

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

Ent 106888 Bk 127 Pg 191
Date: 16-JUN-2008 10:14AM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 HOWES CEMETARY ROAD; County Road Number: PCRD9; State Geographic Information Database (SGID) Road Identification Number: RD160009. Total road length is 1.34 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

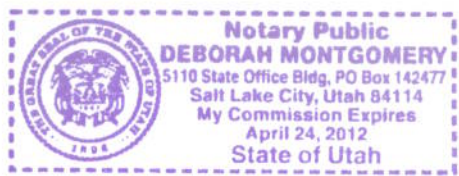
State of Utah)
 : ss
County of Salt Lake)

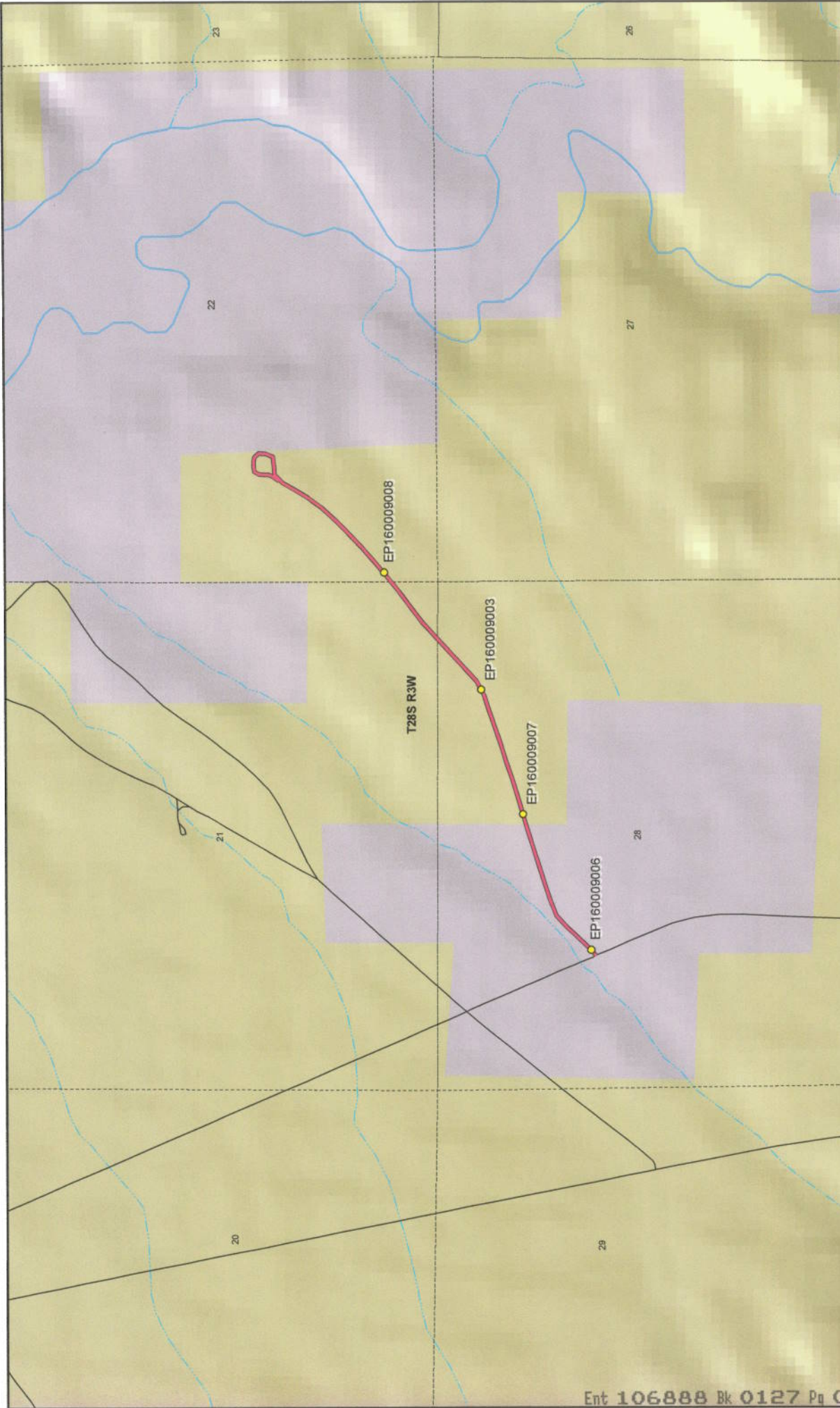
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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





Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jul 13, 2007

HOWES CEMETARY ROAD - Piute County

SGID RD_ID RD160009

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

Transportation Network

- HOWES CEMETARY ROAD
- Other Roads
- Title V, Issued Or Under Application By BLM
- Photo Event Point
- Section = 1 Mile

Wilderness

- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Inset Map

Scale and Orientation

1:16,811
1 inch equals 0.3 miles



EP160009003



EP160009006



EP160009007



EP160009008

EP000000000

EP000000000

HOWES CEMETARY ROAD - Piute County
SGID RD_ID RD160009

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
July 18, 2007



Attachment 3

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

Popular Name: HOWES CEMETARY ROAD

County: Piute

County Road Number: PCRD9

State Geographic Information Database (SGID) Road Identification Number: RD160009.

Total Road Length: 1.34 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 20 minutes 59.36 seconds North Latitude and -112 degrees 12 minutes 041.7 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,344.5 feet and Y = 10,456,164.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 21 minutes 32.76 seconds North Latitude and -112 degrees 11 minutes 39.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,441,297.9 feet and Y = 10,459,505.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 3 West, Section(s) 21,22,28, 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: HOWES CEMETARY ROAD

County: Piute

County Road Number: PCR9

State Geographic Information Database (SGID) Road Identification Number: RD160009.

Total Road Length: 1.34 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
RD160009	001	PVT	0.3 Miles	(not shown)
RD160009	002	BLM	1.04 Miles	A
		Total Road Length	1.34	_____

* 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 MICHAEL L. GIBBS

HOWES CEMETERY ROAD

PIUTE COUNTY, UTAH

ROAD NUMBER PCRD9

State of Utah)
 : ss.
County of Piute)

MICHAEL L. GIBBS, 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 65 years.

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

5. Throughout the time period from the late 1950s to 2007, I have used the road

myself for the following uses: hunting, fishing, recreation and traveling in and through the area.

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: farming, cemetery access, livestock operations and government access.

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 late 1800s 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.

