

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

Ent 106960 Bk 128 Pg 326  
Date: 16-JUN-2008 3:26PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 BARBEN DRIVE; County Road Number: PCRD16A; State Geographic Information Database (SGID) Road Identification Number: RD160165. Total road length is 0.35 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 12<sup>th</sup> day of June, 2008.

By the Governor's Designee


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

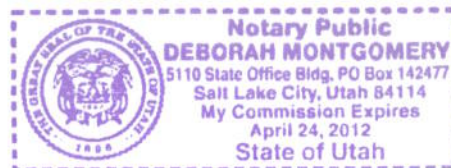
**CERTIFICATION**

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







1:9,402  
1 inch equals 0.1 miles



**BARBEN DRIVE - Piute County**  
**SGID RD\_ID RD160165**

Land Ownership Categories		Transportation Network
BLM	Wilderness	BARBEN DRIVE
Private	UDWR Wildlife Reserve	Title V: Issued Or Under Consideration By BLM Or County
SITLA, State Trust Land	DOD, Military	Other Roads
USFS, National Forest	State Sovereign Land	Photo Event Point
State Parks and Recreation	National Recreation Area	Section = 1 Mile
Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge	
NPS, National Park		

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jun 09, 2008

Attachment 2



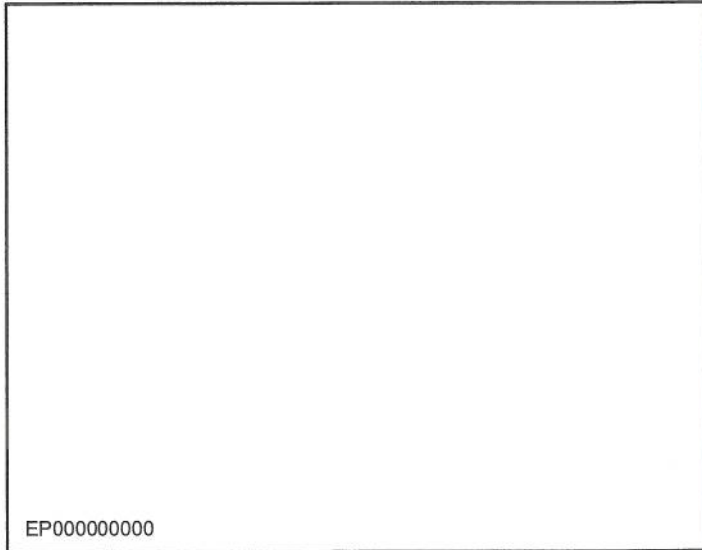
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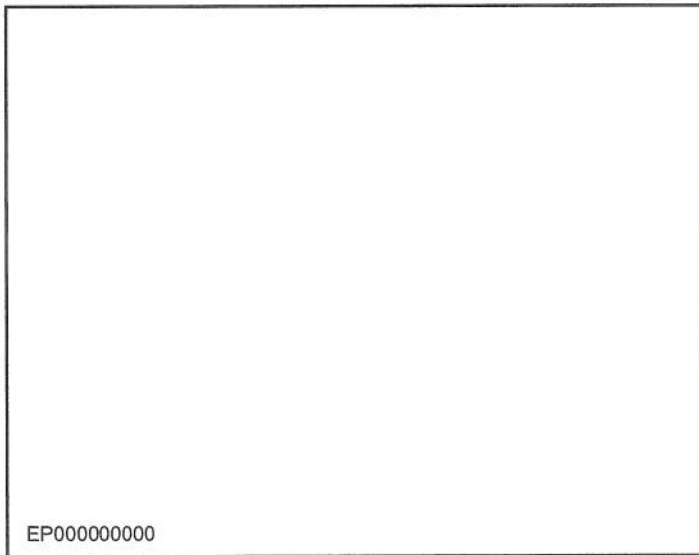
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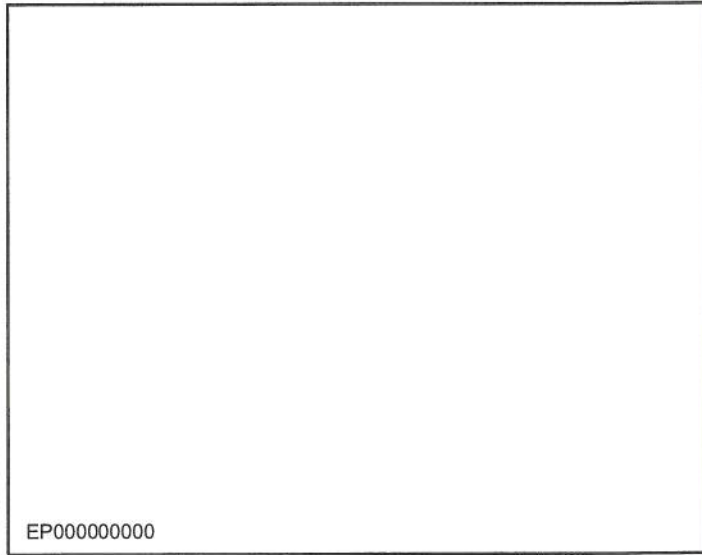
EP160165003



