

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

Ent 486446 Bk 731 Pg 339-351  
Date: 27-MAY-2008 2:22PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 SAND DUNES ROAD; County Road Number: 00323; State Geographic Information Database (SGID) Road Identification Number: RD100155. Total road length is 1.2 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 22<sup>nd</sup> day of May, 2008.

By the Governor's Designee

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

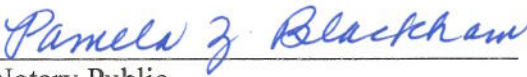
**CERTIFICATION**

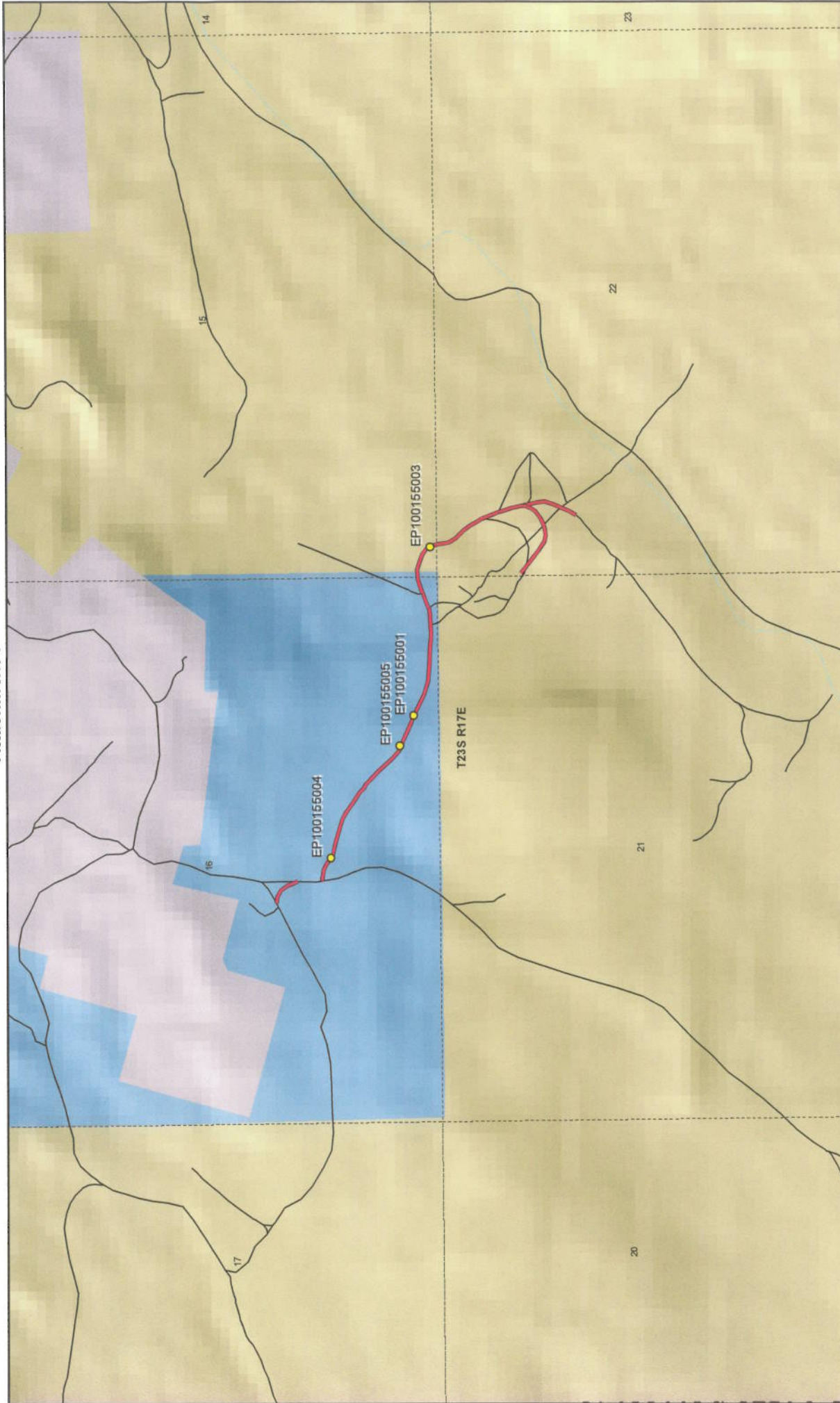
State of Utah                    )  
  : ss  
County of Salt Lake         )

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 22<sup>nd</sup> day of May, 2008.



