

115
**Acknowledgment and
Notice of Acknowledgment
of Acceptance of R.S. 2477
Right-of-Way Grant**

DOC # 20080019358

Right of Way Page 1 of 15
Russell Shirts Washington County Recorder
05/12/2008 09:23:59 AM Fee \$ 0.00
By GOVERNOR OF 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Washington County as it pertains to the highway located in Washington County known as UPPER TOQUERVILLE FALLS SPUR; County Road Number: 9883; State Geographic Information Database (SGID) Road Identification Number: RD279883. Total road length is 0.4 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 23rd day of April, 2008.

By the Governor's Designee



John Harja


CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

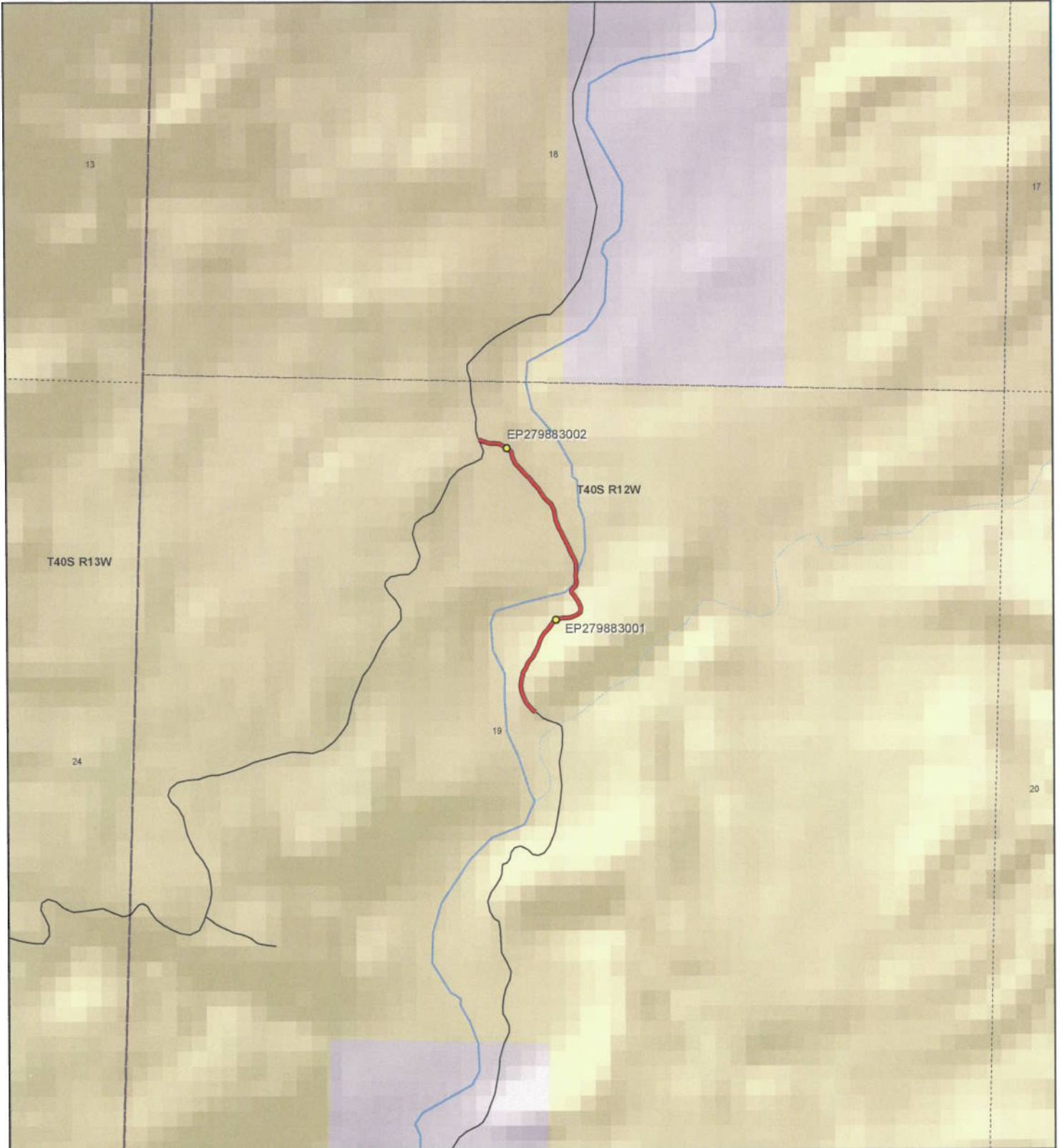
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 23rd day of April, 2008.





