

DOC # 00354970

Affidavits B: 0603 P: 0028
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07/01/2008 11:13:34 AM Fee \$0.00 By GOVERNOR OF STATE OF UTAH

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

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 1009da_West of Frog Flat/Red Canyon Road; County Road Number: 6213; State Geographic Information Database (SGID) Road Identification Number: RD210059.

This document supplements and supports the information contained in the document first recorded at **Doc # 00344653, Bk 0561, Beg Pg 0313**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **2/13/2008** at **Doc #00352470 Bk 0591, Beg Pg 0540**. 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




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.



Notary Public



Exhibit A

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AFFIDAVIT OF THERRON SHAW
WEST OF FROG FLAT/RED CANYON ROAD
SEVIER COUNTY, UTAH
COUNTY ROAD NUMBER 6213

State of Utah)
 : ss.
County of Sevier)

THERRON SHAW, 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 Aurora, Sevier County, Utah. I have lived in Sevier County for 60 years.
2. I have traveled and am familiar with a road in Sevier County known as West of Frog Flat/Red Canyon Road (County Road Number 6213). 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 2003 when I last observed it. Attached is a Sevier County map showing West of Frog Flat/Red Canyon Road (County Road Number 6213). 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 2003. Throughout this time period I have observed travel on the road by various means, including horses, wagons, pickups, four wheelers, and cars. Throughout this time period, the road has been used weekly.

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5. Throughout the time period from the late 1940's to 2000, I have used the road myself for the following uses: Cattle herding, riding horses, and recreation.

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: Four wheeling, hunting 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 the 1920's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

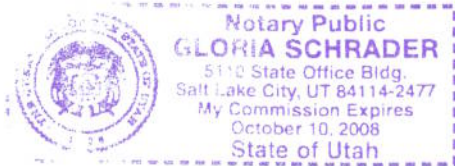
8. Prior to 1976, I observed the graded surface of the road.

DATED this 16 day of November, 2006.



THERRON SHAW

SUBSCRIBED AND SWORN to before me this 16th day of November, 2006.





