

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

ENTRY NO. 00139811

06/18/2008 02:23:26 PM B: 0351 P: 0353

Easements and Right of Ways PAGE 1 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Kane County as it pertains to the highway located in Kane County known as Timber Mountain Spur; County Road Number: K3701; State Geographic Information Database (SGID) Road Identification Number: RD130465. Total road length is 0.15 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 12th day of June, 2008.

By the Governor's Designee



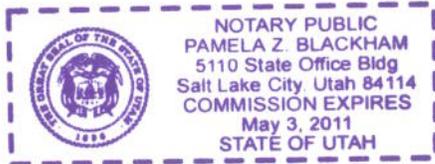
John Harja

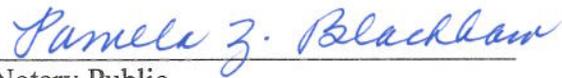
CERTIFICATION

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 12th day of June, 2008.





Notary Public

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Map prepared by the State of Utah
 Automated Geographic Reference Center
 Room 5130 State Office Building
 Salt Lake City, Utah 84114
 Jun 10, 2008



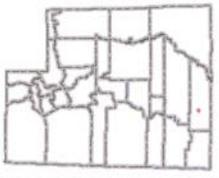
Transportation Network

- Timber Mountain Spur
- Other Roads
- Title V: Issued Or Under Consideration By BLM
- County
- Photo Event Point
- Section = 1 Mile

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

Timber Mountain Spur - Kane County
SGID RD_ID RD130465




1:10,811
 1 inch equals 0.2 miles



EP130465003



EP130465004

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VERJEAN CARUSO, KANE COUNTY RECORDER

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Timber Mountain Spur - Kane County

SGID RD_ID RD130465

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
June 10, 2008



Attachment 3

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

Popular Name: Timber Mountain Spur

County: Kane

County Road Number: K3701

State Geographic Information Database (SGID) Road Identification Number: RD130465.

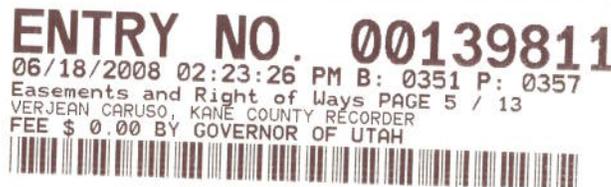
Total Road Length: 0.15 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 18 minutes 12.53 seconds North Latitude and -112 degrees 16 minutes 26.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,415,281.6 feet and Y = 10,075,307.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 18 minutes 08.44 seconds North Latitude and -112 degrees 16 minutes 21.35 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,415,695.7 feet and Y = 10,074,890.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 40 South Range 4 West, Section(s) 29, 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: Timber Mountain Spur

County: Kane

County Road Number: K3701

State Geographic Information Database (SGID) Road Identification Number: RD130465.

Total Road Length: 0.15 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
RD130465	001	BLM	0.15 Miles	A
		Total Road Length	0.15	_____

* 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.

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VERJEAN CARUSO, KANE COUNTY RECORDER

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Attachment 5

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VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



AFFIDAVIT OF LLOYD G. ROBINSON
TIMBER MOUNTAIN SPUR ROAD
KANE COUNTY ROAD NUMBER K3701

KANE COUNTY, UTAH

State of Utah)
 : ss.
County of Kane)

LLOYD G. ROBINSON 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 Kane County for 73 years. I was born on March 16, 1934.

2. I have traveled and am familiar with a road in Kane County known as the Timber Mountain Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950 it followed the same route as in the late 1970s when I last observed it. Attached is a Kane County map showing Timber Mountain Spur 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 1950 and continuing through 1976 to the late 1970s. Throughout this time period I have observed travel on the road by various means, including trucks and jeeps. Throughout this time period, the road has

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VERJEAN CARUSO, KANE COUNTY RECORDER

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been used regularly during the hunting season, weather permitting for more than ten continuous years prior to 1976.

