

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

Ent 106972 Bk 128 Pg 482  
Date: 16-JUN-2008 3:56PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 OTTER CREEK FLAT ROAD; County Road Number: PCRD33B; State Geographic Information Database (SGID) Road Identification Number: RD160186. Total road length is 1.36 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

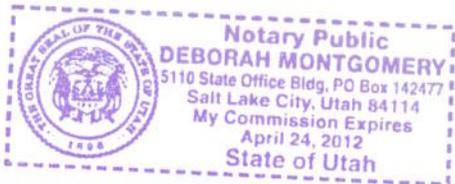
**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

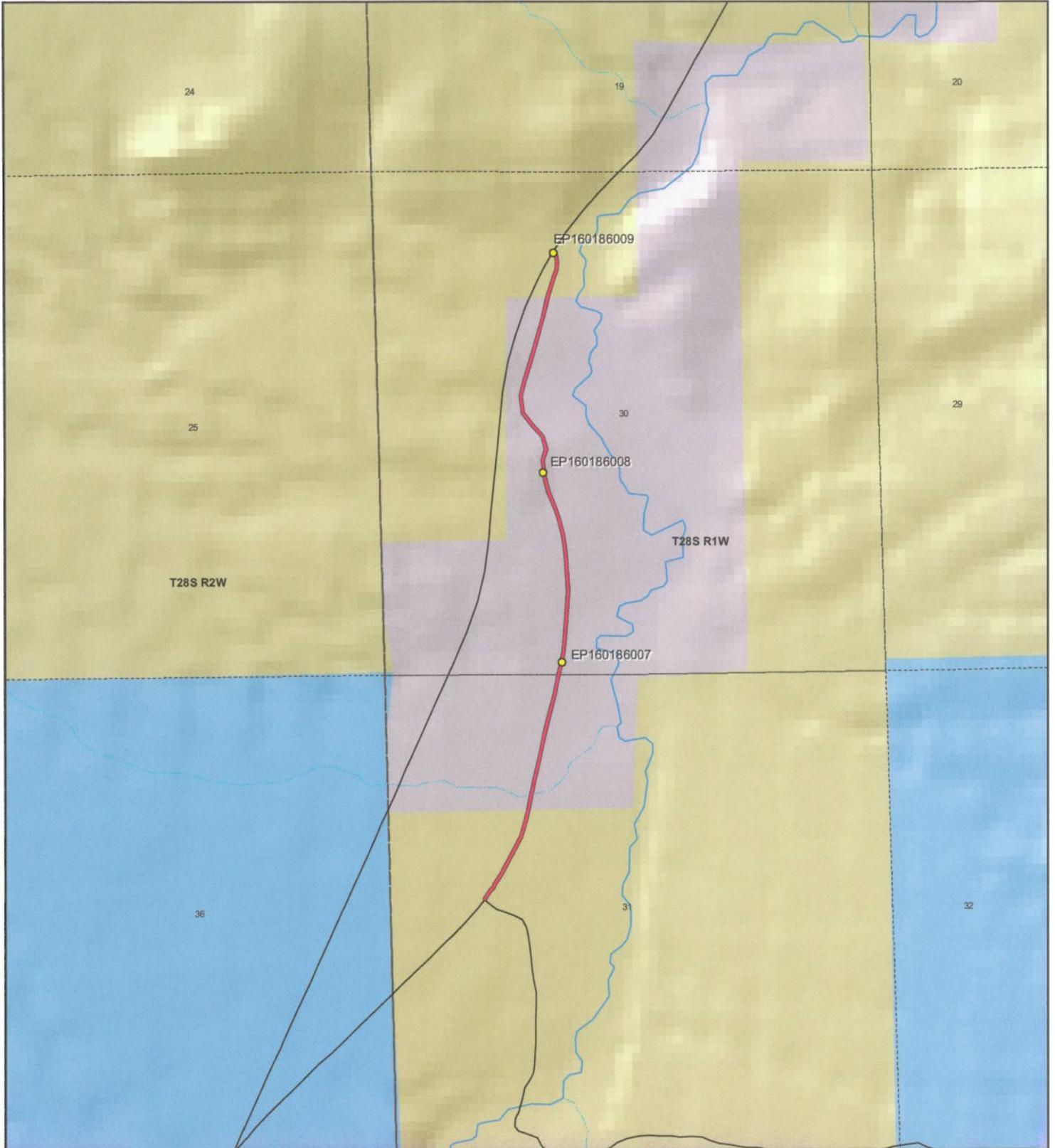
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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