Notary Public



1:9,371
1 inch equals 0.1 miles



UPPER TOQUERVILLE FALLS SPUR - Washington County
SGID RD_ID RD279883

Land Ownership Categories

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ State Parks and Recreation
- ◆ Tribal, Indian Reservation
- ◆ NPS, National Park
- ◆ Wilderness
- ◆ UDWR Wildlife Reserve
- ◆ DOD, Military
- ◆ State Sovereign Land
- ◆ National Recreation Area
- ◆ USFWS, Natl. Wildlife Refuge

Transportation Network

- UPPER TOQUERVILLE FALLS SPUR
- Title V, Issued Or Under Consideration By BLM Or County
- Other Roads
- Photo Event Point
- Section = 1 Mile

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Feb 13, 2008



Attachment 2



EP279883001



EP279883002

EP000000000

EP000000000

EP000000000

EP000000000

UPPER TOQUERVILLE FALLS SPUR - Washington County
SGID RD_ID RD279883



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 14, 2008



Attachment 3

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

Popular Name: UPPER TOQUERVILLE FALLS SPUR

County: Washington

County Road Number: 9883

State Geographic Information Database (SGID) Road Identification Number: RD279883.

Total Road Length: 0.4 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 17 minutes 48.77 seconds North Latitude and -113 degrees 14 minutes 51.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,132,081.4 feet and Y = 10,076,721.8 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 18 minutes 04.83 seconds North Latitude and -113 degrees 14 minutes 56.03 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,131,741.1 feet and Y = 10,078,353.4 feet based on the US Survey Foot conversion.

This road may traverse:

Township 40 South Range 12 West, Section(s) 19, 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: UPPER TOQUERVILLE FALLS SPUR

County: Washington

County Road Number: 9883

State Geographic Information Database (SGID) Road Identification Number: RD279883.

Total Road Length: 0.4 miles more or less.