4. Throughout the time period from 1950 to the late 1970s, I have used the road myself for hunting, wood gathering, camping, recreation 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 livestock operations and government access.

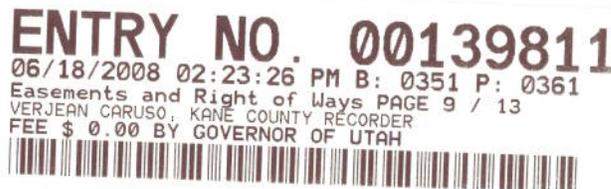
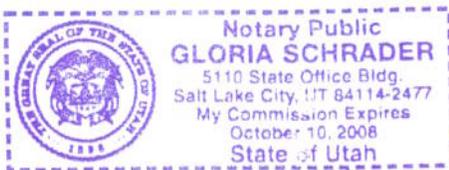
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

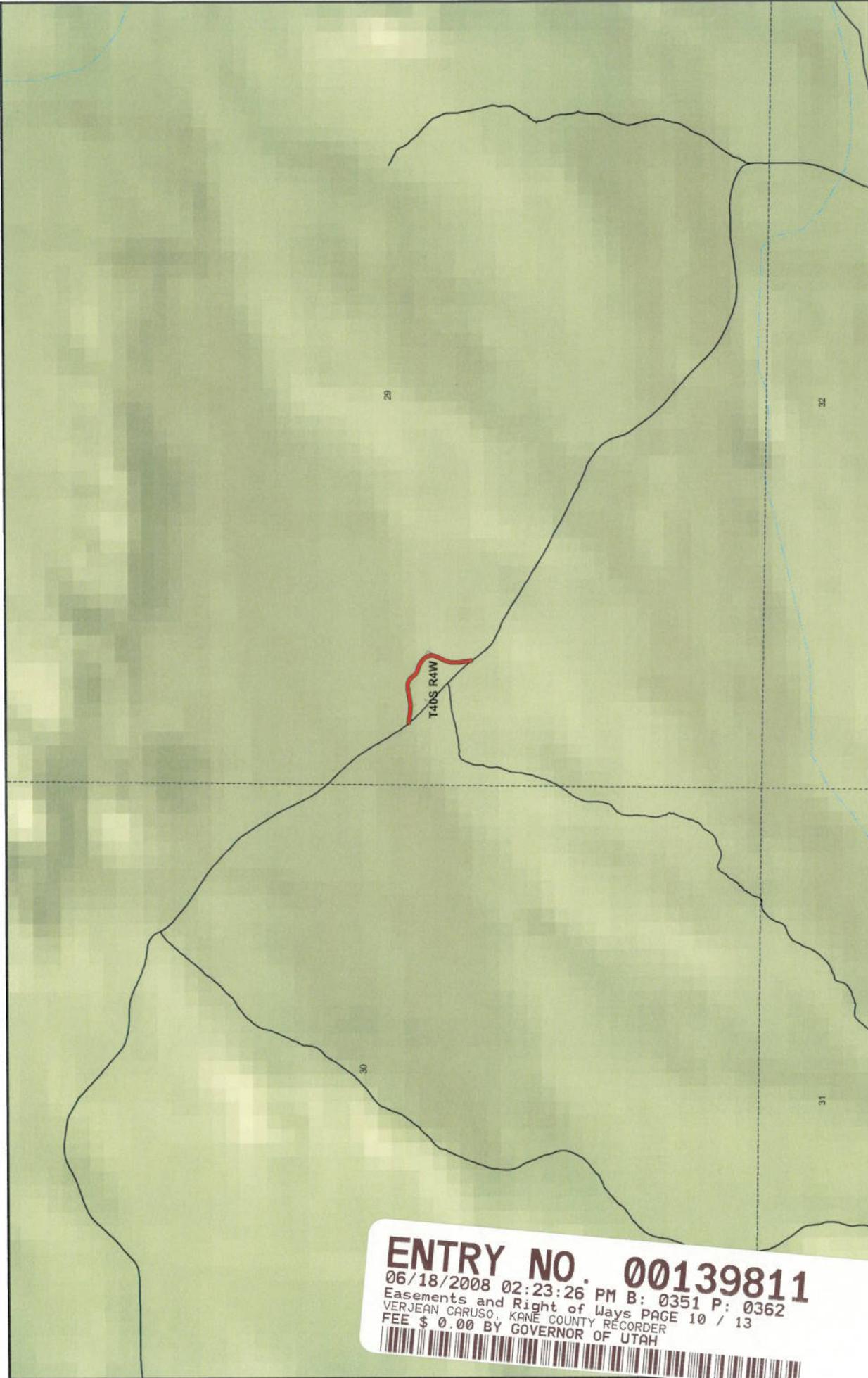
Dated this 16 day of May, 2007.