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



Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 17, 2008

### Sand Dunes Road - Grand County SGID RD\_ID RD100155

<b>Land Ownership Categories</b>	<b>Transportation Network</b>
<ul style="list-style-type: none"> <li>BLM</li> <li>Private</li> <li>SITLA, State Trust Land</li> <li>USFS, National Forest</li> <li>State Parks and Recreation</li> <li>Tribal, Indian Reservation</li> <li>NPS, National Park</li> </ul>	<ul style="list-style-type: none"> <li>Sand Dunes Road</li> <li>Other Roads</li> <li>Title V: Issued Or Under Consideration By BLM</li> <li>Other County</li> <li>Photo Event Point</li> <li>Section = 1 Mile</li> </ul>

<ul style="list-style-type: none"> <li>Wilderness</li> <li>UDWR Wildlife Reserve</li> <li>DOD, Military</li> <li>State Sovereign Land</li> <li>National Recreation Area</li> <li>USFWS, Natl. Wildlife Refuge</li> </ul>
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1:15,542  
1 inch equals 0.2 miles

Attachment 2



EP100155001



EP100155003



EP100155004



EP100155005

EP000000000

EP000000000

Ent 486446 Bk 0731 Pg 0342

*Sand Dunes Road - Grand County*  
**SGID RD\_ID RD100155**

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: SAND DUNES ROAD**

**County: Grand**

**County Road Number: 00323**

**State Geographic Information Database (SGID) Road Identification Number: RD100155.**

**Total Road Length: 1.2 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 48 minutes 27.45 seconds North Latitude and -110 degrees 03 minutes 09.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,052,906.8 feet and Y = 6,737,763.8 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 48 minutes 22.99 seconds North Latitude and -110 degrees 03 minutes 06.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,053,128.2 feet and Y = 6,737,317.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 23 South Range 17 East, Section(s) 15,16,22, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

Ent 486446 Bk 0731 Pg 0343

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

**Popular Name: SAND DUNES ROAD**

**County: Grand**

**County Road Number: 00323**

**State Geographic Information Database (SGID) Road Identification Number: RD100155.**

**Total Road Length: 1.2 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>RD100155</b>	<b>001</b>	<b>ST</b>	<b>0.06 Miles</b>	<b>(not shown)</b>
<b>RD100155</b>	<b>002</b>	<b>BLM</b>	<b>0.11 Miles</b>	<b>A</b>
<b>RD100155</b>	<b>003</b>	<b>BLM</b>	<b>0.16 Miles</b>	<b>B</b>
<b>RD100155</b>	<b>004</b>	<b>BLM</b>	<b>0.24 Miles</b>	<b>C</b>
<b>RD100155</b>	<b>005</b>	<b>ST</b>	<b>0.63 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>1.2</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 JAMES D. NYLAND, SR.**

**SAND DUNES ROAD**

**COUNTY ROAD NUMBER 00323**

**GRAND COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Grand                )

JAMES D. NYLAND, SR. 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 50 years. I have been the Grand County Sheriff since 1978.

2. I have traveled and am familiar with a road in Grand County known as Sand Dunes 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 Grand County map showing Sand Dunes 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 Grand County road equipment, cars, ATVs, trucks 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 the road myself for hunting, law enforcement, propane fuel delivery, livestock operations and recreation.

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 mining, farming, prospecting for minerals, tourism, oil and gas exploration, biking and traveling in and through the area.

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.

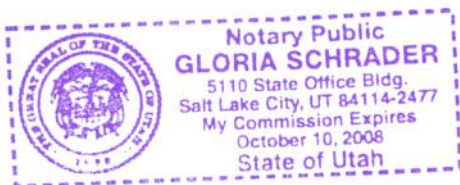
7. Prior to 1976, I observed the graded surface of the road.