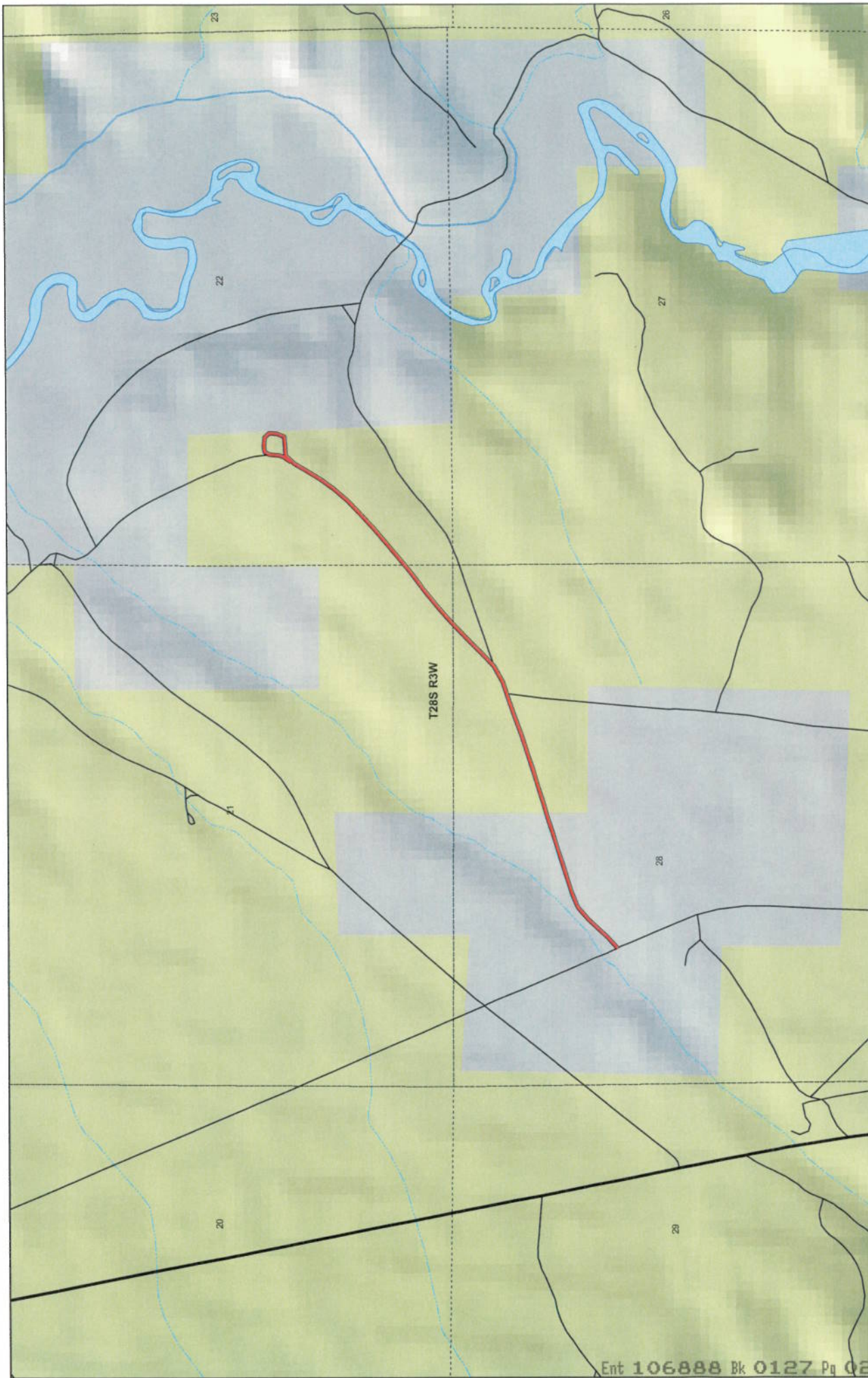

DATED this 12 day of April, 2007.


MICHAEL L. GIBBS

SUBSCRIBED AND SWORN to before me this 12 day of April, 2007.




NOTARY PUBLIC



1:16,053
1 inch equals 0.3 miles

Map prepared by the State of Utah
Automatic Geographic Reference Center
Room 5130, State Office Building
Salt Lake City, Utah 84114
Apr. 04, 2007

HOWES CEMETARY ROAD County Unique - PCRD9

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



AFFIDAVIT OF CLARK ELDER

HOWES CEMETERY ROAD

PIUTE COUNTY, UTAH

ROAD NUMBER PCRD9

State of Utah)
 : ss.
County of Piute)

CLARK ELDER, 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 Howes Cemetery 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 2006 when I last observed it. Attached is a Piute County map showing Howes Cemetery 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 late 1940s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used monthly for more than ten continuous years prior to 1976, and was used monthly in 2006.

5. Throughout the time period from the late 1940s to 2006, I have used the road

myself for the following uses: cemetery access and hunting.

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.

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.

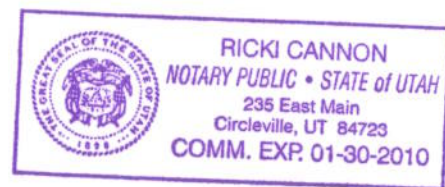
8. Prior to 1976, I observed the graded surface of the road.