EP000000000



EP000000000



EP000000000

**BARBEN DRIVE - Piute County**  
**SGID RD\_ID RD160165**

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: BARBEN DRIVE**

**County: Piute**

**County Road Number: PCRD16A**

**State Geographic Information Database (SGID) Road Identification Number: RD160165.**

**Total Road Length: 0.35 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 23 minutes 15.48 seconds North Latitude and -112 degrees 09 minutes 37.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,111.3 feet and Y = 10,469,826.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 23 minutes 31.77 seconds North Latitude and -112 degrees 09 minutes 34.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,372.3 feet and Y = 10,471,472.4 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 3 West, Section(s) 11,12, 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: BARBEN DRIVE**

**County: Piute**

**County Road Number: PCRD16A**

**State Geographic Information Database (SGID) Road Identification Number: RD160165.**

**Total Road Length: 0.35 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>RD160165</b>	<b>001</b>	<b>BLM</b>	<b>0.05 Miles</b>	<b>A</b>
<b>RD160165</b>	<b>002</b>	<b>PVT</b>	<b>0.3 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>0.35</b>	<b>_____</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 A. KEITH BARBEN**

**BARBEN DRIVE**

**PIUTE COUNTY, UTAH**

**ROAD NUMBER PCRD16A**

State of Utah                    )  
  : ss.  
County of Piute                 )

A. KEITH BARBEN, 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 68 years.

2. I have traveled and am familiar with a road in Piute County known as Barben Drive. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1970s, it followed the same route as in 2008 when I last observed it. Attached is a Piute County map showing Barben Drive. 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 1970s 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 2007.

5. Throughout the time period from the early 1970s to 2008, I have used the road



myself for the following uses: residential access, sight seeing, prospecting for minerals, 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: travel to and from schools, tourism.

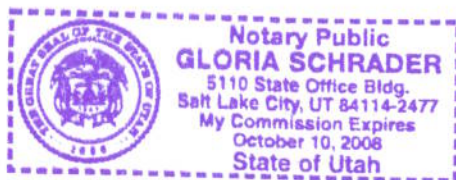
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1970s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally participated in the first maintenance and construction on the road.