LLOYD G. ROBINSON

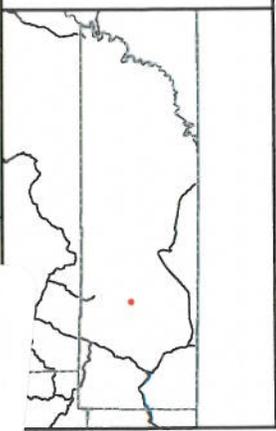
SUBSCRIBED AND SWORN to before me this 16th day of May, 2007.


NOTARY PUBLIC





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 VERJEAN CARUSO, KANE COUNTY RECORDER
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**Timber Mountain Spur
 County Unique - K3701**

- Land Ownership Categories**
 - BLM
 - Private
 - SITLA, State Trust Land
 - USFS, National Forest
 - National Park/Monument (NPS)
- Misc**
 - Wildlife Reserve
 - National Rec. Area
 - Wilderness
 - State Park
- Transportation Network**
 - Timber Mountain Spur
 - State / U.S. Highway
 - Local Roads
- City / Town**
- Municipalities**
- Section = 1 Mile**
- Monument Boundary**



1:10,299
 1 inch equals 0.2 miles



Map prepared by the State of Utah
 Automated Geographic Reference Center
 530 State Office Building
 Salt Lake City, Utah 84114
 May 07, 2007



AFFIDAVIT OF KURT BRINKERHOFF

TIMBER MOUNTAIN SPUR ROAD

COUNTY ROAD NUMBER K3701

KANE COUNTY, UTAH

State of Utah)
 : ss.
County of Kane)

KURT BRINKERHOFF, 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 Kane County for 68 years. I was born July 6, 1939.

2. I have traveled and am familiar with a road in Kane County known as the Timber Mountain Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1945, it followed the same route as in 2007 when I last observed it. Attached is a Kane County map showing Timber Mountain Spur 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 1945 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including motor homes, maintenance vehicles, trucks, jeeps and ATV's. Throughout this

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time period, the road has been used weekly, for more than ten continuous years prior to 1976, and continuing through 2007.

4. Throughout the time period from 1945 to 2007, I have used the road myself for livestock operations, ranching, recreation, hunting 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 camping, wood gathering and government access.

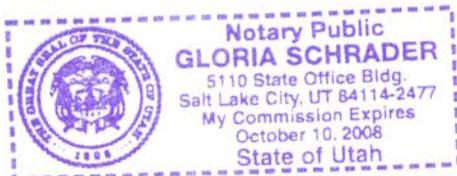
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

Dated this 15 day of May, 2007.


