

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

Ent 486375 Bk 730 Pg 41-53
Date: 27-MAY-2008 11:08AM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 BIRDS NEST ROAD; County Road Number: 00171; State Geographic Information Database (SGID) Road Identification Number: RD100065. Total road length is 0.37 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 22nd 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.

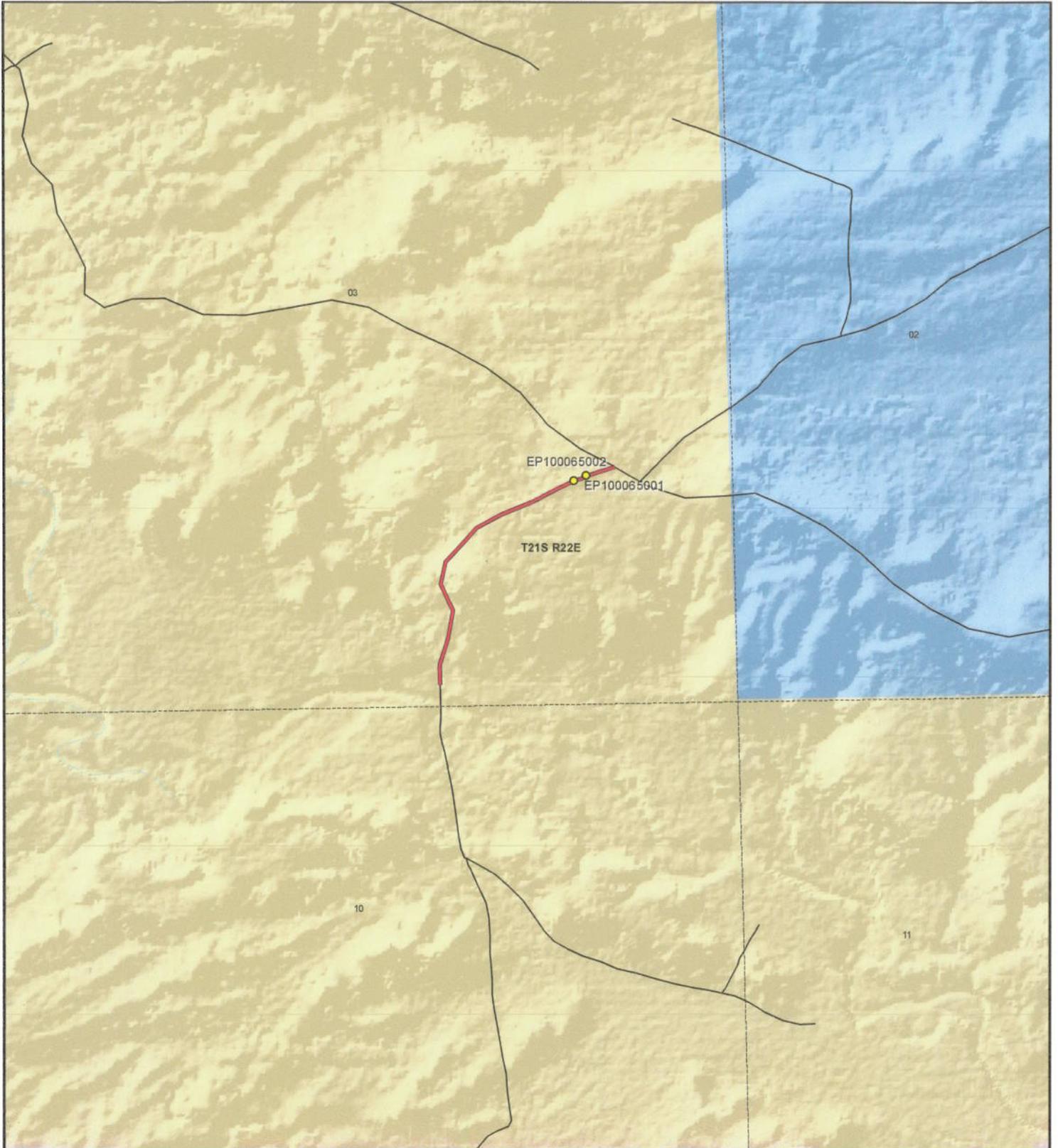
Dated this 22nd day of May, 2008.