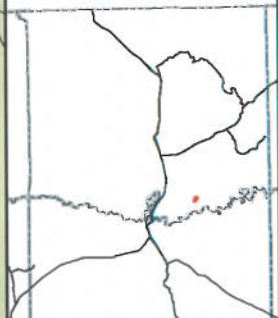
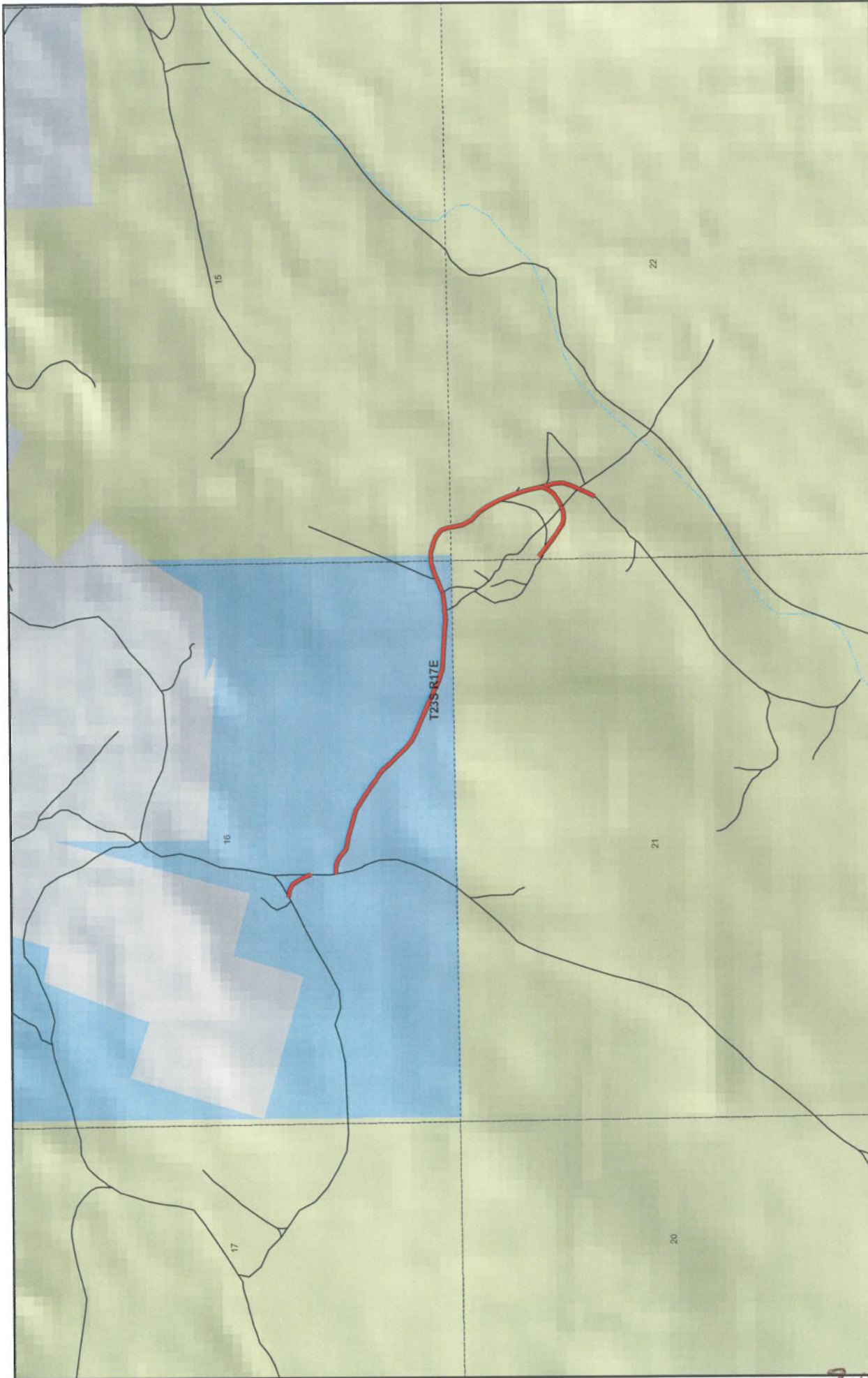
Dated this 02 day of August, 2007.