Attachment 1



|   |   |  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
|---|---|--|----------------------------------|--|-------------------------------|--|-------|--------------|-------------------------|---------------------|-----------|-------------------------|---|--------------------|---------------------------|-----------------|---------------|--|-------------------------|------------------------|--|--|------------------------------|----------------------------|--|--|------------------------------|--------------------------------|--|--|----------------------|--|--|--|--|
|  <p>1:16,461<br/>1 inch equals 0.3 miles</p> |  | <p style="text-align: center;"><b>OTTER CREEK FLAT ROAD - Piute County</b><br/><b>SGID RD_ID RD160186</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td>● BLM</td> <td>◆ Wilderness</td> <td>— OTTER CREEK FLAT ROAD</td> <td>● Photo Event Point</td> </tr> <tr> <td>● Private</td> <td>◆ UDWR Wildlife Reserve</td> <td>— Title V: Issued Or Under Consideration By BLM Or County</td> <td>○ Section = 1 Mile</td> </tr> <tr> <td>● SITLA, State Trust Land</td> <td>◆ DOD, Military</td> <td>— Other Roads</td> <td></td> </tr> <tr> <td>● USFS, National Forest</td> <td>◆ State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td>● State Parks and Recreation</td> <td>◆ National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td>● Tribal, Indian Reservation</td> <td>◆ USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td>● NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table> | <b>Land Ownership Categories</b> |  | <b>Transportation Network</b> |  | ● BLM | ◆ Wilderness | — OTTER CREEK FLAT ROAD | ● Photo Event Point | ● Private | ◆ UDWR Wildlife Reserve | — Title V: Issued Or Under Consideration By BLM Or County | ○ Section = 1 Mile | ● SITLA, State Trust Land | ◆ DOD, Military | — Other Roads |  | ● USFS, National Forest | ◆ State Sovereign Land |  |  | ● State Parks and Recreation | ◆ National Recreation Area |  |  | ● Tribal, Indian Reservation | ◆ USFWS, Natl. Wildlife Refuge |  |  | ● NPS, National Park |  |  |  | <p>Map prepared by the State of Utah<br/>Automated Geographic Reference Center<br/>Room 5130 State Office Building<br/>Salt Lake City, Utah 84114<br/>Jun 09, 2008</p>  |
| <b>Land Ownership Categories</b>  |   | <b>Transportation Network</b>  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● BLM   | ◆ Wilderness  | — OTTER CREEK FLAT ROAD  | ● Photo Event Point              |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● Private   | ◆ UDWR Wildlife Reserve   | — Title V: Issued Or Under Consideration By BLM Or County  | ○ Section = 1 Mile               |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● SITLA, State Trust Land   | ◆ DOD, Military   | — Other Roads  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● USFS, National Forest   | ◆ State Sovereign Land  |  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● State Parks and Recreation  | ◆ National Recreation Area  |  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● Tribal, Indian Reservation  | ◆ USFWS, Natl. Wildlife Refuge  |  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |
| ● NPS, National Park  |   |  |                                  |  |                               |  |       |              |                         |                     |           |                         |   |                    |                           |                 |               |  |                         |                        |  |  |                              |                            |  |  |                              |                                |  |  |                      |  |  |  |  |

