

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

Ent 106885 Bk 127 Pg 152
Date: 16-JUN-2008 10:00AM
Fee: None
Filed By: RC
SHANE A. MILLETT, Recorder
PIUTE COUNTY CORPORATION
For: GOVERNOR OF THE 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Piute County as it pertains to the highway located in Piute County known as BIRCH CREEK ROAD; County Road Number: PCRD4; State Geographic Information Database (SGID) Road Identification Number: RD160004. Total road length is 7.69 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

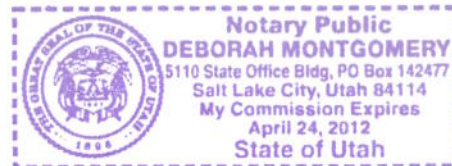
State of Utah)
 : ss
County of Salt Lake)

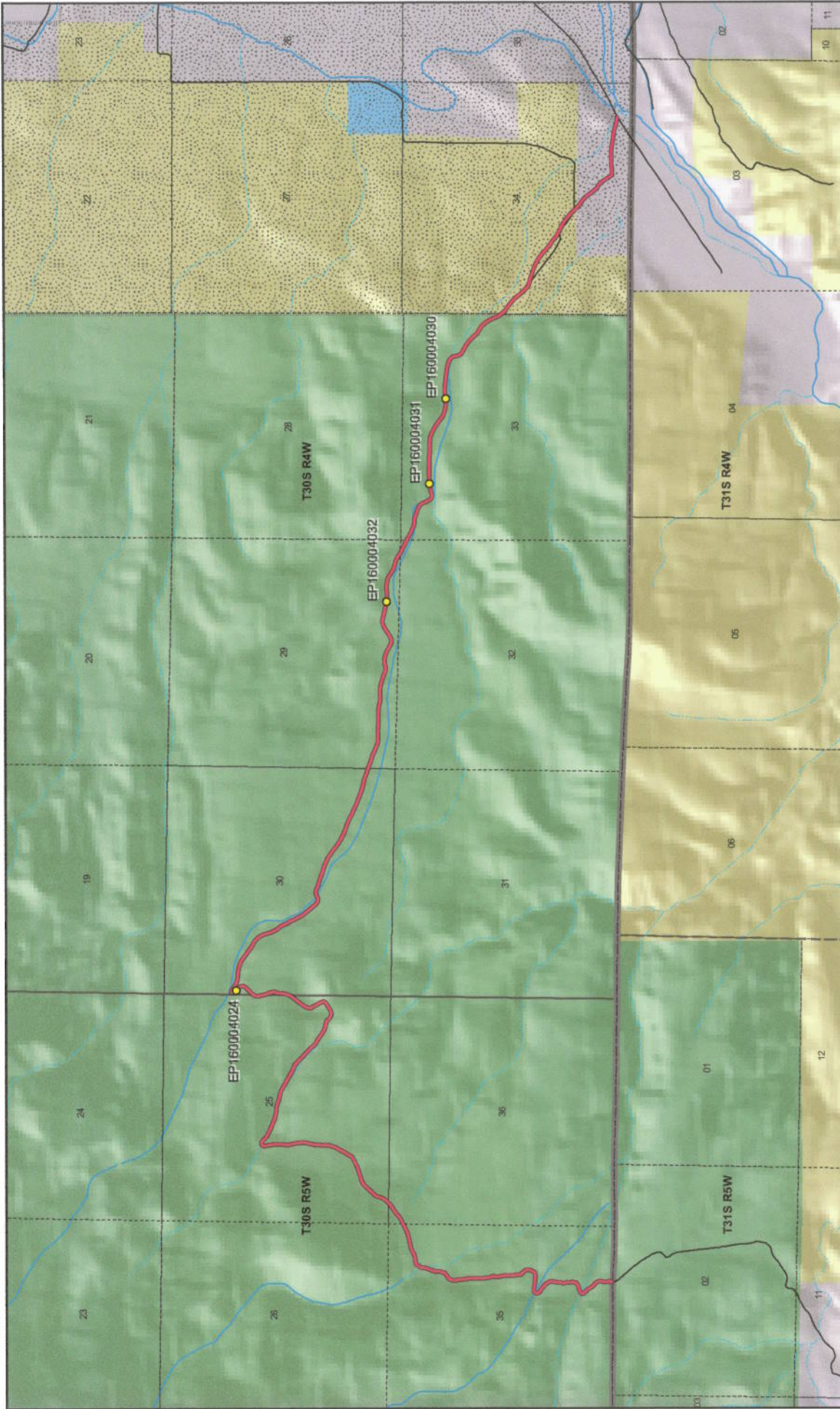
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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