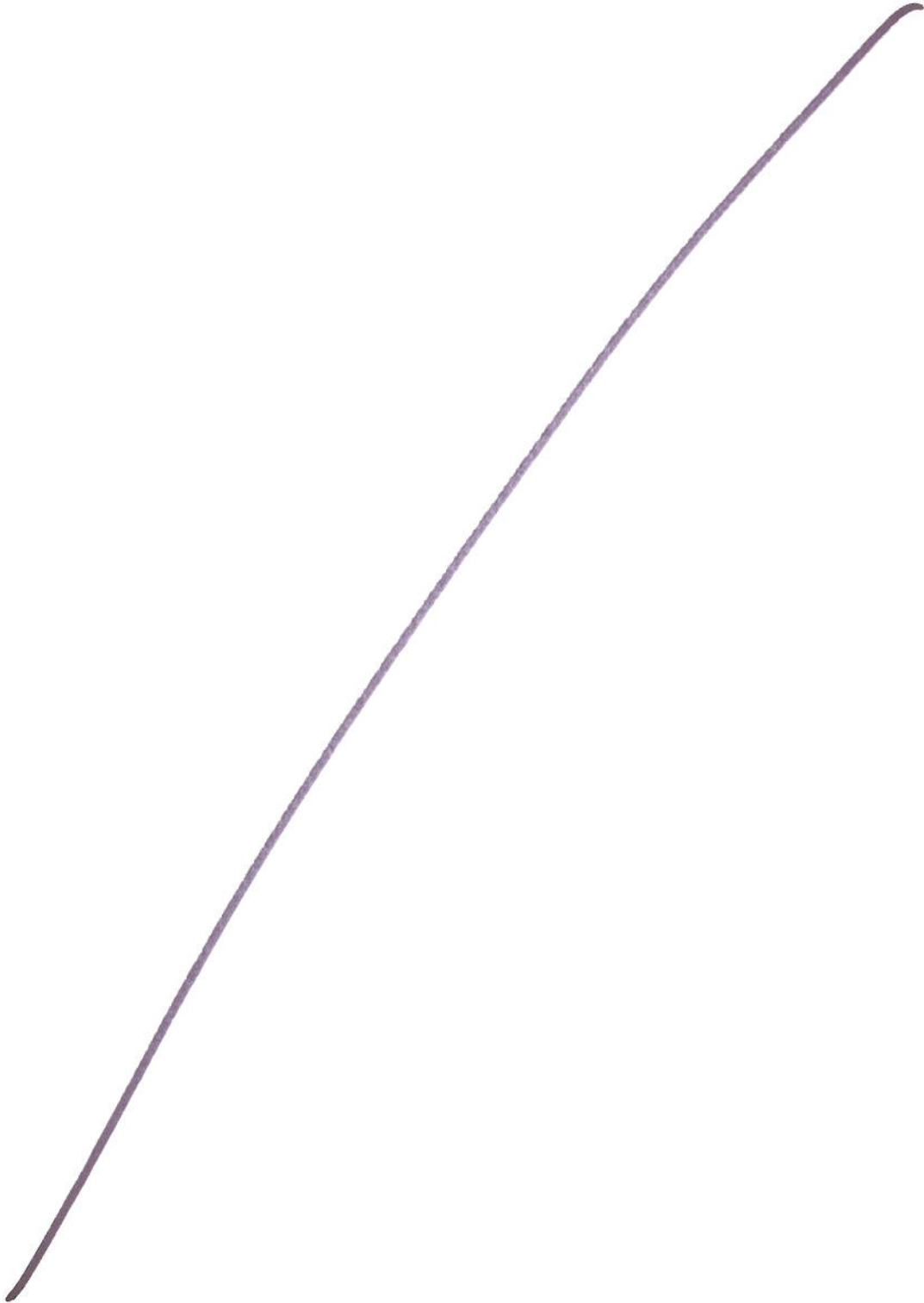
Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD_ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD279883	001	BLM	0.4 Miles	A
		Total Road Length	0.4	_____

* 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 RYMAL J. HINTON
 UPPER TOQUERVILLE FALLS SPUR ROAD
 COUNTY ROAD NUMBER 9883
 WASHINGTON COUNTY, UTAH

State of Utah)
	:ss
County of Washington)

RYMAL J. HINTON, 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 am 56 years old. I currently reside in Hurricane, Washington County, Utah. I have lived in Washington County my entire life. I have been employed as a Deputy Sheriff for Washington County for about 28 years, and a member of the Search and Rescue Team for 37 years.

2. I have traveled and am familiar with a road in Washington County known as UPPER TOQUERVILLE FALLS SPUR ROAD. I am also familiar with the land the road traverses. I traveled the road with my father as early as 1960, before I could drive, for recreation and on search and rescue operations. When I first used and observed the road in 1960, it followed the same route as in 2006 when I last observed it. Attached is a Washington County map showing UPPER TOQUERVILLE FALLS SPUR 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. The County also identifies this road according to the road number listed above.

3. 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 1960, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks and other motor vehicles. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used on a daily basis, weather permitting.

4. Throughout the time period from 1960 to the present, I have used the road myself for hunting, camping, hiking, sight seeing, wood gathering, government access for my job, and trapping.