Notary Public

Ent 486375 Bk 0730 Pg 0042



 <p>1:9,465 1 inch equals 0.1 miles</p>		<p style="text-align: center;">Birds Nest Road - Grand County SGID RD_ID RD100065</p> <table border="0"> <tr> <td colspan="2">Land Ownership Categories</td> <td colspan="2">Transportation Network</td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> Birds Nest 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>	Land Ownership Categories		Transportation Network		BLM	Wilderness	Birds Nest 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 Apr 10, 2008</p> 
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NPS, National Park																																			

Attachment 2



EP100065001



EP100065002

EP000000000

EP000000000

EP000000000

EP000000000

Ent 486375 Bk 0730 Pg 0044

Birds Nest Road - Grand County
SGID RD_ID RD100065

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
April 14, 2008



Attachment 3

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

Popular Name: BIRDS NEST ROAD

County: Grand

County Road Number: 00171

State Geographic Information Database (SGID) Road Identification Number: RD100065.

Total Road Length: 0.37 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 00 minutes 06.24 seconds North Latitude and -109 degrees 28 minutes 04.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,217,907.7 feet and Y = 6,811,687.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 00 minutes 19.12 seconds North Latitude and -109 degrees 27 minutes 50.57 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,218,956.9 feet and Y = 6,813,014.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 21 South Range 22 East, Section(s) 3, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

Ent 486375 Bk 0730 Pg 0045

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

Popular Name: BIRDS NEST ROAD

County: Grand

County Road Number: 00171

State Geographic Information Database (SGID) Road Identification Number: RD100065.

Total Road Length: 0.37 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
RD100065	001	BLM	0.37 Miles	A
		Total Road Length	0.37	_____

* 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 486375 Bk 0730 Pg 0046

Attachment 5

AFFIDAVIT OF WILLIAM W. CUNNINGHAM

BIRDS NEST ROAD

COUNTY ROAD NUMBER 00171

GRAND COUNTY, UTAH

State of Colorado)
 : ss.
County of Mesa)

WILLIAM W. CUNNINGHAM, 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 Mesa County, Colorado since 1991. My family and I owned and lived on a ranch in Grand County, Utah from 1927 to 1991.

2. I have traveled and am familiar with a road in Grand County known as Birds Nest Road. My father and I hired someone to build the 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 2007, when I last observed it. Attached is a Grand County map showing Birds Nest 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 late 1940s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including ATVs, cattle trucks, trucks and jeeps. Throughout this time

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

4. Throughout the time period from the late 1940s to 2007, I have used the road myself for livestock operations 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 hunting.

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 late 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, my father and I supervised the construction of the road. I have also observed the graded surface of the road after construction.

Dated this 7 day of September, 2007.

