

**DOC # 00354984**

Affidavits B: 0603 P: 0154  
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**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 1035d\_Poverty Flat Road; County Road Number: 6489; State Geographic Information Database (SGID) Road Identification Number: RD210091.

This document supplements and supports the information contained in the document first recorded at **Doc # 00344685, Bk 0561, Beg Pg 0506**, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on **2/13/2008** at **Doc #00352500 Bk 0591, Beg Pg 0720**. 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**

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**AFFIDAVIT OF FRED PETERSON  
POVERTY FLAT ROAD  
SEVIER COUNTY, UTAH  
COUNTY ROAD NUMBER 6489**

State of Utah                    )  
  : ss.  
County of Sevier                )

FRED PETERSON, 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 Joseph, Sevier County, Utah. I have lived in Sevier County since 1962.

2. I have traveled and am familiar with a road in Sevier County known to me as the Poverty Flat Road (County Road Number 6489). I am also familiar with the land the road traverses. When I first used and observed the road in 1961, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Poverty Flat Road County Road Number 6489). 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 1961 and continuing through 1976 to 2006. During this time period I have observed travel on the road by various means, including four wheelers, trucks, cars, and jeeps. During this time period, the road has been used daily.

5. During the time period from 1962 to 2006, I have used the road myself for the following uses: hunting, access to the forest, and recreation.

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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mining, oil and gas exploration, prospecting for minerals, government access, wood gathering, livestock operations, tourism, recreation, hunting, accessing mines and personal property, and traveling in and through the area.

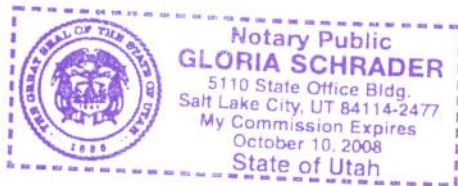
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1961 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 15 day of November, 2006.

  
\_\_\_\_\_  
FRED PETERSON

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



  
\_\_\_\_\_  
NOTARY PUBLIC

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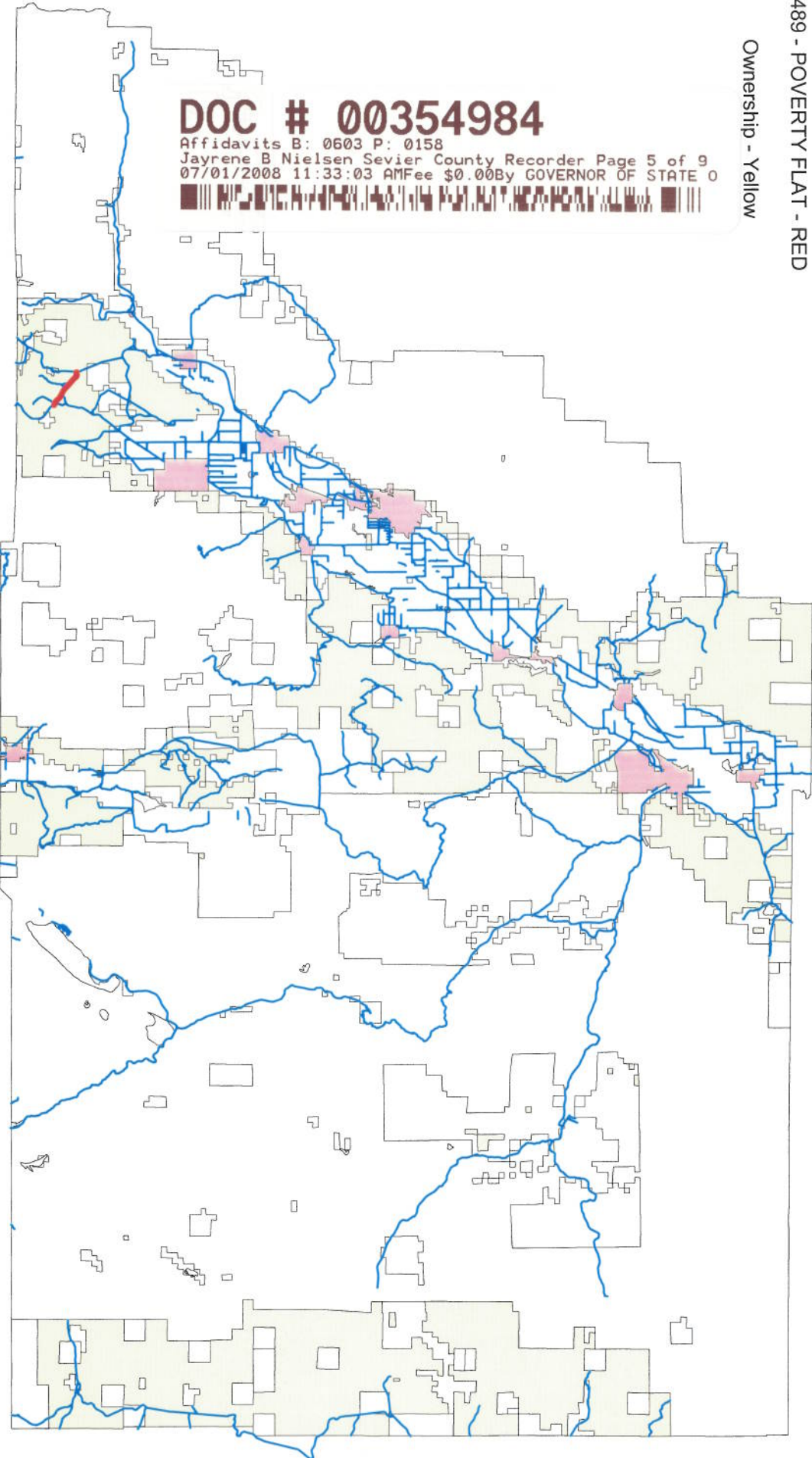
Class "B" Maintained Roads - Blue