5. 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 livestock operations, commerce, mining and prospecting, recreation and tourism, and travel in and through the general areas.

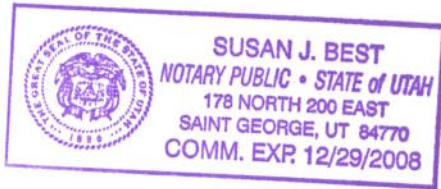
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased as early as 1900, when pioneers traveled the road, and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I occasionally observed graders and road crews from Washington County on the road. I observed general repairs and maintenance of the road. I observed cattle guards, berms, cuts and fills, grader marks, culverts, flood repair work, and gated areas, where necessary.

DATED this 25 of June, 2007.


RYMAL J. HINTON

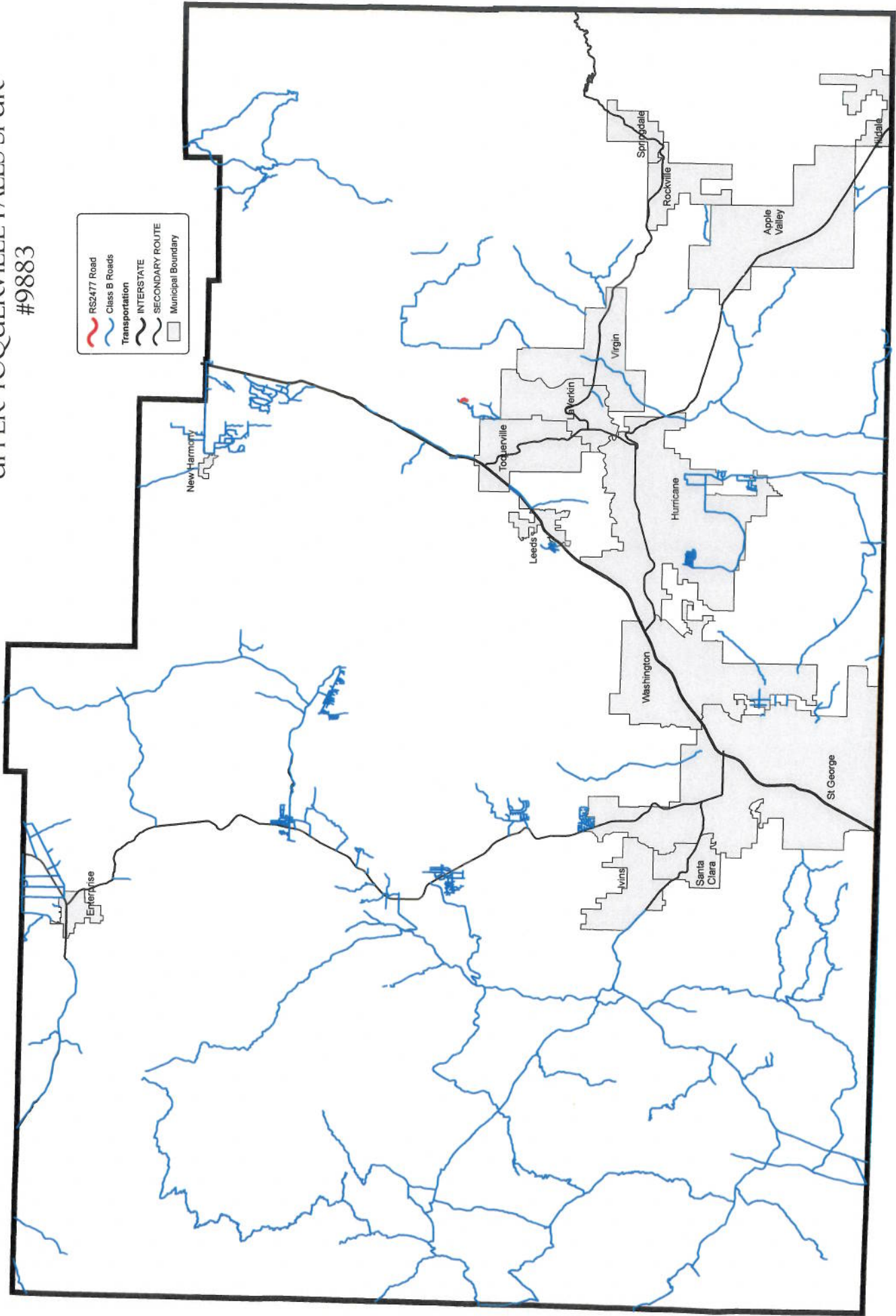
SUBSCRIBED AND SWORN to before me this 25 day of June, 2007.