Attachment 2



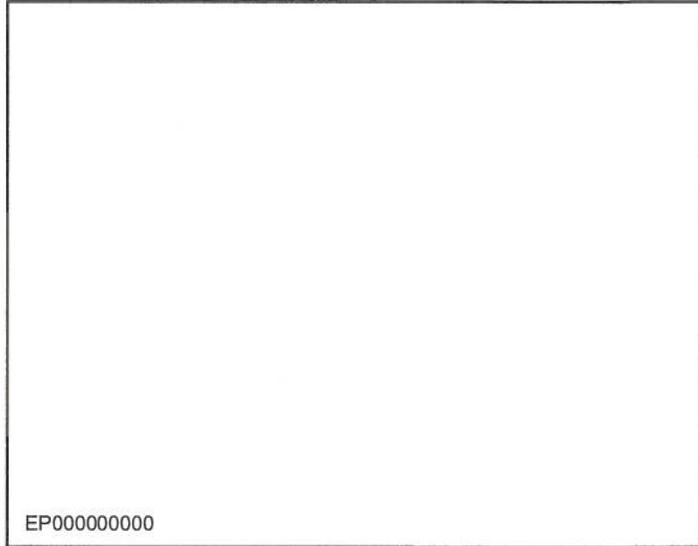
EP160186008



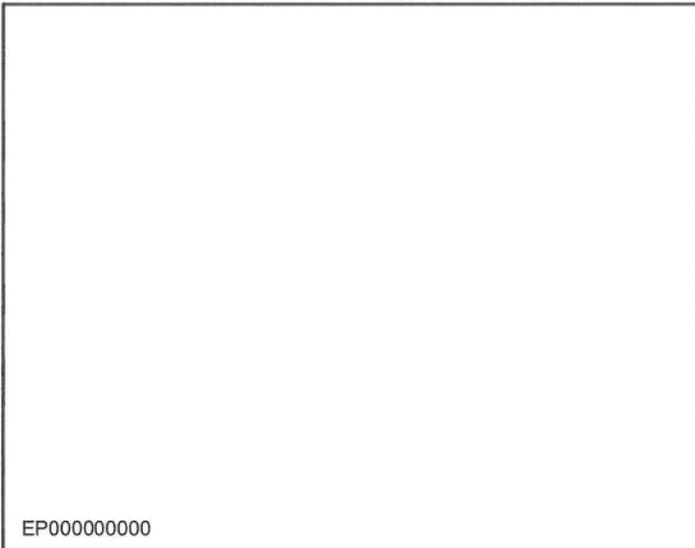
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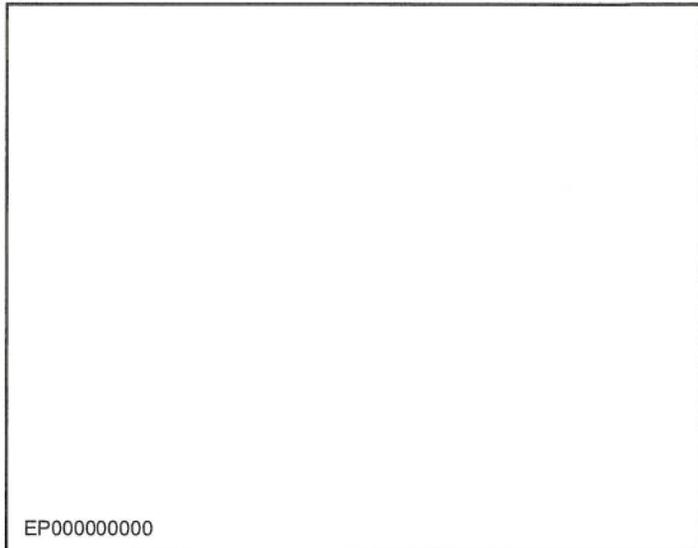
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**OTTER CREEK FLAT ROAD - Piute County**  
**SGID RD\_ID RD160186**



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: OTTER CREEK FLAT ROAD**

**County: Piute**

**County Road Number: PCRD33B**

**State Geographic Information Database (SGID) Road Identification Number: RD160186.**

**Total Road Length: 1.36 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 19 minutes 53.95 seconds North Latitude and -111 degrees 57 minutes 09.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,510,608.4 feet and Y = 10,449,084.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 21 minutes 01.46 seconds North Latitude and -111 degrees 57 minutes 00.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,511,297.4 feet and Y = 10,455,910.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 1 West, Section(s) 30,31, 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: OTTER CREEK FLAT ROAD**

**County: Piute**

**County Road Number: PCRD33B**

**State Geographic Information Database (SGID) Road Identification Number: RD160186.**

**Total Road Length: 1.36 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<br/>Listed by SGID<br/>Road Identification<br/>Number (RD_ID)</b> | <b>Road-Segment<br/>Numbers</b> | <b>Believed Ownership<br/>Of Servient Estate</b> | <b>Approximate<br/>Segment<br/>Length</b> | <b>See Attached<br/>Appendix</b> |
|--|---------------------------------|--|---|----------------------------------|
| <b>RD160186</b>  | <b>001</b>                      | <b>BLM</b>                                       | <b>0.2 Miles</b>                          | <b>A</b>                         |
| <b>RD160186</b>  | <b>002</b>                      | <b>PVT</b>                                       | <b>1.06 Miles</b>                         | <b>(not shown)</b>               |
| <b>RD160186</b>  | <b>003</b>                      | <b>BLM</b>                                       | <b>0.09 Miles</b>                         | <b>B</b>                         |
|  |                                 | <b>Total Road Length</b>                         | <b>1.36</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 ARTHOR W. NIELSEN**

