

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

**DOC # 00354944**

Affidavits B: 0602 P: 0790  
 Jayrene B Nielsen Sevier County Recorder Page 1 of 9  
 07/01/2008 10:30:50 AM Fee \$0.00 By GOVERNOR OF STATE O  


**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 1031db\_Durfees East Cutoff Road; County Road Number: 6104; State Geographic Information Database (SGID) Road Identification Number: RD210043.

This document supplements and supports the information contained in the document first recorded at **Doc # 00344638, Bk 0561, Beg Pg 0223**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **2/13/2008 at Doc #00352455 Bk 0591, Beg Pg 0450**. 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 25<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 25<sup>th</sup> day of June, 2008.



Notary Public



**Exhibit A**

**DOC # 00354944**

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**AFFIDAVIT OF SCOTT UTLEY  
DURFEE'S EAST CUTOFF ROAD  
SEVIER COUNTY, UTAH  
COUNTY ROAD NUMBER 6104**

State of Utah                    )  
  : ss.  
County of Sevier                )

SCOTT UTLEY, 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 Venice, Sevier County, Utah. I have lived in Sevier County since 1946.
2. I have traveled and am familiar with a road in Sevier County known as the Durfee's East Cutoff Road (County Road Number 6104). I am also familiar with the land the road traverses. When I first used and observed the road in approximately 1947, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Durfee's East Cutoff Road (County Road Number 6104). 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 1947 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, horses, and automobiles. Throughout this time period, the road has been used weekly.
5. Throughout the time period from approximately 1947 to 2006, I have used the road myself for the following uses: Hunting and wood gathering.

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6. Throughout 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, hunting, and livestock operations.

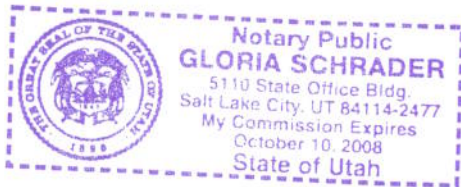
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the 1940's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 16 day of November, 2006.

  
SCOTT UTLEY

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of November, 2006.



  
NOTARY PUBLIC

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SEVIER COUNTY  
RS2477  
October 19, 2006