NOTARY PUBLIC

WASHINGTON COUNTY UPPER TOQUERVILLE FALLS SPUR #9883

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



AFFIDAVIT OF GEORGE EDWARD WRIGHT
UPPER TOQUERVILLE FALLS SPUR
COUNTY ROAD NUMBER 9883
WASHINGTON COUNTY, UTAH

State of Utah)
 :SS
County of Washington)

GEORGE EDWARD WRIGHT, 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 am 66 years old. I currently reside in Virgin, Washington County, Utah. I have lived in Washington County since 1964. I am a retired Maintenance Supervisor for the State of Utah Department of Transportation, District 5, which covers Southern Utah. I retired in 1987, after 26 plus years of service with the State of Utah.

2. I have traveled and am familiar with a road in Washington County known as UPPER TOQUERVILLE FALLS SPUR. I am also familiar with the land the road traverses. When I first used and observed the road in 1964, it followed the same route as in 2006, when I last observed it. Attached is a Washington County map showing UPPER TOQUERVILLE FALLS SPUR. 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. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since 1964, and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by commercial vehicles, private pickup trucks, jeeps, stock trucks, motorcycles, and other motor vehicles. Through out this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used daily.

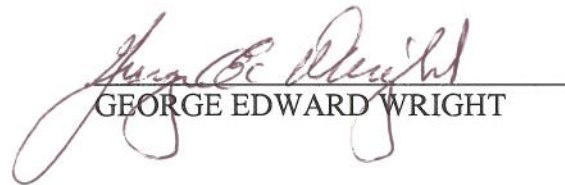
4. Throughout the time period from 1964 to 2006, I have used the road myself, occasionally, weather permitting, for wood gathering, sight seeing and hunting.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for uses described in the previous paragraph, plus government access; trapping; livestock operations; mining; prospecting; tourism; and recreation, such as camping, picnicking, hiking, and traveling in and through the general areas.

6. It is also my understanding that it is 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 the early pioneer settlers arrived, and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed general repairs, maintenance and/or construction activities of the road by Washington County. I observed parked graders, cattle guards, berms, gravel, culverts, graded and raised surfaces, cuts and fills, grader marks, and flood and repair work on the road on an as-needed-basis. I occasionally observed Washington County graders on the road.

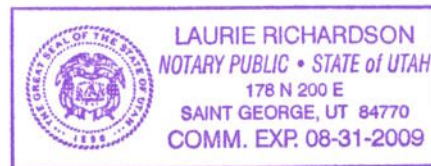
DATED this 2nd of March, 2007


GEORGE EDWARD WRIGHT

SUBSCRIBED AND SWORN to before me this 2nd day of March, 2007.

