

Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

DOC # 00354951

Affidavits B: 0602 P: 0859 Jayrene B Nielsen Sevier County Recorder Page 1 of 9 07/01/2008 10:48:49 AM Fee \$0.00 By GOVERNOR OF STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Sevier County known as 1071da_Mormon Peak Road; County Road Number: 6089; State Geographic Information Database (SGID) Road Identification Number: RD210036.

This document supplements and supports the information contained in the document first recorded at Doc # 00344631, Bk 0561, Beg Pg 0181, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on 2/13/2008 at Doc #00352448 Bk 0591, Beg Pg 0408. A legal description is attached hereto as Exhibit B.

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 Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 25th day of June, 2008.

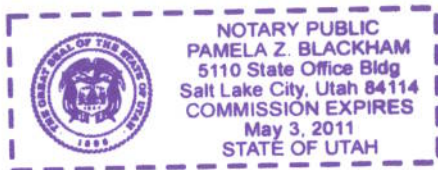
By the Governor's Designee

[Signature of John Harja]
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 25th day of June, 2008.

[Signature of Pamela Z. Blackham]
Notary Public

Exhibit A

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AFFIDAVIT OF DEVON ANDERSON
MORMON PEAK ROAD
SEVIER COUNTY, UTAH
COUNTY ROAD NUMBER 6089

State of Utah)
 : ss.
County of Sevier)

DEVON 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 Richfield, Sevier County, Utah. I have lived in Sevier County since 1950.
2. I have traveled and am familiar with a road in Sevier County known as the Mormon Peak Road County Road Number 6089). I am also familiar with the land the road traverses. When I first used and observed the road in approximately 1954, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Mormon Peak Road County Road Number 6089). 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 approximately 1954 and continuing through 1976 to ~~2006~~ during this time period I have observed travel on the road by various means, including automobiles, campers, horseback, 4 wheelers, and pickups. During this time period, the road has been used daily.
5. During the time period from approximately 1954 to 2006, I have used the road myself for the following uses: Wood gathering, hunting, and traveling in and through the area.

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6. During the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: Oil & gas exploration, government access, and livestock operations.

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 1900's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

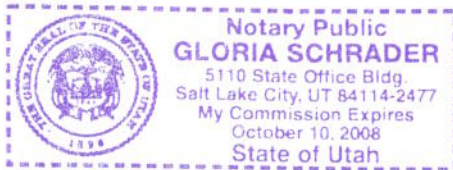
8. Prior to 1976, I observed graders performing maintenance/construction activities on the road. I have graded it myself since 2002.

DATED this 15 day of November, 2006.



DEVON ANDERSON

SUBSCRIBED AND SWORN to before me this 15th day of November, 2006.





