

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

Ent 146992 Bk 208 Pg 931  
Date: 08-MAY-2008 10:19AM  
Fee: None  
Filed By: CB  
COLLEEN BRINKERHOFF, Recorder  
WAYNE COUNTY  
For: 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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Wayne County as it pertains to the highway located in Wayne County known as BLACKBURN WASH SPUR ROAD; County Road Number: 111A; State Geographic Information Database (SGID) Road Identification Number: RD280274. Total road length is 0.39 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

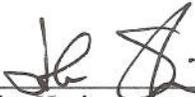
Internet at <http://recorded2477roads.utah.gov>.

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 23<sup>rd</sup> day of April, 2008.

By the Governor's Designee

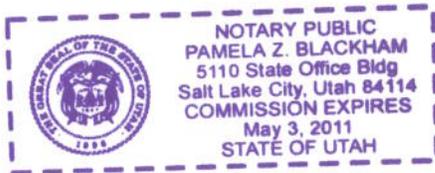
  
\_\_\_\_\_  
John Harja

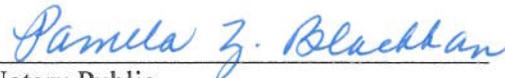
**CERTIFICATION**

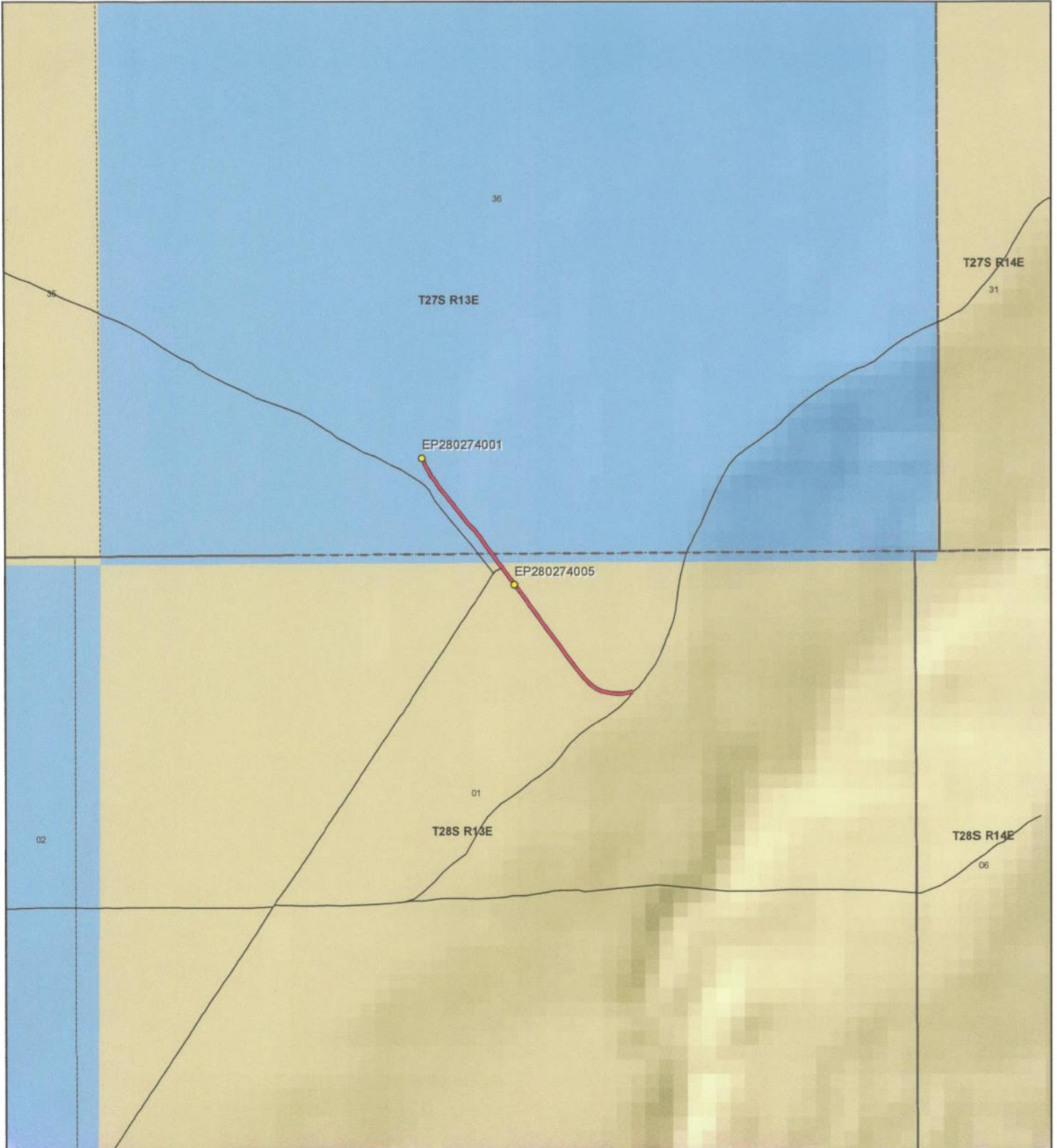
State of Utah                    )  
                                          : ss  
County of Salt Lake         )