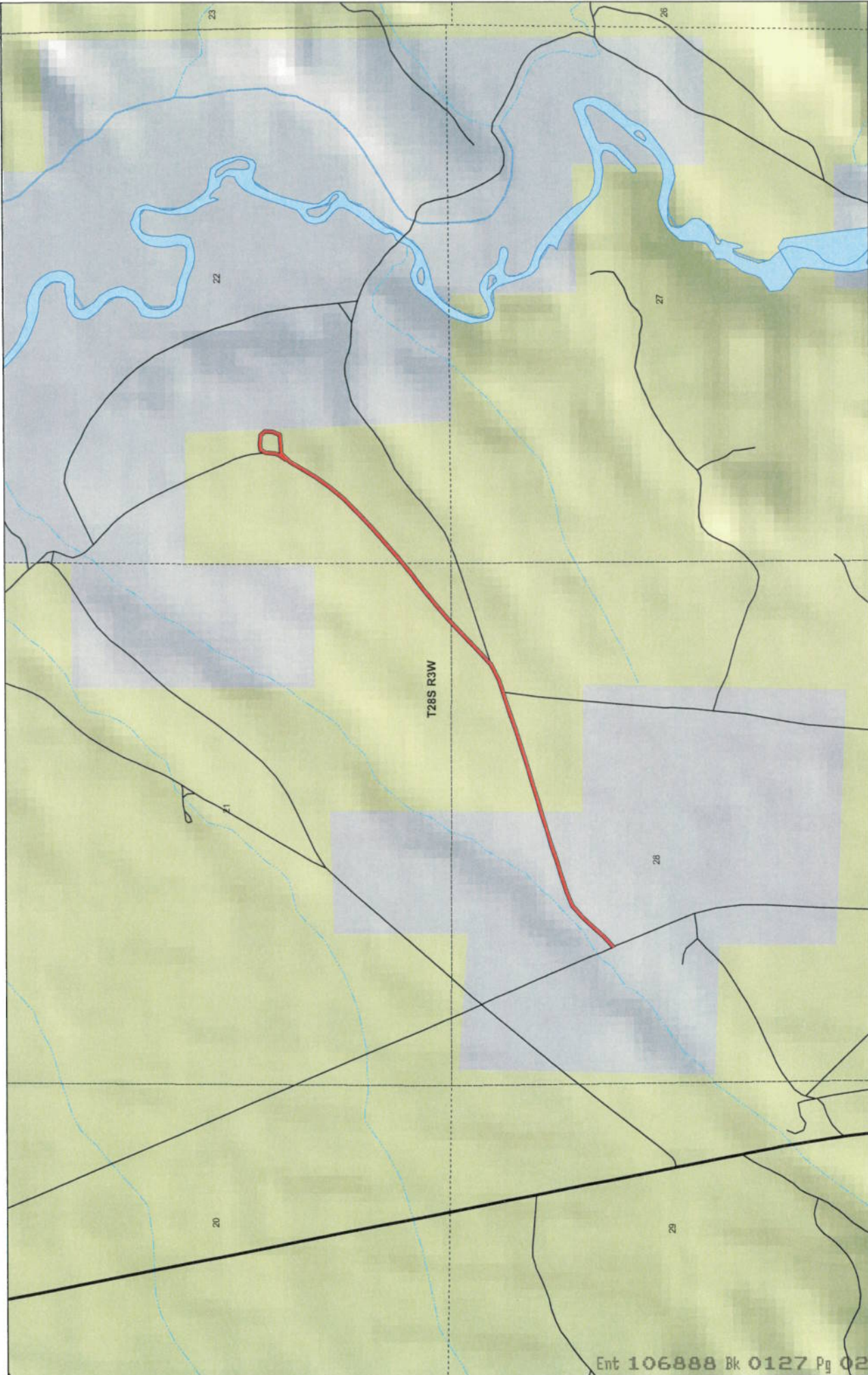
DATED this 11 day of April, 2007.


CLARK ELDER

SUBSCRIBED AND SWORN to before me this 11 day of April, 2007.



NOTARY PUBLIC






1:16,053
1 inch equals 0.3 miles

Map prepared by the State of Utah
Automated Geographic Reference Center
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
Apr 04, 2007




HOWES CEMETARY ROAD County Unique - PCD9

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



Appendix A to Attachment 4

Popular Name: HOWES CEMETARY ROAD

County: Piute

County Road Number: PCRD9

State Geographic Information Database (SGID) Road Identification Number: RD160009.