Dated this 12 day of June, 2008.



Notary Public








1:36,967
1 inch equals 0.6 miles



BIRCH CREEK ROAD - Piute County

SGID RD_ID RD160004

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 0130, State Capitol Building
Salt Lake City, Utah 84114
Jun 10, 2008



<p>Land Ownership Categories</p> <ul style="list-style-type: none"> 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 	<p>Transportation Network</p> <ul style="list-style-type: none"> BIRCH CREEK ROAD Other Roads Title V: Issued Or Under Consideration By BLM Or County Photo Event Point Section = 1 Mile
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Attachment 2



EP160004024



EP160004030



EP160004031



EP160004032

EP000000000

EP000000000

BIRCH CREEK ROAD - Piute County
SGID RD_ID RD160004



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: BIRCH CREEK ROAD

County: Piute

County Road Number: PCRD4

State Geographic Information Database (SGID) Road Identification Number: RD160004.

Total Road Length: 7.69 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 09 minutes 00.39 seconds North Latitude and -112 degrees 23 minutes 04.91 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,386,010.7 feet and Y = 10,383,860.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 09 minutes 2.8 seconds North Latitude and -112 degrees 17 minutes 29.07 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,412,838.6 feet and Y = 10,383,864.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 30 South Range 4 West, Section(s) 29,30,32,33,34, Salt Lake Base & Meridian

Township 30 South Range 5 West, Section(s) 25,35,36, 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: BIRCH CREEK ROAD

County: Piute

County Road Number: PCR4

State Geographic Information Database (SGID) Road Identification Number: RD160004.

Total Road Length: 7.69 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
RD160004	001	FS	6.63 Miles	†(pending)
RD160004	002	BLM	0.58 Miles	A
RD160004	003	PVT	0.48 Miles	(not shown)
		Total Road Length	7.69	_____

* 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 ARTHOR W. NIELSEN

BIRCH CREEK ROAD

PIUTE COUNTY, UTAH

ROAD NUMBER PCRD4

State of Utah)
 : ss.
County of Piute)

ARTHOR W. NIELSEN, 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 Piute County, Utah. I have lived in Piute County for 73 years. I was employed as the Road Supervisor for the Piute County Road Department from 1983 to 2000.

2. I have traveled and am familiar with a road in Piute County known as Birch Creek Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2008 when I last observed it. Attached is a Piute County map showing Birch 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 the early 1950s and continuing through 1976 to 2008. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2008.

5. Throughout the time period from the early 1950s to the present, I have used the road myself for the following uses: hunting and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: livestock operations, prospecting for minerals, utility access, government access and tourism.

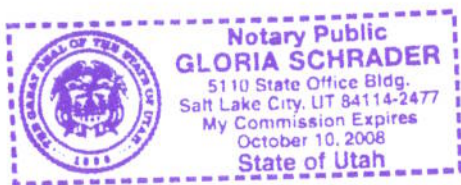
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