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 23<sup>rd</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public



		<p align="center"><b>BLACKBURN WASH SPUR ROAD - Wayne County</b> <b>SGID RD_ID RD280274</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td><b>Transportation Network</b></td> </tr> <tr> <td>● BLM</td> <td>● Wilderness</td> <td>— BLACKBURN WASH SPUR RD</td> </tr> <tr> <td>● Private</td> <td>● UDWR Wildlife Reserve</td> <td>— Title V: Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td>● SITLA, State Trust Land</td> <td>● DOD, Military</td> <td>— Other Roads</td> </tr> <tr> <td>● USFS, National Forest</td> <td>● State Sovereign Land</td> <td>● Photo Event Point</td> </tr> <tr> <td>● State Parks and Recreation</td> <td>● National Recreation Area</td> <td>□ Section = 1 Mile</td> </tr> <tr> <td>● Tribal, Indian Reservation</td> <td>● USFWS, Natl. Wildlife Refuge</td> <td></td> </tr> <tr> <td>● NPS, National Park</td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>	● BLM	● Wilderness	— BLACKBURN WASH SPUR RD	● Private	● UDWR Wildlife Reserve	— Title V: Issued Or Under Consideration By BLM Or County	● SITLA, State Trust Land	● DOD, Military	— Other Roads	● USFS, National Forest	● State Sovereign Land	● Photo Event Point	● State Parks and Recreation	● National Recreation Area	□ Section = 1 Mile	● Tribal, Indian Reservation	● USFWS, Natl. Wildlife Refuge		● NPS, National Park			<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Mar 12, 2008</p>
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Attachment 2



EP280274001



EP280274005

EP000000000

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**BLACKBURN WASH SPUR ROAD - Wayne County**  
**SGID RD\_ID RD280274**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
March 24, 2008



## Attachment 3

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

**Popular Name: BLACKBURN WASH SPUR ROAD**

**County: Wayne**

**County Road Number: 111A**

**State Geographic Information Database (SGID) Road Identification Number: RD280274.**

**Total Road Length: 0.39 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 24 minutes 036.3 seconds North Latitude and -110 degrees 26 minutes 36.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,943,201.4 feet and Y = 10,479,044.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 24 minutes 50.88 seconds North Latitude and -110 degrees 26 minutes 52.59 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,941,866.4 feet and Y = 10,480,504.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 27 South Range 13 East, Section(s) 36, Salt Lake Base & Meridian  
Township 28 South Range 13 East, Section(s) 1, 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: BLACKBURN WASH SPUR ROAD**

**County: Wayne**

**County Road Number: 111A**

**State Geographic Information Database (SGID) Road Identification Number: RD280274.**

**Total Road Length: 0.39 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).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD280274</b>	<b>001</b>	<b>BLM</b>	<b>0.24 Miles</b>	<b>A</b>
<b>RD280274</b>	<b>002</b>	<b>ST</b>	<b>0.15 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>0.39</b>	<b>_____</b>

\* 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 DENNIS EKKER**  
**BLACKBURN WASH SPUR ROAD**  
**WAYNE COUNTY, UTAH**  
**ROAD NUMBER 111A**

State of Utah                    )  
                                          : ss.  
County of Wayne                )

DENNIS EKKER, 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 Wayne County, Utah. I have lived in Wayne County for most of the past 73 years.