KURT BRINKERHOFF

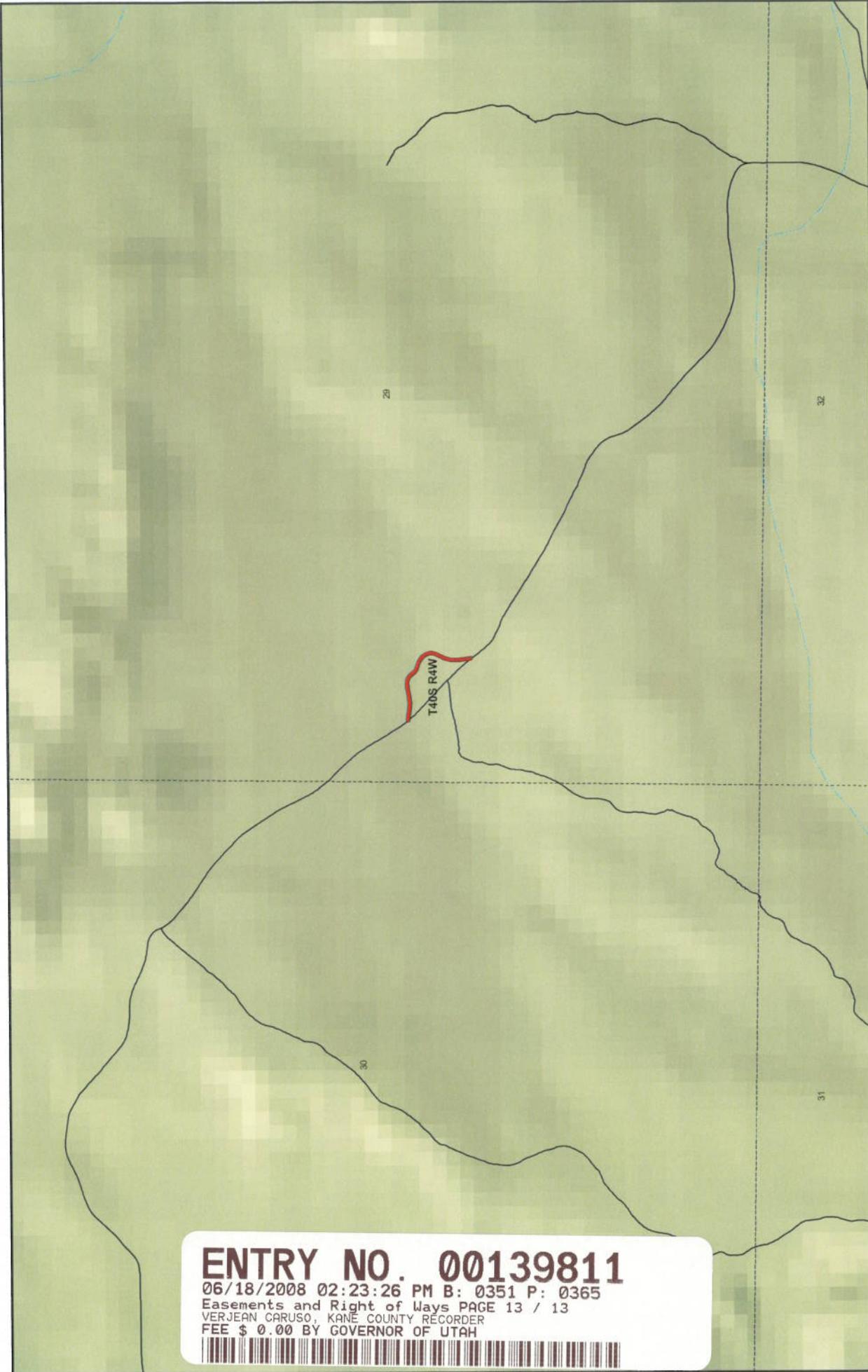
SUBSCRIBED AND SWORN to before me this 15 day of May, 2007.



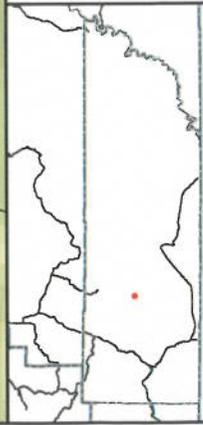

NOTARY PUBLIC

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**Timber Mountain Spur
 County Unique - K3701**

- Land Ownership Categories**
 - BLM
 - Private
 - SITLA, State Trust Land
 - USFS, National Forest
 - National Park/Monument (NPS)
- Misc**
 - Wildlife Reserve
 - National Rec. Area
 - Wilderness
 - State Park
 - City / Town
 - Municipalities
 - Section = 1 Mile
 - Monument Boundary
- Transportation Network**
 - Timber Mountain Spur
 - State / U.S. Highway
 - Local Roads