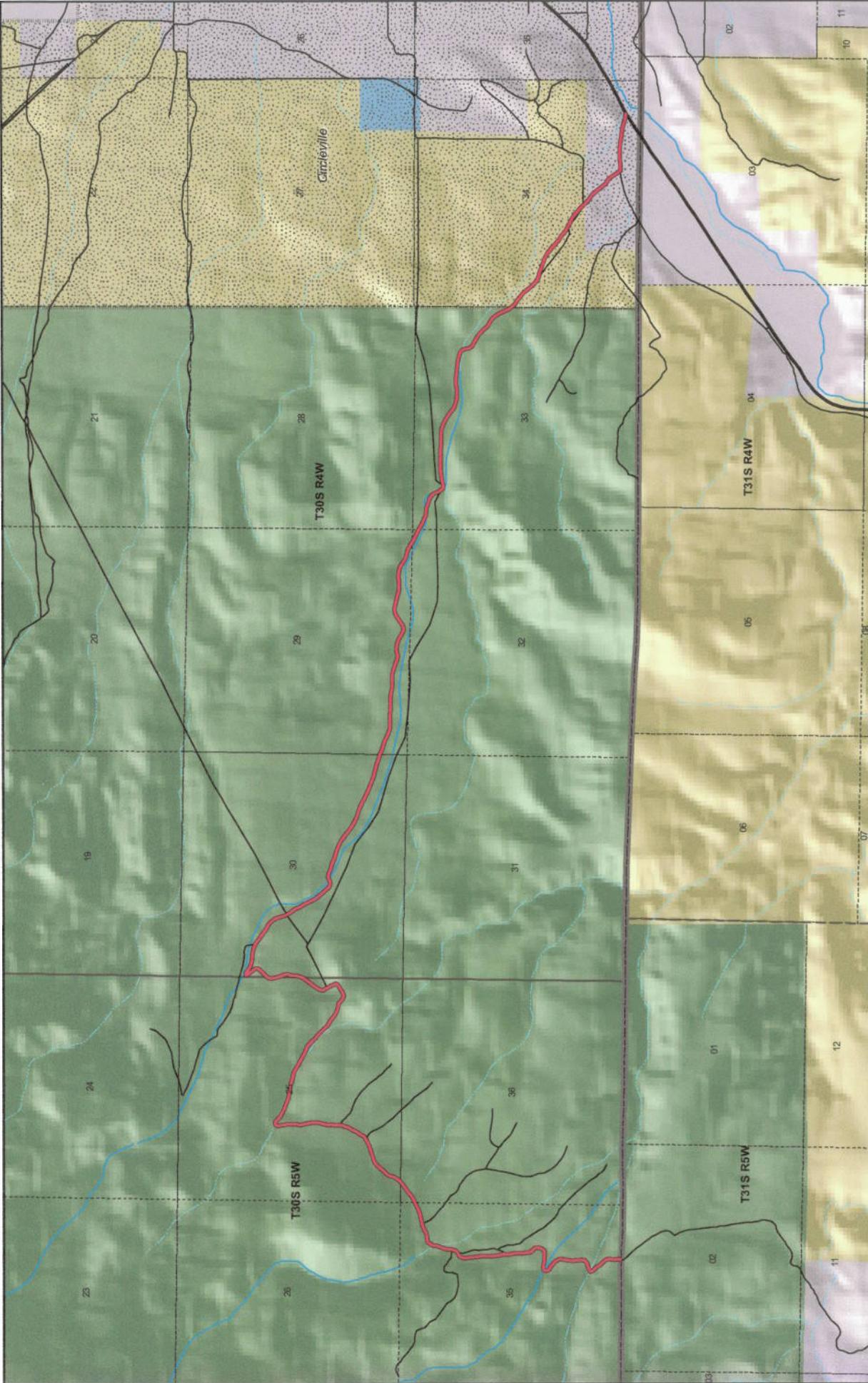
DATED this 26 day of May, 2008.


ARTHOR W. NIELSEN

SUBSCRIBED AND SWORN to before me this 20th day of May, 2008.




NOTARY PUBLIC



1:36,967
1 inch equals 0.5 miles

Map prepared by the State of Utah
Automatic Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
May 07, 2008

Piute County BIRCH CREEK ROAD County Unique - PCRD4

<p>Land Ownership Categories</p> <ul style="list-style-type: none"> BLM Private SITLA, State Trust Land USFS, National Forest Wildlife Reserve 	<p>Misc</p> <ul style="list-style-type: none"> City / Town Municipalities Section = 1 Mile 	<p>Transportation Network</p> <ul style="list-style-type: none"> BIRCH CREEK ROAD State / U.S. Highway Local Roads
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AFFIDAVIT OF JOAN ANDERSON

BIRCH CREEK ROAD

PIUTE COUNTY, UTAH

ROAD NUMBER PCRD 4

State of Utah)
 : ss.
County of Piute)

JOAN ANDERSON, 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 Piute County, Utah. I have lived in Piute County for 72 years.

