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Comments: The White Mountain Open Trails association and the Arizona Alpine Trail use FR 161 from Deer Springs lookout to access the lower elevation roads. This avoids the very fast and busy FR 300 which is a safety issue. We object strenuously to removing this road from the TMP.

It is also our understanding that the forest service has been trying to get an easement from one of the land owners on which FR 161 traverses. If this is so, and it is a significant issue for the forest service, the forest service should perhaps explore the possibility of establishing a prescriptive easement for this section of the road.

This is from the internet courtesy of the Arizona Alpine Trail, Inc

Prescriptive easements are not documented in written form, but are implied easements that are created by the operation of law based on facts supporting the creation of the easement. For Example after a dominant estate (forest Service) has used the servient estate's property in a hostile, continuous and open manner for a statutorily required number of years, a prescriptive easement may arise. In Arizona, the continuous use must continue for 10 years.

A prescriptive easement gives the dominant estate the same legal rights as a written easement, but unless the dominant estate seeks to enforce his or her rights in the easement by obtaining some recorded recognition, third parties may not be aware of the easement's existence.