

CONDITIONAL USAGE AGREEMENT FOR BIG SKY ROADWAY/JACK CREEK ROAD

I understand that the road use permit being issued gives me a revocable, non-transferable right to use the Big Sky Roadway, commonly known as the Jack Creek Road. This right is subject to the "rules of the road" as printed on signs at the entrances of the Big Sky Roadway, along with other conditions including, but not limited to:

- 1) All vehicles using the road must be registered and approved by Moonlight Basin Ranch, L.P., ("MBRLP") prior to using the road, and drivers must provide acceptable proof of vehicle insurance. Each driver must carry a current driver's license authorizing them to operate the vehicle they are driving.
- 2) The Madison Valley Ski Club has obtained specific authorization in advance from MBRLP to use the road. Ski Club Members may not use the road in absence of the Ski Club Caravan, nor may Ski Club Members arbitrarily give non-club members permission to use the road.
- 3) Road use is limited to Ski Club caravan activities only from December 11, 2009 to April 11, 2010 during the designated caravan scheduled hours.
- 4) NO GUNS, WEAPONS, ALCOHOLIC BEVERAGES OR ILLEGAL SUBSTANCES are allowed in vehicles traveling the Big Sky Roadway/Jack Creek Road. If it is discovered that you are or have driven on the road in possession of or under the influence of alcoholic beverages or illegal substances, you will be permanently banned from private road usage.
- 5) Off-road activity is strictly prohibited. No hunting or fishing of any kind is permitted. No recreational hiking or jogging on the road. No motorcycles, ATV's or bicycles are permitted on the road.
- 6) Caution must be used, and the speed limits must be observed at all times (25 MPH). If you are observed or reported to Moonlight as driving recklessly (speeding, passing cars, tailgating, etc) on the road, you will be permanently banned from private road usage.
- 7) If you breakdown or get stuck, you are responsible for getting a tow immediately. Do not leave an abandoned vehicle, it may be seized and you will be fined. Call Canyon Towing 406-995-4577 or D&D 406-522-1056 pager (406-682-3857 phone) for assistance. These companies have access to the private road.
- 8) Moonlight Basin Ranch has the authority in its sole and absolute discretion to limit or deny use of the road at any time, regardless of paid fees.

*****By accepting this temporary pass, the operator of the vehicle using this pass, together with their employer, heirs, successors and assigns, does hereby indemnify and hold harmless Moonlight Basin L.P., and all of its officers, directors, agents, employees, affiliates, subsidiaries, successors and assigns, from any and all claims, either by the users here of or any Third parties. This indemnification shall include an obligation to pay all damage, judgments, settlements, expenses, costs of court, consultant or expert fees, attorney fees and other expenses of any kind associated with such claims, including all costs of defense regardless of whether such claims are successfully or unsuccessfully prosecuted. Venue and jurisdiction for interpretation and enforcement of this agreement shall be the State of Montana.*****

I understand that the Big Sky Roadway/Jack Creek Road is a primitive road, and I assume any liability that may occur as a result of using the road. Moonlight Basin Ranch is not responsible for any accidents or damage done while traveling this road. **I also understand that any use of the road outside of the terms and conditions set forth above is strictly prohibited and will be considered trespassing.**

Vehicle #1 – Year/ Make/Model/Color/ Plate _____

Vehicle #2 – Year/ Make/Model/Color/ Plate _____

Permit Holder's Name _____ Phone No. _____
(Print)

Permit Holder's Signature _____ Date: _____

Permit Holder's Name _____ Phone No. _____
(Print)

Permit Holder's Signature _____ Date: _____