  
\_\_\_\_\_  
JAMES D. NYLAND. SR.

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

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





**Sand Dunes  
County Unique - 00323**

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



1:14,835  
1 inch equals 0.2 miles




Map prepared by the State of Utah  
Automated Geographic Reference Center  
AGRC  
Room 5700, State Office Building  
Salt Lake City, Utah 84114  
Jul 24, 2007

Ent 405445 1731 348

**AFFIDAVIT OF NEAL SWISHER**

**SAND DUNES ROAD**

**GRAND COUNTY, UTAH**

**ROAD NUMBER 00323**

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 Sand Dunes 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 Grand County map showing Sand Dunes 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 so used in 2007.


5. Throughout the time period from the early 1960s to 2007, I used the road myself for my employment in the oil fields, 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, oil and gas exploration and development and ATV recreation and sightseeing.

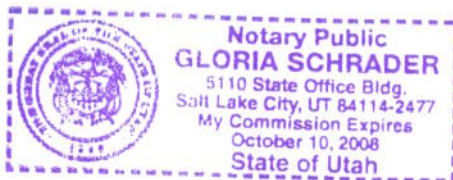
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

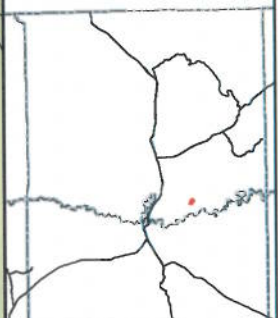
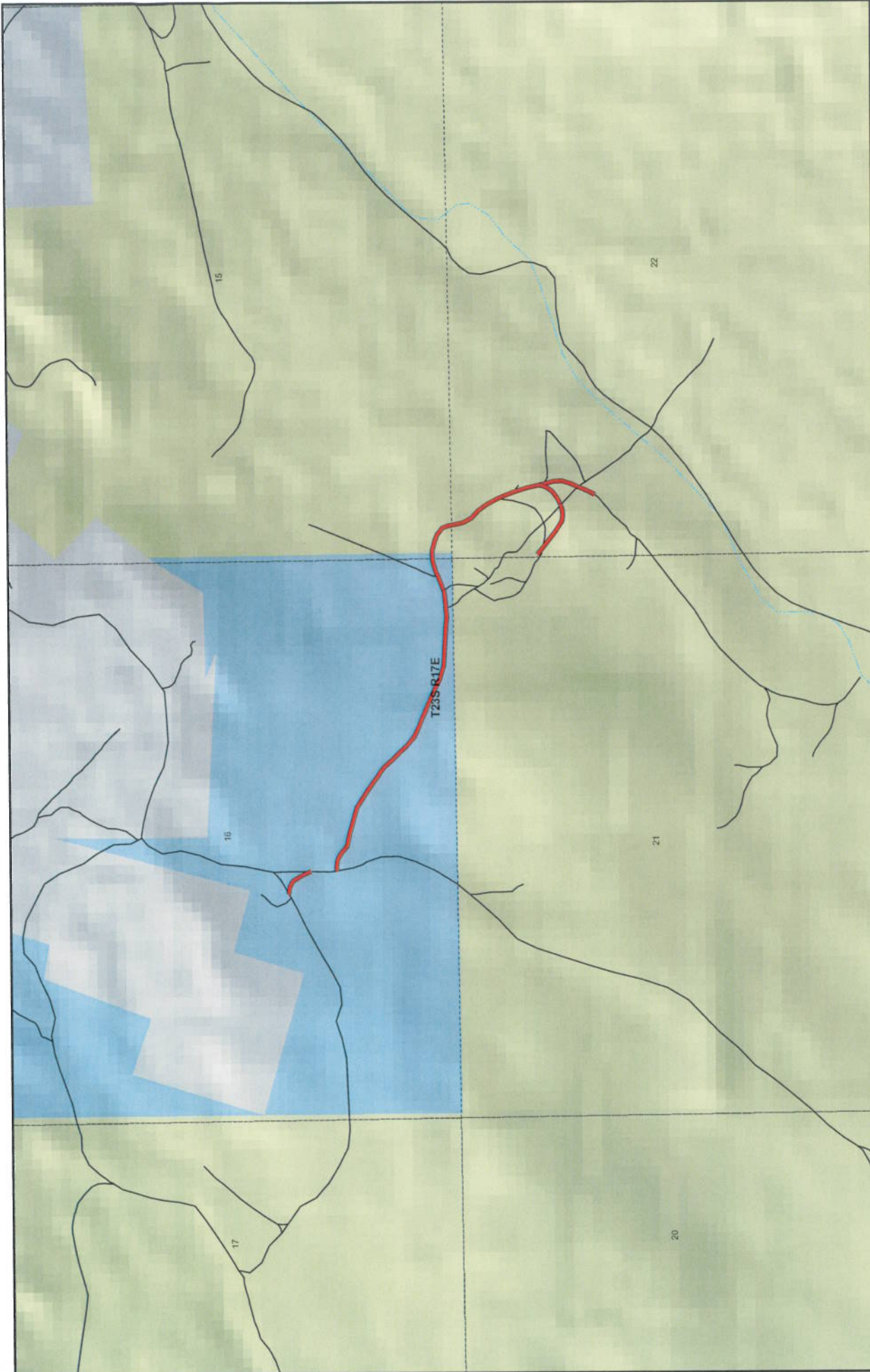
DATED this 1 day of August, 2007.

