

## ADDENDUM C

### ADVISEMENT FOR BUCKHORN RANCH, FILING 2b, GUNNISON COUNTY, STATE OF COLORADO, ACCORDING TO THE FINAL PLAT THEREOF REGARDING IRRIGATION DITCHES AND HISTORIC RANCHING AND FARMING ACTIVITIES CONDUCTED WITHIN THE SUBDIVISION

Brush Creek Airport, LLC, as owner of Buckhorn Ranch, Filing 2b, Gunnison County, Colorado, as described in the Final Plat thereof recorded in the real property records of Gunnison County, Colorado on April 26, 2004, at reception number 541325 (the "Development"), acknowledges advisement of the following matters:

1. Ditches carrying water belonging to third parties cross through the Development for use upon lands lying outside of the Development.
2. Under Colorado law, all water in said ditches belongs to those third parties. Consequently, unless by written permission of the owner of said water, no one has any right to remove water from any of said ditches. Similarly, without such permission, no one has any right to place objects across or within any of said ditches. At the sole discretion of the owner of the water in said ditches, throughout the entire Development along the existing routes of the ditches, pipes may be placed into and taken out of the ditches, or the ditches may be lined, to transport the owner's water, and the water may be shut off by the owner from time to time, without regard to the impact such actions may have upon the water wells serving the Development or the lots through which the ditches cross.
3. Under Colorado law, contractual agreements, and the Gunnison County land use approvals relating to the Development, without any prior notice to the lot owners, the owner of the water in said ditches has the right of access to and passage along both sides of the ditches for operation, repair and maintenance purposes. Ditch maintenance work has many forms, including the use of machinery to clean or burn weeds, to remove silt and other debris from the ditch and place it and leave it within the easement, to repair or maintain the ditch banks, to enlarge the ditches within the boundaries of the easement, and to install or maintain valves and head gates, etc.
4. The two ditches which cross through the Development are the Verzuh-Young-Bifano Ditch and the Verzuh Ditch, and each is protected by a perpetual easement which extends 30 feet from each ditch bank, as shown on the recorded Final Plat. Said easements are for easement owner's vehicular, equestrian and pedestrian access, to operate, repair and maintain the ditches.
5. Both the Verzuh-Young-Bifano Ditch and the Verzuh Ditch have lateral ditches which take water to other lands outside the Development. Each lateral ditch is protected by a perpetual easement which extends 25 feet from each ditch bank, as shown on the recorded Final Plat. Said easements are, likewise, for the easement owner's vehicular, equestrian and pedestrian access, to operate, repair and maintain the ditches.
6. All improvements or landscaping installed or placed within the easement shall be pre-approved by the easement owner, which approval shall not be unreasonably withheld. Any improvements or landscaping which are placed within the ditch easements in the Development are subject to being damaged or removed by the owner of the easements while exercising the rights described above, and the easement owner has no liability to repair or replace any improvements or landscaping so damaged or removed.
7. Under § 6-103 of the Gunnison County Land Use Resolution, adopted effective January 8, 2001, and captioned "Right to Ranch Policy", the various irrigation ditch-related operations of the

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owners of lands outside the Development are protected activities. Under the same policy, the grazing of cattle, irrigation of fields, harvesting of crops, periodic shut off of irrigation water and of irrigation practices, noise, dust, odors and smoke from farm and ranching operations during daytime or night time hours are protected activities which continue notwithstanding the conversion of adjacent agricultural property, such as the Development, into a residential development.

8. Trespassing upon, or allowing domesticated animals to enter or to harass or worry livestock upon adjacent agricultural lands is not permitted by the recorded covenants of the Development, nor is same permitted under the Gunnison County "Right to Ranch Policy".

9. In the event a lot herein is subject to ditch crossing restrictions imposed by Gunnison County, such restrictions are specifically set forth on the final plat of the Development which is incorporated herein by this reference.

10. Venue for any litigation concerning this advisement shall be in a court of competent jurisdiction in Gunnison County, Colorado. The nonprevailing party in any legal action concerning this advisement shall pay the prevailing party its costs, including reasonable attorney's fees, incurred in such action.