2. I have traveled and am familiar with a road in Piute County known as Birch Creek Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Piute County map showing Birch 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 the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, jeeps, recreational vehicles and pickup trucks. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was used daily, weather permitting, in 2007.

5. Throughout the time period from the early 1950s to 2007, I have used the road myself for the following uses: rock hounding, hunting, photography, search and rescue and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: livestock operations and prospecting for minerals.

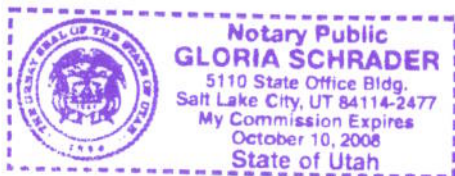
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

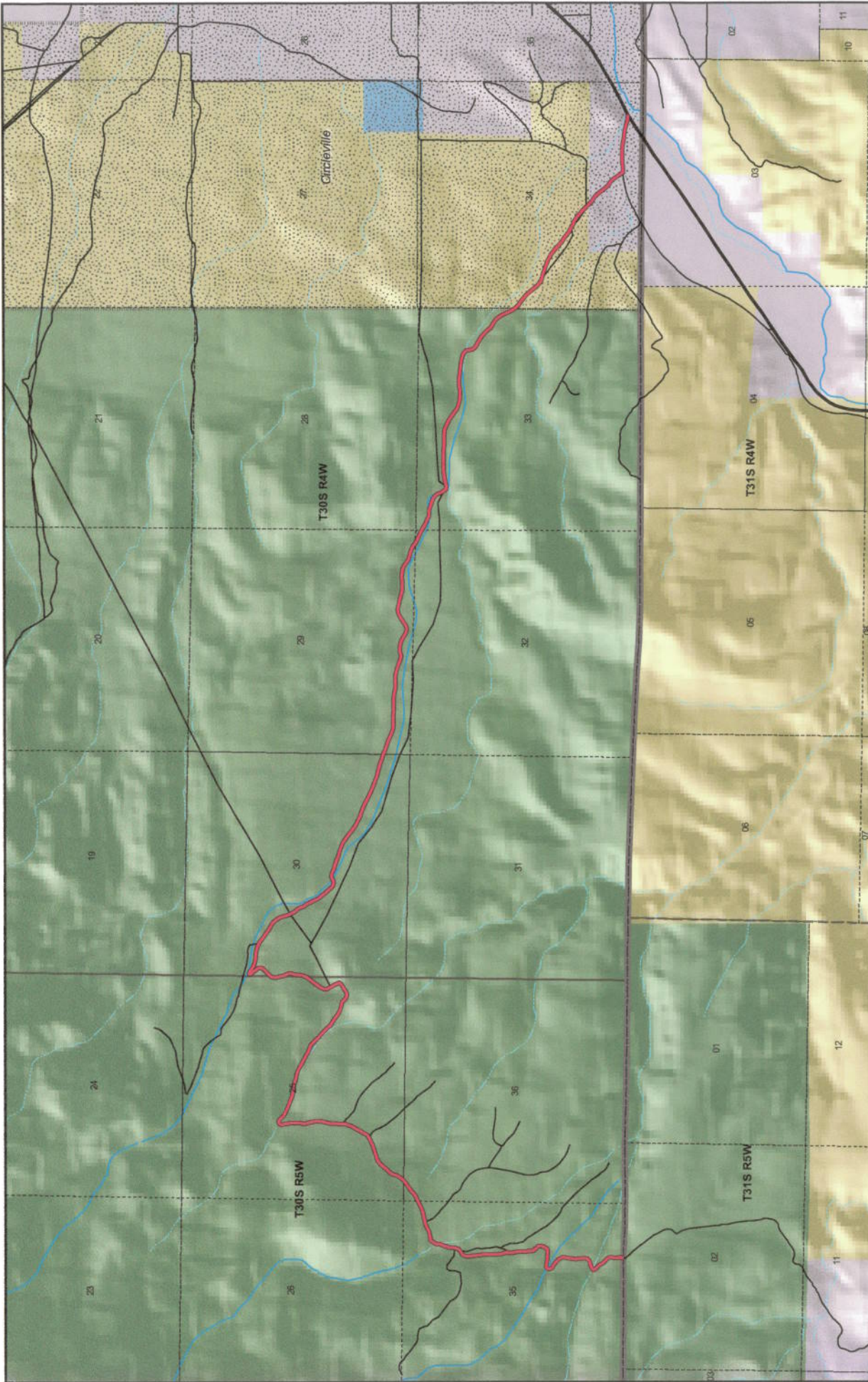
DATED this 9th day of May, 2008.