Road-Segment Number: 002

Road-Segment Length: 1.04 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 28 South Range 3 West, Section(s) 21,22,28, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (HOWES CEMETARY 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 21 minutes 6.8 seconds North Latitude and -112 degrees 12 minutes 24.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,437,718.4 feet and Y = 10,456,906.0 feet; thence the following courses along the said road center line:

thence North 72 Degrees 53 Minutes 19 Seconds East	112.4 feet
thence North 72 Degrees 57 Minutes 16 Seconds East	177.8 feet
thence North 72 Degrees 14 Minutes 43 Seconds East	185.1 feet
thence North 72 Degrees 09 Minutes 30 Seconds East	189.6 feet
thence North 71 Degrees 47 Minutes 02 Seconds East	189 feet
thence North 70 Degrees 12 Minutes 56 Seconds East	184.1 feet
thence North 70 Degrees 38 Minutes 06 Seconds East	184 feet
thence North 71 Degrees 37 Minutes 47 Seconds East	187.4 feet
thence North 61 Degrees 57 Minutes 50 Seconds East	182 feet
thence North 46 Degrees 39 Minutes 32 Seconds East	188.5 feet
thence North 46 Degrees 14 Minutes 09 Seconds East	205.7 feet

thence North 46 Degrees 05 Minutes 16 Seconds East 198.9 feet
 thence North 45 Degrees 23 Minutes 29 Seconds East 18.8 feet
 thence North 48 Degrees 29 Minutes 23 Seconds East 213.3 feet
 thence North 51 Degrees 41 Minutes 31 Seconds East 211.1 feet
 thence North 52 Degrees 25 Minutes 26 Seconds East 211.9 feet
 thence North 51 Degrees 19 Minutes 18 Seconds East 118.4 feet
 thence North 51 Degrees 07 Minutes 41 Seconds East 84.8 feet
 thence North 49 Degrees 02 Minutes 32 Seconds East 201.5 feet
 thence North 48 Degrees 39 Minutes 14 Seconds East 204.5 feet
 thence North 47 Degrees 09 Minutes 43 Seconds East 198.6 feet
 thence North 44 Degrees 53 Minutes 17 Seconds East 195.6 feet
 thence North 40 Degrees 34 Minutes 59 Seconds East 185 feet
 thence North 36 Degrees 11 Minutes 59 Seconds East 169.9 feet
 thence North 30 Degrees 36 Minutes 25 Seconds East 158.4 feet
 thence North 30 Degrees 28 Minutes 38 Seconds East 151.3 feet
 thence North 43 Degrees 29 Minutes 50 Seconds East 123.2 feet
 thence North 87 Degrees 55 Minutes 50 Seconds East 96.5 feet
 thence North 84 Degrees 28 Minutes 17 Seconds East 93.9 feet
 thence North 22 Degrees 58 Minutes 12 Seconds East 84.7 feet
 thence North 00 Degrees 03 Minutes 40 Seconds West 73.8 feet
 thence North 41 Degrees 17 Minutes 37 Seconds West 59.6 feet
 thence North 81 Degrees 02 Minutes 35 Seconds West 48.9 feet
 thence North 88 Degrees 49 Minutes 05 Seconds West 50.2 feet
 thence South 78 Degrees 59 Minutes 57 Seconds West 53.1 feet
 thence South 29 Degrees 53 Minutes 30 Seconds West 55.4 feet
 thence South 03 Degrees 10 Minutes 24 Seconds West 53.9 feet
 thence South 03 Degrees 00 Minutes 06 Seconds West 45.4 feet
 thence South 18 Degrees 34 Minutes 12 Seconds West 39.5 feet
 thence South 35 Degrees 06 Minutes 35 Seconds West 39.1 feet
 thence South 34 Degrees 49 Minutes 06 Seconds West 54.2 feet more or less to **the ending**
point at: 38 degrees 21 minutes 32.76 seconds North Latitude and -112 degrees 11 minutes 39.83 seconds
 West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet
 coordinates of X = 1,441,297.9 feet and Y = 10,459,505.2 feet.