
**GRAND COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Grand                )

JOHN CORTES, 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 Grand County for 51 years. I was employed by the Grand County Road Department for 36 years from 1959 to 1995.

2. I have traveled and am familiar with a road in Grand County known as Thompson Water Tank Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1959, it followed the same route as in 1990 when I last observed it. Attached is a Grand County map showing Thompson Water Tank 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 1959 and continuing through 1976 to 1990. Throughout this time period I have observed travel on the road by various means, including Grand County road equipment, trucks, jeeps, and automobiles.

Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 1990.

4. Throughout the time period from the early 1959 to 1990, I have used the road myself for performing road maintenance.

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 reservoir access, water tank access, camping and recreation.

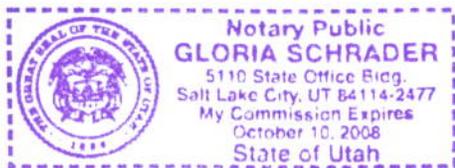
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1930s and continuing through 1976 to 1990, for the uses described in the previous paragraphs. The eastern portion of this road was constructed after 1976.

7. Prior to 1976, I personally maintained the portion of the road constructed prior to 1976.

Dated this 1 day of August, 2007.

  
\_\_\_\_\_  
JOHN CORTES

SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of August, 2007.



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



**Thompson Water Tank**  
**County Unique - 00162**

**Land Ownership Categories**

- BLM
- State Sovereign Land
- SiTLA, State Trust Land
- USFS, National Forest
- National Park (NPS)
- Private

**Misc**

- Wildlife Reserve
- Military
- Wilderness
- State Park
- Tribal Lands

**Transportation Network**

- Thompson Water Tank
- State / U.S. Highway
- Local Roads

**Scale**

1:10,411  
1 inch equals 0.2 miles

**AGRC**

Map prepared by the State of Utah  
Automatic Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jul 24, 2007

## Appendix A to Attachment 4

**Popular Name: THOMPSON WATER TANK ROAD**

**County: Grand**

**County Road Number: 00162**

**State Geographic Information Database (SGID) Road Identification Number: RD100057.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.16 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 20 East, Section(s) 15, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (THOMPSON WATER TANK 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 59 minutes 23.56 seconds North Latitude and -109 degrees 42 minutes 12.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,151,063.2 feet and Y = 6,805,937.2 feet; thence the following courses along the said road center line:

thence South 72 Degrees 37 Minutes 30 Seconds East 4.1 feet

thence South 87 Degrees 18 Minutes 30 Seconds East 93.2 feet

thence South 87 Degrees 25 Minutes 12 Seconds East 32.3 feet

thence North 51 Degrees 50 Minutes 49 Seconds East 147.2 feet

thence North 62 Degrees 42 Minutes 17 Seconds East 144.8 feet

thence North 76 Degrees 57 Minutes 47 Seconds East 134.3 feet

thence North 74 Degrees 31 Minutes 26 Seconds East 144.5 feet

thence North 74 Degrees 26 Minutes 55 Seconds East 106.3 feet

thence North 69 Degrees 36 Minutes 53 Seconds East 52.6 feet more or less to **the ending**

**point at:** 38 degrees 59 minutes 26.03 seconds North Latitude and -109 degrees 42 minutes 02.12 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet

coordinates of X = 2,151,858.7 feet and Y = 6,806,203.1 feet.