  
NEAL SWISHER

SUBSCRIBED AND SWORN to before me this 1st day of August, 2007.



  
NOTARY PUBLIC



- 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**
- Sand Dunes
  - State / U.S. Highway
  - Local Roads

**Sand Dunes  
County Unique - 00323**

1:14,835  
1 inch equals 0.2 miles

Map prepared by the State of Utah  
Automatic Geographic Reference Center  
Room 5109 State Office Building  
Salt Lake City, Utah 84114  
Jul 24, 2007





## Appendix A to Attachment 4

**Popular Name: SAND DUNES ROAD**

**County: Grand**

**County Road Number: 00323**

**State Geographic Information Database (SGID) Road Identification Number: RD100155.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.11 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 23 South Range 17 East, Section(s) 22, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SAND DUNES 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 47 minutes 58.25 seconds North Latitude and -110 degrees 02 minutes 22.01 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,691.5 feet and Y = 6,734,871.3 feet; thence the following courses along the said road center line:

thence North 29 Degrees 06 Minutes 50 Seconds East 66 feet  
thence North 22 Degrees 44 Minutes 46 Seconds East 87.4 feet  
thence North 24 Degrees 00 Minutes 47 Seconds East 14.4 feet  
thence North 23 Degrees 03 Minutes 49 Seconds East 73.3 feet  
thence North 19 Degrees 05 Minutes 56 Seconds East 87 feet  
thence North 05 Degrees 25 Minutes 57 Seconds West 85.7 feet  
thence North 13 Degrees 06 Minutes 52 Seconds West 63.9 feet  
thence North 13 Degrees 54 Minutes 05 Seconds West 25.3 feet  
thence North 13 Degrees 33 Minutes 29 Seconds West 13.5 feet  
thence North 07 Degrees 29 Minutes 56 Seconds West 11.6 feet  
thence North 15 Degrees 05 Minutes 11 Seconds West 30.5 feet more or less to **the ending**

**point at:** 38 degrees 48 minutes 03.45 seconds North Latitude and -110 degrees 02 minutes 20.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,779.1 feet and Y = 6,735,398.6 feet.