2. I have traveled and am familiar with a road in Wayne County known as Blackburn Wash Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing Blackburn Wash 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.

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 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the late 1950s to 2007, I have used the road myself for prospecting for minerals, hunting and livestock operations.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: government access, oil and gas exploration and tourism and travel in and through the area.

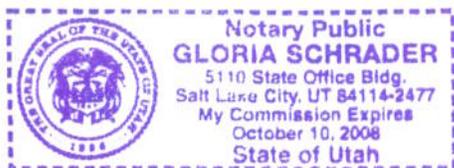
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

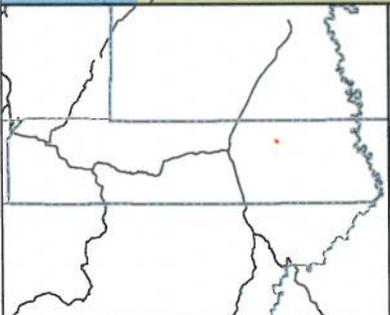
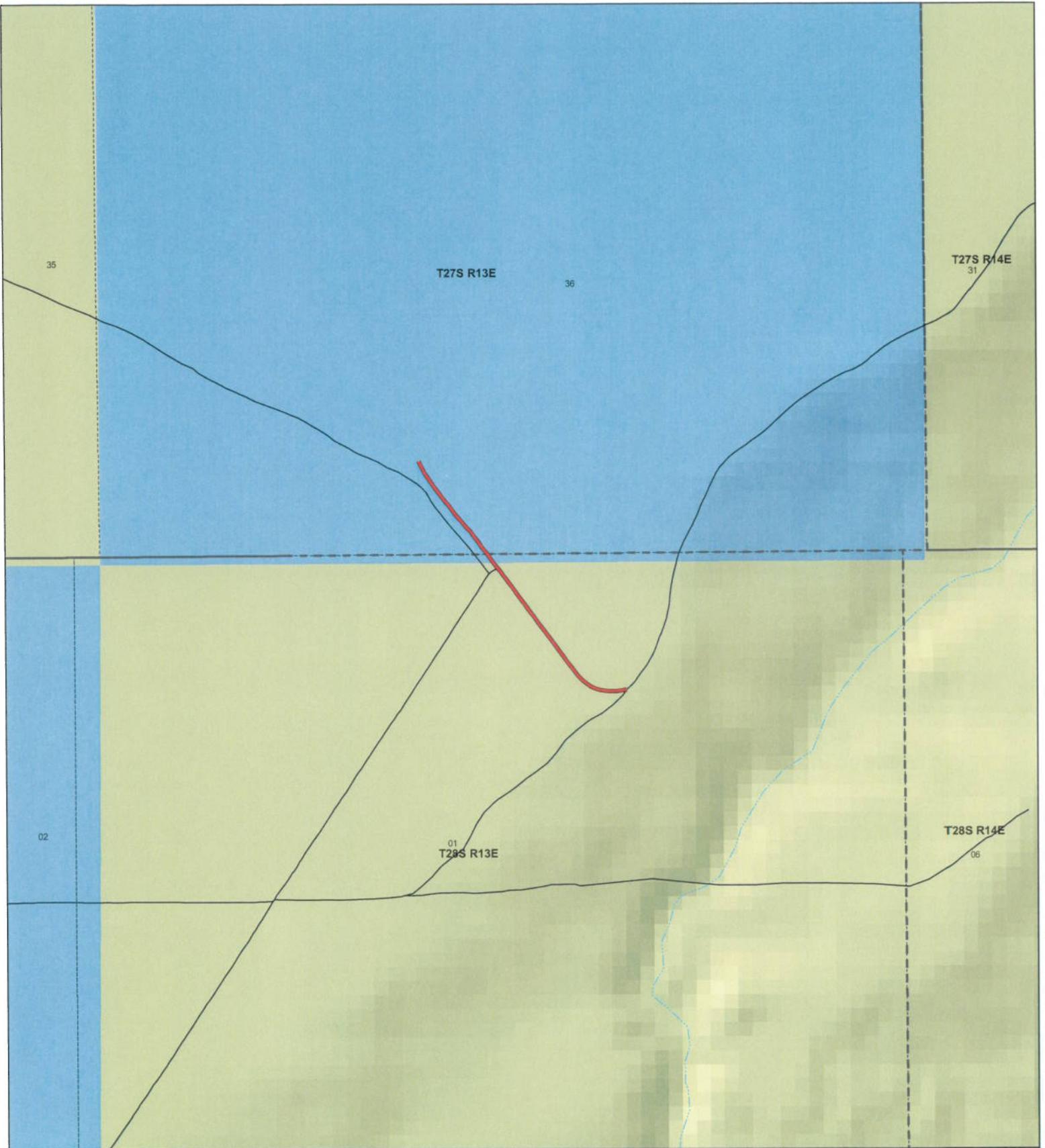
DATED this 19 day of April, 2007.