JOAN ANDERSON

SUBSCRIBED AND SWORN to before me this 20th day of May, 2008.




NOTARY PUBLIC





 1:36,967

 1 inch equals 0.6 miles



 Map prepared by the State of Utah

 Automated Geographic Reference Center

 Room 5130, State Office Building

 Salt Lake City, Utah 84114

 May 07, 2008

Land Ownership Categories

 BLM

 Private

 SITLA, State Trust Land

 USFS, National Forest

 Wildlife Reserve

Misc

 City / Town

 Municipalities

 Section = 1 Mile

Transportation Network

 BIRCH CREEK ROAD

 State / U.S. Highway

 Local Roads

Piute County

BIRCH CREEK ROAD

County Unique - PCRD4

Land Ownership Categories

 BLM

 Private

 SITLA, State Trust Land

 USFS, National Forest

 Wildlife Reserve

Misc

 City / Town

 Municipalities

 Section = 1 Mile

Transportation Network

 BIRCH CREEK ROAD

 State / U.S. Highway

 Local Roads



Appendix A to Attachment 4

Popular Name: BIRCH CREEK ROAD

County: Piute

County Road Number: PCRD4

State Geographic Information Database (SGID) Road Identification Number: RD160004.

Road-Segment Number: 002

Road-Segment Length: 0.58 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 30 South Range 4 West, Section(s) 34, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BIRCH CREEK 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 09 minutes 28.82 seconds North Latitude and -112 degrees 18 minutes 26.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,408,244.6 feet and Y = 10,386,535.4 feet; thence the following courses along the said road center line:

thence South 41 Degrees 32 Minutes 56 Seconds East	35.3 feet
thence South 42 Degrees 07 Minutes 01 Seconds East	45.8 feet
thence South 50 Degrees 14 Minutes 24 Seconds East	81 feet
thence South 52 Degrees 03 Minutes 31 Seconds East	86.9 feet
thence South 52 Degrees 47 Minutes 38 Seconds East	92.7 feet
thence South 51 Degrees 11 Minutes 56 Seconds East	90.5 feet
thence South 43 Degrees 30 Minutes 15 Seconds East	88.2 feet
thence South 39 Degrees 55 Minutes 25 Seconds East	86.5 feet
thence South 40 Degrees 00 Minutes 20 Seconds East	85.3 feet
thence South 38 Degrees 47 Minutes 35 Seconds East	32.7 feet
thence South 42 Degrees 37 Minutes 07 Seconds East	39.5 feet