## Appendix B to Attachment 4

**Popular Name: SAND DUNES ROAD**

**County: Grand**

**County Road Number: 00323**

**State Geographic Information Database (SGID) Road Identification Number: RD100155.**

**Road-Segment Number: 003**

**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 23 South Range 17 East, Section(s) 22, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SAND DUNES 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 38 degrees 48 minutes 03.45 seconds North Latitude and -110 degrees 02 minutes 20.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,779.1 feet and Y = 6,735,398.6 feet; thence the following courses along the said road center line:

thence South 07 Degrees 44 Minutes 01 Seconds West 38.1 feet  
thence South 20 Degrees 26 Minutes 14 Seconds West 49.1 feet  
thence South 34 Degrees 33 Minutes 32 Seconds West 62 feet  
thence South 53 Degrees 38 Minutes 44 Seconds West 83.7 feet  
thence South 65 Degrees 37 Minutes 52 Seconds West 68.5 feet  
thence South 71 Degrees 13 Minutes 52 Seconds West 5.2 feet  
thence South 74 Degrees 23 Minutes 05 Seconds West 43.6 feet  
thence South 82 Degrees 27 Minutes 23 Seconds West 52.3 feet  
thence North 80 Degrees 24 Minutes 00 Seconds West 57.1 feet  
thence North 57 Degrees 58 Minutes 31 Seconds West 107.3 feet  
thence North 52 Degrees 07 Minutes 10 Seconds West 199 feet



thence North 51 Degrees 35 Minutes 23 Seconds West 83.9 feet more or less to **the ending point at:** 38 degrees 48 minutes 03.63 seconds North Latitude and -110 degrees 02 minutes 29.08 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,123.0 feet and Y = 6,735,406.3 feet.

## Appendix C to Attachment 4

**Popular Name: SAND DUNES ROAD**

**County: Grand**

**County Road Number: 00323**

**State Geographic Information Database (SGID) Road Identification Number: RD100155.**

**Road-Segment Number: 004**

**Road-Segment Length: 0.24 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 23 South Range 17 East, Section(s) 15,22, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SAND DUNES ROAD)-- Segment 004 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 48 minutes 03.45 seconds North Latitude and -110 degrees 02 minutes 20.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,779.1 feet and Y = 6,735,398.6 feet; thence the following courses along the said road center line:

thence North 15 Degrees 31 Minutes 55 Seconds West 20.4 feet  
thence North 13 Degrees 48 Minutes 26 Seconds West 82.7 feet  
thence North 15 Degrees 42 Minutes 18 Seconds West 93.6 feet  
thence North 20 Degrees 53 Minutes 22 Seconds West 42.1 feet  
thence North 20 Degrees 38 Minutes 17 Seconds West 42 feet  
thence North 21 Degrees 02 Minutes 24 Seconds West 70.2 feet  
thence North 22 Degrees 47 Minutes 26 Seconds West 58.6 feet  
thence North 23 Degrees 26 Minutes 23 Seconds West 21.4 feet  
thence North 30 Degrees 34 Minutes 54 Seconds West 96.9 feet  
thence North 35 Degrees 52 Minutes 16 Seconds West 98.8 feet  
thence North 47 Degrees 17 Minutes 27 Seconds West 93.8 feet

thence North 30 Degrees 02 Minutes 05 Seconds West 90.7 feet  
thence North 10 Degrees 51 Minutes 01 Seconds West 65.1 feet  
thence North 08 Degrees 27 Minutes 49 Seconds West 46.4 feet  
thence North 13 Degrees 28 Minutes 03 Seconds West 5.1 feet  
thence North 13 Degrees 38 Minutes 55 Seconds West 40.5 feet  
thence North 23 Degrees 39 Minutes 04 Seconds West 51.8 feet  
thence North 49 Degrees 59 Minutes 30 Seconds West 78.6 feet  
thence North 69 Degrees 43 Minutes 49 Seconds West 65.3 feet  
thence North 73 Degrees 26 Minutes 48 Seconds West 96 feet  
thence South 86 Degrees 43 Minutes 44 Seconds West 26.3 feet more or less to **the ending**

**point at:** 38 degrees 48 minutes 13.57 seconds North Latitude and -110 degrees 02 minutes 28.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,056,130.5 feet and Y = 6,736,412.6 feet.