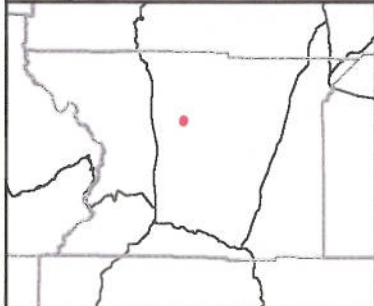
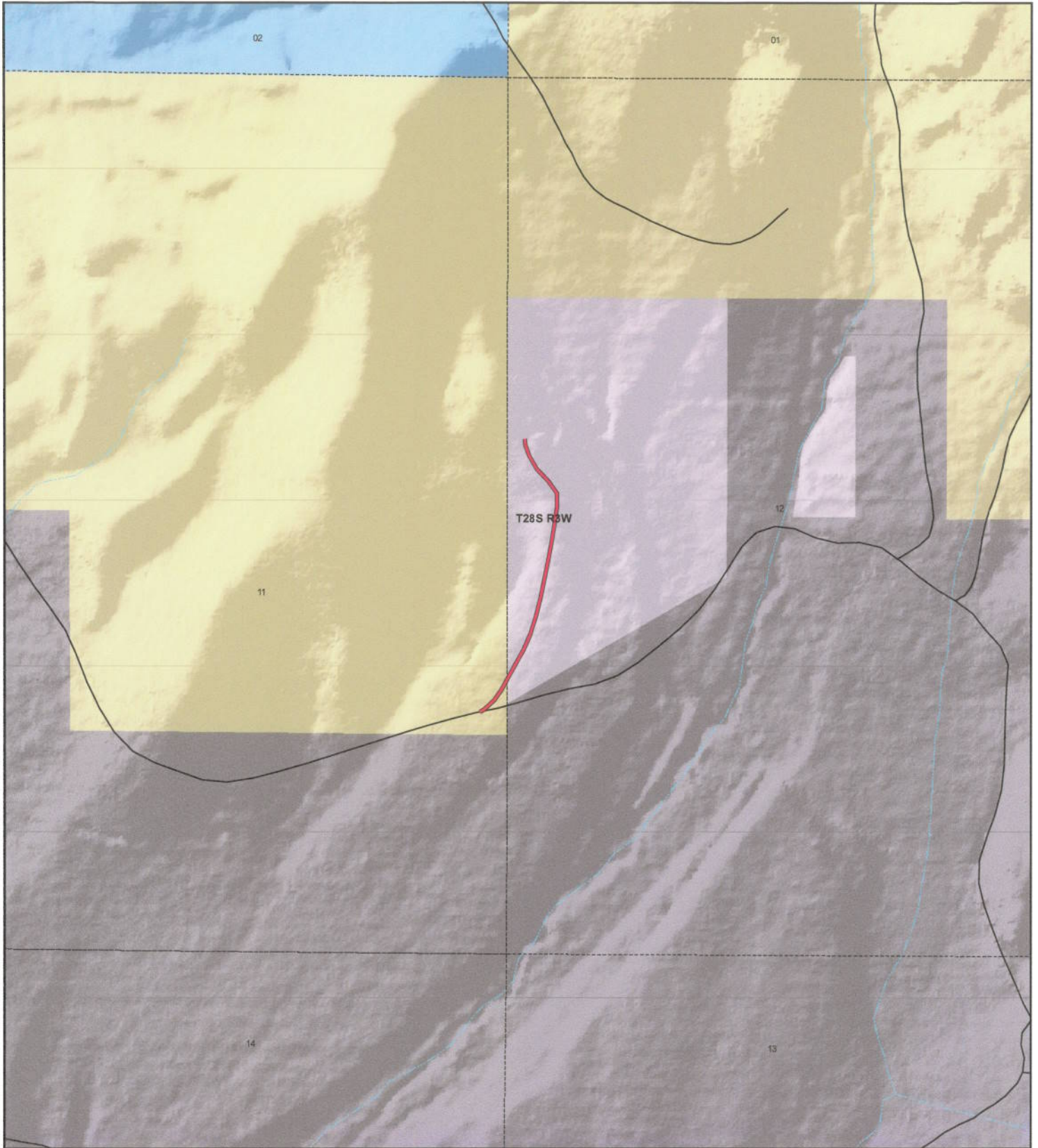
DATED this 20 day of May, 2008.

  
A. KEITH BARBEN

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of May, 2008.



  
NOTARY PUBLIC



**Piute County**  
**BARBEN DRIVE**  
**County Unique - PCRD16A**

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve

**Transportation Network**

- BARBEN DRIVE
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- ⋯ Section = 1 Mile



1:9,271  
 1 inch equals 0.1 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 May 07, 2008



**AFFIDAVIT OF MCVOY H. BARBEN**

**BARBEN DRIVE**

**PIUTE COUNTY, UTAH**

**ROAD NUMBER PCRD16A**

State of Utah                    )  
  : ss.  
County of Piute                 )

MCVOY H. BARBEN, 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 68 years.

2. I have traveled and am familiar with a road in Piute County known as Barben Drive. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1970s, it followed the same route as in 2008 when I last observed it. Attached is a Piute County map showing Barben Drive. 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 1970s 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 2007.

5. Throughout the time period from the early 1970s to 2008, I have used the road



myself for the following uses: residential access, sight seeing, prospecting for minerals, 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: travel to and from schools, tourism.

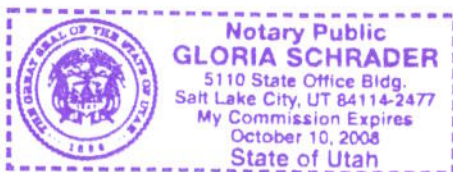
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1970s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally participated in the first maintenance and construction on the road.