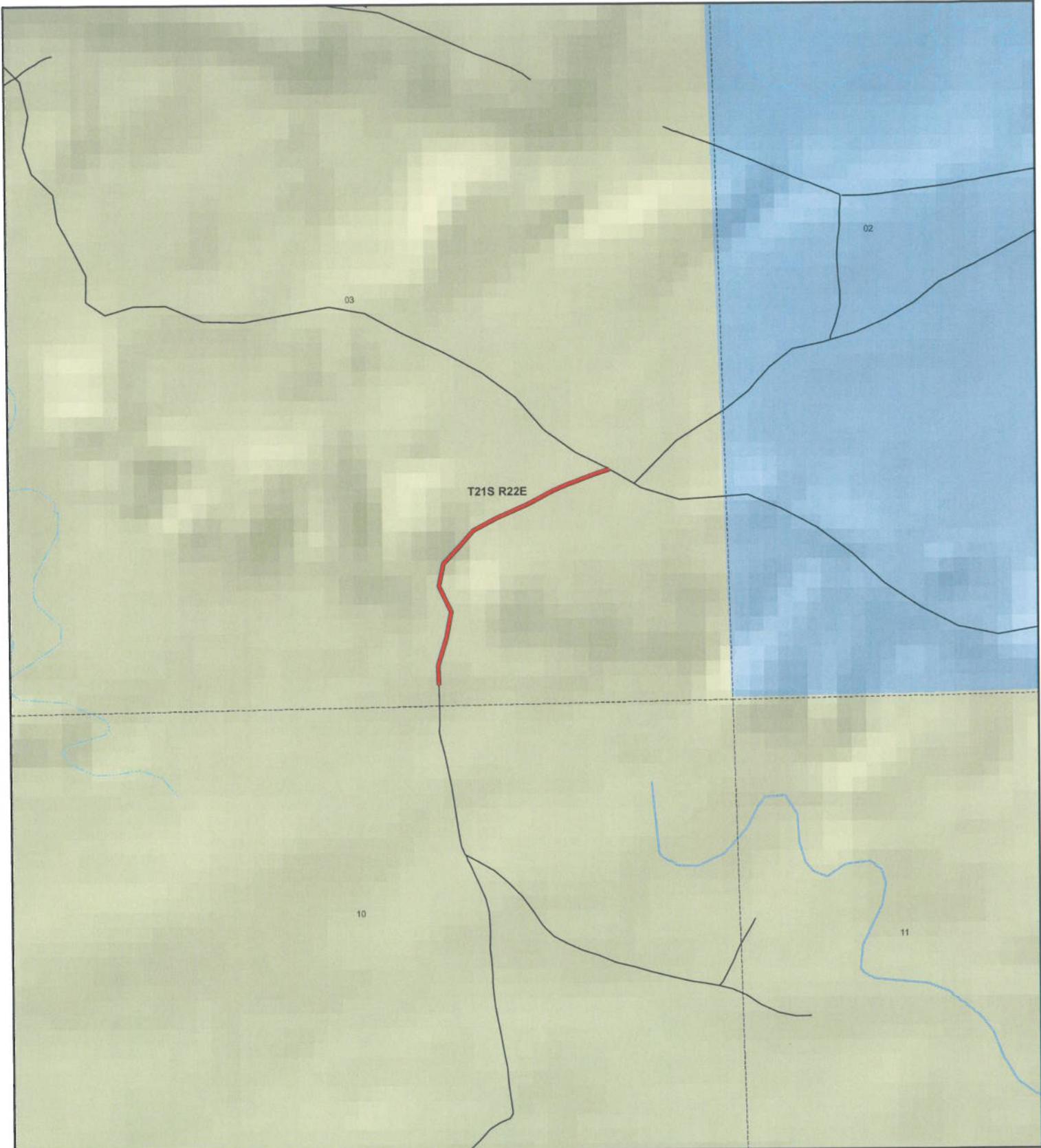
William W. Cunningham
WILLIAM W. CUNNINGHAM

SUBSCRIBED AND SWORN to before me this 7th day of September, 2007.

Nettie J. Reed
NOTARY PUBLIC

My Commission Expires: 1/27/2011





**Birds Nest
County Unique - 00171**

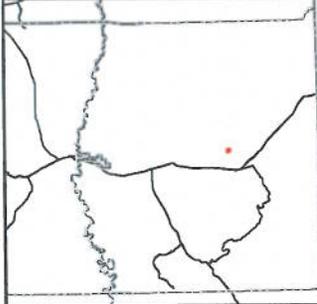
- Land Ownership Categories**
- BLM
 - US Forest Service
 - Private
 - State Lands
 - National Parks (NPS)
 - Wilderness
 - National Recreation Area
 - State Parks
 - State Sovereign Land
 - Tribal Lands
 - Military
 - Wildlife Reserve

- Transportation Network**
- Birds Nest
 - State / U.S. Highway
 - Local Roads

- Misc**
- City / Town
 - Municipalities
 - Section = 1 Mile



1:9,465
1 inch equals 0.1 miles



Map prepared by the State of Utah
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jul 25, 2007



AFFIDAVIT OF NEAL SWISHER

BIRDS NEST ROAD

GRAND COUNTY, UTAH

ROAD NUMBER 00171

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 traveled and am familiar with a road in Grand County known as Birds Nest 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 2004 when I last observed it. Attached is a Grand County map showing Birds Nest 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 2004. 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 weekly for more than ten continuous years prior to 1976 and was used weekly in 2004.