1:10,299
 1 inch equals 0.2 miles



Map prepared by the State of Utah
 Administration Center
 AGRC
 Room 530 State Office Building
 Salt Lake City, Utah 84114
 May 07, 2007

Appendix A to Attachment 4

Popular Name: Timber Mountain Spur

County: Kane

County Road Number: K3701

State Geographic Information Database (SGID) Road Identification Number: RD130465.

Road-Segment Number: 001

Road-Segment Length: 0.15 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 40 South Range 4 West, Section(s) 29, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Timber Mountain Spur)-- 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 37 degrees 18 minutes 12.53 seconds North Latitude and -112 degrees 16 minutes 26.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,415,281.6 feet and Y = 10,075,307.0 feet; thence the following courses along the said road center line:

thence South 73 Degrees 56 Minutes 44 Seconds East 5.7 feet
thence South 77 Degrees 52 Minutes 19 Seconds East 4 feet
thence North 89 Degrees 42 Minutes 07 Seconds East 4.8 feet
thence South 72 Degrees 56 Minutes 38 Seconds East 5.5 feet
thence North 89 Degrees 42 Minutes 07 Seconds East 4.3 feet
thence South 80 Degrees 26 Minutes 56 Seconds East 4.8 feet
thence South 80 Degrees 10 Minutes 23 Seconds East 4.7 feet
thence North 89 Degrees 42 Minutes 07 Seconds East 4.6 feet
thence South 82 Degrees 33 Minutes 38 Seconds East 6.1 feet
thence South 84 Degrees 23 Minutes 59 Seconds East 8 feet
thence South 81 Degrees 21 Minutes 44 Seconds East 10.6 feet

thence South 82 Degrees 56 Minutes 10 Seconds East 12.8 feet
 thence South 83 Degrees 20 Minutes 41 Seconds East 13.6 feet
 thence South 83 Degrees 40 Minutes 50 Seconds East 14.2 feet
 thence South 87 Degrees 10 Minutes 49 Seconds East 15.1 feet
 thence North 86 Degrees 31 Minutes 19 Seconds East 14.8 feet
 thence North 80 Degrees 10 Minutes 38 Seconds East 14.9 feet
 thence North 83 Degrees 14 Minutes 00 Seconds East 14.6 feet
 thence North 79 Degrees 41 Minutes 38 Seconds East 14.2 feet
 thence North 79 Degrees 23 Minutes 05 Seconds East 13.7 feet
 thence North 79 Degrees 20 Minutes 08 Seconds East 13.7 feet
 thence North 79 Degrees 00 Minutes 14 Seconds East 13.3 feet
 thence North 78 Degrees 58 Minutes 39 Seconds East 13.2 feet
 thence North 82 Degrees 19 Minutes 35 Seconds East 13 feet
 thence North 85 Degrees 57 Minutes 01 Seconds East 12 feet
 thence South 78 Degrees 29 Minutes 52 Seconds East 12 feet
 thence South 69 Degrees 24 Minutes 51 Seconds East 11.4 feet
 thence South 59 Degrees 53 Minutes 57 Seconds East 11.4 feet
 thence South 55 Degrees 31 Minutes 12 Seconds East 11.5 feet
 thence South 43 Degrees 46 Minutes 07 Seconds East 11.3 feet
 thence South 39 Degrees 27 Minutes 44 Seconds East 11.6 feet
 thence South 39 Degrees 56 Minutes 45 Seconds East 10.7 feet
 thence South 43 Degrees 18 Minutes 50 Seconds East 10.1 feet
 thence South 53 Degrees 09 Minutes 04 Seconds East 9.5 feet
 thence South 62 Degrees 27 Minutes 22 Seconds East 10.5 feet
 thence South 67 Degrees 28 Minutes 22 Seconds East 10.6 feet
 thence South 71 Degrees 51 Minutes 46 Seconds East 10.4 feet
 thence South 75 Degrees 24 Minutes 16 Seconds East 9.6 feet
 thence South 72 Degrees 56 Minutes 38 Seconds East 8.3 feet
 thence South 65 Degrees 08 Minutes 55 Seconds East 7.7 feet
 thence South 66 Degrees 44 Minutes 18 Seconds East 6.2 feet
 thence South 56 Degrees 36 Minutes 28 Seconds East 5.9 feet
 thence South 58 Degrees 36 Minutes 41 Seconds East 6.2 feet
 thence South 54 Degrees 14 Minutes 15 Seconds East 8.4 feet
 thence South 48 Degrees 14 Minutes 43 Seconds East 8.6 feet
 thence South 48 Degrees 11 Minutes 47 Seconds East 7.3 feet
 thence South 46 Degrees 38 Minutes 26 Seconds East 5.9 feet
 thence South 42 Degrees 42 Minutes 16 Seconds East 6.7 feet
 thence South 36 Degrees 43 Minutes 01 Seconds East 9.2 feet
 thence South 28 Degrees 07 Minutes 55 Seconds East 9.3 feet
 thence South 25 Degrees 00 Minutes 01 Seconds East 9 feet
 thence South 19 Degrees 04 Minutes 33 Seconds East 8.7 feet
 thence South 11 Degrees 58 Minutes 28 Seconds East 10.1 feet
 thence South 02 Degrees 45 Minutes 17 Seconds West 9.9 feet
 thence South 05 Degrees 29 Minutes 59 Seconds West 10.7 feet
 thence South 19 Degrees 18 Minutes 58 Seconds West 9.6 feet
 thence South 19 Degrees 48 Minutes 44 Seconds West 11.4 feet
 thence South 25 Degrees 11 Minutes 15 Seconds West 10.9 feet
 thence South 24 Degrees 54 Minutes 41 Seconds West 11.8 feet
 thence South 26 Degrees 20 Minutes 37 Seconds West 11 feet