  
DENNIS EKKER

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of April, 2007.



  
NOTARY PUBLIC



**BLACKBURN WASH SPUR ROAD**  
**County Unique - 111A**

- Land Ownership Categories**
- ◆ BLM
  - ◆ Private
  - ◆ SITLA, State Trust Land
  - ◆ USFS, National Forest
  - ◆ Wildlife Reserve
  - ◆ National Park / Monument
  - ◆ National Rec. Area

- Transportation Network**
- BLACKBURN WASH SPUR ROAD
  - State / U.S. Highway
  - Local Roads

- Misc**
- City / Town
  - Municipalities
  - Section



1:9,864  
 1 inch equals 0.2 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Apr 12, 2007



Section 146992 Bk 0208

PL0240

**AFFIDAVIT OF DEAN EKKER**  
**BLACKBURN WASH SPUR ROAD**  
**WAYNE COUNTY, UTAH**  
**ROAD NUMBER 111A**

State of Utah                    )  
                                          : ss.  
County of Wayne                )

DEAN EKKER, 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 Wayne County, Utah. I have lived in Wayne County for most of the past 69 years.
2. I have traveled and am familiar with a road in Wayne County known Blackburn Wash Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2006 when I last observed it. Attached is a Wayne County map showing Blackburn Wash 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.
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 early 1950s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2006.

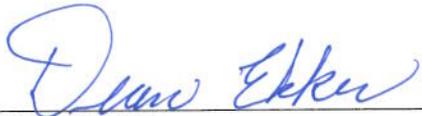
5. Throughout the time period from the early 1950s to 2006, I have used the road myself for hunting and livestock operations and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: government access, oil and gas exploration and tourism.

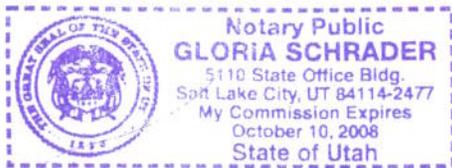
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