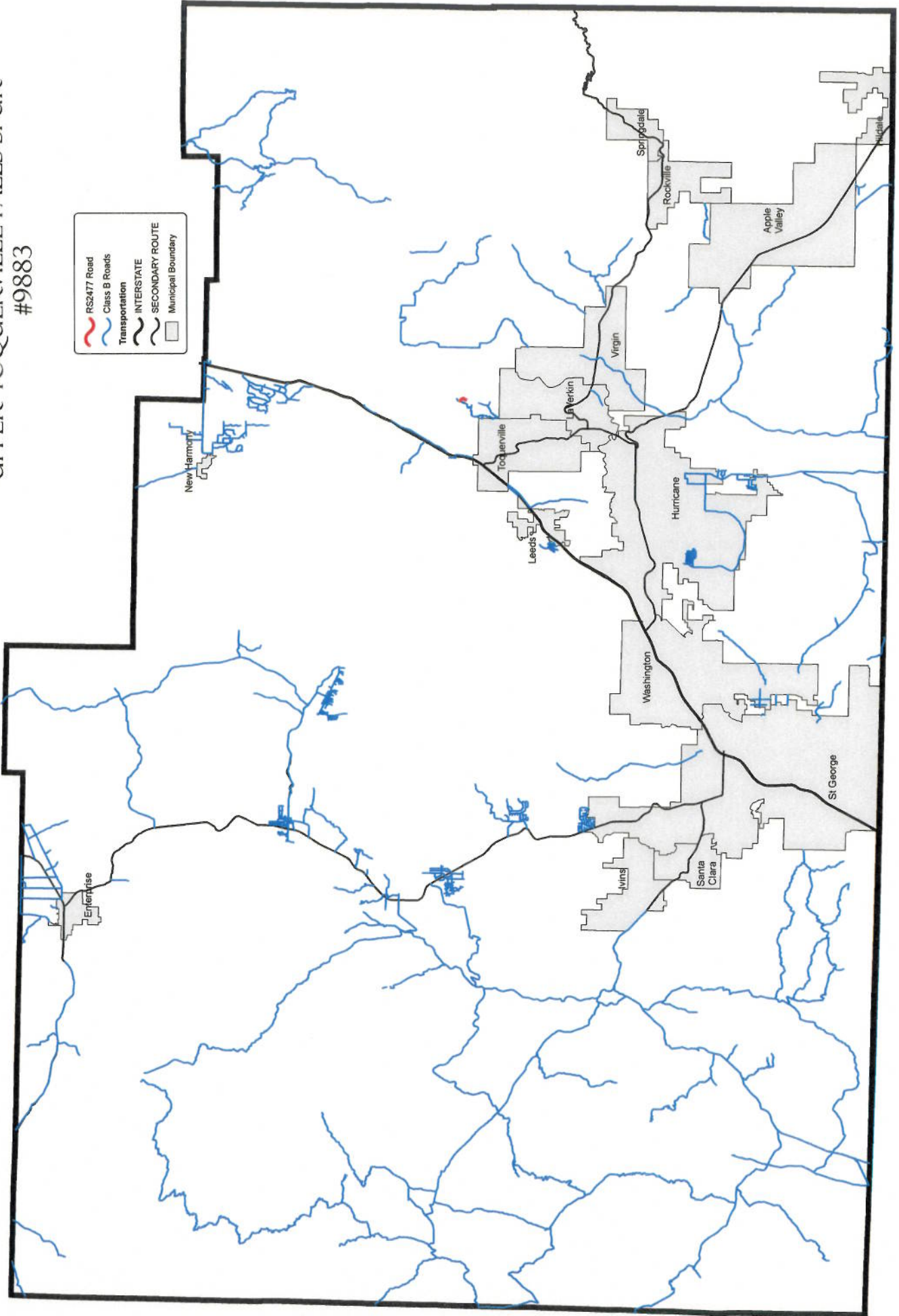

NOTARY PUBLIC

END OF DOCUMENT



WASHINGTON COUNTY UPPER TOQUERVILLE FALLS SPUR #9883

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



Appendix A to Attachment 4

Popular Name: UPPER TOQUERVILLE FALLS SPUR

County: Washington

County Road Number: 9883

State Geographic Information Database (SGID) Road Identification Number: RD279883.

