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Private property rights

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I want to thank Ron and Jana Smith for writing "Beware the Consequences of R.S. 2477 Right-of-Way Claims," (Opinion, June 21). Finally, someone is shedding light on how R.S. 2477 can bulldoze private property rights. In 1997, my wife and I purchased vacant retirement property in southeastern Utah's San Juan County.

Even though a primitive track crossed the property, we finalized the purchase when the title search showed no legal access across the property. In early 2002, we noticed an all-terrain vehicle had been driven on the track. The perpetrator took our locked gate off the hinges, drove on the track, then replaced the gate.

Later, the county claimed this track as a Class D road. Apparently, the county is asserting an R.S. 2477 claim and we, like the Smiths, may not be allowed our constitutional rights of due process. Thanks to Gov. Mike Leavitt and Interior Secretary Gale Norton's secret memorandum of understanding, the county may be allowed to plow through our private property.

If Gov. Leavitt and Secretary Norton care about private property rights, they should establish guidelines and proper processes to settle R.S. 2477 claims, not sign a memorandum allowing usage tracks across private property to be constructed "highways." If they do not, private property rights and landowners, like the Smiths and me, are at risk.

Ken Platt

Helena, Mont.

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