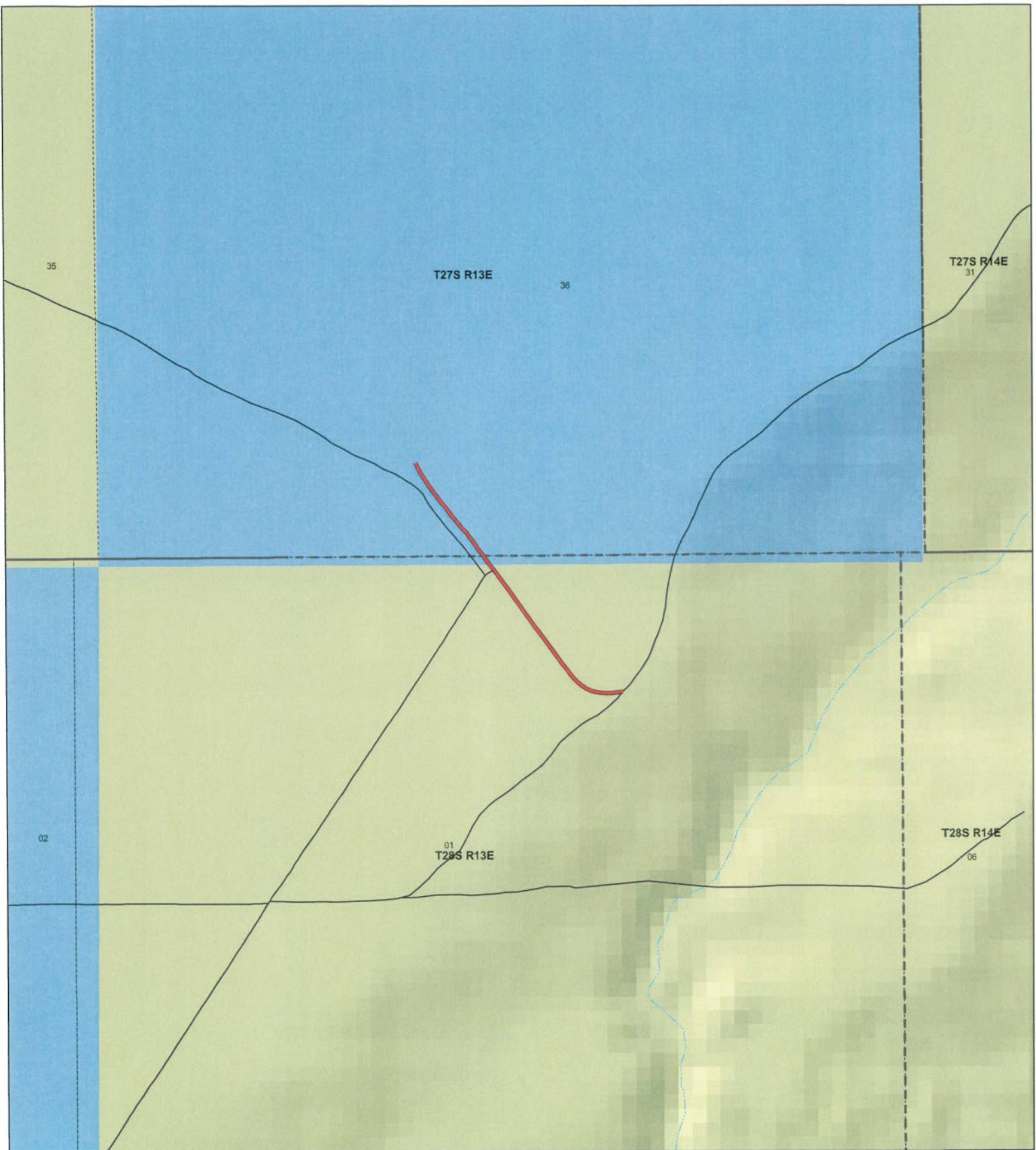
DATED this 19 day of April, 2007.

  
\_\_\_\_\_  
DEAN EKKER

SUBSCRIBED AND SWORN to before me this 19th day of April, 2007.



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



**BLACKBURN WASH SPUR ROAD**  
**County Unique - 111A**

**Land Ownership Categories**

- ◆ BLM
- ◆ Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ Wildlife Reserve
- ◆ National Park / Monument
- ◆ National Rec. Area

**Transportation Network**

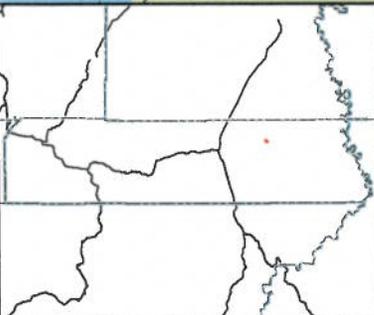
- BLACKBURN WASH SPUR ROAD
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section



1:9,864  
 1 inch equals 0.2 miles



Map prepared by the State of Utah  
 AGHC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Apr 12, 2007