Road-Segment Number: 001

Road-Segment Length: 0.4 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 40 South Range 12 West, Section(s) 19, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (UPPER TOQUERVILLE FALLS SPUR)-- 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 37 degrees 17 minutes 48.77 seconds North Latitude and -113 degrees 14 minutes 51.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,132,081.4 feet and Y = 10,076,721.8 feet; thence the following courses along the said road center line:

thence North 58 Degrees 17 Minutes 10 Seconds West 18.6 feet
thence North 43 Degrees 53 Minutes 40 Seconds West 28.5 feet
thence North 38 Degrees 00 Minutes 27 Seconds West 31.1 feet
thence North 25 Degrees 34 Minutes 09 Seconds West 39.2 feet
thence North 19 Degrees 30 Minutes 41 Seconds West 37.9 feet
thence North 06 Degrees 00 Minutes 08 Seconds West 33 feet
thence North 07 Degrees 44 Minutes 38 Seconds East 28.2 feet
thence North 10 Degrees 11 Minutes 59 Seconds East 18 feet
thence North 11 Degrees 52 Minutes 47 Seconds East 17.1 feet
thence North 11 Degrees 35 Minutes 49 Seconds East 12.7 feet
thence North 19 Degrees 30 Minutes 25 Seconds East 8.7 feet

thence North 26 Degrees 16 Minutes 24 Seconds East 11 feet
 thence North 33 Degrees 45 Minutes 15 Seconds East 14.6 feet
 thence North 24 Degrees 29 Minutes 00 Seconds East 18.8 feet
 thence North 30 Degrees 13 Minutes 06 Seconds East 21.3 feet
 thence North 36 Degrees 58 Minutes 29 Seconds East 37.9 feet
 thence North 27 Degrees 33 Minutes 21 Seconds East 19.7 feet
 thence North 28 Degrees 51 Minutes 23 Seconds East 19.5 feet
 thence North 29 Degrees 34 Minutes 02 Seconds East 20.4 feet
 thence North 24 Degrees 05 Minutes 05 Seconds East 23.1 feet
 thence North 14 Degrees 44 Minutes 46 Seconds East 22.8 feet
 thence North 24 Degrees 26 Minutes 08 Seconds East 27.4 feet
 thence North 34 Degrees 01 Minutes 24 Seconds East 25 feet
 thence North 42 Degrees 16 Minutes 18 Seconds East 21.8 feet
 thence North 42 Degrees 46 Minutes 00 Seconds East 27.4 feet
 thence North 34 Degrees 05 Minutes 19 Seconds East 22.7 feet
 thence North 34 Degrees 20 Minutes 57 Seconds East 21.9 feet
 thence North 57 Degrees 14 Minutes 13 Seconds East 17.1 feet
 thence North 69 Degrees 23 Minutes 06 Seconds East 9.4 feet
 thence North 77 Degrees 56 Minutes 24 Seconds East 16.1 feet
 thence North 78 Degrees 49 Minutes 22 Seconds East 17.4 feet
 thence North 86 Degrees 07 Minutes 55 Seconds East 21 feet
 thence North 78 Degrees 12 Minutes 42 Seconds East 19.8 feet
 thence North 73 Degrees 19 Minutes 07 Seconds East 23.3 feet
 thence North 70 Degrees 31 Minutes 45 Seconds East 24 feet
 thence North 47 Degrees 23 Minutes 01 Seconds East 24.8 feet
 thence North 09 Degrees 26 Minutes 09 Seconds East 23.3 feet
 thence North 20 Degrees 11 Minutes 43 Seconds West 20.2 feet
 thence North 25 Degrees 45 Minutes 18 Seconds West 15.3 feet
 thence North 25 Degrees 04 Minutes 00 Seconds West 14.1 feet
 thence North 33 Degrees 18 Minutes 56 Seconds West 15.7 feet
 thence North 37 Degrees 56 Minutes 21 Seconds West 14.5 feet
 thence North 36 Degrees 24 Minutes 39 Seconds West 15 feet
 thence North 37 Degrees 26 Minutes 18 Seconds West 13.6 feet
 thence North 13 Degrees 10 Minutes 00 Seconds West 11.8 feet
 thence North 28 Degrees 06 Minutes 04 Seconds East 13.8 feet
 thence North 50 Degrees 25 Minutes 07 Seconds East 23.3 feet
 thence North 13 Degrees 32 Minutes 12 Seconds East 22 feet
 thence North 09 Degrees 55 Minutes 45 Seconds West 17.6 feet
 thence North 06 Degrees 00 Minutes 08 Seconds West 23.1 feet
 thence North 03 Degrees 11 Minutes 51 Seconds East 27 feet
 thence North 03 Degrees 11 Minutes 51 Seconds East 27 feet
 thence North 03 Degrees 23 Minutes 08 Seconds West 24.3 feet
 thence North 20 Degrees 55 Minutes 45 Seconds West 27 feet
 thence North 29 Degrees 44 Minutes 13 Seconds West 23.4 feet
 thence North 26 Degrees 51 Minutes 24 Seconds West 21.3 feet
 thence North 23 Degrees 29 Minutes 25 Seconds West 27.5 feet
 thence North 24 Degrees 53 Minutes 29 Seconds West 29.9 feet
 thence North 24 Degrees 56 Minutes 18 Seconds West 30.7 feet
 thence North 27 Degrees 08 Minutes 20 Seconds West 29.8 feet