**OTTER CREEK FLAT ROAD**

**PIUTE COUNTY, UTAH**

**ROAD NUMBER PCRD33B**

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 Otter Creek Flat 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 2006 when I last observed it. Attached is a Piute County map showing Otter Creek Flat 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 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 daily for more than ten continuous years prior to 1976, and was used daily in 2006.

5. Throughout the time period from the early 1950s to 2006, I have used the road

myself for the following uses:, fishing, rock hounding, road maintenance, 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, farming and government access.

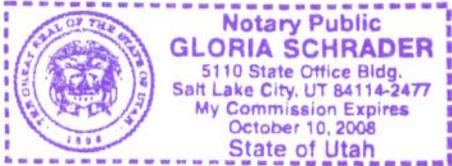
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

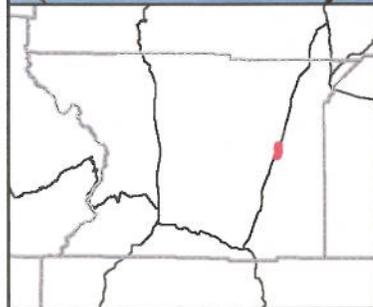
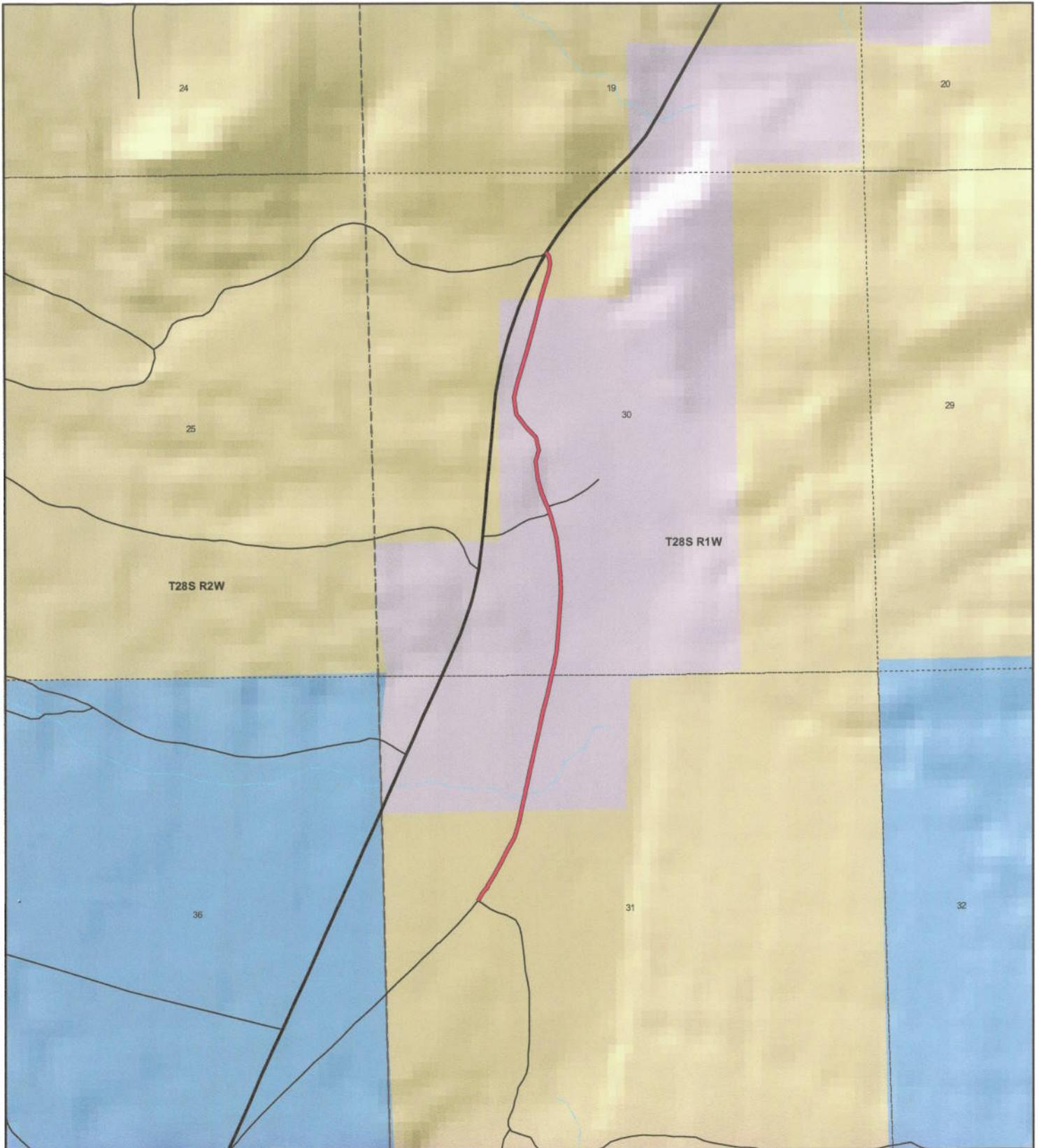
DATED this 20 day of May, 2008.