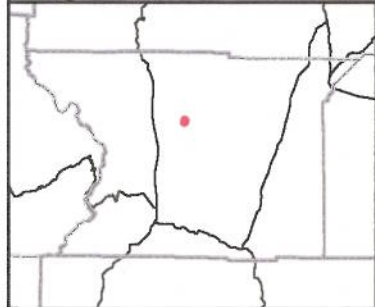
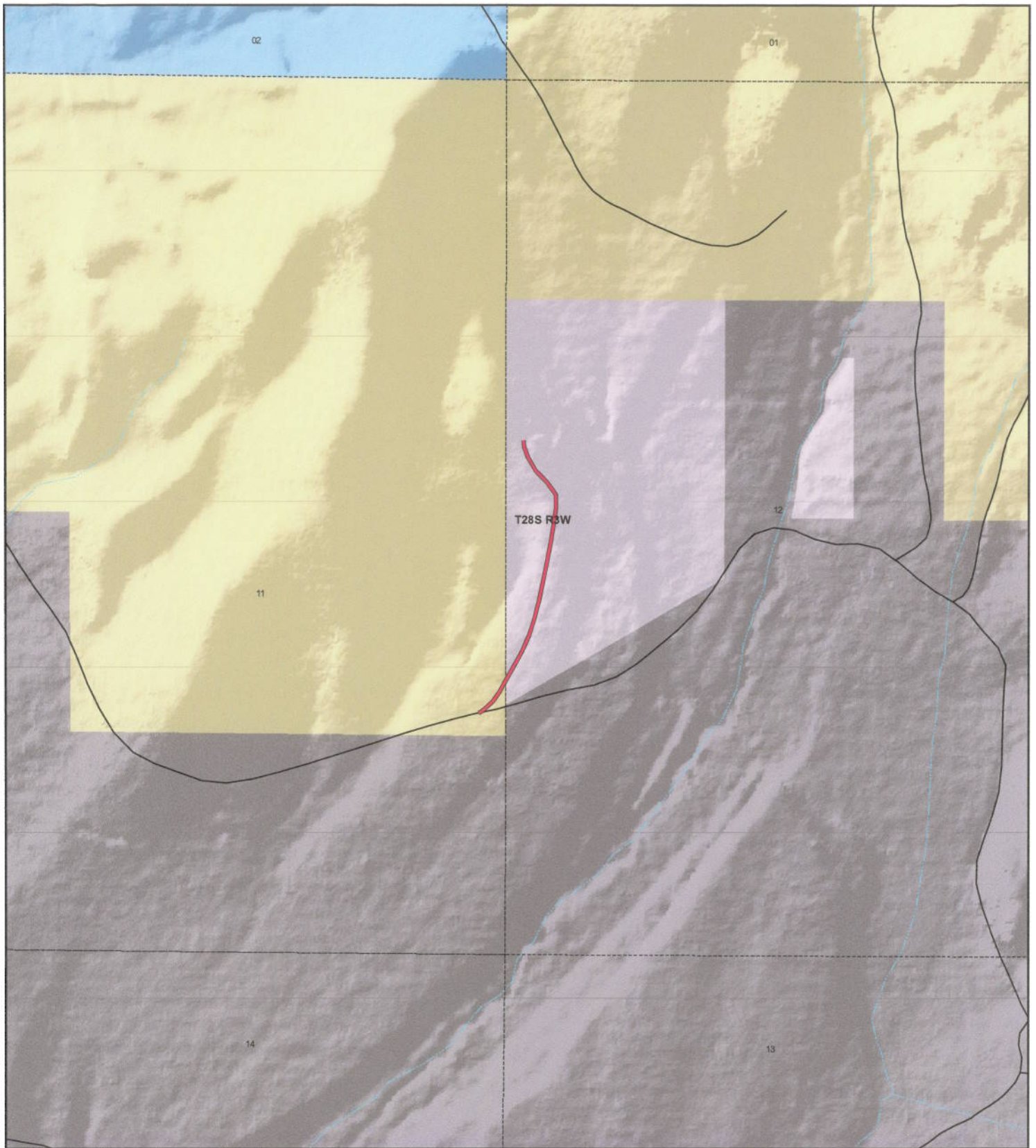
DATED this 20 day of May, 2008.

  
MCVOY H. BARBEN

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of May, 2008.



  
NOTARY PUBLIC



**Piute County  
BARBEN DRIVE  
County Unique - PCRD16A**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve

**Transportation Network**

- BARBEN DRIVE
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:9,271  
1 inch equals 0.1 miles



Map prepared by the State of Utah  
AGRC  
Room 5133 State Office Building  
Salt Lake City, Utah 84114  
May 07, 2008





## Appendix A to Attachment 4

**Popular Name: BARBEN DRIVE**

**County: Piute**

**County Road Number: PCRD16A**

**State Geographic Information Database (SGID) Road Identification Number: RD160165.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.05 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) 11, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BARBEN DRIVE)-- 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 38 degrees 23 minutes 15.48 seconds North Latitude and -112 degrees 09 minutes 37.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,111.3 feet and Y = 10,469,826.1 feet; thence the following courses along the said road center line:

thence North 57 Degrees 16 Minutes 18 Seconds East 24.5 feet

thence North 53 Degrees 48 Minutes 50 Seconds East 26.3 feet

thence North 46 Degrees 15 Minutes 23 Seconds East 59.2 feet

thence North 34 Degrees 14 Minutes 47 Seconds East 71.7 feet

thence North 28 Degrees 48 Minutes 28 Seconds East 78.9 feet more or less to **the ending**

**point at:** 38 degrees 23 minutes 17.45 seconds North Latitude and -112 degrees 09 minutes 35.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,451,274.3 feet and Y = 10,470,024.2 feet.