thence North 27 Degrees 13 Minutes 52 Seconds West 22.4 feet
thence North 26 Degrees 51 Minutes 24 Seconds West 17.6 feet
thence North 20 Degrees 45 Minutes 50 Seconds West 26.3 feet
thence North 20 Degrees 55 Minutes 45 Seconds West 27 feet
thence North 14 Degrees 56 Minutes 54 Seconds West 22 feet
thence North 12 Degrees 03 Minutes 36 Seconds West 16.1 feet
thence North 08 Degrees 15 Minutes 40 Seconds West 16.6 feet
thence North 19 Degrees 49 Minutes 42 Seconds West 21.6 feet
thence North 28 Degrees 47 Minutes 14 Seconds West 26.1 feet
thence North 46 Degrees 37 Minutes 26 Seconds West 29.9 feet
thence North 44 Degrees 47 Minutes 04 Seconds West 26.2 feet
thence North 31 Degrees 22 Minutes 45 Seconds West 26 feet
thence North 34 Degrees 40 Minutes 19 Seconds West 37.8 feet
thence North 43 Degrees 14 Minutes 46 Seconds West 39 feet
thence North 40 Degrees 38 Minutes 18 Seconds West 40 feet
thence North 43 Degrees 35 Minutes 49 Seconds West 39.2 feet
thence North 42 Degrees 33 Minutes 55 Seconds West 39 feet
thence North 44 Degrees 17 Minutes 12 Seconds West 39.7 feet
thence North 27 Degrees 03 Minutes 33 Seconds West 41.5 feet
thence North 15 Degrees 25 Minutes 39 Seconds West 41.5 feet
thence North 49 Degrees 41 Minutes 25 Seconds West 30.2 feet
thence North 59 Degrees 05 Minutes 28 Seconds West 27.2 feet
thence North 62 Degrees 13 Minutes 09 Seconds West 27.9 feet
thence North 83 Degrees 44 Minutes 05 Seconds West 28.7 feet
thence South 86 Degrees 18 Minutes 06 Seconds West 27.6 feet
thence North 75 Degrees 21 Minutes 37 Seconds West 15.3 feet
thence North 66 Degrees 19 Minutes 45 Seconds West 16.2 feet
thence North 77 Degrees 11 Minutes 59 Seconds West 14.5 feet
thence North 68 Degrees 29 Minutes 25 Seconds West 24.7 feet more or less to **the ending**

point at: 37 degrees 18 minutes 04.83 seconds North Latitude and -113 degrees 14 minutes 56.03 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,131,741.1 feet and Y = 10,078,353.4 feet.