Arthur W. Nielsen  
ARTHOR W. NIELSEN

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



Gloria Schrader  
NOTARY PUBLIC



**Piute County  
OTTER CREEK FLAT ROAD  
County Unique - PCRD33B**

**Land Ownership Categories**

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

**Transportation Network**

- OTTER CREEK FLAT ROAD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:16,232  
1 inch equals 0.3 miles



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



## Appendix A to Attachment 4

**Popular Name: OTTER CREEK FLAT ROAD**

**County: Piute**

**County Road Number: PCRD33B**

**State Geographic Information Database (SGID) Road Identification Number: RD160186.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.2 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 1 West, Section(s) 31, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (OTTER CREEK FLAT ROAD)-- 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 19 minutes 53.95 seconds North Latitude and -111 degrees 57 minutes 09.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,510,608.4 feet and Y = 10,449,084.1 feet; thence the following courses along the said road center line:

thence North 35 Degrees 35 Minutes 46 Seconds East 23.5 feet  
thence North 31 Degrees 21 Minutes 22 Seconds East 59.4 feet  
thence North 34 Degrees 52 Minutes 17 Seconds East 55.8 feet  
thence North 50 Degrees 28 Minutes 45 Seconds East 16.1 feet  
thence North 28 Degrees 15 Minutes 51 Seconds East 46 feet  
thence North 30 Degrees 09 Minutes 34 Seconds East 124.9 feet  
thence North 28 Degrees 48 Minutes 19 Seconds East 141.6 feet  
thence North 26 Degrees 39 Minutes 29 Seconds East 144.7 feet  
thence North 27 Degrees 25 Minutes 02 Seconds East 158.7 feet  
thence North 17 Degrees 08 Minutes 44 Seconds East 170.6 feet  
thence North 11 Degrees 35 Minutes 26 Seconds East 124.1 feet more or less to **the ending**

**point at:** 38 degrees 20 minutes 03.39 seconds North Latitude and -111 degrees 57 minutes 03.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,511,063.3 feet and Y = 10,450,037.3 feet.

## Appendix B to Attachment 4

**Popular Name: OTTER CREEK FLAT ROAD**

**County: Piute**

**County Road Number: PCRD33B**

**State Geographic Information Database (SGID) Road Identification Number: RD160186.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.09 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 1 West, Section(s) 30, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (OTTER CREEK FLAT 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 20 minutes 56.74 seconds North Latitude and -111 degrees 57 minutes 01.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,511,248.1 feet and Y = 10,455,433.1 feet; thence the following courses along the said road center line:

thence North 16 Degrees 14 Minutes 35 Seconds East 190 feet

thence North 16 Degrees 45 Minutes 02 Seconds East 108.5 feet

thence North 07 Degrees 28 Minutes 59 Seconds East 79.8 feet

thence North 12 Degrees 48 Minutes 54 Seconds West 74.3 feet

thence North 36 Degrees 34 Minutes 03 Seconds West 48.8 feet more or less to **the ending**

**point at:** 38 degrees 21 minutes 01.46 seconds North Latitude and -111 degrees 57 minutes 00.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,511,297.4 feet and Y = 10,455,910.3 feet.