5. Throughout the time period from the early 1960s to 2004, I used the road myself for oil field work, rock hounding and recreation.

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, hunting, prospecting for minerals, oil and gas exploration and sightseeing.

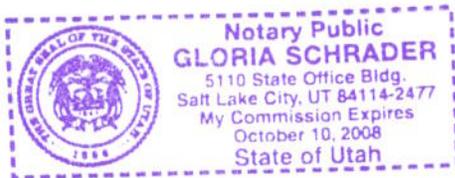
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

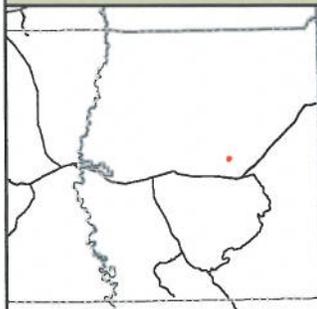
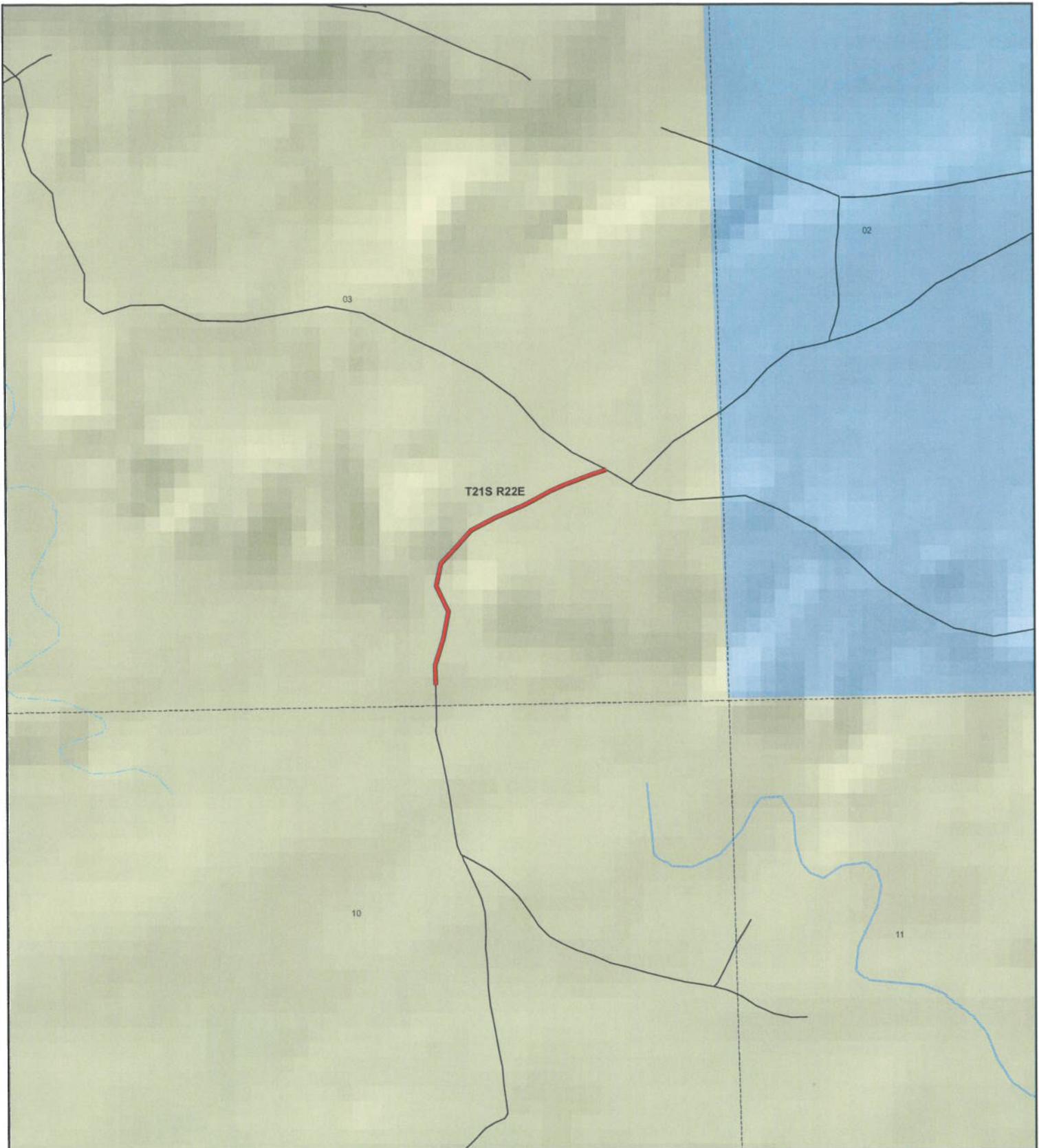
DATED this 2 day of August, 2007.