NOTARY PUBLIC

**THIS IS NOT A CLEAR
NOTARY SEAL**

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SEVIER COUNTY

RS2477

October 19, 2006

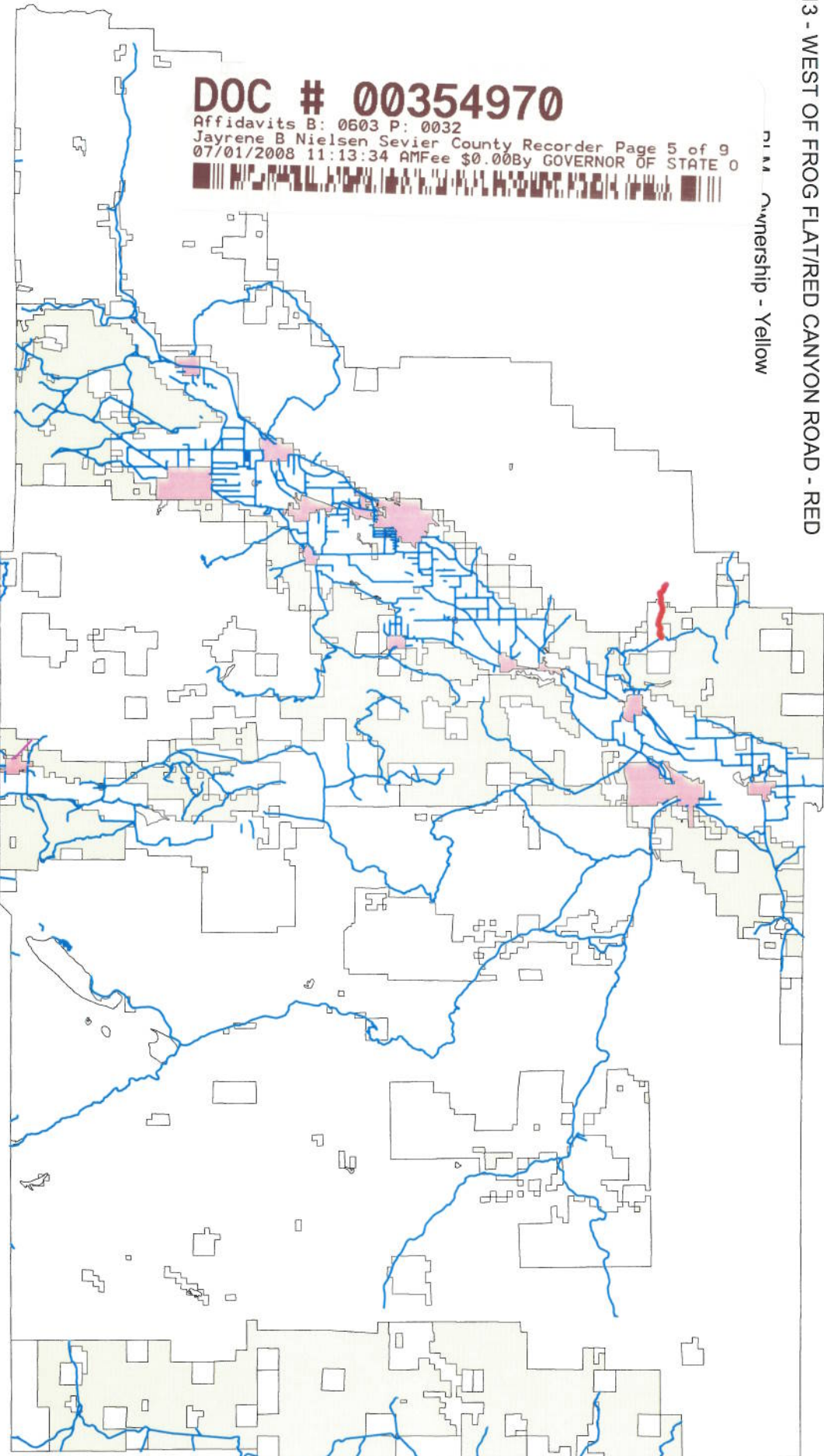
Class "B" Maintained Roads - Blue

6213 - WEST OF FROG FLAT/RED CANYON ROAD - RED

Private Ownership - Yellow

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AFFIDAVIT OF TIM BASTIAN
WEST OF FROG FLAT/RED CANYON ROAD
SEVIER COUNTY, UTAH
COUNTY ROAD NUMBER 6213

State of Utah)
 : ss.
County of Sevier)

TIM BASTIAN, 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 the Town of Aurora in Sevier County, Utah. I have lived in Sevier County since 1951.
2. I have traveled and am familiar with a road in Sevier County known as West of Frog Flat/Red Canyon Road (County Road Number 6213). I am also familiar with the land the road traverses. When I first used and observed the road in approximately 1961, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing West of Frog Flat/Red Canyon Road (County Road Number 6213). 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 1961 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including diesels, automobiles, trucks, ATV's pickups, road construction vehicles, horses, wagons and cattle trucks. During this time period, the road has been used daily.
5. During the time period from approximately 1961 to 2006, I have used the road myself for the following uses: 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: government access, wood gathering, livestock operations, farming, recreation, hunting, accessing private property and forest land, and traveling in and through the area.

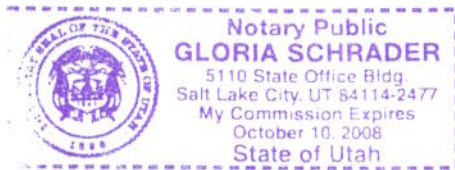
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

8. Prior to 1976 I observed road graders performing maintenance and construction activities on the road. This road connects the Frog Flat road to the Highway.

DATED this 15 day of November, 2006.