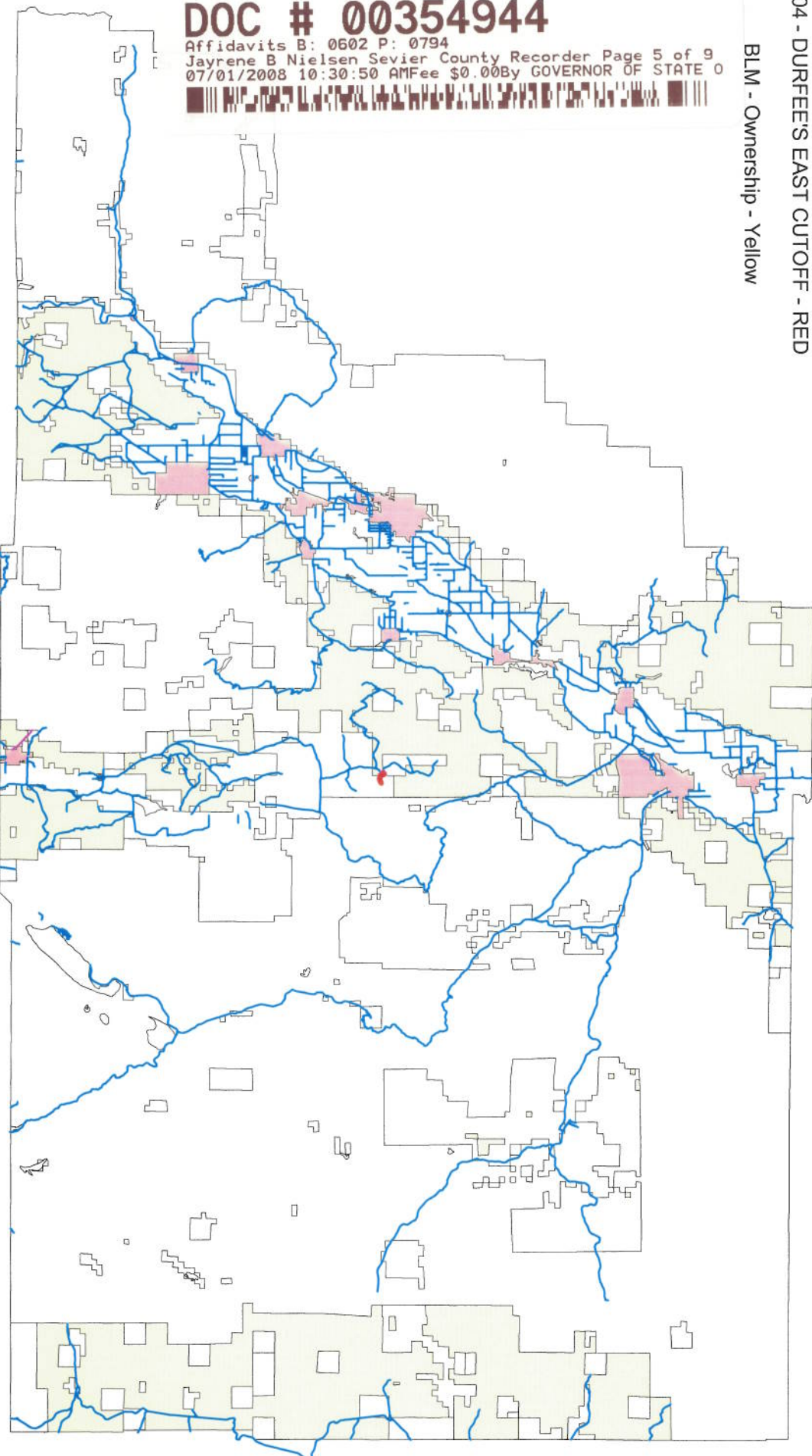
Class "B" Maintained Roads - Blue

6104 - DURFEE'S EAST CUTOFF - RED

BLM - Ownership - Yellow

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**AFFIDAVIT OF JOHN WARNER**  
**DURFEES EAST CUTOFF ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6104**

State of Utah                    )  
  : ss.  
County of Sevier                )

JOHN WARNER, 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 Glenwood, Sevier County, Utah. I have lived in Sevier County since 1925.

2. I have traveled and am familiar with a road in Sevier County known as the Durfees East Cutoff Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1945, it followed the same route as in 2005 when I last observed it. Attached is a Sevier County map showing the Durfees East Cutoff 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 1945 and continuing through 1976 to 2005. During this time period I have observed travel on the road by various means, including trucks, four wheelers, and horses. During this time period, the road has been used weekly.

5. During the time period from 1945 to 2005, I have used the road myself for the following uses: Hunting, exploring, recreation, and harvesting Christmas trees.

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:

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Government access, wood gathering, livestock operations, tourism, recreation, hunting, and traveling in and through the area.

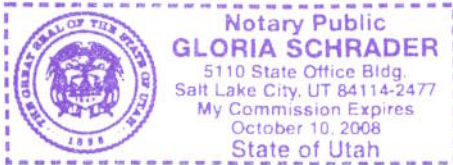
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 15 day of November, 2006.

  
JOHN WARNER

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of November, 2006.