6489 - POVERTY FLAT - RED

Ownership - Yellow

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SEVIER COUNTY

RS2477

October 18, 2006

**AFFIDAVIT OF SAM WARE**  
**POVERTY FLAT ROAD**  
**SEVIER COUNTY, UTAH**  
**COUNTY ROAD NUMBER 6489**

State of Utah                    )  
  : ss.  
County of Sevier                )

SAM WARE, 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 Monroe, Sevier County, Utah. I have lived in Sevier County most of my life since 1937.
2. I have traveled and am familiar with a road in Sevier County known as the Poverty Flat Road (County Road Number 6489). I am also familiar with the land the road traverses. When I first used and observed the road in the 1950's, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Poverty Flat Road (County Road Number 6489). 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 1950 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, automobiles, and four wheelers. Throughout this time period, the road has been used daily, weather permitting.

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5. Throughout the time period from 1950 to 2006, I have used the road myself for the following uses: recreation, camping, hunting, access to Joseph City, and traveling in and through the area.

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: mining, prospecting for minerals, government access, wood gathering, livestock operations, recreation, hunting, accessing poverty flat and the Joseph City area, and traveling in and through the area.

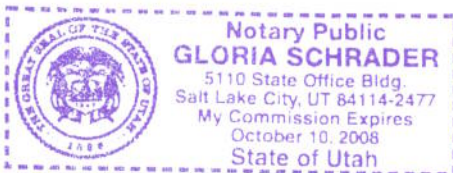
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