thence South 42 Degrees 13 Minutes 41 Seconds East 38.8 feet
thence South 45 Degrees 56 Minutes 58 Seconds East 41.8 feet
thence South 48 Degrees 59 Minutes 37 Seconds East 39.8 feet
thence South 54 Degrees 07 Minutes 11 Seconds East 33.3 feet
thence South 60 Degrees 59 Minutes 33 Seconds East 27.5 feet
thence South 70 Degrees 13 Minutes 04 Seconds East 28.7 feet
thence South 74 Degrees 26 Minutes 50 Seconds East 32.4 feet
thence South 76 Degrees 47 Minutes 47 Seconds East 35.1 feet
thence South 74 Degrees 48 Minutes 49 Seconds East 40.5 feet
thence South 72 Degrees 45 Minutes 50 Seconds East 40.3 feet
thence South 73 Degrees 24 Minutes 13 Seconds East 42.9 feet
thence South 73 Degrees 05 Minutes 22 Seconds East 34.4 feet
thence South 70 Degrees 57 Minutes 14 Seconds East 38.6 feet
thence South 69 Degrees 39 Minutes 15 Seconds East 42.8 feet
thence South 69 Degrees 28 Minutes 47 Seconds East 39.7 feet
thence South 71 Degrees 01 Minutes 22 Seconds East 34.8 feet
thence South 71 Degrees 19 Minutes 31 Seconds East 32.3 feet
thence South 67 Degrees 01 Minutes 37 Seconds East 28.2 feet
thence South 65 Degrees 17 Minutes 46 Seconds East 21.7 feet
thence South 69 Degrees 45 Minutes 25 Seconds East 2.8 feet
thence South 65 Degrees 42 Minutes 22 Seconds East 85.9 feet
thence South 64 Degrees 06 Minutes 06 Seconds East 23.8 feet
thence South 58 Degrees 59 Minutes 03 Seconds East 26.5 feet
thence South 54 Degrees 42 Minutes 08 Seconds East 29.9 feet
thence South 52 Degrees 20 Minutes 29 Seconds East 34.1 feet
thence South 51 Degrees 39 Minutes 11 Seconds East 35.7 feet
thence South 50 Degrees 34 Minutes 00 Seconds East 40.5 feet
thence South 49 Degrees 26 Minutes 07 Seconds East 51.6 feet
thence South 50 Degrees 57 Minutes 02 Seconds East 54.3 feet
thence South 50 Degrees 32 Minutes 48 Seconds East 61 feet
thence South 51 Degrees 59 Minutes 06 Seconds East 61.9 feet
thence South 51 Degrees 52 Minutes 45 Seconds East 64.9 feet
thence South 52 Degrees 26 Minutes 17 Seconds East 63.6 feet
thence South 52 Degrees 42 Minutes 25 Seconds East 61.3 feet
thence South 52 Degrees 24 Minutes 28 Seconds East 54.5 feet
thence South 55 Degrees 30 Minutes 16 Seconds East 42 feet
thence South 57 Degrees 45 Minutes 09 Seconds East 32.3 feet
thence South 60 Degrees 50 Minutes 13 Seconds East 130 feet
thence South 63 Degrees 18 Minutes 01 Seconds East 75.1 feet
thence South 63 Degrees 21 Minutes 07 Seconds East 63.7 feet
thence South 63 Degrees 44 Minutes 52 Seconds East 44.8 feet
thence South 58 Degrees 42 Minutes 19 Seconds East 45.1 feet
thence South 53 Degrees 08 Minutes 19 Seconds East 49.4 feet
thence South 48 Degrees 43 Minutes 46 Seconds East 62.3 feet
thence South 49 Degrees 46 Minutes 26 Seconds East 65.6 feet
thence South 48 Degrees 26 Minutes 06 Seconds East 63.9 feet
thence South 49 Degrees 24 Minutes 56 Seconds East 55.1 feet
thence South 47 Degrees 46 Minutes 33 Seconds East 43.2 feet
thence South 49 Degrees 04 Minutes 37 Seconds East 35.3 feet

thence South 40 Degrees 30 Minutes 47 Seconds East 30.5 feet
thence South 58 Degrees 18 Minutes 27 Seconds East 9.3 feet
thence South 47 Degrees 45 Minutes 36 Seconds East 27.2 feet more or less to **the ending**
point at: 38 degrees 09 minutes 11.83 seconds North Latitude and -112 degrees 17 minutes 55.77 seconds
West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet
coordinates of X = 1,410,713.6 feet and Y = 10,384,795.6 feet.