  
NOTARY PUBLIC

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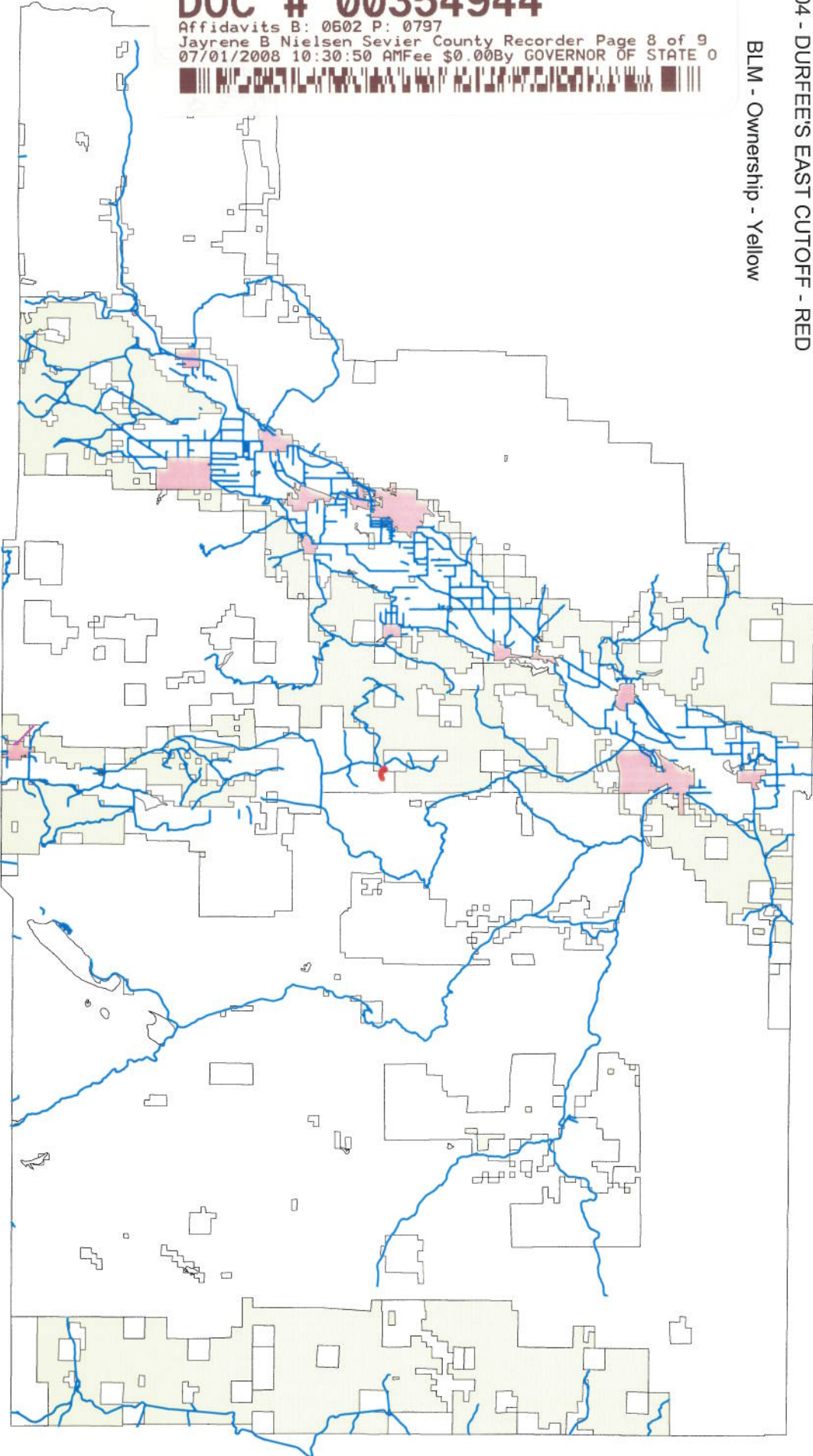
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Class "B" Maintained Roads - Blue

6104 - DURFEE'S EAST CUTOFF - RED

BLM - Ownership - Yellow



SEVIER COUNTY

RS2477

October 19, 2006



## Exhibit B

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

**Popular Name:** 1031db\_Durfees East Cutoff Road

**County:** Sevier

**County Road Number:** 6104

**State Geographic Information Database (SGID) Road Identification Number:** RD210043.

**Total Road Length:** 0.66 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 45 minutes 029.2 seconds North Latitude and -111 degrees 52 minutes 10.81 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,534,989.7 feet and Y = 6,716,610.2 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 45 minutes 25.56 seconds North Latitude and -111 degrees 51 minutes 38.87 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,537,518.4 feet and Y = 6,716,231.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 23 South Range 1 West, Section(s) 35,36, Salt Lake Base & Meridian

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