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

DATED this 16<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
SAM WARE

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 18, 2006

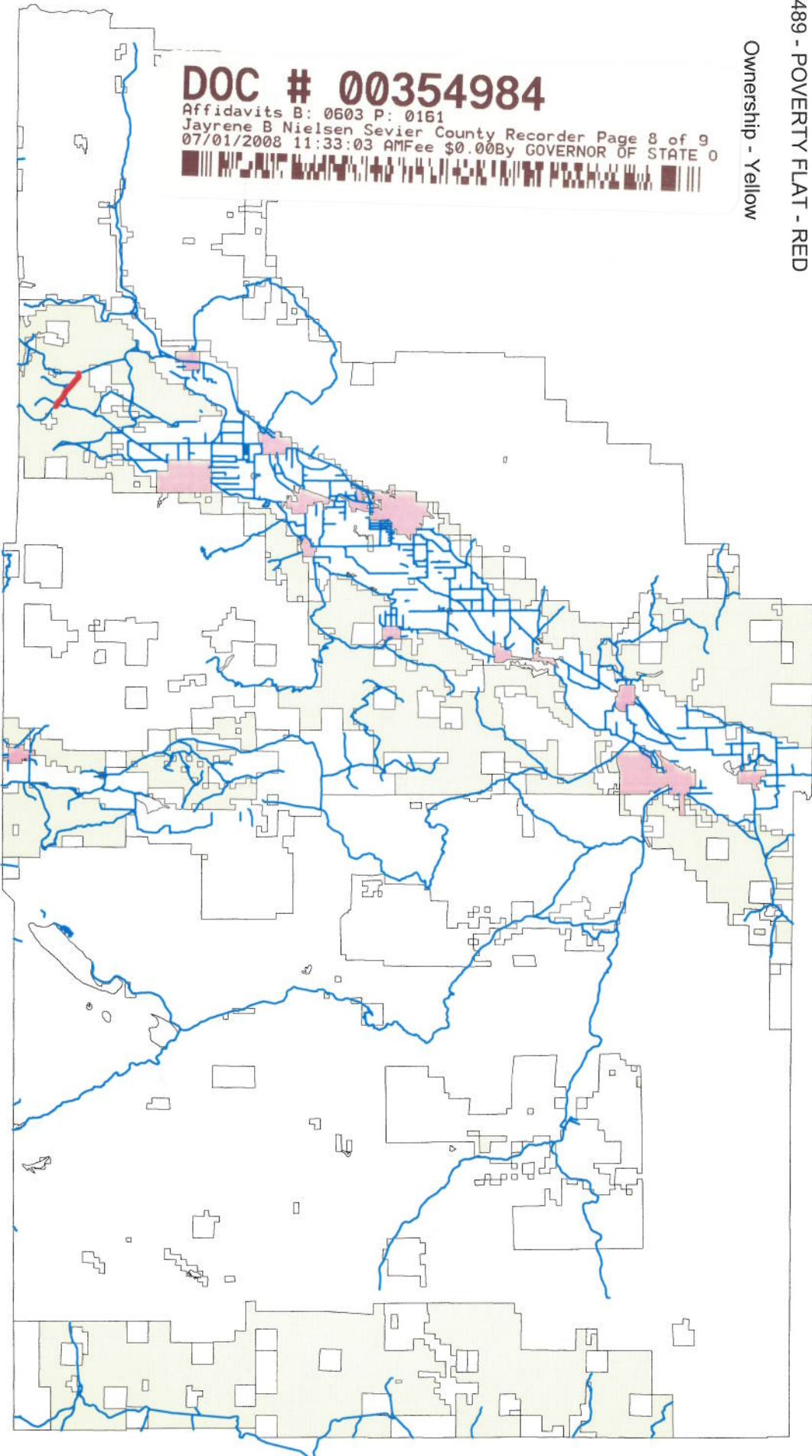
Class "B" Maintained Roads - Blue

6489 - POVERTY FLAT - RED

Ownership - Yellow

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## Exhibit B

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

**Popular Name:** 1035d\_Poverty Flat Road

**County:** Sevier

**County Road Number:** 6489

**State Geographic Information Database (SGID) Road Identification Number:** RD210091.

**Total Road Length:** 1.92 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 33 minutes 7 seconds North Latitude and -112 degrees 12 minutes 28.16 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,437,958.3 feet and Y = 6,642,099.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 32 minutes 13.34 seconds North Latitude and -112 degrees 10 minutes 45.13 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,446,103.0 feet and Y = 6,636,606.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 26 South Range 4 West, Section(s) 11,12,13, Salt Lake Base & Meridian

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