TIM BASTIAN

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




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SEVIER COUNTY
RS2477
October 19, 2006

Class "B" Maintained Roads - Blue

6213 - WEST OF FROG FLAT/RED CANYON ROAD - RED

*ship - Yellow

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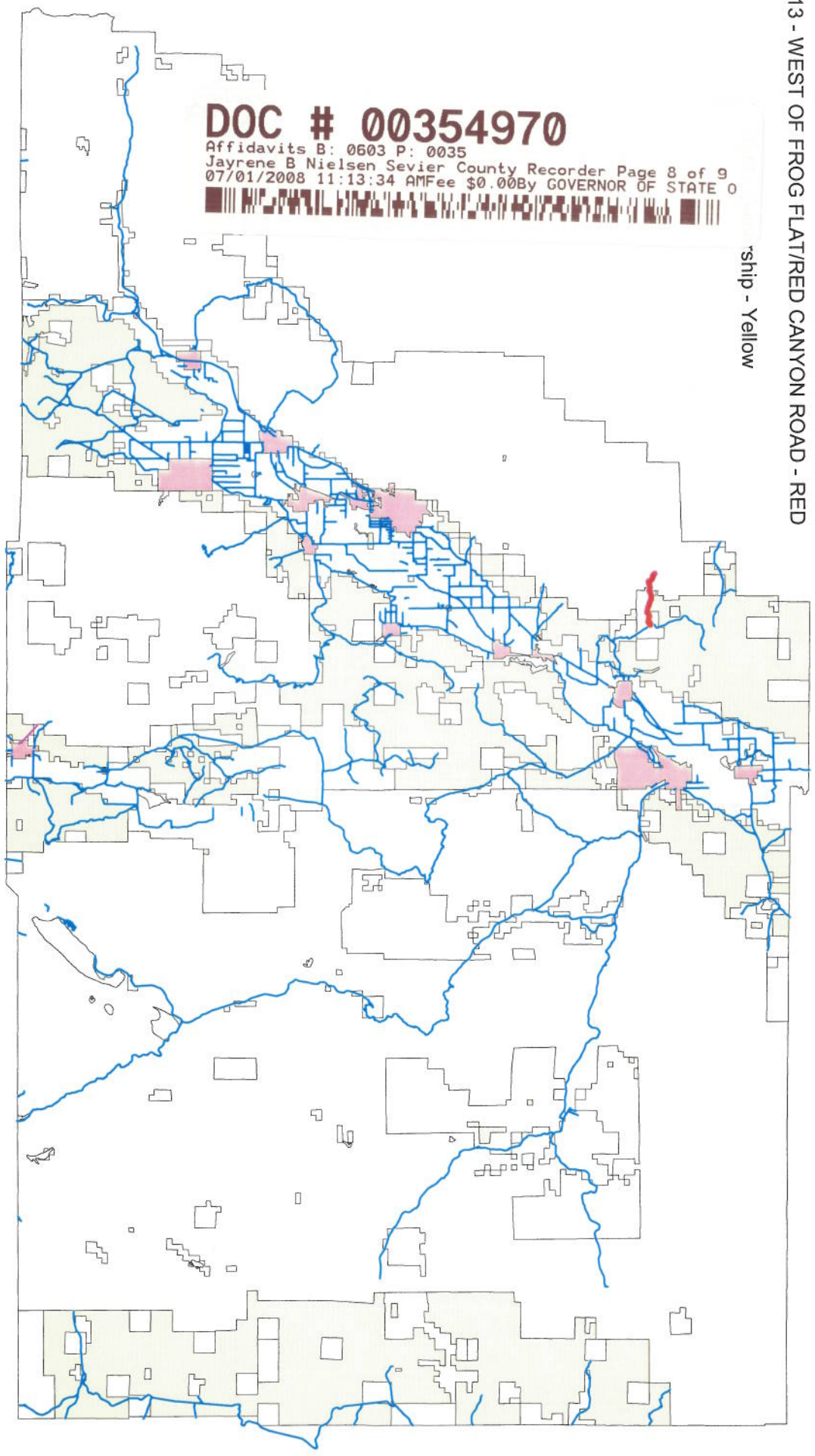


Exhibit B

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

Popular Name: 1009da_West of Frog Flat/Red Canyon Road

County: Sevier

County Road Number: 6213

State Geographic Information Database (SGID) Road Identification Number: RD210059.

Total Road Length: 2.93 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 56 minutes 27.91 seconds North Latitude and -112 degrees 02 minutes 15.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,487,484.0 feet and Y = 6,783,496.7 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 56 minutes 018.5 seconds North Latitude and -111 degrees 59 minutes 33.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,500,320.3 feet and Y = 6,782,470.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 21 South Range 2 West, Section(s) 32,33,34,35, Salt Lake Base & Meridian

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