NOTARY PUBLIC

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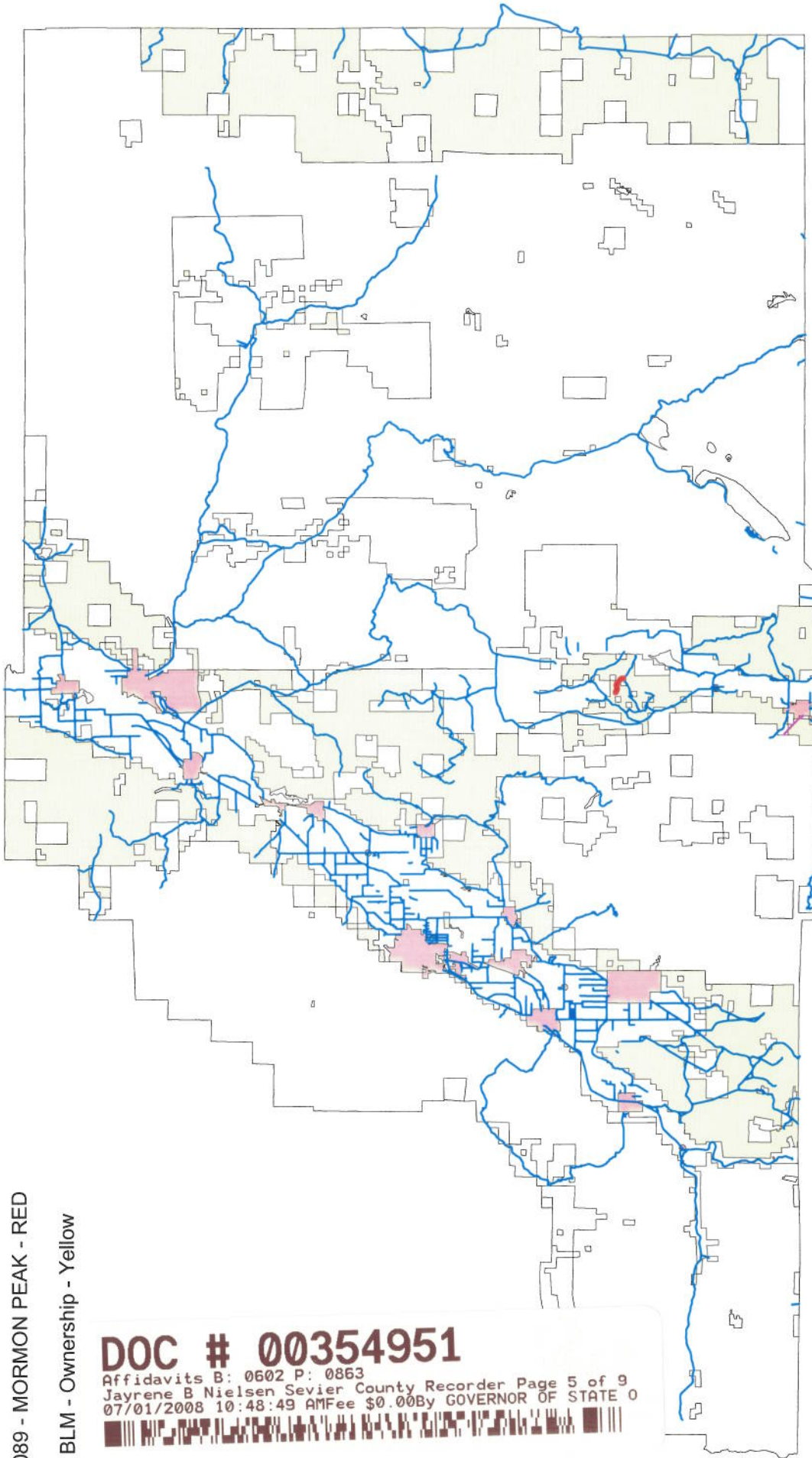


SEVIER COUNTY
RS2477
October 19, 2006

Class "B" Maintained Roads - Blue

6089 - MORMON PEAK - RED

BLM - Ownership - Yellow



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AFFIDAVIT OF SCOTT MORRISON

MORMON PEAK ROAD

SEVIER COUNTY, UTAH

COUNTY ROAD NUMBER 6089

State of Utah)
 : ss.
County of Sevier)

SCOTT MORRISON, 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 Washburnville, Sevier County, Utah. I have lived in Sevier County since 1932.

2. I have traveled and am familiar with a road in Sevier County known as the Mormon Peak Road (County Road Number 6089). I am also familiar with the land the road traverses. When I first used and observed the road in 1940, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Mormon Peak Road (County Road Number 6089). 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 1940 and continuing through 1976 to 2006.

During this time period I have observed travel on the road by various means, including all kinds of vehicles, ATV's, and sheep wagons. During this time period, the road has been used daily.

5. During the time period from 1940 to 2006, I have used the road myself for the following uses: hunting, traveling in and through the area, and recreation.

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6. During the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: wood gathering and recreation.

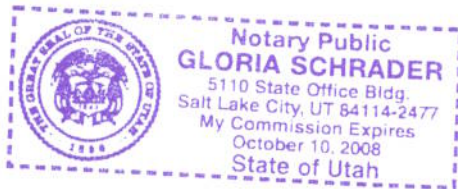
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 15th day of November, 2006.


SCOTT B. MORRISON

SUBSCRIBED AND SWORN to before me this 15th day of November, 2006.