Ent 146992 Bk 0204 Pg 0243

## Appendix A to Attachment 4

**Popular Name: BLACKBURN WASH SPUR ROAD**

**County: Wayne**

**County Road Number: 111A**

**State Geographic Information Database (SGID) Road Identification Number: RD280274.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.24 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 28 South Range 13 East, Section(s) 1, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BLACKBURN WASH SPUR ROAD)-- 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 38 degrees 24 minutes 036.3 seconds North Latitude and -110 degrees 26 minutes 36.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,943,201.4 feet and Y = 10,479,044.1 feet; thence the following courses along the said road center line:

thence South 80 Degrees 08 Minutes 48 Seconds West 69.2 feet  
thence South 89 Degrees 41 Minutes 54 Seconds West 33.5 feet  
thence North 84 Degrees 45 Minutes 22 Seconds West 34 feet  
thence North 81 Degrees 56 Minutes 08 Seconds West 33.8 feet  
thence North 75 Degrees 50 Minutes 56 Seconds West 32.9 feet  
thence North 66 Degrees 30 Minutes 38 Seconds West 33.4 feet  
thence North 57 Degrees 52 Minutes 26 Seconds West 33.1 feet  
thence North 48 Degrees 45 Minutes 29 Seconds West 34.6 feet  
thence North 44 Degrees 31 Minutes 38 Seconds West 34.4 feet  
thence North 40 Degrees 10 Minutes 24 Seconds West 36.3 feet  
thence North 37 Degrees 46 Minutes 39 Seconds West 37.2 feet

thence North 36 Degrees 41 Minutes 09 Seconds West 38.7 feet  
thence North 37 Degrees 46 Minutes 39 Seconds West 37.2 feet  
thence North 37 Degrees 22 Minutes 28 Seconds West 37 feet  
thence North 35 Degrees 29 Minutes 43 Seconds West 38.2 feet  
thence North 36 Degrees 58 Minutes 01 Seconds West 36.8 feet  
thence North 35 Degrees 29 Minutes 43 Seconds West 38.2 feet  
thence North 36 Degrees 17 Minutes 34 Seconds West 38.5 feet  
thence North 37 Degrees 46 Minutes 39 Seconds West 37.2 feet  
thence North 37 Degrees 22 Minutes 28 Seconds West 37 feet  
thence North 36 Degrees 33 Minutes 19 Seconds West 36.6 feet  
thence North 36 Degrees 50 Minutes 47 Seconds West 34.7 feet  
thence North 35 Degrees 31 Minutes 08 Seconds West 34.1 feet  
thence North 36 Degrees 14 Minutes 37 Seconds West 32.4 feet  
thence North 36 Degrees 03 Minutes 19 Seconds West 30.3 feet  
thence North 37 Degrees 52 Minutes 12 Seconds West 26.9 feet  
thence North 36 Degrees 10 Minutes 16 Seconds West 26.3 feet  
thence North 35 Degrees 17 Minutes 36 Seconds West 24 feet  
thence North 36 Degrees 03 Minutes 19 Seconds West 20.2 feet  
thence North 37 Degrees 22 Minutes 28 Seconds West 18.5 feet  
thence North 36 Degrees 03 Minutes 19 Seconds West 20.2 feet  
thence North 36 Degrees 47 Minutes 34 Seconds West 29.8 feet  
thence North 35 Degrees 46 Minutes 36 Seconds West 35.1 feet  
thence North 37 Degrees 25 Minutes 56 Seconds West 28.8 feet  
thence North 38 Degrees 57 Minutes 40 Seconds West 21 feet  
thence North 37 Degrees 16 Minutes 44 Seconds West 34.9 feet  
thence North 37 Degrees 42 Minutes 24 Seconds West 35.1 feet  
thence North 34 Degrees 38 Minutes 47 Seconds West 9 feet more or less to **the ending point**

**at:** 38 degrees 24 minutes 044.4 seconds North Latitude and -110 degrees 26 minutes 46.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,942,345.3 feet and Y = 10,479,854.4 feet.