NEAL SWISHER

SUBSCRIBED AND SWORN to before me this 2nd day of August, 2007.




NOTARY PUBLIC



**Birds Nest
County Unique - 00171**

Land Ownership Categories

- ◆ BLM
- ◆ US Forest Service
- ◆ Private
- ◆ State Lands
- ◆ National Parks (NPS)
- ◆ Wilderness
- ◆ National Recreation Area
- ◆ State Parks
- ◆ State Sovereign Land
- ◆ Tribal Lands
- ◆ Military
- ◆ Wildlife Reserve

Transportation Network

- Birds Nest
- State / U.S. Highway
- Local Roads

Misc

- City / Town
- ⊙ Municipalities
- ⊘ Section = 1 Mile



1:9,465
1 inch equals 0.1 miles



Map prepared by the State of Utah
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jul 25, 2007



Appendix A to Attachment 4

Popular Name: BIRDS NEST ROAD

County: Grand

County Road Number: 00171

State Geographic Information Database (SGID) Road Identification Number: RD100065.

Road-Segment Number: 001

Road-Segment Length: 0.37 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 22 East, Section(s) 3, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BIRDS NEST 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 00 minutes 06.24 seconds North Latitude and -109 degrees 28 minutes 04.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,217,907.7 feet and Y = 6,811,687.0 feet; thence the following courses along the said road center line:

thence North 02 Degrees 17 Minutes 55 Seconds West 119.8 feet
thence North 17 Degrees 14 Minutes 32 Seconds East 173.8 feet
thence North 10 Degrees 04 Minutes 38 Seconds East 166.8 feet
thence North 25 Degrees 17 Minutes 33 Seconds West 175.5 feet
thence North 11 Degrees 14 Minutes 16 Seconds East 139 feet
thence North 42 Degrees 49 Minutes 20 Seconds East 139.5 feet
thence North 41 Degrees 40 Minutes 11 Seconds East 139.1 feet
thence North 61 Degrees 43 Minutes 23 Seconds East 164.6 feet
thence North 66 Degrees 29 Minutes 23 Seconds East 200.1 feet
thence North 61 Degrees 49 Minutes 56 Seconds East 182.7 feet
thence North 65 Degrees 38 Minutes 41 Seconds East 96.7 feet
thence North 70 Degrees 19 Minutes 40 Seconds East 49.6 feet

thence North 68 Degrees 28 Minutes 01 Seconds East 72.6 feet
thence North 70 Degrees 32 Minutes 34 Seconds East 65.1 feet
thence North 71 Degrees 39 Minutes 42 Seconds East 84.9 feet more or less to **the ending**
point at: 39 degrees 00 minutes 19.12 seconds North Latitude and -109 degrees 27 minutes 50.57 seconds
West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet
coordinates of X = 2,218,956.9 feet and Y = 6,813,014.0 feet.