thence South 26 Degrees 16 Minutes 01 Seconds West 12 feet
thence South 23 Degrees 17 Minutes 28 Seconds West 10.7 feet
thence South 20 Degrees 44 Minutes 22 Seconds West 11.4 feet
thence South 16 Degrees 48 Minutes 17 Seconds West 11.2 feet
thence South 13 Degrees 51 Minutes 45 Seconds West 11 feet
thence South 10 Degrees 13 Minutes 22 Seconds West 11.7 feet
thence South 07 Degrees 24 Minutes 43 Seconds West 10.8 feet
thence South 00 Degrees 41 Minutes 03 Seconds West 11.5 feet
thence South 01 Degrees 12 Minutes 52 Seconds East 12.3 feet
thence South 05 Degrees 50 Minutes 47 Seconds East 11.5 feet
thence South 05 Degrees 55 Minutes 16 Seconds East 10.7 feet
thence South 05 Degrees 50 Minutes 47 Seconds East 11.5 feet
thence South 06 Degrees 29 Minutes 39 Seconds East 11.6 feet
thence South 06 Degrees 47 Minutes 34 Seconds East 10.7 feet
thence South 09 Degrees 23 Minutes 17 Seconds East 9.1 feet
thence South 06 Degrees 11 Minutes 51 Seconds East 9.9 feet
thence South 07 Degrees 08 Minutes 26 Seconds East 4.1 feet
thence South 07 Degrees 47 Minutes 07 Seconds East 5.8 feet
thence South 12 Degrees 25 Minutes 54 Seconds East 6.7 feet
thence South 12 Degrees 20 Minutes 25 Seconds East 5 feet
thence South 06 Degrees 10 Minutes 14 Seconds East 5.8 feet more or less to **the ending point**

at: 37 degrees 18 minutes 08.44 seconds North Latitude and -112 degrees 16 minutes 21.35 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,415,695.7 feet and Y = 10,074,890.0 feet.