NOTARY PUBLIC

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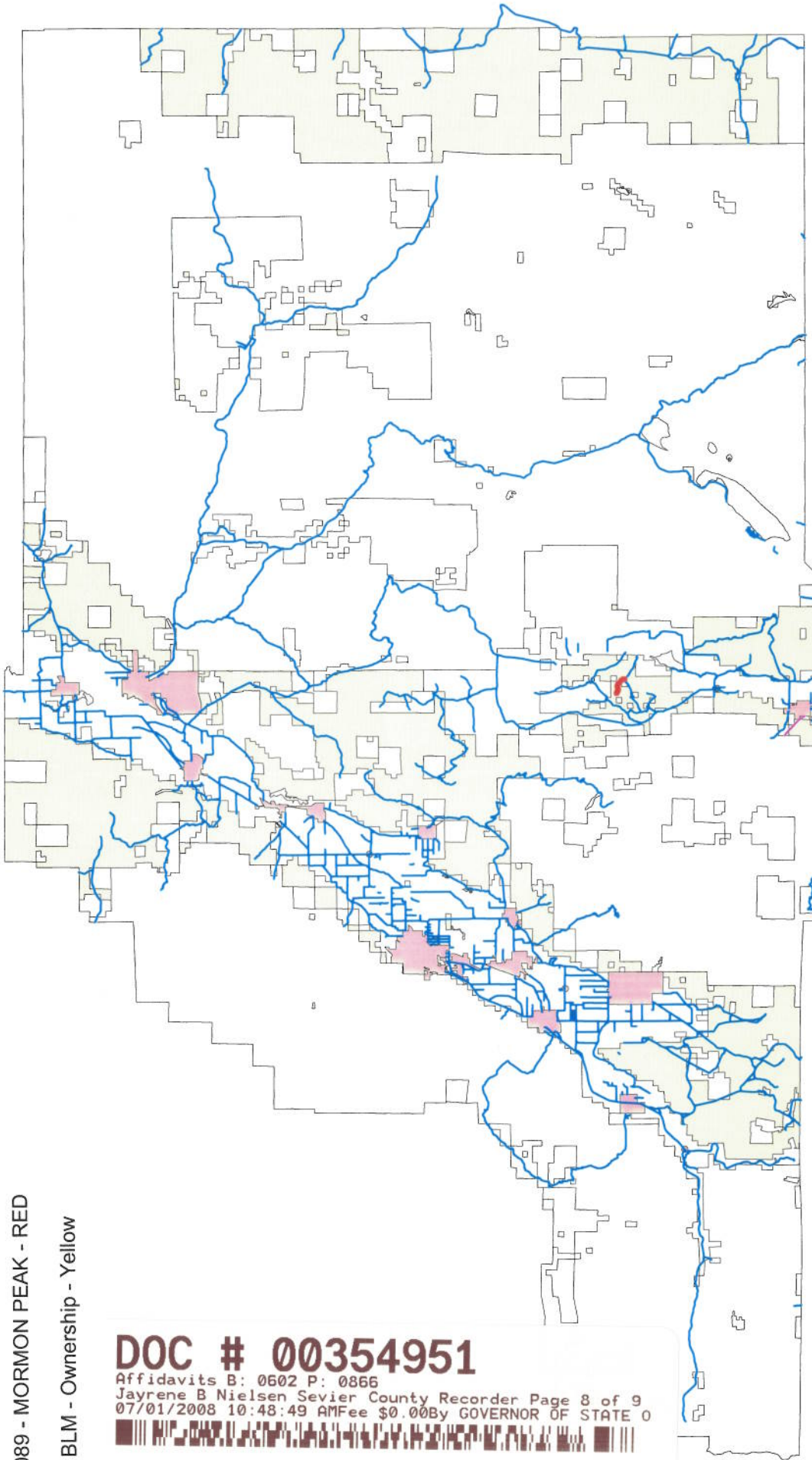
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SEVIER COUNTY
RS2477
October 19, 2006

Class "B" Maintained Roads - Blue

6089 - MORMON PEAK - RED

BLM - Ownership - Yellow



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Exhibit B

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

Popular Name: 1071da_Mormon Peak Road

County: Sevier

County Road Number: 6089

State Geographic Information Database (SGID) Road Identification Number: RD210036.

Total Road Length: 0.87 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 38 minutes 08.72 seconds North Latitude and -111 degrees 52 minutes 06.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,535,121.8 feet and Y = 6,672,042.3 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 37 minutes 49.17 seconds North Latitude and -111 degrees 51 minutes 22.18 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,538,656.7 feet and Y = 6,670,050.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 25 South Range 1 West, Section(s) 13,14, Salt Lake Base & Meridian

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